



Tuesday, 14 July 2020

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 22 July 2020 (to be held virtually, via Microsoft Teams) commencing at 7.00pm.

Should you require advice on declaring an interest in any item on the agenda, please contact 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

## AGENDA

1. APOLOGIES

2. DECLARATIONS OF INTEREST

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

3. MINUTES

(Pages 1 - 12)

The Committee is asked to confirm as a correct record the minutes of the meeting held on 24 June 2020.

4. NOTIFICATION OF LOBBYING

5. DEVELOPMENT CONTROL

5.1 19/00756/ROC (Pages 13 - 36)

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 20/00293/FUL (Pages 37 - 68)

Change of use from a nursing and residential care home (Class C2) to four Houses of Multiple Occupation (Class C4) (revised scheme)  
The Gables 169 – 171 Attenborough Lane Attenborough

5.3 19/00465/FUL (Pages 69 - 96)

Erection of 11 dwellings and provision of infrastructure works to facilitate the creation of a community park  
Bramcote Ridge Open Space, Sandgate, Beeston

5.4 19/00631/FUL (Pages 97 - 120)

Construct three storey apartment block comprising 9 flats and dropped kerb  
Land to the Rear of Clayton Court, Queens Road, Nottinghamshire

5.5 20/00334/MMA (Pages 121 - 132)

Minor material amendment to reference 17/00285/FUL to make minor changes to elevation details  
51a Mill Road Newthorpe Nottinghamshire

5.6 19/00728/FUL (Pages 133 - 148)

Retain front extension, windows and doors in rear extension, juliet balcony, rear extension roof and conservatory  
235 Derby Road, Beeston, Nottinghamshire, NG9 3AZ

5.7 20/00193/FUL (Pages 149 - 162)

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

5.8 20/00299/ROC (Pages 163 - 182)

Variation of condition 21 (named first occupant) of application reference 18/00268/FUL (Construct 75 bed care facility; 30 supported living apartments (Class C2); bistro; gym/spa; hairdressers; bin, cycle and scooter stores; emergency generator; substation, car parking and landscaping)  
Myford Ltd, Wilmot Lane, Beeston, NG9 4AF

5.9 20/00255/FUL (Pages 183 - 192)

Construct single storey rear/side extension and lower rear garden level  
10 Wimpole Road Beeston Nottinghamshire NG9 3LQ

5.10 20/00267/FUL (Pages 193 - 204)

Retain 4 lamp posts in garden  
Woodend, Kimberley Road, Nuthall, NG16 1DA

## 6. INFORMATION ITEMS

6.1 APPEAL DECISIONS (Pages 205 - 208)

6.2 DELEGATED DECISIONS (Pages 209 - 214)

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## PLANNING COMMITTEE

WEDNESDAY, 24 JUNE 2020

Present: Councillor D K Watts, Chair

Councillors: D Bagshaw  
L A Ball BEM  
S Carr (ex-officio)  
T A Cullen  
D Grindell  
M Handley  
R I Jackson  
G Marshall  
J W McGrath  
P J Owen  
D D Pringle  
R S Robinson (substitute)  
R D Willimott

An apology for absence was received from Councillor R D MacRae.

### 8 DECLARATIONS OF INTEREST

Councillor J McGrath declared a non-pecuniary interest in agenda item 5.5 due to supporting the application, minute number 11.5 refers.

### 9 MINUTES

The minutes of the meeting held on 20 May 2020 were approved as a correct record and signed.

### 10 NOTIFICATION OF LOBBYING

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

### 11 DEVELOPMENT CONTROL

#### 11.1 19/00756/ROC

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

This item was withdrawn from the agenda.

11.2 20/00172/FUL

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

This application sought planning permission to construct a single storey rear extension to form one additional flat, insert new windows at ground floor in the existing building and had been brought before the Committee at the request of Councillor T Roberts-Thomson.

There were no late items for this application.

Mr C Kouijzer (objector) submitted a formal written representation that was read to members of the Committee, Mr V Kumar (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:

- that there was an unacceptable loss of neighbour amenity.
- that the development was overbearing and over intensive for the area.

**RESOLVED that planning permission be refused for the following reasons:**

- 1. The proposed development, by virtue of its size, siting within 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).**
- 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).**
- 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.**

## **Notes to applicant**

- 1. 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.**

### 11.3 20/00271/FUL

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

This application sought planning permission for the change of use of part of garden and to construct a personal training studio in the rear garden and had been brought before the Committee at the request of Councillor S Easom.

Members considered the late items for the application which included an additional condition to regulate training sessions to be appointment only, construction details provided by the applicant and a further objection from a neighbouring resident.

Ms G Grimshaw (objector) submitted a formal written representation that was read to members of the Committee, Mr J Wright (applicant) submitted a formal written representation that was read to members of the Committee. Additionally, Councillor S Easom addressed the Committee as ward member.

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

- that conditions would protect neighbour amenity.
- that the application was acceptable for the area.
- concerns were raised over parking and highway safety.

**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) 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.**
- 3. 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.**
- 4. 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.**

5. No amplified speech or music to be played onsite as a part of this permission.
6. No more than 2 clients shall be present at the site for the purposes of the permitted use at any time.
7. 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.
8. 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.
9. Personal training sessions shall be undertaken by an appointment system only. Appointment diaries shall be kept and made available to the Local Planning Authority on request.

### 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 immediate residential properties from excessive operational noise.
4. To protect immediate residential properties from excessive operational noise.
5. To protect immediate residential properties from excessive operational noise.
6. To protect immediate residential properties from excessive operational noise.
7. To protect immediate residential properties from excessive operational noise.
8. To protect immediate residential properties from excessive operational noise.
9. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).

### Notes to applicant

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



2. **The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.**

**Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)**

3. **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.**

#### 11.4 19/00243/FUL

Change of use from equestrian to mixed use equestrian and the keeping of fully licenced wild cats and retain the secure enclosure required for their safe keeping.

Land North of Home Farm Cottage and Park View Cottage, Main Street, Strelley, Nottinghamshire

This application sought planning permission for the change of use from equestrian to mixed use equestrian and the keeping of fully licenced wild cats and retention of the secure enclosure required for their safe keeping and had been considered by the Committee at the meeting held on 26 June 2019.

Members considered the late items for the application which included confirmation that the licence to keep the wild cats had been extended for 2 years, a further objection, letters of support from a wildlife consultant and residents and further supporting information from the applicant.

Mrs R Walker (objector) submitted a formal written representation that was read to members of the Committee, Mr R Oliver (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 is inappropriate for the Green Belt.
- The application has not been built in line with approved plans
- There are very special circumstances – enclosure has temporary nature and will be removed once big cats leave/die

**RESOLVED to confirm the decision made on 26 June 2019 to approve the application subject to the following conditions:**

1. **The development hereby permitted shall be retained in accordance with the Site Location Plan (1:2500), and drawings numbered 00419.BP (1:500), 00419.04 (1:100), 00419.01 (1:100, 1:200); received by the Local Planning Authority on 15 and 16 April 2019.**
2. **There shall be no general exhibition or viewing of the animals.**

## Reasons

1. For the avoidance of doubt.
2. To protect nearby residents from excessive disturbance or operational nuisance.

## Note to Applicant

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2. Please note this planning permission is granted in accordance with the Unilateral Undertaking as agreed by the applicant and signed on 10 February 2020.

### 11.5 20/00257/REG3

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

This application sought planning permission to construct 5 apartments with car parking and ancillary amenity spaces following demolition of 16 prefabricated garages and hardstanding and had been brought to the Committee as the Council is the landowner.

Members considered the late items for the application which included further objections from local residents.

Mrs S Hawkins (objector) 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 is appropriate for the area.
- The plans were amended following consultation with residents.
- The application would benefit ex-service personnel (control through housing not planning).

**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 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.**

- 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.**
- (b) The building shall not be first occupied until:**
  - 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**
  - 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.**
- 3. 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.**
- 4. 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:**
  - 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.**
- 5. The approved scheme shall be carried out strictly in accordance with the approved details and shall be carried out not later than the first planting season following the substantial completion of the development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased, shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.**
- 6. 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.**
- 7. 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.

8. 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.

### **Reasons**

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. The development cannot proceed satisfactorily without the outstanding matters being agreed 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).
4. 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).
5. 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).
6. 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).
7. 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).
8. 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).

### **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 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>**

11.6 19/00817/FUL

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

This application sought planning permission to retain 2 stables and 5 sheds and install 2 spot lights and 2 CCTV cameras and had been brought to the Committee by Councillor D Pringle.

Members considered the late items for the application which included confirmation that the highways authority raised no objections, an objection from Councillor D Pringle that was omitted from the report, the correction of a condition number and an additional condition was proposed.

Mr Freeman (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:

- Concern was raised over highway safety
- request to condition floodlights to be on sensor.

**RESOLVED** 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 and be operated by a PIR motion sensor only 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.**
- 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.**
- 3. The spotlights shall not be positioned to give any glare on the public highway in the vicinity of the site.**
- 4. The grazing land/stabling shall be used only in connection with the applicant's own livestock and no livery/riding school nor other business/commercial use shall operate from the site.**

**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.**
- 4. To restrict the volume of traffic entering and leaving the site in the interests of highway safety and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).**

**Note to applicant**

**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.**

11.7 20/00193/FUL

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

This application sought planning permission to retain a boundary fence and gate.

Members considered the late items for the application which included amendments to the report's paragraph numbering and amendments to the report wording.

Mrs L Berry (objector) 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:

- A site visit was needed to determine the loss of neighbour amenity.

**RESOLVED that the application be deferred to allow the Committee to perform a site visit.**

## 12 INFORMATION ITEMS

### 12.1 APPEAL DECISIONS

The Committee noted the appeal decisions.

### 12.2 DELEGATED DECISIONS

The Committee noted the delegated decisions.

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## Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>19/00756/ROC</b>
<b>LOCATION:</b>	<b>Land Off Acorn Avenue Giltbrook Nottinghamshire</b>
<b>PROPOSAL:</b>	<b>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.</b>

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 5 plot 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 1<sup>st</sup> 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 **Cllr M Handley:** Raises concern with regard to loss of privacy of existing residents and considered that plans should be submitted which address these concerns. Does not consider that a video of the site would clearly demonstrate the situation and Members should undertake a site visit. Builders should be able to regrade the land to mitigate the invasion of privacy. The proposed raised patios will allow further loss of privacy as the gardens will be smaller. No sign of any retaining wall towards the rear of the property and advised that a drainage pipe will take away surface water run-off. Questions whether the LLFA are aware of

this with current problems existing in the area. At least one property had water and slurry in their garden after the storms.

5.4 **Cllr Willimott:** Raises concerns with privacy and flooding. Considers that proper scrutiny of the plans is required and that a site visit by Members is necessary before its determination.

5.5 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.

5.6 In relation to the amended plans and additional information submitted during the course of the application all 78 neighbours were reconsulted initially with further consultations taking place with those existing properties which directly adjoined the area where amendments were shown. Representations from 13 different households have been received of which 11 are objections, 1 raises no objections and another doesn't state whether they object or not but raises a number of concerns. 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. These should all be evergreen.
- 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.
- Request to see all landscaping plans
- Request for a site visit by Members of the Planning Committee
- Inaccuracy of plans
- Work continues on site whilst the application is being considered

- Request to delay the application being taken to Planning Committee and reconsult on all plans
- Since work commenced there has been flooding to existing gardens on Acorn Avenue
- Failure of applicants and LPA to submit plans showing level differences in 2018.
- flooding issues appears to be un-resolved, the drawings indicate the “deliberate discharge” of surface flood water, off-site, to the lower reaches of Acorn Ave, where properties are already at risk of flooding. How will the development meet the requirements of the NPPF.
- Design of plot 260 makes it look like an extra plot has been squeezed in. Should be removed from scheme and area used for additional drainage.
- Additional traffic generation with Acorn Avenue used as in/out to the development.
- Loss of view.
- Impact on property value.
- Big difference to the noise levels, can already hear the conversations of the builders.
- Have to have blinds drawn whilst builders on site as they are able to look straight into all rear rooms of properties.
- The traffic generated from the building its self is unacceptable. The trucks are often on site and working before 8.00am and drive with no consideration for it being a residential street.
- Sense of enclosure from height of buildings made worse depending on the trees that they are proposing to plant to help with the loss of privacy.

## 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. Section plans submitted through the site show the property being 1.4m higher than the rear boundary of 71 Acorn Avenue. However due to the increased distance being created between the proposed and existing properties at 2 Alton Drive and 71 Acorn Avenue it is not considered that there would be any significant detriment through loss of amenity. In addition to this landscaping is proposed to the side of plot 260 and the patio area to provide some screening.

## 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. Retaining walls will be constructed along the new shared side boundaries of plots 251-260 and on top of each of these there will be a 1.8m high close boarded fence.
- 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.

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

	<p>accordance with drawings referenced:</p> <ul style="list-style-type: none"> <li>- AAGDR01-SLP Rev U and Site Sections D, E, F Rev A received by the Local Planning Authority on 4 May 2020</li> <li>- AAGDR03-SLP Rev P and Site Sections Plot 260 sh2 AAGDR17-SS Rev B received by the Local Planning Authority on 6<sup>th</sup> July 2020</li> <li>- AAGDR14-SS Rev B and AAGDR16-SS received by the Local Planning Authority on 2 June 2020</li> <li>- Site Sections Plot 260 sh2 AAGDR15-SS Rev A and Site Section Plot 260 AAGDR15-SS Rev C received on 22 June 2020</li> <li>- DA3A-2020 (O) received by the Local Planning Authority on 12 March 2020</li> <li>- Standard site retaining LHWD12(A3) Rev B received by the Local Planning Authority on 25 March 2020</li> <li>- 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</li> <li>- C9/2018 (OSG) and LHDR01-ES1/2 Rev B received by the Local Planning Authority on 17 February 2020</li> <li>- A1/2019 (OSG), received by the Local Planning Authority on 27 February 2020</li> <li>- N2/2017 (HSG) Rev A and N2/2017 (O) received by the Local Planning Authority on 26 February 2018</li> <li>- 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</li> <li>- Garage/DG/2/88s/B Revision A, received by the Local Planning Authority on 12 January 2015.</li> </ul> <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"> <li>i. All the necessary remedial measures have been completed in accordance with the approved details contained within plans</li> </ul>

	<p>LHWD01, LHWD02 and LHWD03 and the extracts provided from the Geo-environmental assessment report together with the Visqueen gas barrier information received on 26<sup>th</sup> 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 4<sup>th</sup> 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</p>

	<p>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>
8.	<p>Protective fencing as shown in the Hamps Valley Limited report received on 21<sup>st</sup> 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"> <li>- Area A4 adjacent to plot 251 (Ash Trees) require an RPA 5.7 radius from the trees.</li> <li>- Area A3 adjacent to plot 194 (Oaks and Hawthorne’s) require an RPA 8m radius from the trees moment.</li> </ul> <p><i>Reason: To ensure the existing trees protected by a Tree Preservation Order are not adversely affected.</i></p>
9.	<p>The approved landscaping scheme as shown on plan AAGDR03-SLP Rev P received by the Local Planning Authority on 6<sup>th</sup> July 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>
10.	<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><b>NOTES TO APPLICANT</b></p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
2.	<p>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</p>



	<p>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 <a href="https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property">https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property</a></p>



**Legend**  
[Red Outline] Site Outline

**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



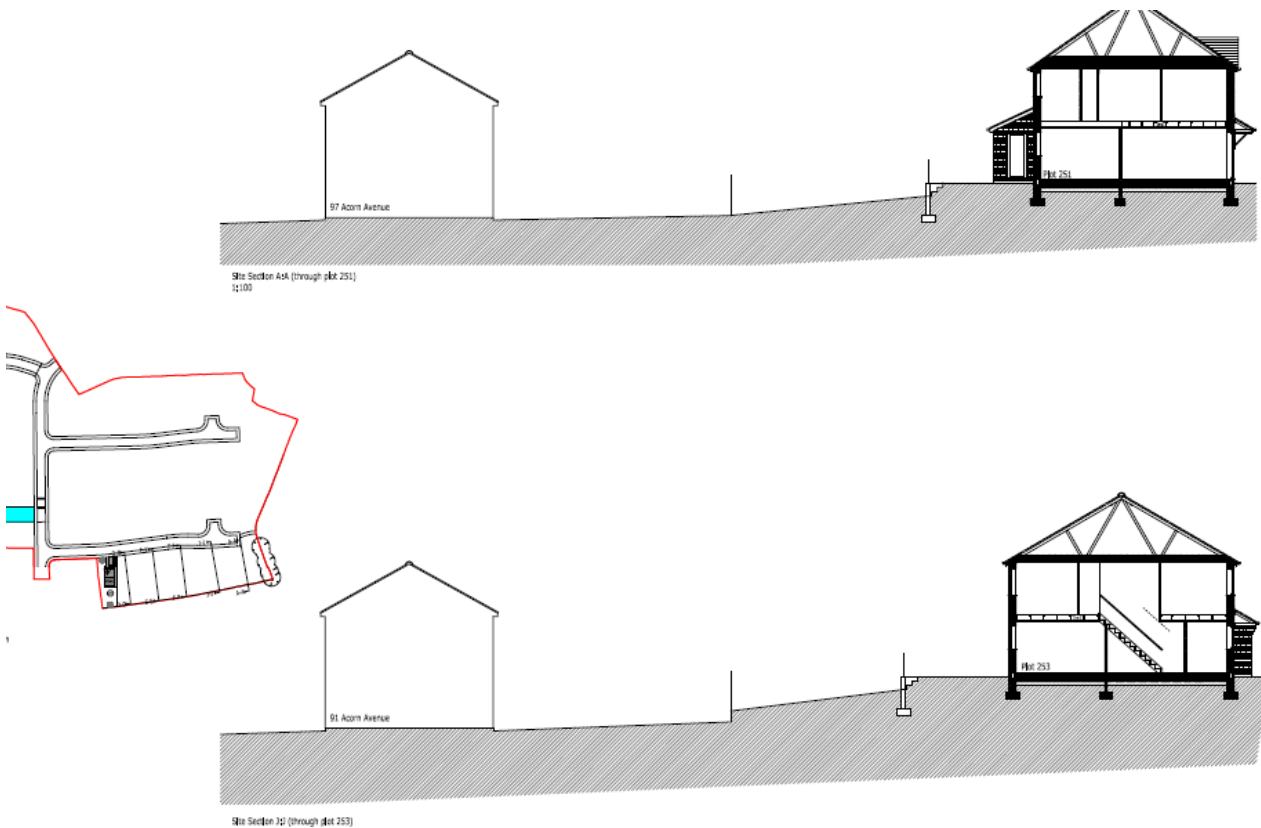
View from top of Alton Drive towards the south-west corner of the site and existing properties on Acorn Avenue



Plans (not to scale)



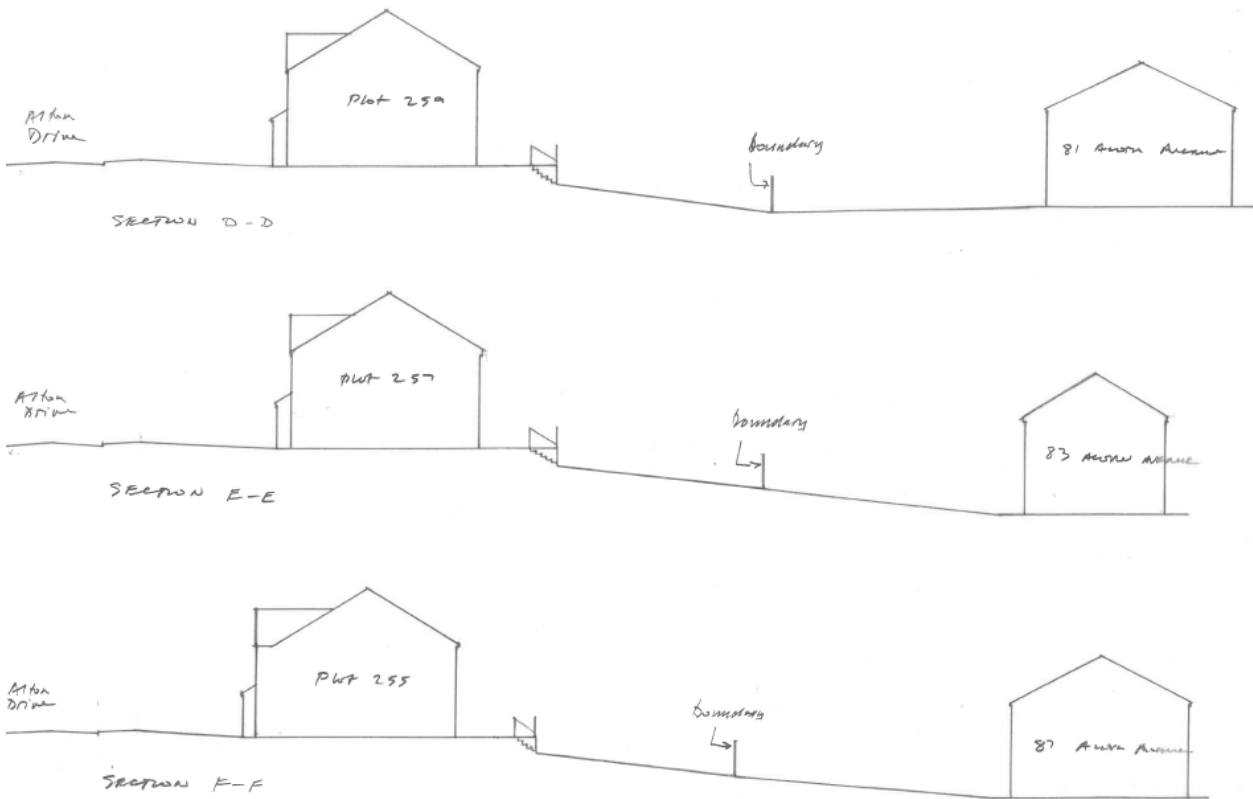
Landscaping plan.



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

<b>APPLICATION NUMBER:</b>	<b>20/00293/FUL</b>
<b>LOCATION:</b>	<b>The Gables 169 – 171 Attenborough Lane Attenborough</b>
<b>PROPOSAL:</b>	<b>Change of use from a nursing and residential care home (Class C2) to four Houses of Multiple Occupation (Class C4) (revised scheme)</b>

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

1 Executive Summary

- 1.1 The application seeks planning permission to change the use of the building from a nursing and residential care home (Class C2) to four x four bedroom Houses of Multiple Occupation (Class C4) making a total of 16 bedrooms overall. This application is a revision to a previous planning application for a similar scheme which was refused planning permission in September 2019 on the grounds that due to the intensity of occupation and location of the bin store, the proposal would have a detrimental impact on neighbour amenity in terms of noise, smells and disturbance, and would result in an unacceptable increase in vehicle movements, due to the inadequacy of the parking layout. The proposed development was subsequently dismissed at appeal in March 2020 and for reference the appeal decision notice is attached as Appendix 2. Application reference 19/00012/FUL. The revised application sees the property divided vertically in order to provide four dwellings, as opposed to the previous application where the property was split horizontally and had two apartments to the ground and two to the first floor.
- 1.2 The site consists of a building that was originally two separate dwellings, which have been extended sideways at two storeys in height and now has the appearance of three dwellings connected by flat roof link extensions, to form one long mass of building. The site is located within Flood Zones 2 and 3.
- 1.3 The main issues relate to whether the principle of the change of use is acceptable; if there would be harm to the amenities of the occupiers of nearby property; whether the proposed use would result in harm to highway safety; and whether the development would result in an increased flood risk.
- 1.4 The benefits of the proposal are that it would return the building back to a residential use, would provide four units of additional housing in an existing urban area and would be in accordance with policies contained within the development plan. This is given significant weight. There would be a loss of a care home facility but this is outweighed by the benefits of the scheme.
- 1.5 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 is a planning application for a change of use from a nursing home (Class D2) to four Houses in Multiple Occupation (Class C4). Each dwelling would contain four bedrooms, and each dwelling would have a vertical arrangement i.e. accommodation spread over two floors. For clarification, Use Class C4 restricts occupancy to between three and six unrelated persons per dwelling. This arrangement differs from the 2019 scheme, where that proposal was for four apartments of four bedrooms (two apartments to each floor).
- 1.2 Each dwelling would have shared communal facilities such as kitchen, dining and living rooms and these would be to the ground floor. Three of the dwellings would also have one bedroom on the ground floor (dwelling no. 3 has all four bedrooms to the first floor). A cycle storage area for each dwelling would be provided within the building. To the front, nine parking spaces would be provided, as well as an enclosed bin store area, which would be located to the south east, adjacent to the common boundary with 173 Attenborough Lane.
- 1.3 There would be no extensions proposed to the property. External alterations include the removal of a conservatory to the rear, the insertion of a window at first floor level in the rear elevation (to serve an en-suite for proposed house no. 1), blocking up of a door and a window at ground floor level in the rear elevation, replacement glazing to a window at ground floor, partial blocking up of a door and replacement with a window, and the insertion of a door to serve dwelling no. 3, all in the front elevation.

2 Site and surroundings

- 2.1 169-171 Attenborough Lane, originally two separate dwellings, is a former care home of two storeys in height which have been linked together, and have had several extensions to the front, rear and sides. The building appears as three dwellings connected by two storey flat roof link extensions to form one long mass of building. The property is set back from the road, with parking to the frontage. It is positioned close to its' rear boundary and to both side boundaries. The care home, which had 23 bedrooms, has been vacant since the summer of 2018.
- 2.2 The site is located on the north east side of Attenborough Lane. There is a pair of two storey semi-detached dwellings to the north west, adjacent to the site. The closest property, 163 Attenborough Lane, has a single storey extension and garage adjacent to the common boundary with the site and there is a timber fence along the common boundary. 173 Attenborough Lane is a two storey detached property to the south east of the site. This property has a single storey extension and outbuildings sited along the common boundary, separating the property from the application site. A 1.5m high close boarded timber fence is along the common boundary.
- 2.3 To the rear of the site (north east), there is a detached two storey property, 25 Ireton Grove. This property is set away from the common boundary by 18m to its'

main side elevation, and 12m to the closest part of the single storey side extensions of that property. Whilst there are no habitable room windows in the facing elevation of no. 25 at first floor level, the single storey extensions have windows to the facing elevation at ground floor level. Additionally, there is a bay window in the front (south east) elevation at ground floor of this property and indirect views of the site are possible from this window.

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

### 3 Relevant Planning History

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

76/00872/FUL	Conversion of existing garage to staff accommodation (north west elevation) and extension to front elevation. This relates to 169 Attenborough Lane.
77/00788/FUL	Utility room extension – a single storey extension to south east elevation of 169.
78/00008/FUL	Extension to nursing home – relates to the rear of 169.
83/00472/FUL	Form covered way (single storey) connecting 169 and 171 Attenborough Lane (merging the two properties into one care home).
88/00490/FUL	Alterations and extensions to nursing home – consisted of first floor extensions above garage conversion to 169 and above link between 169 and 171.
91/00800/FUL	First floor extension to rear of 169.
93/00250/FUL	Entrance porch (to 169)
94/00187/FUL	Entrance porch (to 171)
94/00738/FUL	Retain rear conservatory
95/00074/FUL	Side extension to form kitchen store
95/00282/FUL	Side extension to form laundry and kitchen store
96/09007/ADV	Non-illuminated board sign

- 05/01024/FUL Extensions and alterations – comprising extension to front porch, two extensions at first floor, and replacement bay windows.
- 06/00980/FUL Retain alterations and extensions to nursing home (pertaining to 05/01024/FUL, where the proposal had not been carried out in accordance with the approved plans).
- 19/00012/FUL Change of use from a nursing and residential care home (Class C2) to four houses of multiple occupation (Class C4)

- 3.2 All of the above planning applications, with the exception of the last entry (19/00012/FUL) relate to the use of the buildings as a care home.
- 3.3 In 2019, a planning application was submitted to change the use of the nursing home to four x four bedroom houses of multiple occupation (Class C4). Planning permission was refused by Planning Committee in September 2019 on the grounds that the proposed development would have had an unacceptable impact on neighbour amenity in terms of noise, smells and disturbance, and would result in an unacceptable increase in vehicle movements due to the inadequacy of the parking layout.
- 3.4 An appeal against the decision was submitted to the Planning Inspectorate and the appeal was dismissed on the grounds that the development failed to address measures to mitigate residual fluvial flood risk.
- 3.5 It should be noted that the Inspector concluded in their report that the development would not have an adverse effect on the living conditions of the occupants of nearby residential properties with regard to noise, disturbance or odour; would not result in significant implications for the safety or convenience of nearby residents, businesses, users of the village hall, or other highway users as a result of on-street parking compared with the existing situation; or give rise to a significant increase in hazardous vehicle movements or parking practices and thus would not have an adverse effect on the safety or convenience of highway users within the site or the vicinity. Therefore, the matters for which the planning application was refused were considered to be satisfactory to the Planning Inspectorate, with the only reason for the dismissal of the appeal being the effect of the development on flood risk.

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

## 5 Consultations

5.1 **County Council as Highway Authority:** No objections subject to pre-occupation conditions regarding provision of parking spaces and a dropped kerb, and surfacing and drainage of parking spaces.

5.2 **Environment Agency:** Objected to the original Flood Risk Assessment as it failed to consider how people would be kept safe from the identified flood hazards; how flooding events will affect people and property; and consider the correct climate change allowances. Additional information has been submitted and any comments from the Environment Agency in response to this will be reported at committee.

5.3 **Council’s Environmental Health Officer:** No objections. Note to applicant in regard to noise insulation and to hours of building works.

5.4 **Council’s Private Housing Officer:** No objections

5.5 **Council’s Waste and Recycling Team:** Recommend communal bins (4 x 1100 litre bins and 3 x 140 litre bags for glass) and to be located within 10m of the public highway.

5.6 Eight properties either adjoining or opposite the site were notified of the application by the applicant. 156 residents were notified by the Council by email and two site notices were displayed. 177 letters of objection were received.

5.7 The objections to the scheme raise concerns in regard to:

### **Parking and Highway Safety**

- Inadequate parking will generate congestion and access to / from the village, and inappropriate parking on street
- The parking survey document has been produced during the lockdown and therefore does not reflect the true parking / traffic issues along Attenborough Lane during normal times [planning officer note – the

document is dated 14.08.19 and was submitted as part of the previous planning application]

- The parking survey does not accurately reflect what the local situation is in regard to commuter parking, use of the village hall etc
- Longer term trends, in light of the corona virus pandemic, could see lower public transport use and greater use of private vehicles thereby exacerbating the existing on-street parking situation

**Principle and use of the site**

- Design and layout are not appropriate for Attenborough. The village needs starter homes not bedsits with shared facilities
- The provision of dustbins is insufficient for the number of proposed occupants and will result in litter and smells, possibly vermin infestations
- The site should be re-used for nursing / care home or restored to individual housing
- Out of keeping with other properties in the vicinity and with Attenborough Village, parts of which are a conservation area
- There is an opportunity to develop the site for eco-friendly homes and family homes would be of benefit to current residents
- There is an excess of HMOs and student accommodation in Nottingham and with the pandemic we will see a drop in students returning, certainly for this year
- The revised proposal does not address any of the villager's concerns
- The application states that the intention is for single room occupancy but there can be no guarantee of this and does not state a maximum number. Also no guarantee that the tenants will be professional occupants
- There is only a narrow area at the rear which would be a trap for residents in the event of a fire
- The planning application states that it is 4 HMO's when in fact it is one large HMO on a single site and is like a hostel
- The development will attract a transient population with no lasting benefit to the neighbourhood
- HMO's are better suited to areas of vibrancy with significant nightlife
- The application fails to accord with Policy 2 of the Aligned Core Strategy in that the proposal does not meet local needs
- Cooking facilities and dining facilities are inadequate and there is no laundry provision
- There is a w.c. which opens out on to a kitchen and dining area

**Impact on residential amenity**

- Loss of privacy for properties adjacent to the site which will result in disturbance to residents, given the number of people within such a small area
- Disagree with the findings of the noise assessment, as it does not take into account the intensity of the occupation and noise levels in the area in the evening

**Other concerns**

- No economic benefit to the village residents, and if the building is not maintained, will result in devaluation of surrounding property
- The 16 bedrooms could accommodate 32 adults, each of could have cars
- Pushing the application through during lockdown is inappropriate as many people will not have seen the site notice
- Surface flooding of the road is a problem
- Proposal does not address the reason for refusal in the appeal decision, in that there are still bedrooms on the ground floor which have no safe escape
- No details in regard to offset carbon footprint; use of renewable energy or assessment of occupant's health and wellbeing
- Safeguarding issues should be assessed as there are vulnerable groups using the village hall (e.g. pre-school) and the users should be protected, particularly if the building is to be let out to occupants that may pose a threat to children that use the facility
- Safe access to the front doors for occupiers into the dwellings as parking spaces take up the space
- Parking to the whole frontage would have an unacceptable visual impact, a front garden should be provided
- Concerns regarding security of the individual cycle storage areas
- Corona virus – impact on the living conditions of each dwelling, as residents would not be able to self-isolate should another outbreak or pandemic occur. This could pose a significant threat to the local community and this needs to be urgently considered by the council as a policy issue
- As the application has previously been refused why is it allowed to be submitted again
- The applicants are not local and as such will have no input into the local area, and are just trying to make a quick profit
- Don't see the relevance of the Travel Plan statement / the Travel Plan is not effectual i.e. not enforceable
- The property has not been maintained and appears overgrown
- Application still refers to the property being in Chilwell
- The cycle stores could be converted to bedrooms once planning permission is granted
- Concerned regarding structural integrity of the building, as there is a crack in the side elevation
- Existing drainage not sufficient to deal with the increased demand from the development
- Bats may be present in the roof space.

## 6 Assessment

6.1 The main issues for consideration relate to the principle of residential accommodation in this location, impact on the occupiers of neighbouring properties, impact on highway safety, the design and appearance of the proposed building, and impact on flood risk.

## 6.2 **Principle**

6.2.1 As the site has previously been in residential use, latterly as a care / nursing home, and as the character of the immediate area is predominately residential, it is considered that subject to an assessment of the proposal in terms of its impact on the amenities of neighbouring occupiers and uses, the principle of residential use on this site is acceptable and would contribute to providing a mix of house type, size and tenure sufficient to meet the needs of a wide range of residents, and thereby would contribute to the creation and maintenance of a sustainable community, whilst retaining the overall character of the area.

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

### 6.3 Flood Risk

6.3.1 The Planning Inspector, in the appeal decision report relating to 19/00012/FUL, dismissed the appeal on the grounds that the proposal failed to ensure the safety of the occupiers of the ground floor accommodation in the event of a flood, as they would not have access to a safe refuge within the building, nor did the proposal provide details of an acceptable flood evacuation route. Additionally, only limited details were given in regard to flood mitigation measures. The applicant has endeavoured to address these reasons by providing safe refuges at first floor level for each of the dwellings; providing flood barriers to external doors and to air bricks; providing a flood evacuation plan; and a commitment to signing up to the Environment Agency flood warning system.

6.3.2 The site falls within Flood Zones 2 and 3. A Flood Risk Assessment (FRA) has been submitted which includes mitigation measures such as flood barriers and doors, where appropriate, and a Flood Evacuation Plan. The Environment Agency objected to the FRA as originally submitted, as it was considered that it failed to address how people would be kept safe from flood hazards; how flooding events would affect people and property; and did not have sufficient information in regard to flood resistance / resilience measures. Additional information in respect of the FRA was submitted and any response from the EA will be reported at committee.

### 6.4 Layout and Appearance



- 6.4.1 There are minimal alterations to the exterior of the property, these being, the removal of the conservatory to the rear, insertion of a window and blocking up of window and door to the rear elevation, insertion of a door and replacing a door with a window to the front elevation. The external alterations are considered to have a minimal impact on the appearance of the building, and in particular the removal of the conservatory to the rear is considered to be a positive benefit to the building, by providing an enhanced area of outdoor space for the occupiers of dwelling no. 1.
- 6.4.2 The frontage to the building is currently laid to a mix of hard surfacing and an informal soft landscaped area. The hard surfaced area, whilst not marked out for parking, could currently provide off-street parking for approximately six vehicles. Some of the hard surfaced area is currently used for the storage of refuse receptacles. The proposed layout would see a small section of the existing soft landscaping removed and the frontage laid out to provide nine off-street parking spaces, and an enclosed bin storage area. In regard to the appearance of the frontage, this is considered to be acceptable and a visual break from the hard surfacing in the form of the reduced soft landscaped area would be maintained. Further details in regard to the treatment of the non-parking parts of the frontage and means of enclosure would be secured by condition.

## 6.5 Amenity

- 6.5.1 There are three residential properties directly adjoining the application site. 163 Attenborough Lane, to the north west, has a single storey extension and garage adjacent to the common boundary with the site. There are no windows within the side elevation of the building facing this property, and there are no new windows or other alterations proposed on this side. As such it is considered that the proposed use would not have a significant impact on the amenities of the occupiers of this property in terms of loss of light, outlook or privacy.
- 6.5.2 173 Attenborough Lane is a two storey detached property to the south east of the site. This property has a single storey extension and outbuildings sited along the common boundary with the application site. There are no new windows proposed in the side elevation facing 173. The conservatory will be removed and as a consequence the outdoor area would be enlarged. However, as the side wall of the garage within 173's garden forms the boundary, it is considered that the proposal would not have a significant impact in terms of loss of light, outlook, or privacy.
- 6.5.3 To the rear of the site is 25 Ireton Grove. This property is set away from the common boundary by 18m to the main side elevation, and 12m to the closest part of the single storey side extensions. Whilst there are no habitable room windows in the facing elevation of this property at first floor level, the single storey extensions have windows in the south west elevation facing the site, at ground floor level. Additionally, there is a bay window in the front (south east) elevation at ground floor and indirect views of the site are possible from this window. There is one additional window proposed in the rear elevation of the Gables, at first floor level. This window would serve an en-suite, and a condition to secure obscure glazing will be recommended. The fence height to the rear boundary would be raised to 1.8m which would further help to minimise any impact on privacy by

overlooking or the potential for noise and disturbance and it is noted that only one of the proposed dwellings would be able to utilise the rear outdoor space. There would be a minimum distance of 19m between the rear elevation of the site and the main side elevation of 25. It is considered that whilst some of the rooms at the rear of the building, which face 25 Ireton Grove, would change their use, for example, bedroom to communal space and vice versa, the windows at first floor level in the rear elevation would all serve bedrooms or en-suites, and that the nature of the proposed use, as residential, is the same and as such, the proposal would not have an unacceptable impact on the amenities of the occupiers of 25 Ireton Grove in terms of loss of light, outlook or privacy.

- 6.5.4 126 Attenborough Lane, which is opposite the site and to the south west, is a detached bungalow. The property is set back within its plot and at an angle to the highway. As such the windows to the front elevation of the application site building do not result in any unacceptable overlooking of this property.
- 6.5.5 In regard to the living standards of the future occupiers, no objections have been raised by the Private Sector Housing team. Single beds are shown within each room. Each dwelling would need to comply with any HMO licencing requirements in force in regard to space standards and facilities. It is considered that each bedroom has adequate access to natural light and to an outlook and as such would provide a satisfactory living environment, which would encourage longer term lets. A concern has been raised in regard to the possibility of converting the cycle stores to bedrooms. However, two of the cycle storage areas are too small to accommodate even a single bed. Whilst it would be possible to utilise the other two cycle stores as additional bedrooms, the maximum number of occupants cannot exceed 6 persons as the constraints of a Class C4 use would only allow for a maximum of six occupiers per C4 unit.
- 6.5.6 Concerns have been raised in regard to anti-social behaviour from the future occupants in terms of noise nuisance, particularly late at night, due to the intensity of occupation. It is considered that the proposal, for residential accommodation of five and six bedroom apartments, would not result in a notable rise in noise and disturbance, given the location of the property, which is close to a busy main road and to commercial businesses such as the public house / restaurant opposite, to the south west of Attenborough Lane (albeit the temporary restrictions relating to the pandemic are noted). Whilst there are no staff proposed to be resident as part of the development, a property management company will oversee the management of the property, and will be responsible for tenancy agreements and compliance thereof. Notwithstanding this, any anti-social behaviour or unreasonable disturbance which occurs can be reported to the relevant body, being either the Environmental Health section of the Council, or the police. Concerns have also been raised in regard to the siting of the waste storage area, in that this would result in noise and smells due to its' location adjacent to 173 Attenborough Lane. The Planning Inspector concluded in the appeal decision report for planning reference 19/00012/FUL that the development of four HMOs of four occupiers per dwelling would not result in an adverse effect on the living conditions of the occupants of nearby residential properties in regard to noise, disturbance or odour, compared to the existing lawful use of the site as a care home and that the bin storage arrangements would not result in a significant increase in the levels of noise, disturbance or odour compared to the lawful use

as a care home, subject to the provision of additional fencing between the bin store and the neighbouring property. Details of the materials to be used to enclose the bin store area will be secured by condition.

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

## 6.6 Access and Highway Safety

- 6.6.1 The scheme would provide nine off-street parking spaces, which would satisfy the specifications in regard to parking provision within the development, and no objections have been raised by the Highway Authority. The Planning Inspector in the appeal decision report for 19/00012/FUL concluded that the parking requirements (9 spaces) calculated on the basis of 16 occupants are satisfactory and as such it is considered that the proposal would be satisfactory in this regard as there is no change to the number of bedrooms/occupants proposed. Notwithstanding this, it is clear from the consultation responses that there is significant concern that the development does not include sufficient parking provision within the site and that this would lead to increased demand for on-street parking. Concerns are also expressed in regard to existing congestion along the road.
- 6.6.2 In regard to assessing the highway impacts of a proposal, paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Whilst paragraph 105 refers to the setting of local parking standards rather than the determination of applications, it provides a list of factors which should be taken into account, including the availability of and opportunities for public transport and the type, mix and use of the development. Policy 10 of the Aligned Core Strategy states that development should be designed to reduce the dominance of motor vehicles.
- 6.6.3 The site lies within close proximity to facilities at the West Point Centre, being 1km to the south west of the site and therefore within walking distance. The Indigo and Skylink bus routes run along Nottingham Road, which gives access to Beeston, Nottingham and Long Eaton, as well as beyond to Derby and to East Midlands Airport. The site is in close proximity (a five minute walk) to Attenborough Train Station which gives access to Nottingham, Beeston, Derby, Leicester and Newark as well as connections to other destinations. There is easy access to cycle paths and routes in close proximity to the site. It is considered that there would not be a severe highways impact, which was the conclusion of the Planning Inspector in their findings contained in the appeal decision of

19/00012/FUL, and the future residents of the proposal would have the opportunity to use more sustainable transport options. Secure cycle storage is included as part of the proposal. Furthermore, it is considered that a pragmatic approach also needs to be taken in respect of developing sites within existing urban areas. Based on the above, it is considered that there would not be sufficient policy justification for refusing the application on transport or parking grounds.

6.6.4 In relation to the concerns in regard to the increase in traffic movements and impact on highway safety, the Planning Inspector concluded that the development of the site for four HMO dwellings would be unlikely to have additional implications for the safety of pedestrians or vehicles in the vicinity of the site, or for queues at the nearby signalised junction, compared to the existing situation (that is, the authorised use of the site as a care home). No objections have been raised by the Highway Authority in this regard, and the provision of the parking spaces prior to occupation and their retention thereafter will be secured by condition. It is considered there is not sufficient policy justification to refuse the application based on highway safety concerns.

## 6.7 Other Matters

6.7.1 It has been raised that in light of the current pandemic, a longer term trend could see less public transport use and greater reliance on the private vehicle, thus exacerbating on-street parking problems. However, it is considered that it could equally be the case that home-working and internet shopping could also reduce reliance on the private motor vehicle. Notwithstanding this, the application has been assessed on the known, 'normal' parking situation as this is considered to give a fair and balanced approach.

6.7.2 In regard to the preference for retention of the care home, or other suitable alternatives (separation and use as family houses, or demolition and rebuild as affordable homes / family houses), the planning authority is statutorily obliged to consider any planning application that is submitted. Should an application be submitted for an alternative scheme, this would be assessed accordingly. In regard to the retention of the care home, this is a matter for the operator of that facility. It is noted in the planning submission that the care home closed as a result of changing market expectations.

6.7.3 The requirements for waste storage and collection have been provided by the Waste and Recycling Officer. An additional plan received sets out the details of the storage and siting and details of screening to enclose the bin storage area, adjacent to the common boundary to 173. It is considered that the proposal provides an adequate amount of storage for the development to meet the requirements of the Waste and Recycling team. The enclosure is proposed to be a 1.7m high timber structure, however details of materials will be secured by condition to ensure that the bin enclosure would have an acceptable appearance, given its location. It is considered that an enclosure of 1.7m high will adequately enclose and screen the bin storage area from the public highway and 173, and also assist in containing the waste generated by the use, minimising the potential for litter and vermin.

- 6.7.4 In regard to fire risk, the property would need to comply with the relevant regulations e.g. building regulations, and any requirements in this regard would need to be incorporated as part of a building regulations application.
- 6.7.5 A concern was raised in regard to the inadequacy of cooking and dining facilities, and to the lack of laundry provision. As noted in an earlier paragraph, each HMO would need to comply with any HMO licencing requirements in force in regard to the provision of adequate facilities. Notwithstanding this, it is clear from the floor plans as submitted that each flat would have a large communal area in which to cook, eat and do laundry, sufficient for the needs of the occupiers.
- 6.7.6 There is no w.c. opening up into a kitchen / dining area. In any case, this would not be a material planning matter.
- 6.7.7 Concerns have been raised in regard to the upkeep of the building, including a crack in the side elevation which has not been attended to. As with any property, this would not be a material planning matter. However, should the land around the building become untidy, this can be investigated and, where appropriate, enforcement action taken.
- 6.7.8 In regard to the economic benefit to the village, whilst this is not a material planning matter, it is considered that the proposal would see the re-use of a vacant property and therefore prevent the potential for the deterioration of the building, and the occupiers would be contributing to the local economy should they choose to use the local facilities such as shops, pubs and other uses.
- 6.7.9 The planning application has been well publicised, which is borne out by the large amount of responses received.
- 6.7.10 The property would need to comply with any building regulations in force at the time in regard to building materials and energy saving measures.
- 6.7.11 Each cycle store is located internally with no external access possible. The matter of security of cycles within the store would be a matter for the management of the facility and not a material planning matter.
- 6.7.12 Concerns have been raised in regard to the suitability of shared accommodation in a pandemic. Whilst this is noted, it is considered that the occupants of each house would need to consider themselves as one household and follow any advice given by the relevant authority as and when appropriate.
- 6.7.13 It is the right of the applicant to re-submit a planning proposal for a site and the Local Planning Authority have a duty to re-consider that application.
- 6.7.14 The matter of whether the applicant is based in the area or not is not a material planning consideration, and would not be a factor in determining whether the application is acceptable.
- 6.7.15 The travel plan is a supplement to the planning application, and sets out the intentions of the management to encourage use of more sustainable modes of transport for the future occupiers.

- 6.7.16 The address of the property is referred to in some documents submitted as being in Chilwell. Whilst this may not be factually correct, the application and site location plan correctly identify the property which is the subject of the application.
- 6.7.17 In regard to drainage, specifically the increase in numbers of occupants and pressure on the system, this would be addressed as part of the building regulations application. In regard to surface water, whilst the development would see an increase in hard surfacing to the frontage, details of the surfacing materials and landscaping would be conditioned and would ensure that surface water would be controlled by appropriate surfacing, and run off into the landscaped areas.
- 6.7.18 Bats and their roosts are legally protected and as such, the applicant would need to ensure that adequate measures are taken to protect them, should they be found to be present.
- 6.7.19 Reference is made to an excess of HMO and student accommodation in Nottingham, and that with the pandemic there will be a drop in students returning, certainly for this year. Whilst the excess of accommodation may be the case for Nottingham, it is acknowledged that this site is not in the immediate vicinity of Nottingham, and in any case the proposed accommodation is not directly aimed at student occupation. Therefore, the need for accommodation in the area of Attenborough is not dependent on the availability of accommodation in Nottingham itself.

## 7 Planning Balance

- 7.1 The benefits of the proposal are that a vacant building, which is at risk of falling into disrepair, will be brought back in to residential use providing four units of additional housing in an existing urban area and would be in accordance with the policies contained within the development plan.
- 7.2 The negative impact is the loss of a care home facility.
- 7.3 On balance it is considered that the benefits outweigh the negative impact of the scheme.

## 8 Conclusion

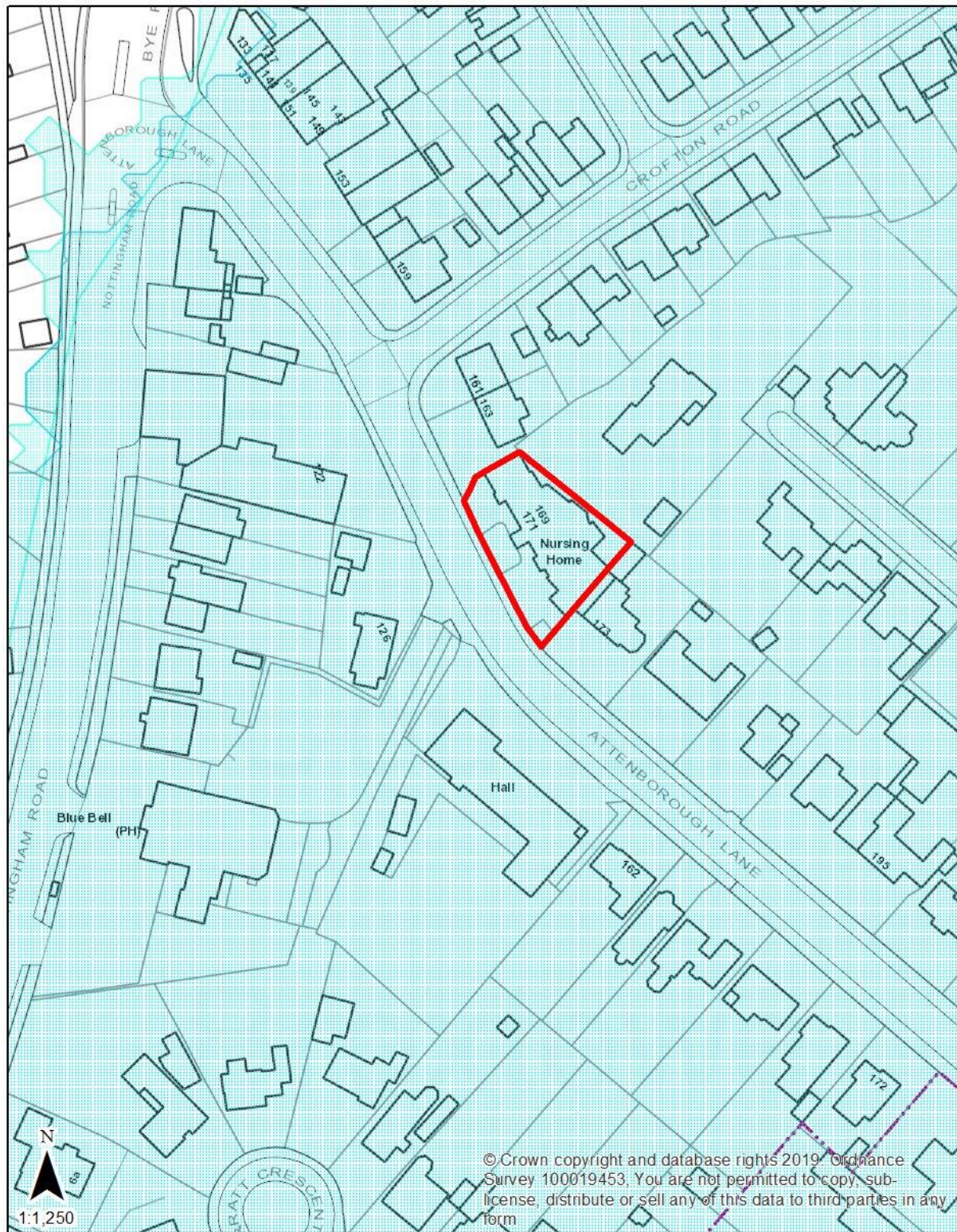
- 8.1 The proposed change of use is considered to be acceptable and will not be harmful to the residential amenity of the neighbouring properties, or to the character of the area. The use would not result in significant harm to highway safety or result in a significant increase to on-street parking in the immediate area. Subject to conditions in regard to flood risk, the proposal would not result in an increased risk of harm to people or property.

<p><b><u>Recommendation</u></b></p> <p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</p>	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the Site Location Plan and Block Plan (C/201 rev C) and drawings numbered C/200 rev H and C/101 rev O received by the Local Planning Authority on 04.05.20; C/100 rev Q, C/105 rev J and C/106 received by the Local Planning Authority on 30.06.20.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>Prior to first occupation, the bin store shall be constructed in accordance with material details which shall have first been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reasons: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
4.	<p>Prior to first occupation, a landscaping scheme shall first have been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following details:</p> <p style="padding-left: 40px;">(a) Proposed boundary treatments                  (b) Proposed hard surfacing treatment                  (c) Planting, seeding / turfing of other soft landscaping areas</p> <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reasons: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>





<p>5.</p>	<p>The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>No part of the development hereby permitted shall be brought into use until the parking areas have been surfaced in a bound material, with the parking bays clearly delineated in accordance with drawing number C/200 Rev H, and constructed with provision to prevent the unregulated discharge of surface water onto the public highway. The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.</p> <p><i>Reason: To ensure adequate parking is available within the site, in the interests of highway safety and amenity and in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>7.</p>	<p>No part of the development hereby permitted shall be brought into use until the dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority specification.</p> <p><i>Reason: In the interests of highway safety and in accordance with Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>8.</p>	<p>The new window serving the en-suite to bedroom 4 of House 1 on the first floor rear elevation on drawing no. C/105 rev J 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 Broxtowe Part 2 Local Plan (2019) and Policy 10 of the 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 applicant is advised to ensure that sound insulation to limit the transmission of noise between each property achieves the minimum requirements as contained in the current version of British Standard Approved Document E.
3.	Given the proximity of residential properties, it is advised that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays. There also should be no bonfires on site at any time.
4.	The development makes it necessary to construct / improve the vehicular crossings over the footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at <a href="http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities">http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities</a>



**Legend**

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

Photographs



Front elevation of the property



Relationship between site and 173 Attenborough Lane. Note the bins to the frontage which served the former care home



163 Attenborough Lane, to the left



Parking on Attenborough Lane – photo taken February 2019 during the daytime

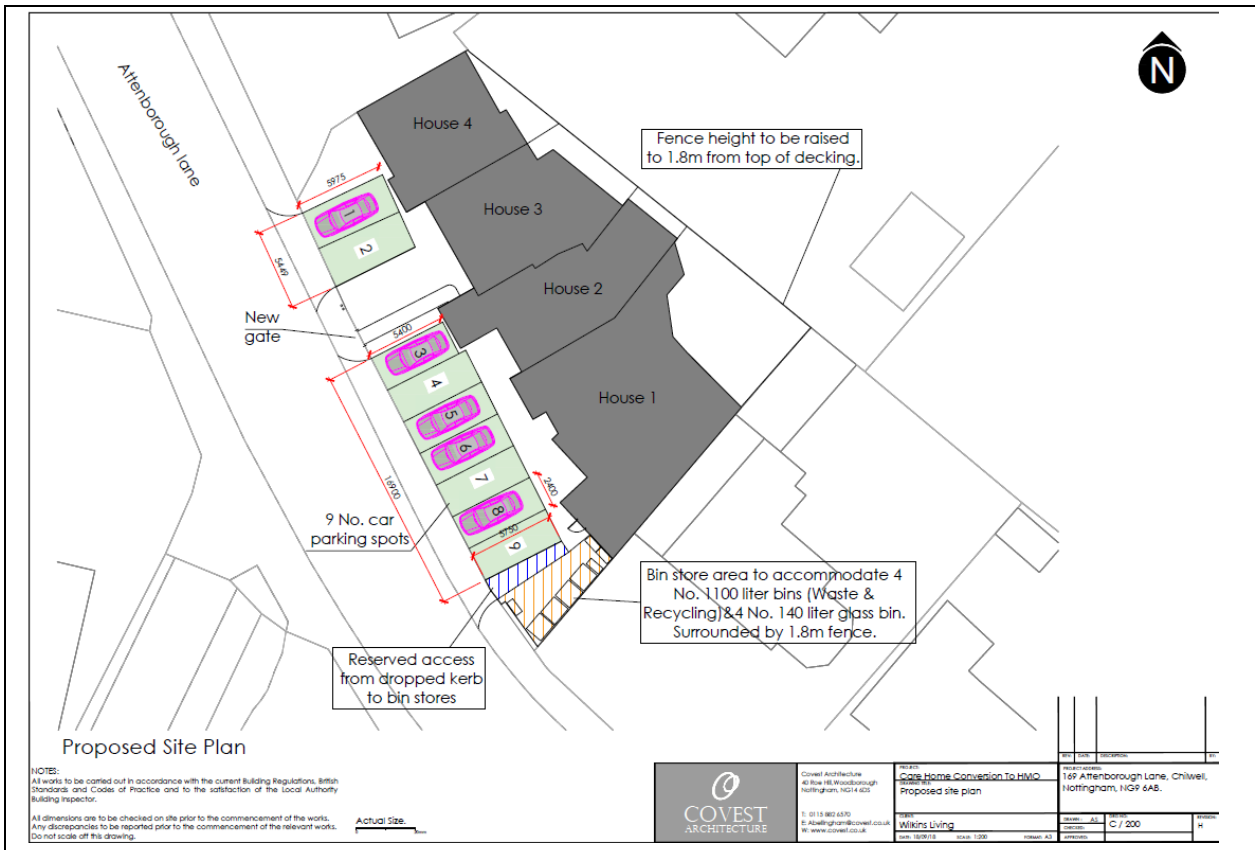


Rear yard, showing garage within 173 Attenborough Lane, forming the south east boundary. Photo taken October 2018



View from first floor towards 25 Ireton Grove, to the north east. Photo taken October 2018

**Plans (not to scale)**





Proposed Ground Floor Plan

- Legend:
- House 1 - 4 Bedrooms
  - House 2 - 4 Bedrooms
  - House 3 - 4 Bedrooms
  - House 4 - 4 Bedrooms

**NOTES:**  
 All works to be carried out in accordance with the current Building Regulations, British Standards and Codes of Practice and to the satisfaction of the Local Authority Building Inspector.  
 All dimensions are to be checked on site prior to the commencement of the works. Any discrepancies to be reported prior to the commencement of the relevant works. Do not scale off this drawing.

Actual Size

	Covest Architecture 40 Row Hill, Woodborough Nottingham, NG14 6DZ T: 0115 882 6370 E: info@covest.co.uk W: www.covest.co.uk	Project: Core Home Conversion To HMO 169 Attenborough Lane, Chilwell, Nottingham, NG9 6AB. Drawing: Proposed ground floor plan	Ref: 169/20/0225
	Date: 20/06/2020	Scale: 1/100	Sheet: 01



Proposed First Floor Plan

**NOTES:**  
 All works to be carried out in accordance with the current Building Regulations, British Standards and Codes of Practice and to the satisfaction of the Local Authority Building Inspector.  
 All dimensions are to be checked on site prior to the commencement of the works. Any discrepancies to be reported prior to the commencement of the relevant works. Do not scale off this drawing.

Actual Size

	Covest Architecture 40 Row Hill, Woodborough Nottingham, NG14 6DZ T: 0115 882 6370 E: info@covest.co.uk W: www.covest.co.uk	Project: Core Home Conversion To HMO 169 Attenborough Lane, Chilwell, Nottingham, NG9 6AB. Drawing: Proposed first floor plan	Ref: 169/20/0225
	Date: 20/06/2020	Scale: 1/100	Sheet: 01

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## Appeal Decision

Site visit made on 18 February 2020

**by Jillian Rann BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 March 2020**

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**Appeal Ref: APP/J3015/W/19/3241769**

**The Gables, 169-171 Attenborough Lane, Chilwell NG9 6AB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Harding (FX Property UK Limited) against the decision of Broxtowe Borough Council.
  - The application Ref 19/00012/FUL, dated 4 January 2019, was refused by notice dated 9 September 2019.
  - The development proposed is change of use from a nursing and residential care home (use class C2) to four no. HMOs (use class C4).
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Harding (FX Property UK Limited) against Broxtowe Borough Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. Since the application was refused, the Part 2 Local Plan 2018-2028 (the Part 2 Local Plan) has been adopted, on 16 October 2019. The 'Draft Part 2 Local Plan' policies referred to in the Council's submissions and reason for refusal are therefore now adopted. The Council has confirmed that the Broxtowe Local Plan 2004 has been superseded and that the policies within it are no longer relevant. I have considered the appeal accordingly. The adoption of the Part 2 Local Plan is confirmed in the Council's statement and, as it is clear from the appellant's submissions that he was aware of its adoption, I am satisfied that he has had the opportunity to comment on the matter.
4. The address in the heading above is from the application form. Despite some apparent disagreement as to whether the site is in Chilwell or Attenborough, it is clear from the submitted details which site the appeal relates to.
5. The Council's decision was based on amended drawings and additional supporting information submitted during the course of the application. It is clear from the Council's submissions that those further documents were the subject of publicity, and that interested parties have thus had the opportunity to comment. I have therefore based my decision on those additional and

amended details, consistent with the Council's decision, and am satisfied that no party would be prejudiced by my having done so.

6. Therefore, for the avoidance of doubt, my decision is based on the proposal as shown on the following drawings: Location and Block Plan drawing no C/201 revision C; Proposed Site Plan drawing no C/200 revision G; Proposed Ground Floor Plan drawing no C/100 revision G; Proposed First Floor Plan drawing no C/101 revision G; and Proposed Elevations drawing no C/105 revision D.

### **Main Issues**

7. The Council's reason for refusal refers to the impact on neighbour amenity and to an unacceptable increase in vehicle movements due to the inadequacy of the parking layout. However, in the light of the objection from the Environment Agency (EA) on the basis of potential flood risk to the proposed development, I also consider that matter pertinent to my decision and, accordingly, have given the main parties the opportunity to provide further comment on the particular concerns raised by the EA.
8. Therefore, the main issues in this case are:
  - the effect of the proposed development on the living conditions of the occupants of nearby residential properties with regard to noise, disturbance and odour;
  - the effect of the proposed development on the safety and convenience of highway users within the site and its vicinity; and
  - whether the proposed development would be acceptable with regard to flood risk within the site and elsewhere.

### **Reasons**

#### *Background*

9. The appeal relates to a vacant care home with 22 bedrooms, communal dining and sitting areas, a kitchen, laundry, and other staff facilities, and a small external amenity area to the rear. It is proposed to convert the building into four houses in multiple occupation (HMOs), two on each floor. Each HMO would have 4 en-suite bedrooms and a communal kitchen, dining and sitting area.

#### *Living conditions*

10. As a 22 bedroom care home, the appeal property could generate a degree of activity to the front of the building and on Attenborough Lane currently, including from staff arriving and leaving and friends and family visiting, even if the residents themselves did not frequently come and go to or from the property. Its existing care home use could also involve some activity on an evening or during the night from time to time, from ambulances or other medical professionals attending in an emergency for example.
11. The site's immediate surroundings are mixed in character, with numerous commercial buildings nearby. Those include a vehicle repairs garage and jet wash and an entrance to the car park of the Blue Bell public house on Attenborough Lane opposite the site, and a petrol station and other shops slightly further away. The site is also opposite Attenborough Village Hall, an apparently well-used facility which is used by a pre-school during the day and



- by other groups at other times. Attenborough Lane also provides access to Attenborough railway station.
12. There are therefore likely to be reasonably high levels of vehicle and pedestrian activity in the vicinity of the site, and audible from nearby residential properties and their gardens during the day at present. On an evening many of those nearby premises would be closed, and traffic levels associated with the station are likely to be lower. However, the public house and petrol station remain open relatively late into the evening, and it appears from the submissions before me that the village hall is also available and used by community groups and for events on an evening and at weekends. Therefore, the occupants of nearby residential properties are also likely to experience some noise from activity associated with those uses, including from the comings and goings of vehicles and pedestrians and the shutting of car doors for example, on an evening and a weekend at present.
  13. The pattern of comings and goings of future occupants of the HMOs would be likely to differ from that associated with the existing care home use, and the parking arrangements would result in some additional vehicle movements on the site frontage. However, the parking areas would not extend any closer to the neighbouring houses at 163 and 173 Attenborough Lane overall than the hard-surfaced areas in front of the building that could be used for parking at present. Nor would the entrances to the HMOs be any closer to those neighbouring properties than existing entrances to the care home. Additionally, as much of the site frontage would be occupied by parking spaces, the capacity for future occupants to congregate in those external areas to the front of the building would be limited.
  14. Furthermore, the house at No 163 is set back some distance from the appeal site frontage, and both No 163 and No 173 have their driveways and garages immediately adjacent to the site boundary. The main habitable windows and garden areas of those neighbouring properties would therefore be separated to some degree from the proposed parking and access areas.
  15. Therefore, and in the context of the existing commercial and community uses around the site, including some which open into the evening currently, on balance I consider that the development would not result in a significant increase in the levels of noise and disturbance experienced by nearby residents, even if the HMO's were to generate more activity on the site frontage or on an evening compared with the existing use.
  16. As the rear garden would be accessible to only one of the four HMOs it would serve a very limited number of residents, and significantly fewer than it could in association with the existing care home. That external area is already screened and separated from the rear garden of No 173 by an existing outbuilding, and a taller fence proposed along the adjacent section of the rear boundary would provide additional screening between that part of the site and 25 Ireton Grove. Overall therefore, the use of the external area would not result in an increase in noise or disturbance for the occupants of neighbouring properties compared with its existing potential use.
  17. Given the degree of separation between the windows of the proposed HMOs and neighbouring houses, sound from the activities of residents within the appeal building would not be more likely to affect neighbouring residents than

the sound of such activities which may arise from other surrounding family houses and their gardens.

18. The bin storage area would be adjacent to the boundary with No 173 in an area which is hard-surfaced and which, I understand from the submissions before me, has been used for the storage of the care home's bins previously. I am not convinced that the occupants of four HMOs, each with their cooking facilities provided communally, would generate more waste or significantly more frequent visits to the bins compared with the existing care home which has more bedrooms and which, I am advised, had medical waste bins as well as those for general waste and recycling.
19. I have nothing substantive before me to indicate that the number or size of bins proposed would be inadequate for the proposed development, or that the bins would thus be likely to overflow. Nor have I reason to believe that future occupants would be more likely to leave bin lids open or fail to put bins out on collection days than the occupants of any other residential property.
20. Therefore, and subject to the provision of additional fencing between the bin store and No 173 as proposed, the bin storage arrangements would not result in a significant increase in the levels of noise, disturbance or odour experienced by neighbouring residents compared with the existing lawful use of the site.
21. Drawing those threads together, for the reasons given I conclude that the proposed development would not have an adverse effect on the living conditions of the occupants of nearby residential properties with regard to noise, disturbance or odour. The proposal would therefore not conflict with Policy 10 of the Aligned Core Strategies Part 1 Local Plan (the Aligned Core Strategies) or Policy 17 of the Part 2 Local Plan which, amongst other things, state that permission will be granted for development which ensures a satisfactory degree of amenity for occupiers of neighbouring properties.

#### *The safety and convenience of highway users*

##### Off-street parking

22. Nine off-street parking spaces are proposed within the site. The appellant's Parking Statement<sup>1</sup> indicates that 8-9 parking spaces would be required, based on car ownership data for similar types of accommodation. Whilst it appears that such accommodation may be limited locally, the conclusions in the Parking Statement are also based on consideration of car ownership data for similar types of accommodation in adjoining wards, and also across Nottinghamshire. Accordingly, I am satisfied that they are suitably robust. In any event, and whilst I also note the age of the data used, I have not been presented with compelling evidence to justify a higher parking requirement.
23. Concerns have been raised that, despite the appellant's stated intention to restrict the 16 bedrooms to single occupancy, some could accommodate more than one occupant. However, the submitted drawings show single beds in all rooms and, having regard to the size and configuration of the bedrooms as shown on those drawings, I am not convinced that their occupancy by more than one person could comfortably or easily be achieved in practice. I am therefore satisfied that the parking requirements calculated on the basis of 16 occupants are satisfactory.

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<sup>1</sup> Parking Statement – Technical Note. Document Reference: WIE415-100-1-1-3, dated 14 August 2019

24. In addition, the site is within convenient walking and cycling distance of local shops and areas of open space. It is also a short walk from bus routes on the A6005 and from Attenborough railway station, which provide regular public transport links to Nottingham, Long Eaton and Derby, amongst other places. Secure cycle storage would also be provided within the appeal building. Future occupants would therefore have access to numerous alternatives to private car use, and it is therefore reasonable to assume that some residents would use public transport or other alternative means of travel, and would not have a car.
25. Therefore, on the basis of the evidence before me, I conclude that the level of parking proposed within the site would be adequate and proportionate, having regard to the scale and nature of the development proposed, and to its accessible location. Accordingly, a requirement for a legal undertaking preventing future occupiers from owning a car, as suggested, would not be necessary or reasonable. The local highway authority has confirmed that the proposals would satisfy the specifications of parking provision, and the Council does not contend that the number of parking spaces are inadequate. Those statements add weight to my finding that there would be sufficient parking within the site to serve the proposed development.
26. It is clear from the representations of interested parties that there is a propensity for on-street parking on Attenborough Lane and nearby streets at certain times. Some on-street parking associated with the proposed development may take place from time to time, by visitors to the property for example. However, as I conclude that the level of off-street parking would be adequate, and having regard to the accessibility of the site via public transport, any increase in on-street parking which may arise would be so limited that it would not make a significant difference to that existing situation. Nor would the provision of additional parking spaces on the site frontage materially reduce the amount of on-street parking available, since much of that area is occupied by the adjacent bus stop and existing parking dropped crossings at present.
27. Furthermore, from the evidence before me, much of the existing on-street parking that takes place appears to be associated with daytime activities, including the nearby shops, the pre-school at the village hall, and commuter parking for the railway station. In contrast, parking associated with the proposed HMOs would be more likely to take place on evenings and weekends, when their residents were at home and more likely to have visitors.
28. Existing double yellow lines prevent parking around Attenborough Lane's junctions with nearby streets at present. Whilst I have been referred to instances of vehicles being parked on pavements, I have no reason to believe that future occupants or visitors of the proposed development would park other than in a safe or reasonable manner, or in areas specifically marked as being private or restricted, such as the village hall car park.
29. Therefore, I conclude that the development would not have significant implications for the safety or convenience of nearby residents, businesses, users of the village hall, or other highway users as a result of on-street parking, compared with the existing situation.

#### Parking layout and vehicle movements

30. The development would increase the number of parking spaces on the site frontage, adjacent to an area of footway which appears to be well-used by

- pedestrians, including young children and their parents or carers, at certain times. However, there are existing areas at the northern and southern ends of the site which could be used for parking at present, and I have no substantive evidence before me to indicate that vehicles reversing to or from those existing areas have led to accidents or highway or pedestrian safety issues previously.
31. The additional parking spaces would be located between those two existing areas, and therefore no closer to the bend in the road at the southern end of the site or the junction to the north than those areas. The road alignment is relatively straight along the site frontage, and their location would thus be no worse with regard to visibility than those existing spaces.
  32. Visibility for vehicles reversing from the site onto Attenborough Lane may be somewhat limited by the bend in the road to the south of the site. However, the alignment of Attenborough Lane is such that vehicles reversing from the site would have good visibility to the north, and thus into the nearside lane. The extended length of parking spaces to the front of the appeal building, and the adjacent bus stop on Attenborough Lane, would prevent vehicles parking on the street immediately in front of the site, thus helping to maintain visibility in that direction. Drivers emerging from the on-site parking spaces would be likely to do so cautiously, having regard to the possibility of pedestrians on the pavement and the limited visibility to the south. Those drivers would have adequate visibility across the pavement to see vehicles approaching from the north before deciding whether to enter the carriageway, and would likely edge out slowly, allowing them to achieve better visibility around the bend to the south before deciding whether to continue onto that far side of the road.
  33. Furthermore, the appellant's Parking Statement indicates that the number and frequency of vehicle movements onto and off the site frontage would be relatively limited in any event, and I have not been presented with compelling evidence to contradict those findings.
  34. As I consider the level of parking provision within the site to be sufficient, I consider it unlikely that the development would lead to residents vying for spaces as has been suggested. Even if one car were to arrive as another was leaving, and had to wait on Attenborough Lane for a short period, such an occurrence would not lead to significant or lengthy obstructions to the flow of traffic on Attenborough Lane.
  35. As I understand that the buses serving the stops on Attenborough Lane in front of the site are of limited frequency, the likelihood of buses obstructing access or visibility for drivers entering or leaving the site would be very limited. However, even if buses were more frequent, their presence on the site frontage would be intermittent and of short duration. Drivers waiting on the street for a bus to leave would therefore not present a significant or lengthy obstruction to the flow of traffic, and it is likely that those wishing to leave the site would either wait for the bus to depart before doing so, or would emerge cautiously, having regard to the reduced visibility arising from the bus's presence.
  36. Drawing those threads together, having regard to the existing layout of the site and the likely number of vehicle movements associated with the proposed HMOs, I conclude that the development would be unlikely to have additional implications for the safety of pedestrians or vehicles in the vicinity of the site, or for queues at the nearby signalised junction, compared to the existing situation.

### The safety and convenience of highway users - conclusion

37. For the reasons given, on the basis of the evidence before me, I conclude that the proposed development would not give rise to a significant increase in on-street parking or in hazardous vehicle movements or parking practices, and thus would not have an adverse effect on the safety or convenience of highway users within the site or its vicinity. Therefore, the proposal would not conflict with Policy 10 of the Aligned Core Strategies or Policy 17 of the Part 2 Local Plan which, amongst other things, state that new development should provide sufficient parking and safe and convenient access, and have good access to public transport. Nor would the proposal conflict with the National Planning Policy Framework (the Framework), which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

### *Flood risk*

38. The site is in Flood Zone 3a, and benefits from flood defences, specifically the Nottingham Trent Left Bank Flood Alleviation Scheme (the LBFAS). Policy 1 of the Part 2 Local Plan states that development will not be permitted in areas at risk from flooding unless, in the case of fluvial flooding, the proposal is protected by the LBFAS *and* measures are included to mitigate any residual fluvial flood risk. The Framework states that development should only be allowed in areas at risk of flooding where it can be demonstrated that the development is appropriately flood resistant and resilient, any residual risk can be safely managed, and safe access and escape routes are included where appropriate.
39. The development would be a More Vulnerable use in terms of flood risk, as the existing care home use would be, and both the existing and proposed uses have sleeping accommodation on the ground floor. However, the occupants of the eight existing ground floor bedrooms would have access to the care home's first floor, and thus to safe refuge within the building in the event of a flood. In contrast, as the four HMOs would be self-contained, the occupants of the eight bedrooms in the ground floor HMOs would not have access to any habitable areas on the first floor of the building for safe refuge in a flood event.
40. Despite some differences in the specific figures in the appellant's Flood Risk Assessment (FRA)<sup>2</sup> and those cited by the EA, those submissions indicate that, in the event that the existing flood defences were breached, flood levels would be likely to be at least 310mm above the highest finished floor level (FFL) within the building and, according to the appellant's figures, around 70mm higher than that in other parts of the building where the FFLs are lower. Modelling carried out by the EA indicates that flood levels could be up to 470mm above FFLs in parts of the building in a breach of defences scenario. However, even on the basis of the lower figure given by the appellant those likely flood levels are such that, I consider, there would be a significant risk to occupants in the event that the defences were breached.
41. A detailed flood evacuation plan for the development has not been provided, although the FRA indicates that any evacuation route would involve leaving the property through front access points and moving northwards along Attenborough Lane to higher ground, and that land outside Flood Zones 2

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<sup>2</sup> Document Reference: FRA-MER01486-18-76, revision R1, dated 29 March 2019.

- and 3 is located approximately 100m away to the north west. However, the external ground levels around the appeal building and on Attenborough Lane are lower, and therefore the flood levels in those areas would be higher, than those within the appeal building itself, and the flood hazard rating along the proposed access and egress route is identified as being a Danger to Most.
42. Consequently, and as it is not clear from the submissions before me how quickly flood water would be likely to reach the site in the event of the defences being breached, I cannot be certain that a safe escape route from the building could be provided for future occupants, or that they would have time to safely evacuate the building before flood water reached it, even were they to sign up to flood warning schemes.
43. Care home residents may have mobility difficulties which could affect their ability to leave their bedrooms quickly in the event of a flood. However, whilst perhaps less likely, the possibility of future occupants of the proposed HMOs also having mobility difficulties could not be ruled out. In any event, even if occupants of the care home had to be assisted from their rooms by staff, they would have access to refuge on the first floor very close by. Therefore, even if the flooding was such that the evacuation of the wider area was eventually necessary, those residents would have access to an area where they could wait safely within the building, and which would include spaces where food could be prepared even if the ground floor kitchen were flooded, for a period in the meantime.
44. In contrast, even if occupants of the HMOs were able to respond more quickly, I cannot be certain that they would have time to safely evacuate the building, or that a safe escape route would exist between the building and those identified areas of higher ground further away. In the absence of certainty in that regard, and as occupants of the ground floor HMOs would not have access to any habitable areas on the first floor of the building in which to seek safe refuge in such an event, on balance I consider that occupants of the ground floor HMOs would be more vulnerable overall than those of the existing care home, and that the development would therefore present a significant and unacceptable risk to the safety of those future occupants.
45. The appellant's FRA proposes flood doors and other measures aimed at reducing the likelihood of the building flooding. However, in the absence of full details of those specific proposals, I cannot be certain as to the effects of such provision in that regard. Nor am I content to deal with such matters by condition, given the potentially significant implications for the safety of future occupants in this case.
46. I have been referred to the existence of bungalows closer to the river than the appeal site with sleeping accommodation on their ground floors. However, I have no details before me as to the specific location or flood risk of those properties and, in any event, the presence of such other dwellings does not justify the creation of further accommodation whose occupants would be at significant risk in the event of the flood defences being breached.
47. The four HMOs are unlikely to have additional implications for the capacity of existing sewers or drains compared with the existing care home. As the development would not extend the building or significantly increase impermeable areas within the site, it would be unlikely to materially change flood flow routes, reduce floodplain storage or increase flood risk elsewhere.

48. However, for the reasons given, the proposed development would not be acceptable with regard to flood risk within the site. The proposal would therefore conflict with Policy 1 of the Part 2 Local Plan insofar as it requires measures to mitigate residual fluvial flood risk, and with the requirements of the Framework with regard to flood risk, as set out above.

### **Other Matters**

49. The development would bring a vacant property into use, and contribute to the supply and mix of housing in the locality. However, the evidence before me does not indicate that this appeal proposal would be the only means of providing an alternative re-use of the site, and the modest contribution it would make to housing supply and mix does not outweigh the potentially significant risk to the safety of future occupants in the event of a flood.

50. I have had regard to other concerns raised by interested parties. However, as I find the proposal unacceptable for other reasons, I have not needed to consider those matters further in this instance.

### **Conclusion**

51. For the reasons given, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jillian Rann*  
INSPECTOR

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**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>19/00465/FUL</b>
<b>LOCATION:</b>	<b>Bramcote Ridge Open Space, Sandgate, Beeston</b>
<b>PROPOSAL:</b>	<b>Erection of 11 dwellings and provision of infrastructure works to facilitate the creation of a community park</b>

The application is brought to the Committee as the proposal is classed as a major development.

Executive Summary

- 1.1 The application is for a cross boundary development, the majority of the site lying within the Nottingham City Council authority boundary, to the north (Nottingham City Council planning application reference 19/01564/PFUL3). The application seeks planning permission for the erection of 11 dwellings (two in Broxtowe, nine in Nottingham City), and the creation of a community park with associated infrastructure.
- 1.2 The site is currently undeveloped, being mainly laid to woodland, and is currently in private ownership with no authorised public access. The land forms a ridge (known as Bramcote Ridge) which runs in an east - west direction and is part of a green corridor which extends towards Wollaton Road, to the east and Moor Lane, to the west.
- 1.3 There are areas of invasive Japanese Knot Weed across the site, which is expanding over to adjacent properties outside of the application site boundary.
- 1.4 The part of the application site which falls within Broxtowe Borough Council is designated as a Green Infrastructure Asset (Prominent Area for Special Protection) and a Local Wildlife Site as allocated in the Part 2 Local Plan.
- 1.5 The main issues relate to whether the principle of residential development within a protected area would be acceptable; whether there would be an unacceptable level of harm to the Green Infrastructure Asset and to a Local Wildlife Site; and whether there will be an unacceptable impact on neighbour amenity.
- 1.6 On balance it is considered that the benefits of the removal of Japanese Knot Weed and access to the private land could be achieved outside the planning process and that the Knot Weed would need, in any case, to be controlled so as to prevent its' spread outside of the private ownership of the site. It is not considered that the removal of the Knot Weed, and improvements to enable public access and to future management of the site can only be financed by the erection of a total of 11 large detached properties. The benefits of the residential development in itself would not outweigh the negative impacts of the loss of biodiversity habitat, and loss of Green Infrastructure Asset (Prominent Area for Special Protection).

- 1.7 The Committee is asked to resolve that planning permission be refused for the reason outlined in the appendix.

## Appendix 1

1 Details of the Application

- 1.1 The application seeks planning permission for the erection of 11 dwellings and for the creation of a community park for the remaining part of the site. This is a cross boundary application, with the majority of the site, to the north, falling within the Nottingham City Council boundary.
- 1.2 Two x five bedroom dwellings are proposed to be built within the Broxtowe Borough Council boundary and are shown to be located to the south of 70 and 72 Sandy Lane, to the south west of the site. These dwellings would be accessed from the existing private drive serving 68, 70, 72 and 74, leading east from Sandy Lane. The remaining nine dwellings are proposed to be erected within the Nottingham City boundary, and these are shown to be located to the north of the ridge, accessed from Edenbridge Court.
- 1.3 The 11 dwellings would all be detached and of two storeys in height, each having a garage with off street parking.
- 1.4 Reports submitted as part of the planning application include:
- Air Quality Assessment
  - Transport Statement
  - Drainage Strategy
  - Phase 1 Site Investigation
  - Archaeological Assessment
  - Mining Survey report
  - Ecology Assessment (Habitat Phase 1)
  - Reptile Survey
  - Landscape and Visual Character Assessment
  - Arboricultural report
  - Japanese Knot Weed report
  - Bracken and Bramble Habitat Assessment
  - Arboricultural Impacts Assessment
  - Management Plan.
- 1.5 A community park is proposed for the parts of the site located between the two areas of residential development. The park layout shows a series of footpaths which would provide an east to west link to the wider area and to the existing paths serving the two Local Nature Reserves, beyond the site boundaries. Features such as gated entrances, an apiary, bird hide and viewing point, benches and signage are proposed. Tree planting is also proposed although this does not require planning permission.

2 Site and surroundings

- 2.1 The Broxtowe Borough Council part of the site, which is mainly woodland and allocated as a Green Infrastructure Asset (Prominent Area for Special Protection) and is a Local Wildlife Site (Alexandrina Plantation), is located adjacent to the Sandy Lane Local Nature Reserve, to the south, and Alexandrina Plantation Local

Nature Reserve, to the west. Both LNR's are mainly within the Broxtowe Borough Council boundary, although the Sandy Lane LNR extends northward into Nottingham City Council authority land, where it meets the application site. There is no authorised public access onto or through the site.

- 2.2 A large area of Japanese Knot Weed is present on the site. Japanese Knot Weed (JKW) is a non-native invasive species which spreads rapidly and which can out-compete native species and reduce biodiversity for flora and fauna. Allowing an encroachment into adjoining land and properties could result in prosecution for causing a nuisance. The JKW is currently found within the part of the site which falls into the authority of Broxtowe Borough Council, i.e. to the south and east of 70 and 72 Sandy Lane, and extends northward into the Nottingham City Council part of the site, towards the rear of properties on Wadhurst Grove.
- 2.3 Numbers 68, 70, 72 and 74 Sandy Lane are four large detached dwellings which are located to the north of the two proposed dwellings within the Borough Council part of the site, and to the south of the Nottingham City part (68 and 74 being partly within both council's boundaries). These are served off a private drive which in turn leads from the head of Sandy Lane, at the point where Sandy Lane meets the bridleway and footpath leading into Alexandrina Plantation LNR. This part of Sandy Lane has two storey detached dwellings on the east side of the street, to the south of the access.
- 2.4 Leading east from Sandy Lane is Markham Road, and this in turn leads onto Sandgate. Both of these streets have pedestrian access via footpaths to the Sandy Lane Local Nature Reserve. The LNR can also be accessed at other points from the south of the ridge, including Jasmine Close and Charlotte Grove.
- 2.5 The north of the site, within Nottingham City, is typified by two storey and single storey detached housing built in a series of cul-de-sacs off Appledore Avenue, in the 1970's. These properties were understood to have been built up to the tree line of the ridge at that time. There is no public access to the site from the north, but pedestrian access to the Sandy Lane LNR is possible from Kingsdown Mount, to the east, and access to Alexandrina Plantation LNR from Brookside Avenue and Maidstone Drive, to the north west.
- 2.6 The part of the site which is within the Nottingham City Council boundary is currently allocated in their adopted Part 2 Local Plan (2020) as being part of the Open Space Network and a Biological Site of Importance for Nature Conservation (a BSINC).

### 3 Relevant Planning History

- 3.1 There has been no relevant planning history for the part of the site within Broxtowe Borough Council. Planning permission has previously been granted for residential development on the adjacent site at 68 and 70 Sandy Lane, for the subdivision of each plot and the erection of two further dwellings, which have since been built. Planning references 06/00366/FUL (70 and 72) and 08/00820/FUL (68 and 74).

#### 4 Relevant Policies and Guidance

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

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 16: Green Infrastructure, Parks and Open Space
- Policy 17: Biodiversity

##### 4.2 **Part 2 Local Plan 2019:**

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

- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, design and amenity
- Policy 28: Green Infrastructure Assets
- Policy 31: Biodiversity Assets

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

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 8 – Promoting healthy and safe communities.
- Section 12 – Achieving well-designed places.
- Section 15 – Conserving and enhancing the natural environment

##### 4.4 **Broxtowe Borough Council Green Infrastructure Strategy 2015 – 2030**

This document sets out the strategy which seeks to create and maintain a network of living multi-functional natural and semi-natural features, green spaces, rivers, canals and lakes that link and connect villages, towns and cities.

- Section 5.5.2 – Development Opportunities.

#### 5 Consultations

##### 5.1 **Council's Parks and Environment Officer:** Observes the following:

- The proposal would result in a loss of green space both within Broxtowe Borough Council and within Nottingham City
- The area is very well used at the present time with lots of formal (surfaced) paths and informal (soil surfaced) routes
- The benefits as described in the application are not true benefits as the public already have access to the recently acquired site and have enjoyed the area for a significant number of years
- There are environmental issues associated with felling trees and clearing ground for the construction of houses and the associated infrastructure

- The proposal will potentially have a detrimental impact on the Council's adjacent Local Nature Reserve and Green Flag site
  - Query as to who will manage the newly 'accessible land', for example the woodland play areas, bird hides and viewing points as there will be a revenue cost implication
  - The proposal offers what, on face value, seems to be positive enhancements to the open space. Query as to whether these enhancements are really needed and if they are a sound trade-off for the development of 11 dwellings.
- 5.2 **County Council as Highway Authority:** The private drive off Sandy Lane, which is proposed to serve the two additional dwellings in the Borough, is considered to be sub-standard for its current use serving the existing four dwellings, due to the narrowness of the drive. The addition of two dwellings would require the drive to be a minimum of 5m in width, with an additional 0.5m either side where there is a boundary enclosure. The additional traffic generated by the development will increase the likelihood of two-way traffic which cannot be satisfactorily absorbed, and potentially result in vehicles being reversed towards Sandy Lane. This would result in an increased risk of conflict with other road users, particularly pedestrians and other users of the bridleway. There is no scope to improve the access with passing bays and as such the Highway Authority are unable to conclude that the proposal would not adversely affect highway safety. Following the receipt of an amended layout, where a signage scheme to control vehicular traffic entering and egressing the access is proposed, the Highway Authority are satisfied that these measures would be sufficient to address the original concerns, in regard to development within the Broxtowe Borough Council part of the site.
- 5.3 **County Council Rights of Way Officer:** No objections to the development as the rights of way appear unaffected. All existing rights of way would need to remain open and unobstructed during any development and thereafter.
- 5.4 **County Council Policy Team:** Financial contributions to education provision and to transport would not be required.
- 5.5 **County Council as Lead Local Flood Authority:** No objection subject to a condition requiring a detailed surface water drainage scheme being agreed prior to the commencement of the development.
- 5.6 **Nottinghamshire Wildlife Trust (NWT):** Object to the proposal as there are several concerns:
- Damage to and loss of S41 NERC Act Priority Habitats and Local Wildlife Site, development encroachment onto the City Local Space Network and insufficient habitat and species surveys. Dispute the claim at paragraph 5 of the Ecological Appraisal that the development would only represent 2.5% of the Local Wildlife Site, as this excludes garages and access roadways, and is therefore calculated to result in a 12% loss of the LWS. This is a huge loss and equivalent to a loss of approximately 50% of Alexandrina Plantation Local Nature Reserve. Also disagree with the view of the appraisal that the development would not result in a severance of the habitats of Bramcote Ridge, and no area would be isolated or cut off as a result of the development. Of particular concern to the NWT is the narrowing of the wildlife corridor, in some places from 65m width to just over 30m,

and do not accept that the development would enhance the Open Space Network by 'securing the park' because such a large area of existing open space will be impacted on by the proposals.

- Disagree with the statement at section 5 of the appraisal that the proposal for the 8 dwellings to the north would take place on areas of low nature conservation importance and as such there are no constraints to the development at these points from habitats, and that whilst an integral part of the LWS, the extent is small and the habitats to be developed on are not those for which the LWS was selected. NWT note that as stated, the habitats are an integral part of the LWS. No detailed Phase 2 Vegetation survey or historic mapping, in sufficient detail, has been submitted and this information is vital to assess the quality of the habitats proposed to be lost. Whilst the bracken habitat is too small or close to the city to be of value to ground nesting birds, it is likely to be important for invertebrates, especially moths. No specialist invertebrate study has been carried out to inform the application.
- The Ecological Appraisal also fails to provide a detailed plant / NVC survey, to establish the extent of native Golden Rod, a perennial plant found in woodland areas, and also fails to provide a breeding bird survey. NWT are surprised by the results of the survey in regard to badger activity in particular, since there are significant badger populations in the surrounding suburbs of Wollaton, Bramcote and Beeston. No bat activity surveys appear to have been carried out either.
- Local Wildlife Site Policy Protection. Concerned that the appraisal (particularly Section 4.1) downplays the importance of the LWS designation. The designation receives strong policy protection by means of policy wording and their boundaries are included in the relevant Local Plans.
- Proposed Enhancements and Future Management. NWT have concerns in regard to the nature of the enhancements and the absence of a clear and simple delivery mechanism. Whilst some active management is likely to be beneficial, including removal of non-native woody species, concerned regarding the potential scale of planting. No details of what the planting would comprise of and where the trees are to be planted have been submitted. The removal of the Knot Weed should not be viewed as an enhancement. No details have been submitted in regard to the other enhancements such as the new paths, car parking, bird and wildlife viewing platforms, community beehive, signage, sculptures etc, and as such the ecological impact of these cannot be assessed.
- Questions how investment into the 'park' can be guaranteed, as only limited details have been submitted. The involvement of NWT has not been discussed with them.
- In summary, the NWT are concerned that over 1.8ha of Local Wildlife Site will be permanently destroyed and a very unique and valuable wildlife corridor significantly narrowed as a result of the proposals. The habitats throughout the wider site are present already and are of value given they qualify as LWS and formalising access arrangements will not alter this. NWT question the value of a substantial tree scheme on a site which shows strong evidence of natural regeneration and is important for its mix of open and woodland habitats. The ecological impacts of installing the proposed infrastructure have not been assessed and the level of ecological survey carried out is considered to be insufficient. It would be expected to see surveys in relation to bats, breeding birds, invertebrates and a detailed (phase 2) vegetation survey.
- Further comments received 08.07.20 following consultation on additional/amended information. The NWT still object to the proposal, as it is

considered that in the absence of a Phase 2 vegetation survey, and in the absence of an acceptable vegetation habitat map, the proposal fails to adequately provide essential information on the value of wildlife resources found at the site. Furthermore, the ecological survey as submitted is considered to be insufficient in that the NWT would expect to see surveys in relation to bats, breeding birds, invertebrates as well as the Phase 2 vegetation survey, as detailed in the previous response.

- 5.7 **Severn Trent Water:** No objections. Advise contacting Severn Trent Water to discuss the proposal.
- 5.8 **NHS CCG Team:** As the development is for less than 25 dwellings, no contribution to primary healthcare would be requested.
- 5.9 **Council's Waste and Recycling Officer:** No objections, sets out the requirements for bin sizes, and requires bins to be presented at the edge of the adopted highway for collection.
- 5.10 **Council's Private Sector Housing Officer:** No objections.
- 5.11 **Council's Environmental Health Officer:** No objections, subject to a pre-commencement condition in regard to a report outlining the potential for ground and water contamination and for gas emissions, and for any mitigation measures as necessary to deal with any contamination.
- 5.12 **Council's Tree Officer:** Agrees that the Japanese Knot Weed, which is extensive across the Broxtowe Borough Council part of the site, does need to be eradicated and inevitably this will lead to the loss of trees. However, it is considered that this will not lead to a significant loss of tree cover.
- 5.13 **Woodland Trust:** No comments.
- 5.14 39 properties either adjoining or opposite the site, within both authority boundaries were consulted and site notices were displayed. 80 responses were received. One letter raised no objections.
  - 5.14.1 57 letters of objection were received, with the following concerns:
    - The residential development will result in a lengthy period of demolition and building creating a huge amount of noise and disruption.
    - The access road (Nottingham City side) would disrupt peace and privacy with vehicles, pedestrians and street lights
    - The large executive houses would overlook the adjacent dwellings
    - The development would make the rear of the existing properties easily accessible
    - Shocked that the development is being considered for short term financial gain. The proposed park would not provide the naturally occurring dense trees and shrubs that currently exist, and even if new trees were to be planted, they would be a poor substitute for dozens of mature trees that have been growing for decades
    - The development would lead to the destruction of natural habitats for birds, small mammals and insects



- The application states that only two trees would need to be felled which is incorrect
- Feel that the Bramcote Ridge area is an area of natural beauty and an essential habitat that should be preserved
- Lack of measurements on the plans to indicate proximity of development to existing property boundaries
- Noise and air pollution from the new road (City side)
- Increased traffic along Appledore Avenue (City side)
- Concerned that the development would reduce the efficiency of newly installed solar panels
- Green belt land is precious and should not be developed
- No guarantee that the proposal has sufficient funding and monitoring procedures to ensure the developer will complete and improve the public areas for sustainable community use
- The proposed private dwellings including driveways would occupy a large proportion of the space instead of improving the community park environment, and a lot of open views would be lost
- The proposed dwellings (City side) would tower over and dominate the properties below. They would be more obtrusive in destroying the at present uniform tree line visible from much of Wollaton
- The hillside will have to be stripped of trees to make way for the road, houses, gardens and heavy earth removal and construction equipment
- Replanting of trees will only provide partial restoration after 20 years and residents and visitors will only see the product of a prominent building site in place of prime mixed woodland
- The damage to the local environment in order to add 11 dwellings seems unbalanced and unreasonable
- Local residents have good access to the naturally wooded area and make full use. The established green corridor provides a great habitat for wildlife and is completely irreplaceable. Even if the City side of the hill were to be fenced off, it would make little difference to the amenity value of the hillside
- The building of the estate (Appledore Avenue area, north of the site) was deliberately restricted in its progress up the hill and the dwellings at the top were less obtrusive bungalows. The building of large two storey houses would be to abandon the common sense approach of some years ago
- The development would result in a loss of sunlight to adjacent properties
- Have concerns in regard to the use of the park as a public open space, with lots of people, cars and social events in close proximity to the existing properties. Do not want a tourist attraction
- Current house values will decrease
- Loss of the green ridge
- The current Bramcote Ridge is already a natural park. The proposed development is embezzling the name of 'park' and a real park should have no houses. The main purpose of the development is to build 11 new expensive houses and as such it is a commercial residential building project
- The area is designated as an area of non-development in the Nottingham City Plan
- Hugely increased sense of enclosure as a result of proximity of dwellings
- Light pollution from the new access road (City side)

- The proposed provision of honey bee hive in no way compensates for loss of the bumble bee
- Access from Edenbridge Court (City) would lead to additional traffic on the adjacent suburban roads
- It would be better to have two accesses from the Appledore estate to the private drive as one access could lead to a bottle neck, particularly if the gates to the private road are to be on the boundary of Edenbridge, and this may restrict access to the existing houses
- The current wooded area is better than a community park as it is almost as nature intended, with paths
- The creation of a woodland adventure play area on the land off Kingsdown Mount close to the access would draw potential users to that end of the development, where there is no provision to park vehicles, leading to congestion, blocking of driveways and use of the turning head as a parking area. The play area adds nothing, as there is an existing play area in the Sandy Lane LNR and also a proposed woodland play area by the Sandy Lane access, which is more accessible
- The play area would also attract anti-social behaviour particularly in the evenings / night-time
- What assessment has been made by the Highways Agency in regard to the increase in traffic?
- Have enjoyed walking on Bramcote Ridge for over 40 years and without feeling the need for the addition of more houses. The area is being used more frequently during the pandemic
- The proposed houses are unnecessary and will destroy the integrity of the open area as designated by both Broxtowe Borough Council and Nottingham City Council
- The claim by the developers that they are creating a park is disingenuous. The enhancements involve a few impractical or easily implemented items such as beehives or bird watching sheds which could be subject to vandalism and could, in any case, be done without the expenditure of '£1 million'
- The £1 million expenditure is not broken down but may include the purchase of part of the former golf course site on Thoresby Road, which does not form part of the application site
- The large plots would inevitably have high secure fences around them, and as a result what would be left would be a long narrow corridor that will only be a fraction of the space currently available to both citizens and wildlife
- There is no requirement for large executive homes in this area as there is no shortage of these, and would be the complete opposite of 'affordable' homes
- There was no pre-application meeting with either local authority
- There is no demonstrable support or evidence submitted as to the need for the community park
- The description of the development is misleading as the creation of the park (change of use), planting of trees and other minor enhancements would not require planning permission in themselves; the description should lead with 'the erection of 11 dwellings'

- The proposed residential development on the northern side of the ridge could not be regarded as small scale or having no significant impact on the open space
- No reason to create a park, when the space is already there
- With recent flooding and more frequent storms likely, the value of open spaces to absorb the water is valuable, especially as the ridge is sandstone which is good for this
- There are other planning proposals being carried out in the area which will further erode existing green space
- The proposal appears to paint the area in a negative light as useless scrub, when in fact it provides useful green space and essential habitat for local wildlife
- Can the improvement to public access to the adjacent old golf course, which would provide some benefit, be guaranteed
- Plenty of green fields in the area which would be more suitable for housing
- The development cannot be considered as small scale or having no significant impact on the open space and the houses will be highly visible in the landscape
- The sum of £200,000 to be put toward the future maintenance of the site could be put toward the removal of the Japanese Knot Weed
- The supporting information with the application virtually threatens that no development would lead to wider expansion of the Japanese Knot Weed. This approach should be unacceptable
- If the Council do determine that some development is acceptable this should be the two houses on the Broxtowe side of the ridge, as this should provide sufficient return, with the £200,000 offer on the open space transfer, to pay for the removal of the knot weed
- The proposed 'community park' is a red herring as planning permission is not required and is not a change of use, only minimal aspects such as footpath creation may require planning permission
- If the proposal goes ahead the area will become the victim of unnecessary urbanisation based on property value rather than social need
- Will destroy the area for greed for political reasons and make profits for the council. This area is supposed to be protected, so do not understand why the council can change the goal posts
- The space should not just be for the benefit of the 11 future householders and the developer, it should stay free to be enjoyed by all
- Agreeing to the 11 houses would set a precedent for the area

#### 5.14.2 Three letters of observation:

- Concerned regarding the potential impact on the ridge, woodlands and the nature reserves. This land should be an area of protected open space
- Query as to whether the site notice has been up since 15<sup>th</sup> August as only just noticed it (in response – a photo was taken of the site notice as erected on this date and sent to the enquirer by the case officer)
- Query need for 11 houses as there is a house that has been empty for many years in close proximity to the site.

5.14.3 20 letters of support (seven letters of which are from outside of the immediate area of Bramcote / Wollaton, and four of the remaining 13 had no address and no reference to being local to the site):

- Good way to improve the terrain, make the area more accessible, bring together local communities and allow the land to be used in perpetuity for leisure purposes
- Whilst it is disappointing that 11 houses will be built, this is the only way the project can come forward, and if it doesn't go ahead, would leave the land vulnerable to mass development in future years causing the land to be lost forever. The development offers a genuine opportunity for community engagement for many years to come
- The development will see the removal of the Japanese Knot Weed which is close to residential property and acknowledge that as the costs of removal are high, the removal would not be possible without the development of housing to fund it.
- Pleased at how sympathetic the plans are to the area and that the remaining land will be managed, maintained and upgraded for the benefit of the local community
- Support the development provided that a line of trees is left along the boundary and there is no road or footpath proposed from Hawkhurst Drive (City)
- Considers that the development would potentially have benefits for the community, environment, and wildlife
- Would be good to have somewhere different with facilities to visit / walk dogs / use the space for training
- Rare opportunity for the local community to receive an additional 7 acres of parkland currently privately owned, and a generous financial investment
- The erection of 11 dwellings is a good amount, will not overcrowd the park or get in the way
- The provision of the community park would be a good way of improving mental health through getting outdoors
- Good that there will be a volunteer aspect as it would enable elderly or retired to join
- Positive that this would join up with other adjacent areas such as Deddington Plantation and Alexandrina Plantation
- Queried if a cycle lane can be included
- An addition to protected green space is a benefit to local wildlife and to the health of the local population, as green spaces are disappearing. To see a project aiming to do the opposite is refreshing
- As the developers are local to the area, they will have an interest in building a high quality development and the creation of a wonderful green space.

5.15 In addition to the above, a covering letter has been submitted to inform both councils that an online petition, with 1064 signatures, and a manual petition, with 49 signatures, have been carried out, objecting on the following grounds:

- The development would see trees being cut down, leading to a tragic loss of habitat for birds and other wildlife – a loss of mature trees cannot be remedied

- The development would lead to increased noise and pollution, both whilst the dwellings are being constructed and once purchased
- The development would result in the loss of the beautiful, wild, natural green space forever.

## 6 Assessment

6.1 The main issues for consideration are the impact of the development on the Green Infrastructure Asset; impact on biodiversity; appearance and design of the residential development; and impact on the occupiers of neighbouring property.

### 6.2 **Principle**

6.2.1 Bramcote Ridge is identified as being a Prominent Area for Special Protection and as such is a Green Infrastructure Asset. A Green Infrastructure Corridor also crosses the site in a generally east – west direction. Part 2 Local Plan Policy 28 states that permission will not be granted for development that results in harm or loss to a Green Infrastructure Asset, unless the benefits of development are clearly shown to outweigh the harm. For the reasons set out below, it is considered that the development fails to demonstrate that the benefits of the proposed development outweigh the harm.

6.2.2 There has been some dispute in regard to the description of the development. The applicant and agent wish the description of the development to read ‘new community park comprising footpaths, 1072 new trees, recreation, education and biodiversity infrastructure and facilities together with enabling works comprising 11 dwellings’. It is considered, by both Broxtowe Borough Council and Nottingham City Council, that the creation of the community park and planting of trees does not, in itself, constitute development, and that the works that do constitute development relate to the erection of the 11 dwellings and some infrastructure such as the construction of footpaths. Therefore, the description of the development used by both authorities, i.e. ‘Erection of 11 dwellings and provision of infrastructure works to facilitate the creation of a community park’ is considered to be an accurate reflection of the development which is being applied for and this description of development was agreed between the agent and Broxtowe Borough Council in July 2019.

### 6.3 **Impact on the Green Infrastructure Asset and on Biodiversity**

6.3.1 Prominent Areas for Special Protection are hills and ridges comprising prominent areas of attractive landscape which provide distinct and permanent landmarks near the edge of the Greater Nottingham conurbation. Bramcote Ridge, which is afforded this protection, is visible over a great distance, including from south of the A52, the north east from Wollaton and Wollaton Park, the west from Wollaton, and from the south west when approaching along the A52 from Stapleford. Policy 28: Green Infrastructure Assets of the Part 2 Local Plan states that any development proposals which are likely to lead to an increased use of the Green Infrastructure Asset

will be required to take reasonable opportunities to enhance the identified Asset.

- 6.3.2 The Council has adopted a Green Infrastructure Strategy which covers the period between 2015 and 2030. The aims and objectives of the Strategy are to allow the delivery, protection and enhancement of Green Infrastructure and to provide or enhance green space that is publically accessible. The Strategy also identifies that Green Infrastructure Assets should be protected from development. The application site is identified as being part of a secondary Green Infrastructure Corridor (Corridor 2.10: Bramcote Corridor and Boundary Brook, part of the Erewash to Wollaton corridor) within this document and it lists Alexandrina Plantation and Sandy Lane Open Spaces as assets to protect.
- 6.3.3 The site is also identified as being as a Biodiversity Asset by virtue of it being allocated as a Local Wildlife Site. As such Policy 31 of the Part 2 Local Plan is relevant. This policy states that planning permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation or geological value, together with species that are protected or under threat. Support will be given to the enhancement and increase in the number of sites and habitats of nature conservation value. The policy concludes that permission will not be granted for development that results in any significant harm or loss to the Biodiversity Asset, unless the benefits of development are clearly shown to outweigh the harm.
- 6.3.4 The application states that there are some benefits of the proposal, as outlined in the supporting documents accompanying the application. There are areas of Japanese Knot Weed on the site, which is a non-native species to the UK and is invasive, easily spread and competes with native species. As such, it is an offence to plant or otherwise cause to grow this plant in the wild and the onus is on the landowner to ensure that this does not occur. The removal of the Knot Weed can be carried out independently of the planning permission and the refusal or granting of permission would not be a barrier to this removal. It is proposed that the Japanese Knot Weed would be removed as part of the proposed development and that the costs of the removal would be met through the proceeds of the residential development. It is understood that a large number of trees would need to be removed in order to achieve the successful removal of the Japanese Knot Weed.
- 6.3.5 The applicant considers the development of housing to be a benefit as the sale of the housing would contribute financially to enable the eradication of the Japanese Knot Weed on the application site, which is privately owned, for it to be opened up for public access and to allow for connections to the existing green corridor and Local Nature Reserves (LNR's). The application states that the financial benefit would also be used to plant in excess of 1000 trees, the creation of wetland areas, and for the proposed public park infrastructure, that is, the gated entrances, apiaries, bird hide and viewing points etc. A portion of the financial gain would also be put into a charitable trust to enable the long-term stewardship of the land for the public benefit.

- 6.3.6 The application includes only limited details in regard to the location / species of the proposed 1072 new trees, and limited details of the proposed infrastructure (that is, the play areas, bird hides, apiary, gateway accesses, benches and signage). Only limited details have been submitted in regard to which trees will be removed; and, where trees are to be retained, limited details in regard to tree protection measures. As such, it has not been possible to fully assess the potential impact on the trees within the Green Infrastructure Asset. Whilst details of some of the minor aspects, such as signage, benches, and the bird hide could be the subject of a suitably worded condition, it is considered necessary that a detailed plan of the proposals for tree planting, including details of sizes and species, are submitted in order to fully assess the impact. Should the proposal have otherwise been found to be acceptable, these details would need to be submitted and agreed prior to the determination of the application.
- 6.3.7 The NPPF states, in paragraph 175, that when determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. There is insufficient evidence that the environmental mitigation proposed (creation of public park; planting of trees) outweighs the impact that the development would have on the established habitats within the site. The proposed residential development would result in large areas of the whole site being cleared to enable the development of the dwellings, gardens and associated accesses. The percentage of the site area to be given over to residential development (including gardens and the private access drive / verges) represents 40% of the total of the application site. It is considered that this would result in an unacceptable loss to habitat, areas of which are designated as UK BAP (Biodiversity Action Plans) Priority Habitats, and also Nottinghamshire Local BAP Habitats, in this case Bracken-Bramble Habitat. Bracken- Bramble habitat are often present in a mosaic with acid grassland and woodland and it is often difficult to establish boundaries as sometimes the habitats will be an intermediary between the two. Therefore bracken habitat should not be assessed solely as a single habitat due to its mosaic habitat importance.
- 6.3.8 The applicant states that the area is currently privately owned and that whilst access by the public has been possible due to damaged fencing, should planning permission be refused, the owners would have the option of enclosing the site, to the loss of the public who currently use the area for walking and exercising dogs etc. Whilst the enclosure of the site would result in no public access, albeit unauthorised, the land would still contribute to the overall openness of the ridge, the views of which can be enjoyed and appreciated by members of the public from a number of viewpoints, and would not alter its status as a Green Infrastructure Asset. The desire expressed by the applicant to 'link up' the site to the adjacent Local Wildlife

Sites and other green spaces such as the Deddington Plantation beyond is acknowledged, however access to the surrounding spaces is already considered to be available and convenient for users to access.

6.3.9 Reference has been made by the applicant to a development nearby, to the east of the site and beyond Appledore Avenue, (Land to the rear of 13 Middleton Crescent, NG9 2TH, planning reference 18/00377/FUL) where Planning Committee resolved to grant conditional planning permission subject to the prior signing of a Section 106 Agreement, to construct 14 houses, garages and an associated access road. The applicant considers this as being similar to the proposed development in that there is a Green Infrastructure Corridor running through the site and that the impact would be the same. It is considered that the Middleton Crescent site, which was formerly the garden of no. 13 and therefore not allocated as a Green Infrastructure Asset, is not comparable to the application site. It is acknowledged that there is a Green Infrastructure Corridor running through the Middleton Crescent site. However, that corridor will be protected and retained through mitigation measures, with no detrimental impact to the biodiversity on that site.

6.3.10 It is considered that the proposal has failed to demonstrate that the benefits of the development would clearly outweigh the harm to the Green Infrastructure and biodiversity assets, or demonstrate that the proposal would not cause significant harm to biodiversity assets, contrary to the policies contained within the NPPF and the Local Plan.

#### **6.4 Design and Appearance of the Residential Development, including Impact on the Local Landscape**

6.4.1 This paragraph will assess the impact of the residential development pertaining to the area of the site which falls within Broxtowe Borough Council only.

6.4.2 There are two detached dwellings proposed which fall within Broxtowe Borough Council. These are proposed to be located to the south of 70 and 72 Sandy Lane and accessed from the private drive which serves 68, 70, 72 and 74 Sandy Lane. The dwellings would be east of 62, 64 and 66 Sandy Lane.

6.4.3 The dwellings would both be two storey, with house B being on a split level due to the differences in ground levels. The design of the dwellings, which see two gable roof elements linked by a single storey flat roof element, would be built of a variety of external materials including sandstone facing elevation, render, timber cladding, and a tiled roof. There are a variety of house styles and mix of materials in the immediate area and as such the scale, design and choice of materials (subject to details) would, in itself, be considered acceptable.

6.4.4 Notwithstanding the above, as this part of the site proposed for residential development is allocated in the Part 2 Local Plan as a Prominent Area for Special Protection (Green Infrastructure Asset) and a Local Wildlife Site



(Biodiversity Asset), any development must not result in significant harm or loss to the Asset unless the benefits clearly outweigh the harm.

6.4.5 Whilst it is acknowledged that views of the proposed dwellings from the public domain would be limited, the residential development represents a further incursion into the open space at this point, and it is considered that the residential development does not represent a public benefit that would clearly outweigh the harm to the open space, which is, the loss of biodiversity habitat and loss of the green infrastructure, as the development would see the loss of established mature trees and vegetation.

## **6.5 Amenity**

6.5.1 In regard to the residential development, it is considered that the proposal would not have a significant impact on the amenities of the occupiers of 62 to 74 Sandy Lane, due to the distances between the proposal and the neighbouring properties.

6.5.2 The residential development would provide a good standard of internal space, with access to natural light and an outlook for the intended occupiers.

6.5.3 In regard to the part of the site within Broxtowe Borough Council, it is considered that the proposal would not have a significant impact on the amenities of the occupiers of nearby property.

6.5.4 Impact on the amenities of the occupiers of the properties within the City Council Authority boundary, affected by the development to the north of the ridge, will be considered separately by the City Council.

## **6.6 Highway Safety**

6.6.1 In regard to the access to the two dwellings off Sandy Lane, the County Council as Highway Authority consider the existing access to be substandard to serve the four existing properties. The proposed two additional dwellings, which would generate additional traffic, may have the potential to have a detrimental impact on highway safety, as two-way traffic could not easily be absorbed. An additional plan to show proposed traffic signage to prioritise incoming traffic has been submitted, and this has addressed the concerns of the Highway Authority. Should the application be otherwise acceptable, a condition to ensure the erection of this signage would be recommended.

## **6.7 Other Matters**

6.7.1 There are concerns regarding noise and disturbance during construction of the dwellings. A note to the applicant outlining acceptable hours of work can be included should the development otherwise be considered acceptable. Should an unacceptable level of noise and disturbance occur, this can be referred to the Environmental Health team for investigation.

- 6.7.2 Security of existing properties has been raised as an objection. Should the development otherwise be considered acceptable, an appropriate planning condition in regard to details of boundary enclosures would be imposed. Any details of enclosures should also address permeability for wildlife, for example, hedgehogs.
- 6.7.3 In regard to existing solar panels and the impact of the development on their efficiency, it is not considered that the siting of the new dwellings would significantly affect the efficiency of the panels such to warrant any amendments to the scheme or to refuse it.
- 6.7.4 The application site is not allocated as being part of the Green Belt.
- 6.7.5 Increase in use of the newly created park and its' impact on the occupiers of nearby property, resulting in additional traffic and disturbance has been raised as a concern. It is not considered that the creation of the park in itself would result in a significant increase in traffic or visitors and, in any event, the opening up of the land for public use does not constitute 'development' requiring planning permission.
- 6.7.6 House values and the effect of the development upon them is not a material planning consideration.
- 6.7.7 Light pollution can be addressed through a suitably worded condition in regard to details of lighting, should the development be otherwise considered acceptable.
- 6.7.8 The provision of bee hives and their appropriateness would not be a planning matter; and similarly the provision of formal play equipment; however, should the development be otherwise considered acceptable, details of the infrastructure to be erected within the park could be obtained and agreed by condition.
- 6.7.9 The creation of an additional access onto Appledore Avenue would be a matter for Nottingham City Council to consider.
- 6.7.10 It is not considered that the development would result in a significant increase in anti-social behaviour through the use of the land as a park.
- 6.7.11 Matters relating to the finance of the park are considered elsewhere in this report.
- 6.7.12 Whilst a pre-application discussion between the developer and the local authority would have been useful in identifying any planning issues, it is not a formal requirement to do so.
- 6.7.13 The inclusion of a cycle lane would be a matter for the developer to consider.
- 6.7.14 The concern regarding flooding is noted, however as the site is not in a Flood Risk Zone, there has been no requirement for the submission of a

Flood Risk Assessment. There have been no objections in regard to flood risk from the County Council as Local Lead Flooding Authority or from Severn Trent Water.

7 Planning Balance

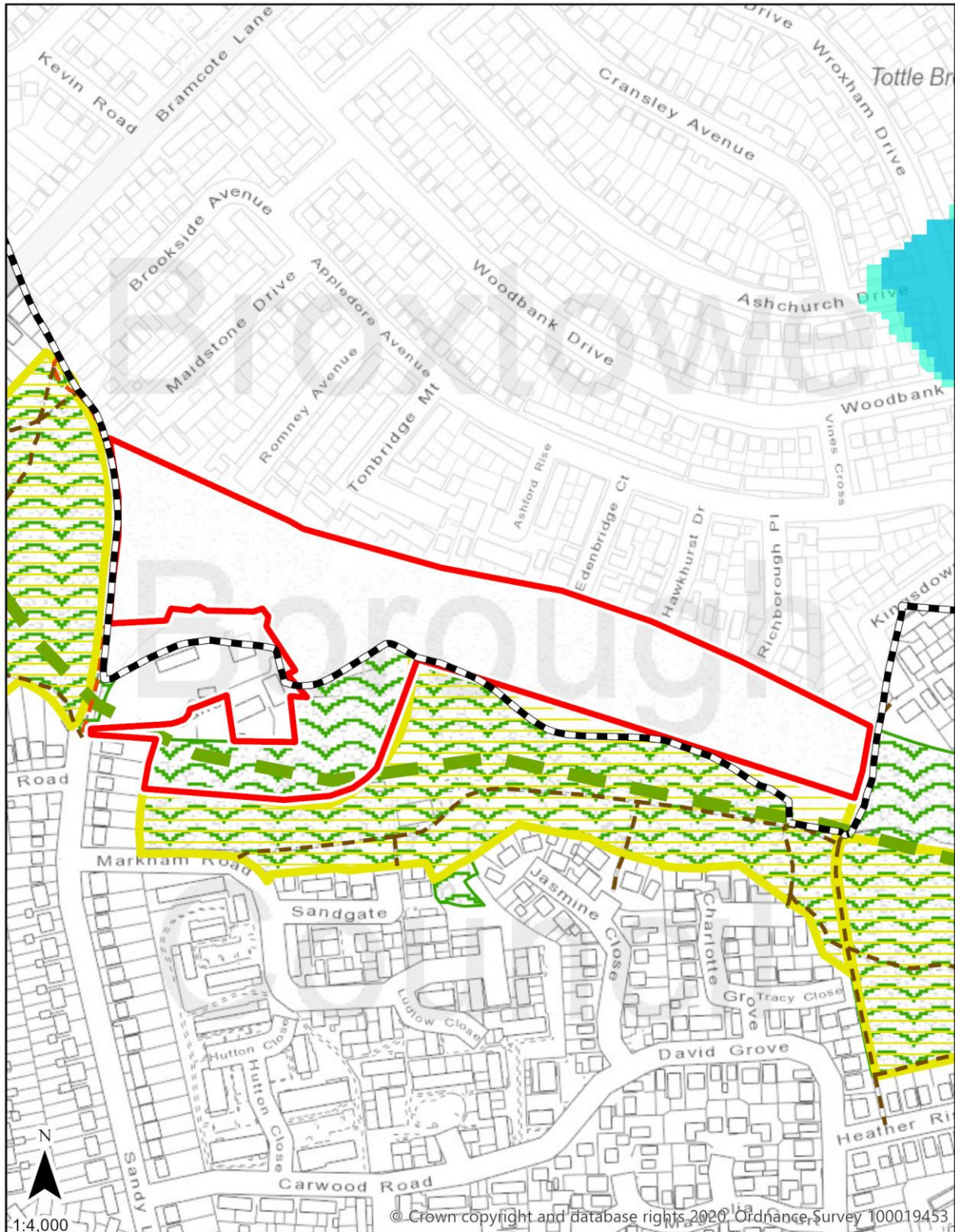
- 7.1 The benefits of the proposal are the removal of the Japanese Knot Weed, provision of housing, and the provision of public access to otherwise private land.
- 7.2 The negative impacts are the loss of biodiversity assets including habitats at risk, loss of Green Infrastructure Asset (Prominent Area for Special Protection), and impact on visual amenity of the area.
- 7.3 On balance it is considered that the benefits of the removal of Japanese Knot Weed and access to the private land could be achieved outside the planning process and that the Knot Weed would need, in any case, to be controlled so as to prevent its' spread outside of the private ownership of the site. It is not considered that the removal of the Knot Weed, and improvements to enable public access and to future management of the site can only be financed by the erection of a total of 11 large detached properties. The benefits of the residential development in itself would not outweigh the negative impact of the loss of biodiversity habitat, and loss of Green Infrastructure Asset (Prominent Area for Special Protection).

8 Conclusion

- 8.1 It is considered that the proposal would not be of significant public benefit such to outweigh the harm to the Green Infrastructure Asset and Biodiversity Asset that would be caused by the development.

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be refused for the following reason:</b>	
<b>1.</b>	<b>The proposed housing development, by virtue of the built development and the loss of habitats, would result in an unacceptable harm to the Green Infrastructure Asset and would result in a net loss to biodiversity. No benefits which clearly outweigh this harm have been demonstrated. Accordingly, the development is contrary to the aims of Policies 28 and 31 of the Broxtowe Part 2 Local Plan (2019), Policy 16 of the Broxtowe Aligned Core Strategy (2014) and Section 15 of the National Planning Policy Framework (NPPF) 2019.</b>
<b>NOTES TO APPLICANT</b>	

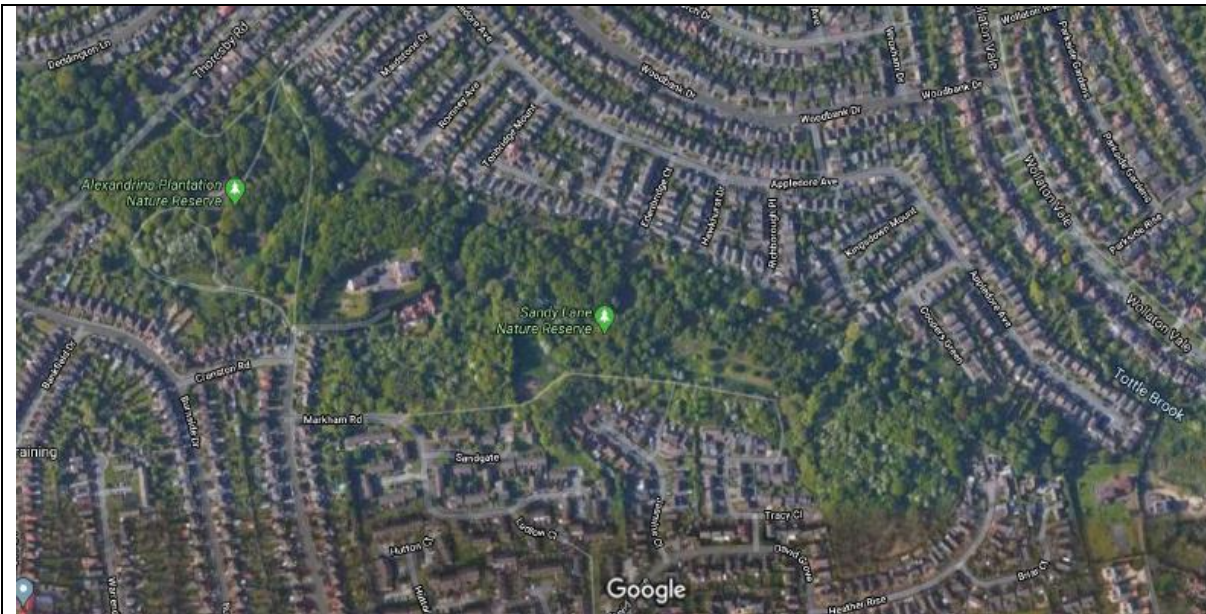
<b>1.</b>	<b>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</b>
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**Legend**

- Site Outline
- Local Wildlife Site
- Flood Zone 3
- Local Nature Reserves
- Flood Zone 2
- Green Infrastructure Corridor
- Bridleway
- Broxtowe Boundary
- Footpath

**Photographs**



Aerial view of Bramcote Ridge courtesy of Google images



3D aerial view of the existing dwellings on Sandy Lane, courtesy of Google images



Access from the head of Sandy Lane leading to nos. 68, 70, 72 and 74 Sandy Lane which will provide access to the two new dwellings within Broxtowe Borough Council



Footpaths to Alexandrina Plantation Local Nature Reserve, at the head of Sandy Lane, adjacent to the access



Looking south from the access drive toward site of the two new dwellings



Footpath leading to Sandy Lane Local Nature Reserve, leading from Markham Road



Informal football pitch within the Sandy Lane LNR



View of the north side of Bramcote Ridge taken from Parkside Rise

**Plans (not to scale)**



Site plan showing adjacent Local Nature Reserves (Alexandrina Plantation to the west, and Sandy Lane to the south and west)



Application site layout showing the whole development. The blue line indicates the borough and City Council boundary and the two proposed dwellings within Broxtowe Borough Council authority are shown to the south east







Housing layout within Broxtowe Borough Council authority land



House A elevations

House A Floor Plans

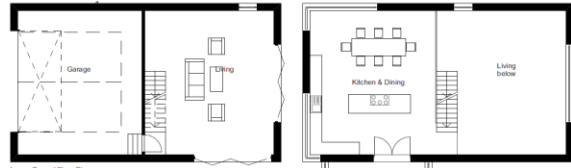


House A floor plans



House B elevations

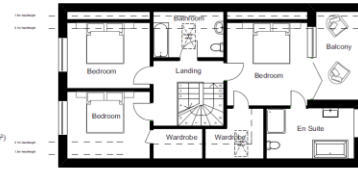
House B Floor Plans



Lower Ground Floor Plan



Ground Floor Plan



First Floor Plan

Areas  
 Lower Ground Floor - 43m<sup>2</sup> (plus garage @ 42m<sup>2</sup>)  
 Ground Floor - 172m<sup>2</sup>  
 First Floor - 82m<sup>2</sup>  
 Total - 298m<sup>2</sup> / 3207sq ft (340m<sup>2</sup> / 3659 sq ft including garage)

House B floor plans

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**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>19/00631/FUL</b>
<b>LOCATION:</b>	<b>LAND TO THE REAR OF CLAYTON COURT, QUEENS ROAD, NOTTINGHAMSHIRE</b>
<b>PROPOSAL:</b>	<b>CONSTRUCT THREE STOREY APARTMENT BLOCK COMPRISING 9 FLATS AND DROPPED KERB</b>

Councillor Cullen has requested this application be determined by Planning Committee.

1 Executive Summary

- 1.1 This application seeks permission to construct a three storey, flat roof building comprising nine apartments and a dropped kerb on Queens Road. The building will comprise three, two bedroom apartments and six, three bedroom apartments. Each apartment will have two or three bedrooms, a kitchen/dining/living area and a bathroom (some with en-suites). A bin store and cycle store (with space for six bikes) will be positioned to the front of the building next to Grove Street. 15 car parking spaces are proposed (three to the front and 12 to the rear). Steps are proposed to the front entrance and a platform lift for level access from ground level. The proposal is for self-contained apartments and not for HMO accommodation.
- 1.2 The existing Clayton Court flats to the north west of the proposed apartments will be provided with six car parking spaces which amounts to one space per flat which will be accessed from Queens Road. The existing wall next to Queens road will be removed and the new dropped kerb will extend for the approximate width of the existing building.
- 1.3 The main issues relate to whether the principle of nine apartments and a dropped kerb are acceptable and if the development is acceptable in terms of flood risk, parking issues and impact on neighbour amenity.
- 1.4 The benefits of the proposal would mean nine additional homes within a sustainable, urban location with access to regular sustainable transport links which would be in accordance with policies contained within the development plan which is given significant weight. The proposed works would contribute to the local economy by providing jobs during the construction process. There would be some impact on neighbour amenity but this is considered to be outweighed by the benefits of the scheme.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

Appendix 1

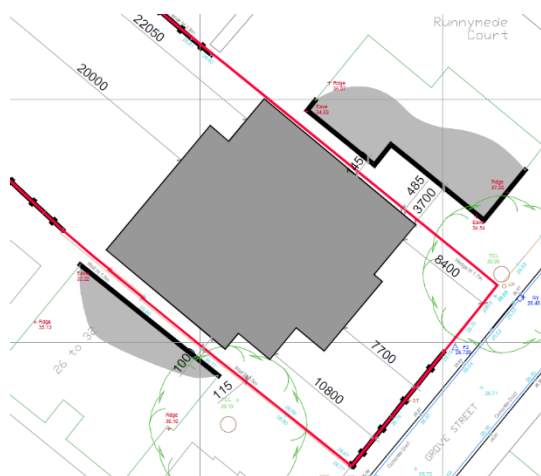
1 Details of the Application

1.1 This application seeks permission to construct a three storey, flat roof building comprising nine apartments. The building will comprise three, two bedroom apartments and six, three bedroom apartments. Each apartment will have two or three bedrooms, a kitchen/dining/living area and a bathroom (some with en-suites). A bin store and cycle store (with space for six bikes) will be positioned to the front of the building next to Grove Street. 15 car parking spaces are proposed (three to the front and 12 to the rear). Steps are proposed to the front entrance and a platform lift for level access from ground level. The proposal is for self-contained apartments and not for HMO accommodation.

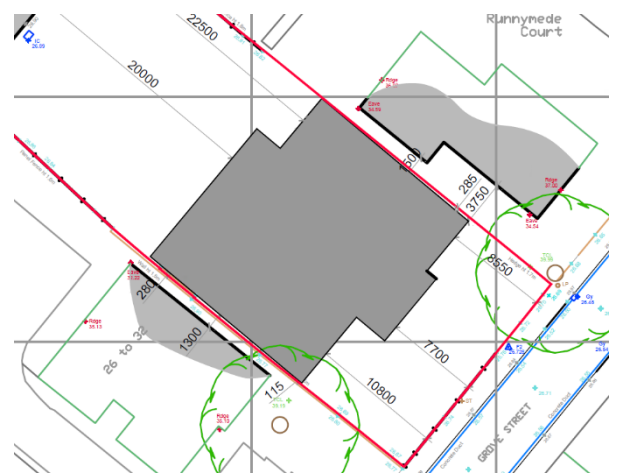
1.2 The existing Clayton Court flats to the north west of the proposed apartments will be provided with six car parking spaces which amounts to one space per flat which will be accessed from Queens Road. The existing wall next to Queens road will be removed and the new dropped kerb will extend for the approximate width of the existing building.

1.3 During the course of the application a number of amendments were made to the application, the main amendments are detailed as follows:

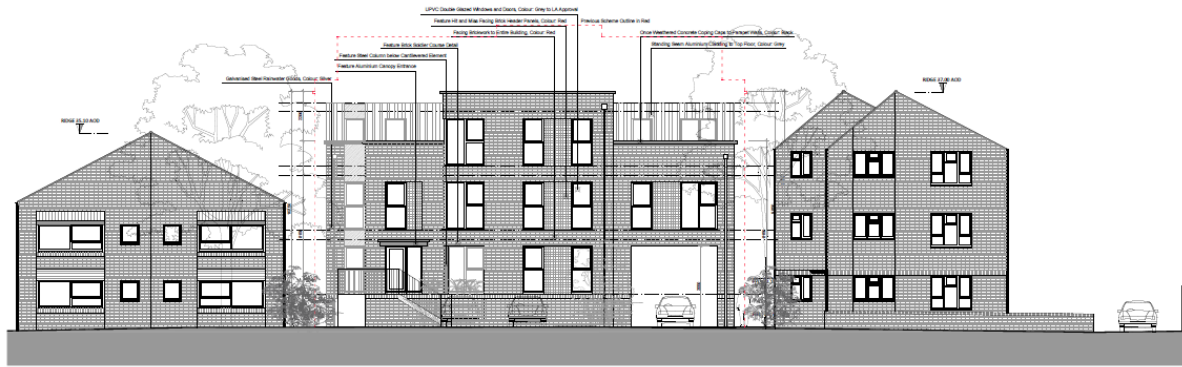
- Reduction in number of apartments from 16 to 9 (originally a major application)
- Removal of fourth storey
- Reduction in width of building
- Building stepped in from south west boundary
- Removal of side facing windows (not including front/side wrap around windows)
- Removal of top floor roof terrace and Juliet balconies
- Inclusion of six car parking spaces and a dropped kerb to the north west of existing Clayton Court flats.



Amended block plan



Original block plan



Proposed Front Street Scene Elevation - Grove Street

Amended street scene elevation



Proposed Front Street Scene Elevation - Grove Street

Original street scene elevation

2 Site and surroundings

- 2.1 The application site is currently occupied by a three storey apartment block consisting of six flats (Clayton Court) located to the north west of the site fronting Queens Road. Part of the land to the south east is currently used as informal parking and vehicular access to the site is from Grove Street. The site is relatively flat and is approximately 60m in length and 20m in width. There is a 2.2m high fence along the boundary with the Co-op supermarket and its car park to the north east and a 1.8m high privet hedge extends across the remaining boundary. A 1.5m high fence extends along the boundary with the cul-de-sac with the Sovereign Court flats, then Sovereign Court flats, then a 0.3m high brick wall. The boundary to the front is open.
- 2.2 The site is enclosed from the north west, north east and south west by three apartment blocks (including the existing Clayton Court flats) which have a mixture of flat and pitched roofs. Each block has between six and 25 flats. A Co-op local supermarket is positioned to the north and its car park adjoins the site. Grove Street is a mix of traditional style houses (semi and detached) and flats. Runnymede Courts are to the north east and Sovereign Courts are to the south west of the site.
- 2.3 The site lies within a predominantly residential area. The site is within walking distance of Beeston town centre (and the tram) and is in close proximity to regular bus services along Queens Road and Beeston train station. The site is located

within Flood Zones 2 and 3 which is land with a high probability (1 in 100 or greater) of river flooding.

3 **Relevant Planning History**

3.1 An outline application (all matters reserved) for residential flats (06/00567/OUT) was granted consent in March 2019. A reserved matters application was not submitted and this consent has now expired.

4 **Relevant Policies and Guidance**

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

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

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

4.2 **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 advisories in respect of working hours and prohibiting burning of waste on site.

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

5.3 **Council’s Housing Strategy and Development Officer:** seek affordable housing on-site (four affordable rented units) based on 13 apartments.

5.4 **Council’s Parks and Environment Officer:** no request for a S106 contribution.



- 5.5 **Nottinghamshire County Council Planning Policy team:** based on 13 apartments, an education contribution of £34,852 (2 x £17,426 per primary school place) and £23,875 (1 x £23,875 per secondary school place) is requested.
- 5.6 **Nottinghamshire County Council as Highways Authority:** no objection subject to conditions in relation to: ensuring dropped vehicular footways are made available on Grove Street and Queens Road; ensuring visibility splays are kept free from obstructions; driveways, turning and parking areas are surfaced in a hard, bound material for at least 5.5m behind the highway, constructed to prevent unregulated discharge of surface water onto the highway and are clearly delineated; parking and turning areas are not to be used for anything other than parking, turning and loading/unloading of vehicles and the development shall not be brought into use until the bin and cycle stores are available for use. Advise contacting the County Council in regards to works taking place over a public highway.
- 5.7 **Nottinghamshire County Council as Lead Local Flood Authority (LLFA):** no objection subject to a pre-commencement condition requesting a detailed surface water drainage scheme (original scheme).

As the scheme was amended to a minor application, the LLFA stated that it is not required to respond with bespoke comments and offer the following standing advice:

- The development should not increase flood risk to existing properties or put the development at risk of flooding
  - Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location
  - SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development
  - Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.
- 5.8 **NHS Nottingham City Clinical Commissioning Group (CCG):** no health contribution requested.
- 5.9 **Nottingham NHS Trust:** request a financial contribution of £6211 to provide additional health care services to meet an increase of patient demand as a result of this development for 16 flats.
- 5.10 **Nottingham Express Transit (NET):** no observations.
- 5.11 **Beeston Civic Society:** object (to original scheme). Four storey, 16 apartment building is over intensive, will have a dominant and overbearing appearance and will cause a loss of amenity to neighbours. The flats are not visually attractive or sympathetic to the character of the street which is largely detached or semi-detached houses with pitched roofs and front gardens with soft landscaping.

Should be fewer car parking spaces due to proximity to train station and bus/tram routes to allow for more soft landscaping. Should have proper balconies as opposed to Juliet balconies which would provide a better standard of living for future residents.

No objection to amended plans.

- 5.12 **Environment Agency (EA):** no objection subject to the floor levels being set no lower than 28.15m Above Ordnance Survey (AOD) and implementation of the flood resilience and resistance measures detailed in the Flood Risk Assessment (FRA).

Although the living accommodation is raised out of the modelled flood levels, the surrounding site and roads would be expected to flood in a 1% annual probability, 50% climate change flood to a depth of 85cm and in a 1% annual probability 30% climate change flood breach of defences scenario, to a depth of 45cm. The FRA does not include a Flood Action/Evacuation Plan in a format ready to hand over to the occupants/managers of the building.

The Local Planning Authority (LPA) must determine, in consultation with their emergency planners, whether the arrangements for access and egress are acceptable.

It is recommended that the occupants of the development sign up to receive Environment Agency flood warnings.

- 5.13 43 neighbouring properties were consulted and two site notices were displayed. Following the receipt of amended plans, three site notices were posted due to the change in publicising applications in line with Covid-19. In total, 30 objections, three observations and two responses detailing their support were received. The comments can be summarised as follows:

- All buildings on road have pitched roofs, the proposed flat roof will appear too dominant and will have a detrimental effect on historic housing
- Larger and different design to surrounding properties
- Four storeys would dwarf surrounding buildings
- Three storey building would be welcomed
- Overbearing and unsympathetic design
- Disregards neighbouring building heights, ridge lines, roof shapes, materials and rhythm
- Building is too tall, second floor should be removed
- Insufficient space between buildings
- No other buildings have access to the rear which will set a precedent
- Scale and massing is out of character with street
- Grove Street is over developed
- Sense of enclosure
- Flats looked cramped
- Below Government space standards
- Loss of privacy from large windows and roof terrace
- Loss of light

- Consideration should be given to the number of people in the neighbourhood
- Increase in traffic
- Insufficient parking for proposed apartments and existing Clayton Court apartments
- Grove Street is used as a cut-through road and for parking for railway stations and local businesses
- Delivery vehicles, refuse lorries and emergency service vehicles struggle to pass parked cars
- Yellow lines should be put on the north side of Grove Street
- Parking permits should be enforced
- Traffic accidents already occur in this area
- Junction with Dovecote Lane is hazardous with limited visibility
- Road is poor quality and will need resurfacing from additional traffic and developer should pay for this
- Traffic calming measures and speed bumps should be introduced
- No soft landscaping, visual and environmental concern
- Increase in noise
- Increase in surface water run-off
- Unprotected bike store will entice thieves
- Insufficient waste and recycling provision leading to bins left on kerbside
- Welcome the changes in respect of: reducing the overall height of the building, number of properties proposed, increasing the apartment sizes so they are more suitable for families and the addition of car parking spaces.

## 6 Assessment

6.1 The main issues are considered to be the principle of the proposed development, if the development is acceptable in flood risk terms, the design and layout, parking and the relationship to neighbouring properties.

### 6.2 **Principle**

6.2.1 Policy 8 of the Broxtowe Aligned Core Strategy (2014) encourages a mix of housing tenures, types and sizes. It is considered that the emphasis of the policy is on promoting housing mix rather than preserving the existing character of the area. Grove Street is characterised by varying styles and sizes of properties including traditional Victorian style houses and more modern apartment blocks that range from two to three storeys in height. The existing Clayton Court flats are three storeys with a flat roof. It is considered the development would add to the housing mix and it is considered that the character of the area would not be significantly harmed.

6.2.2 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 nine apartments on this brownfield site is considered to be a benefit in terms of contributing to the provision of homes in the borough, especially given its proximity to Beeston town centre where a tram stop is located, the train station and regular bus routes.

- 6.2.3 In addition to the above, the site received outline planning permission to construct residential flats (06/00567/OUT) and whilst it is acknowledged this consent has expired and is some time ago, it still establishes that the principle of flats on this land is considered to be acceptable.
- 6.2.4 It is considered the principle of a dropped kerb on Queens Road to provide access to parking would be acceptable in order to retain separate parking for the existing Clayton Court flats.
- 6.2.5 Whilst it is acknowledged there will be some impact on amenity and parking, it is considered this is outweighed by the proposal of residential units which make an efficient use of the land. Whether there is sufficient space for nine apartments and the impact a development of this size will have on neighbouring properties will be discussed below.
- 6.2.6 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 nine residential units within an existing settlement in a highly sustainable location, close to Beeston town centre and public transport links. It is considered the proposed apartments will not have an adverse effect on neighbour amenity and 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 and Drainage**

- 6.3.1 The site lies within Flood Zone 3 which is land with a high probability (1 in 100 or greater) of river flooding. A Flood Risk Assessment has been submitted with the application. Paragraphs 155 – 158 of the NPPF 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. All plans should apply a sequential, risk-based approach to the location of development in order to steer new development to areas with the lowest risk of flooding. A Sequential Test has also been submitted with the application which concludes that there are no alternative sites available within areas located in zones with a lower probability of flooding.
- 6.3.2 Within Beeston there are substantial areas which are within Flood Zones 2 and 3 but have a high degree of protection against flooding due to the Nottingham Trent Left Bank Flood Alleviation Scheme. Some of these sites may bring forward the opportunity to provide housing in areas of substantial need. Sequentially, it is considered the site is acceptable and it is considered a positive that this location minimises additional development in the Green Belt in Broxtowe. Therefore, when assessing whether other sites are 'reasonably available', this site can be viewed as a 'sustainability benefit' and the Green Belt must be treated as a major constraint.
- 6.3.3 The Environment Agency has raised no objection but has suggested conditioning that the finished floor level of the building should be set no lower than 28.15m AOD and that the flood resilience and resistance measures as stated within the FRA should be incorporated into the development. The FRA states that in the

event of existing flood defences being breached, the floodwater depth could be too great for safe passage except by emergency services and therefore if greater flooding does occur, this should be closely monitored from relevant announcements (Environment Agency and Local Authority). An advisory will be recommended in regards to the occupants registering to receive flood warning alerts. It is considered that flood risk issues have been sufficiently addressed.

- 6.3.4 The Lead Local Flooding Authority were consulted due to this originally being a major application. They raised no objection but advised a pre-commencement condition requiring the submission of a drainage scheme. They provided comments on the revised scheme and as this has been amended to a minor scheme, they have raised no objection and have not provided any bespoke comments. The comments provided in the consultation section will be included as an advisory minus the part in relation to altering a watercourse as this is not relevant to the scheme.
- 6.3.5 To conclude, within Beeston there are substantial areas which are within Flood Zone 3 but have a high degree of protection against flooding due to the Nottingham Trent Left Bank Flood Alleviation Scheme. A failure to permit residential development on sites such as this which are protected by good quality flood defences, and have a site specific FRA demonstrating the development is acceptable on flood risk grounds, will lead to alternative locations being required in less sustainable locations, including the Green Belt. Subject to a suitable condition as detailed above, 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 buildings that will be mostly impacted by the development will be Runnymede Court flats to the north east, nos. 26 – 32 Sovereign Court to the south west and Clayton Court flats to the north west.
- 6.4.2 The proposed flats will be a minimum of 1.5m and maximum of 3.7m from the south west (side) elevation of Runnymede Court flats (Runnymede Court steps in from the north east site boundary). The north east elevation of the building will be blank (not including the entrance into the stairwell). Runnymede Court has windows in the south west elevation and stepped back element facing south east which all serve either bathrooms or hallways. Due to the separation distance and these windows not serving primary rooms, it is considered this relationship is acceptable and would not be detrimental to the amenity of the occupants of Runnymede Court. The building will project beyond the north west (rear) elevation of Runnymede Court by 3m which is considered to be an acceptable sized projection that will not be to the detriment of the occupants of Runnymede Court. To conclude, it is considered there will not be detrimental impact on the amenity of the occupants of Runnymede Court and a neighbourly relationship can be maintained between the two buildings.
- 6.4.3 Nos. 26 – 32 Sovereign Court (flats) are positioned to the south west of the building. This existing building has two ground floor doors and a first floor window which serves a hallway in the north east elevation. The proposed building will largely align with the Sovereign Court flats but will be stepped in towards the front

and project slightly (see amended block plan in section 1.3). The proposed flats will be approximately 2m from the north east (side) elevation of Sovereign Court which is considered to be an acceptable distance given there are only one window and two doors in its north east elevation. Whilst it is acknowledged there will be a first and second floor corner window which will partly face south west, part of the building will project beyond Sovereign Court meaning there will be an oblique view of Sovereign Court from these windows. To conclude, it is considered there will not be a detrimental impact on the amenity of the occupants of nos. 26 – 32 Sovereign Court flats.

- 6.4.4 The proposed building will be between 20m – 22m from Clayton Court flats which is considered to be a sizeable distance. The separation distance between nos. 1 – 25 and nos. 26 – 32 Sovereign Court is 15m and therefore this relationship between apartment buildings has been established as being acceptable. It is considered the relationship between these two buildings would be acceptable as they will mutually overlook one another. It is considered there will not be a detrimental impact on the amenity of the occupants of Clayton Court flats.
- 6.4.5 The building will be set back a minimum of 7.7m from Grove Street and will be approximately 17m from the south east side of Grove Street which is considered a sizeable distance. Whilst it is acknowledged there will be windows in the south east (front) elevation, it is considered the separation distance and intervening road will mean the level of overlooking is not detrimental. In addition to this, this relationship is already established with buildings with forward facing windows fronting Grove Street from Sovereign Court and Runnymede Court. Buildings along Grove Street will mutually overlook one another. It is considered there will be a minimal loss of light and overshadowing to properties to the south east along Grove Street due to the separation distance and orientation of the building being positioned to the north west. To conclude, it is considered there will not be a detrimental impact on the amenity of the occupants along Grove Street.
- 6.4.6 Concerns have been raised that the apartments do not meet the Government's Technical Housing Standards for space requirements. Whilst a prediction of how many people occupying one apartment cannot be made, the following will be assumed based on the lowest occupancy in line with the Government's space standards. As set out in the guidance, a two-bedroom dwelling for three occupants should be a minimum of 61m<sup>2</sup>. The three, two-bedroom ground floor flats will range from 54.7m<sup>2</sup> to 56.2m<sup>2</sup>. It is considered that an approximate shortfall of 6m<sup>2</sup> in line with the space standards is acceptable, especially given that these space standards are a guideline and have not been adopted by Broxtowe. There is space to the front and rear of the proposed building. Each apartment has outward facing windows from primary rooms and what is considered to be a good amount of space that the shortfall is considered to not amount to a refusal.
- 6.4.7 As set out in the guidance, a three-bedroom dwelling for three occupants should be a minimum of 74m<sup>2</sup>. Each three-bedroom apartment is between 80.2m<sup>2</sup> to 87.6m<sup>2</sup> and therefore meets the requirements. To conclude, whilst it is acknowledged that three out of the nine flats do not meet the national space standards set out by the Government, the shortfall of approximately 6m<sup>2</sup> is considered to be acceptable that each of these apartments is still considered to

afford a good standard of amenity to future occupants with outward facing windows and appropriate facilities. It is considered the future occupants will have an acceptable amount of amenity.

- 6.4.8 Although no outdoor amenity space is provided, this is a commonly accepted approach for flats and a development of this nature. It is noted that Dovecote Lane Recreation Park is within a short walking distance of the development. Although it has been raised within representations received that balconies should be included in the scheme, it is considered an acceptable standard of amenity has been provided for future occupants that these would not be required.
- 6.4.9 It is considered the proposed dropped kerb and bin/cycle store are relatively minor aspects of the development and will have minimal impact on the amenity of surrounding neighbours.
- 6.4.10 To conclude, it is considered the proposed apartment building is a sufficient size and distance from neighbouring buildings that it will not cause a detrimental impact on amenity or cause a significant loss of light or overshadowing. Significant amendments have been implemented into the scheme (e.g. removal of fourth storey, roof terrace, Juliet balconies and reduction in footprint of building) and it is considered the revised building is acceptable in regards to impact on amenity of neighbouring properties and buildings.

## **6.5 Design and Layout**

- 6.5.1 This portion of relatively empty land creates a visual break between Runnymede and Sovereign Courts that a building of this size and layout is considered to be acceptable. The central point of the building will be approximately the same height as Runnymede Court but taller than Sovereign Court. Whilst it is acknowledged the building will be wider than the two neighbouring buildings, the front of the building will be stepped back in several places which will break up the appearance of its massing. In addition to this, the third storey will have two elements that are slightly lower in height with grey aluminium cladding which will give an element of subservience to the third storey. Runnymede Court has relatively symmetrical windows with a brown hanging tile feature against red bricks to the front. The proposed building will loosely respond to this detailing with 'hit and miss' brick detailing between and next to some of the front windows.
- 6.5.2 It is considered the proposal of a flat roof of a building this size is acceptable and if a pitched roof was proposed, this would increase the dominance of the building unless a floor was removed. It is considered a three storey flat roof building is acceptable in this location and would not appear out of character with the street scene. The proposed building would be directly in keeping with the adjacent Clayton Court flats which is a three storey, flat roof building.
- 6.5.3 It is considered that the layout of the building is appropriate to the size of the site. Whilst it is acknowledged the building has a larger footprint than the neighbouring buildings, this will not be completely visible from Grove Street, Queens Road or Sovereign Court as the two neighbouring buildings will reduce some of its visibility. The building sits back from Runnymede Court but slightly forward of Sovereign Court which is considered to be acceptable, given that there is a 7.7m

distance from the building to Grove Street. It is considered the building will not represent overdevelopment of the site as this will still mainly be occupied by a car park to the rear which breaks up the site between the new and existing building.

- 6.5.4 Whilst the building is relatively wide in the plot, it is still set off the boundaries with the neighbouring buildings. The cantilevered roof is considered to be an acceptable feature to the property and provides a visual break in the building itself which breaks up the massing of this part of the building.
- 6.5.5 Whilst it is acknowledged that some of the properties along Grove Street are of a Victorian style and the building reflects a contemporary style, it is still considered to be an acceptable design for its positioning. The buildings neighbouring the site do not have particular architectural interest and therefore a contemporary design which responds to the character of the development on this side of the road, is considered to be acceptable.
- 6.5.6 Although the proposed materials are stated on the plans (red facing brick and grey aluminium cladding), it is still considered necessary to request that samples are provided in advance of works commencing, given that this is a new building.
- 6.5.7 It is considered the proposed dropped kerb and bin/cycle store reflect an acceptable level of design.
- 6.5.8 To conclude, it is considered the design and layout of the building is acceptable and responds to the plot size and will not appear out of character with the area. Whilst it is acknowledged it does not strictly follow the traditional design of some of the houses on Grove Street, it is considered this is acceptable given that the neighbouring buildings (Runnymede Court, Sovereign Court and Clayton Court) do not hold any particular architectural interest and all enclose the site.

## **6.6 Parking**

- 6.6.1 It is evident within the consultation responses that there is concern that the development has insufficient parking provision including any parking provision which will lead to increased demand for on-street parking which would be detrimental to the area.
- 6.6.2 In relation to assessing the highway impacts of a proposal, paragraph 109 of the National Planning Policy Framework states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Whilst paragraph 105 refers to the setting of local parking standards rather than the determination of planning applications, it provides a list of factors which should be taken into account, including the availability of and opportunities for public transport and the type, mix and use of the development. Policy 10 of the Aligned Core Strategy states that development should be designed to reduce the dominance of motor vehicles.
- 6.6.3 15 car parking spaces are proposed for nine flats which is considered to be a sufficient amount of parking for this size of development, especially given its close proximity to Beeston town centre, bus and tram services and the train station. The Highways Authority have not objected to the application.



6.6.4 An application for a similar type of development (10, one-bedroom apartment block) on Queens Road (18/00516/FUL) was refused at Planning Committee in March 2019. Part of the reason for refusal was based on insufficient parking. An appeal was submitted and was dismissed. Following the appeal, an application was submitted for an apartment block consisting of nine, one bedroom apartments (19/00808/FUL) which was granted permission at Planning Committee in February 2020. This scheme proposed one car parking space and is in a similar location to this development (although this development is within walking distance of the train station). Although the Inspector dismissed the appeal for the refused application (18/00516/FUL), the following was summarised on the 19/00808/FUL application in relation to the appeal which included the Inspector's comments:

*'In respect of parking, the Inspector concluded on the appeal decision for 18/00516/FUL that the site is in an accessible location which would discourage the use of the private car ... The Inspector concluded that the development would not lead to a rise in nuisance or dangerous parking in the area and a sufficient amount of parking had been provided. The Inspector stated the following, "I conclude that the development would not significantly contribute to on street parking stress. It would therefore accord with the relevant sections of Policy 17 of the Broxtowe Part 2 Local Plan (2019), which requires that new development provides sufficient parking."*

6.6.5 Whilst it is acknowledged this scheme was for one-bedroom apartments (which means car ownership would likely be low) and this scheme is for two/three bedroomed apartments, it is considered the proposal of 15 car parking spaces and proximity to the train station outweighs this matter.

6.6.6 Whilst it is acknowledged there will be an increase in traffic on Grove Street as a result of this development, it is considered there is sufficient parking to ensure this will not be to the detriment of highway safety. Furthermore, it is considered the amount of traffic caused by nine additional apartments would not be refusable based on the possibility of more traffic accidents, especially given the level of parking provided.

6.6.7 The proposal of six car parking spaces accessed from Queens Road for the existing Clayton Court flats is considered to be acceptable as this amounts to one space per flat.

6.6.8 The introduction of parking permits or speed calming measures are a matter that is dealt with by Nottinghamshire County Council as Highways Authority.

6.6.9 This is a minor scheme and therefore no financial contributions would be sought in relation to resurfacing the road.

## 6.7 Financial Contributions

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

to the development; and fairly and reasonably related in scale and kind to the development.

- 6.7.2 Affordable housing and education and NHS contributions were requested as part of the originally submitted scheme (as detailed in the consultation section). However, as the scheme has been reduced to nine apartments which is classed as minor development, no financial contributions would be required/requested.

## **6.8 Other**

- 6.8.1 The Waste and Recycling manager has not raised any objections to the proposed bin store and has confirmed the bin capacity is sufficient for this sized development.
- 6.8.2 Whilst it is acknowledged there may be some increase in noise and disturbance from additional residents, it is considered this would not be to a detrimental level to warrant a refusal.
- 6.8.3 A degree of noise and disturbance is expected during the construction process; however, this will be managed with a time restrictive condition to ensure it is kept to specific times of the day. Anything that is considered to be excessive can be reported to the Council's Environmental Health department.
- 6.8.4 A landscaping condition will be included which will include a requirement for details of soft landscaping to be submitted.
- 6.8.5 It is considered the cycle store is sufficiently protected in order to reduce its visibility to the street scene and deter anti-social behaviour.

## **7 Planning Balance**

- 7.1 The benefits of the proposal are that it would provide nine 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 that significant amendments have been sought so the proposed development has an acceptable impact on the amenity of the surrounding neighbours, the design is acceptable and will not appear out of keeping with the surrounding area and an acceptable standard of amenity has been provided for future occupants. The information provided in relation to flooding and drainage has satisfied objections and is considered to be acceptable. It is considered there is an acceptable amount of parking provided for the proposed apartments and existing Clayton Court flats. Therefore, it is considered the proposal is acceptable for the reasons set out above.

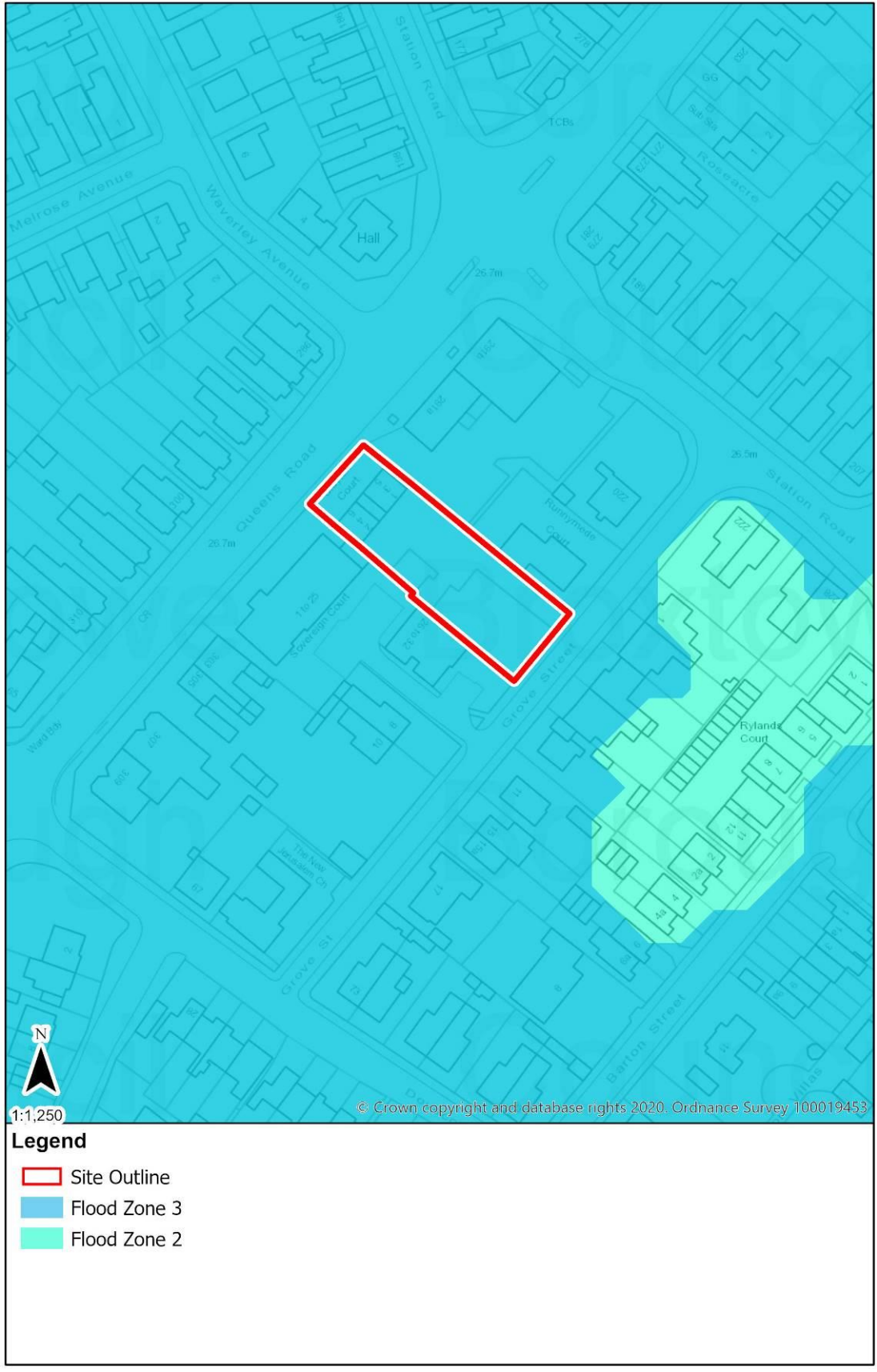
<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</p>	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with drawing numbers:</p> <p>Received by Local Planning Authority on 1 October 2019:</p> <ul style="list-style-type: none"> <li>• 001</li> </ul> <p>Received by Local Planning Authority on 15 June 2020:</p> <ul style="list-style-type: none"> <li>• 003 Rev G</li> <li>• 004 Rev G</li> <li>• 005 Rev D</li> </ul> <p>Received by Local Planning Authority on 25 June 2020:</p> <ul style="list-style-type: none"> <li>• 002 Rev H</li> <li>• 007 Rev F</li> </ul> <p>Received by Local Planning Authority on 30 June 2020:</p> <ul style="list-style-type: none"> <li>• 006 Rev J</li> <li>• 008 Rev J</li> <li>• 009 Rev B</li> </ul> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<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 Aligned Core Strategy (2014).</i></p>
4.	<p>No above ground works shall take place until a landscaping</p>

	<p>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"> <li>a. numbers, types, sizes and positions of proposed trees and shrubs</li> <li>b. details of boundary treatments;</li> <li>c. proposed hard surfacing treatment;</li> <li>d. planting, seeding/turfing of other soft landscape areas and</li> <li>e. a timetable for implementation of the scheme.</li> </ul> <p>The approved scheme shall be carried out strictly in accordance with the approved details and shall be carried out not later than the first planting season following the substantial completion of the development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased, shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: No such details were submitted with the application and to ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>5.</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 Rev A prepared by Swish Architecture dated June 2020. Flood resilient measures and resistance measures shall be used as detailed in Section 6 and the finished floor levels shall be set no lower than 28.15m AOD. These mitigation measures shall be maintained and retained for the lifetime of the development.</p> <p><i>Reason: To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>The apartments hereby approved, shall not be first occupied until:</p> <ul style="list-style-type: none"> <li>• all driveways and parking areas have been surfaced in a hard, bound material (not loose aggregate) and designed to prevent the unregulated discharge of surface water onto the public highway;</li> <li>• each car parking space has been clearly delineated as shown on drawing 008 Rev J;</li> <li>• visibility splays are provided in accordance with drawing 008 Rev J and retained for the lifetime of the development;</li> <li>• dropped vehicular footway crossings on Grove Street and</li> </ul>

	<p>Queens Road are constructed and available for use;</p> <ul style="list-style-type: none"> <li>• the existing dropped vehicular footway crossing on Grove Street is extended and made available for use and</li> <li>• the cycle store and bin store as shown on drawing 008 Rev J are constructed and available for use.</li> </ul> <p>The surfaced drives, parking areas, delineated spaces and dropped vehicular crossings shall then be maintained in such form for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety to mitigate the impact of the development on the highway network, to ensure the bin and cycle store are available for use 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>
7.	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	<p><b>NOTES TO APPLICANT</b></p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
2.	<p>The prospective building manager/occupants should register to receive flood warnings <a href="https://www.gov.uk/sign-up-for-flood-warnings">https://www.gov.uk/sign-up-for-flood-warnings</a></p>
3.	<p>Any discharge of surface water from the site should look at: 1) infiltration 2) watercourse 3) sewer, as the priority order for discharge location. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.</p>
4.	<p>It is an offence under Sections 148 and 151 of the Highways Act 1980 to deposit mud onto the public highway and appropriate measures should be in place to avoid this. You are advised to contact the Nottinghamshire County Council as Highways Authority on telephone number: 0300 500 80 80.</p>
5.	<p>The applicant is advised to contact the Council's Waste and Recycling Section (0115 917 7777) to discuss waste and refuse</p>

	collection requirements.
6.	The development makes it necessary to construct a dropped kerb crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <a href="http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities">http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities</a>
7.	No waste shall be burnt on site at any time.

**Map**



**Photographs**



Facing north west (existing Clayton Court flats)



Facing south from Co-op car park (rear elevation of Runnymede Court to left)



North east (side) elevation of Sovereign Court flats



South west (side) elevation of Runnymede Court flats



Facing south east (nos. 5 and 7 Grove Street)



Facing north east along Grove Street next to Runnymede Court flats



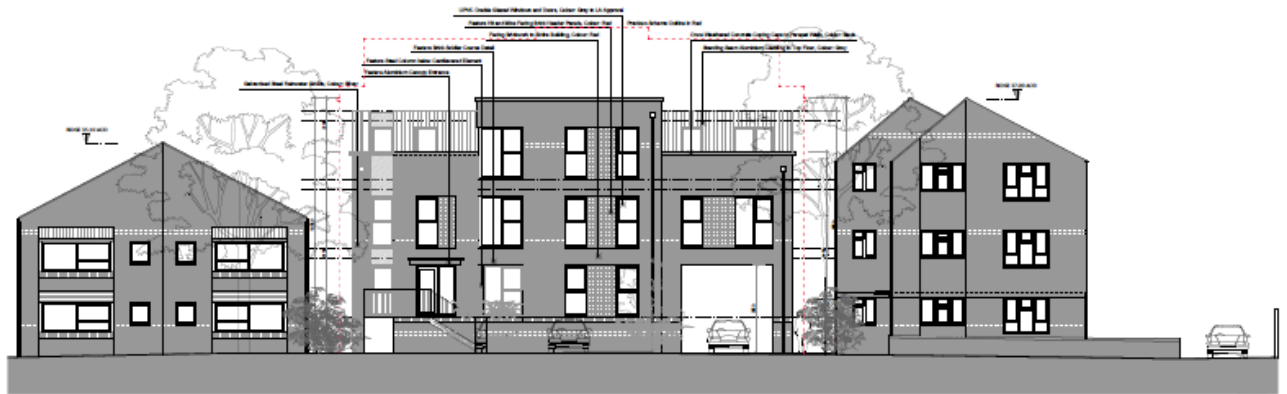


North west (front) of Clayton Court flats (wall to be removed)

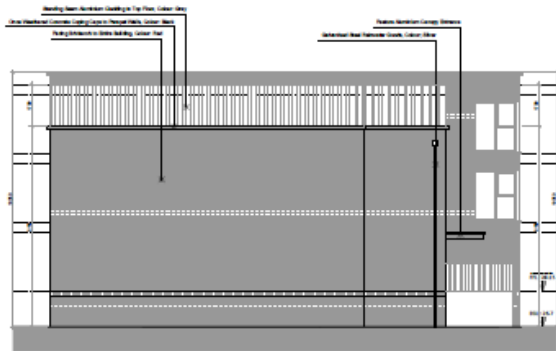


Facing north east of existing frontage (view of Co-op, Clayton Court flats to the right)

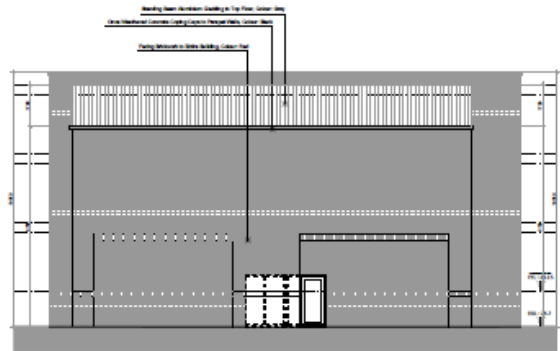
**Plans (not to scale)**



Proposed Front Street Scene Elevation - Grove Street



Proposed Side Elevation



Proposed Side Elevation

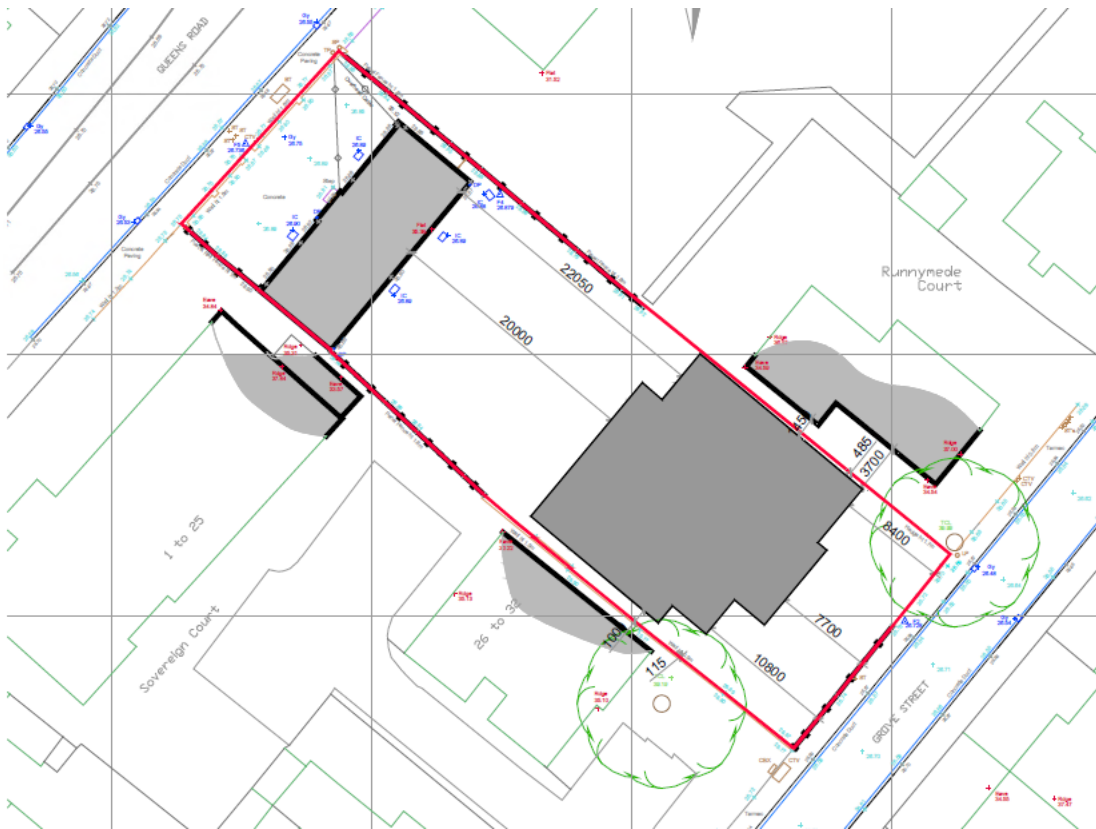


Proposed Rear Elevation

*Proposed elevations*



**Plans (not to scale)**



Block Plan

## Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>20/00334/MMA</b>
<b>LOCATION:</b>	<b>51A MILL ROAD NEWTHORPE NOTTINGHAMSHIRE</b>
<b>PROPOSAL:</b>	<b>MINOR MATERIAL AMENDMENT TO REFERENCE 17/00285/FUL TO MAKE MINOR CHANGES TO ELEVATION DETAILS</b>

Councillor J Parker has requested this application be determined by Committee.

## 1 Executive Summary

1.1 This application seeks minor material amendments to elevation details relating to planning permission reference number 17/00285/FUL, which was allowed at appeal by the Planning Inspectorate to construct a detached single storey dwelling on land to the rear of numbers 51A and 51B Mill Road.

1.2 The proposed changes are detailed as follows:

### **Side elevation (adjacent boundary with number 53 Mill Road)**

- Removal of patio doors to bedrooms 1 and 2;
- New small window to bedroom 2;
- Small en-suite window remains;
- 2 roof lights positioned at a high level (above 2.4m).

### **Front elevation (facing the rear of number 51A Mill Road)**

- New window to bedroom 1;
- Removal of entrance porch
- 1 small roof light positioned at a high level (above 2.4m).

### **Rear elevation (facing side of 11 Kirby Close)**

- Utility door and small window;
- Smaller window to bedroom 3;
- 2 roof light positioned at a high level (above 2.4m).

### **Side elevation (facing into garden serving dwelling)**

- Removal of large bi – folding doors serving lounge/kitchen area and smaller bi – folding doors serving a bedroom replaced with a window and a single door and patio doors serving the lounge/kitchen area.
- The overall roof height remains the same with 2.4m high eaves and an overall height to ridge of 4.5m.

1.3 The principle of the development on this site has been established through the granting of planning permission by the Planning Inspectorate 17/00285/FUL. The main considerations in the determination of this Minor Material Amendment application (MMA) are the impact of the changes on the design of the proposed dwelling and the amenity of the immediate neighbouring properties. Given the minor nature of the changes proposed to the approved elevation details, the

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

## Appendix 1

1 Details of the Application

- 1.1 This application seeks minor material amendments to elevation details relating to planning permission reference number 17/00285/FUL, which was allowed at appeal by the Planning Inspectorate to construct a detached single storey dwelling on land to the rear of numbers 51A and 51B Mill Road.
- 1.2 The approved dwelling is a L – shaped single storey three - bedroom property with a hipped roof. The dwelling is to be positioned to the rear of the site adjacent the boundary with number 11 Kirkby Close, wrapping around the boundary with number 53 Mill Road.

2 Site and surroundings

- 2.1 The site has an area of approximately 540 square metres. It forms part of the rear garden of numbers 51a and 51b Mill Road. 51a is a detached bungalow, with an existing extension to the rear of the property and 51b is a detached two storey dwelling. The site itself slopes upwards toward the south-west and is at a higher land level than the bungalows at 51a and 53 Mill Road.
- 2.2 Vehicle access to the site is taken from the existing drive off Mill Road and goes between the two dwellings to the site at the rear.
- 2.3 Mill Road is a residential area, which largely consists of detached and semi-detached, two and single storey dwellings. There are a mix of garden depths and sizes with number 51 having a significantly smaller garden than its neighbour at 51b and number 53 having a similar sized garden to number 51a and 51b.

3 Relevant Planning History

- 3.1 A planning application to construct a dwelling' (ref: 16/00037/FUL) was refused at Planning Committee on 20 April 2016
- 3.2 A revised application (ref: 16/00464/FUL) was also refused contrary to recommendation at Planning Committee on 13 October 2016. An appeal against the application was dismissed on 6 March 2017.
- 3.3 A further application (ref: 17/00649/FUL) was refused permission at Planning Committee on 6 December 2017. An appeal against this application was dismissed on 20 July 2018.
- 3.4 The development subject to this MMA, planning permission 17/00285/FUL was refused on 21<sup>st</sup> June 2017 by Planning Committee. The applicant appealed this decision and the proposal was allowed by the Planning Inspectorate on 20 July 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 8: Housing Mix and Choice
- Policy 10: Design and Enhancing Local Identity

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

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

- 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 12 – Achieving well-designed places.

**5 Consultations**

5.1 6 neighbouring properties were consulted by the applicant along with the posting of two site notices (Mill Road and Kirby Close), with 3 letters having been received objecting on the grounds of:

- Loss of privacy;
- Overlooking;
- Proposed changes being beyond the scope of a Minor Material Amendment;
- Consider any changes to the approved plans should be passed back to the Planning Inspectorate.

**6 Assessment**

6.1 The main issues for consideration are the principle of development, design and the impact upon residential amenity. These will be discussed in turn as follows:

**6.2 Principle**

6.2.1 The principle of residential development on the land has been established through the granting of planning permission by the Planning Inspectorate under reference number 17/00285/FUL. The changes relate purely to elevation details along with a minor alteration to the roof through the removal of the front porch. The overall size, positioning, access, parking etc remains as per previously approved.

**6.3 Design**

6.3.1 No alterations are proposed to the siting or overall height of the dwelling as previously approved. Although the proposed porch is to be removed from the front elevation the design is still considered acceptable given the isolated location to



the rear of numbers 51A and 51B Mill Road. Furthermore, the proposed changes to the elevation details on all sides of the property in terms of fenestration detailing are considered acceptable. It is not considered the proposed changes will give rise to any significant detrimental impact upon the character of the street scene or visual amenity of the area.

#### 6.4 Amenity

- 6.4.1 Number 53 Mill Road is a bungalow with a very large curtilage, incorporating a substantial wide rear garden. The rear garden is set approximately 1m lower than the application site, which has a retaining stone wall and a 2m high close boarded timber boundary fence above. No. 53 has a garage positioned alongside the boundary with the application site, which projects some 6m beyond the rear elevation of this neighbouring property. The proposed changes to the side elevation facing the garden serving number 53 relate to the removal of patio doors serving bedrooms 1 and 2 and the provision of a small window serving bedroom 2. A small ensuite window remains. Two roof lights are proposed, however these are positioned 2.4m above ground floor level and will not give rise to any direct overlooking issues. Although a bedroom window is proposed serving bedroom 1 adjacent the boundary with number 53, albeit facing the rear of number 51A Mill Road, given the siting of the garage within the garden of number 53 and the existing boundary treatment, it is not considered the proposed changes will give any significant increase in potential overlooking or overbearing issues.
- 6.4.2 Changes proposed to the rear elevation facing number 11 Kirkby Close relate to the removal of a small bedroom window and the provision of a utility door and window. A small window is proposed serving bedroom 3. Two roof lights are proposed, however these are positioned 2.4m above ground floor level and will not give rise to any direct overlooking issues. To the side elevation facing into the garden serving the dwelling the changes proposed include the removal of bi-folding doors to the lounge/kitchen area and patio doors to bedroom 1. The bi-folding doors will be replaced with patio doors and a window to bedroom 1. Due to the siting of the utility door, window and bedroom window opening onto the side boundary with number 11, with the application site being at a slightly lower level and the patio doors and bedroom window facing into the garden of the proposed dwelling with the properties on Walker Street being a adequate facing distance away, it is not considered the changes give rise to any significant detrimental impact upon the residential amenity of the occupants of any of these properties in terms of overlooking or overbearing issues.
- 6.4.3 Proposed changes to the front of the dwelling facing the rear of number 51A Mill Road involve the removal of an entrance porch and the provision of a small window to bedroom 1. Along the boundary with the application site and number 51A there is an existing 2m high close boarded timber fence. It is not considered the changes give rise to any significant detrimental impact upon the residential amenity of number 51A Mill Road in terms of overlooking or overbearing issues.
- 6.4.4 In terms of alterations to the roof of the dwelling this involves the removal of the porch to the front and the provision of roof lights. The eaves height of the dwelling

remain as previously approved at 2.4m, with an overall height to the ridge of 4.5m.

- 6.4.5 The impact upon all other neighbouring properties is considered acceptable given the siting of the dwelling within the plot.

**7 Other Issues**

- 7.1 As part of the planning permission granted by the Planning Inspector under reference number 17/00285/FUL, various conditions were recommended. Following the granting of planning permission, the applicant has submitted an application to discharge condition 3 (materials), 4 (landscaping), 7 (driveway, parking and turning surfaces) and 9 (finished ground floor levels). These conditions have been partially satisfied and the applicant will need to comply with the agreed details. All other conditions as imposed by the Planning Inspector are recommended in relation to this application.

**8 Conclusion**

- 8.1 The proposal seeks an amendment to the previously approved scheme. The principle of development remains acceptable and the impact on residential amenity and visual amenity remain acceptable as before. The changes sought relate to minor detail changes to the previously approved elevation details as per the planning permission granted by the Planning Inspectorate under reference number 17/00285/FUL
- 8.2 Therefore, the proposal is considered to be in accordance with the relevant local and national policy guidance and there are no material considerations which would outweigh this.

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b>	
<b>1.</b>	<b>The development hereby permitted shall be commenced before the expiration of three years beginning from the date of the original permission.</b>  <b><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></b>
<b>2.</b>	<b>The development hereby permitted shall be carried out in accordance with the following plans Site Location Plan 1: 1250, Proposed Site Plan, 2015/31/SP Rev E and Proposed Plan and Elevations, 2015/31/P3 Rev B received by the Local Planning Authority on 25 May 2020.</b>  <b><i>Reason: For the avoidance of doubt.</i></b>
<b>3.</b>	<b>The development shall be carried out in accordance with the</b>

	<p>following details: Weberpral M One Coat through-coloured monocouche render in Silver Pearl and Marley Modern smooth grey roof tiles approved 20 May 2019, unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i></p>
4.	<p>The approved landscaping as shown on plan 2015/31/SP/ Rev D approved on 07 May 2019 shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i></p>
4.	<p>The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 2015/31/SP Rev E (received 25.05.2020) for cars to be parked and that space shall thereafter be available for the parking of vehicles at all times.</p> <p><i>Reason: In the interests of highway safety.</i></p>
5.	<p>The driveway, parking and turning areas shall be surfaced using Marshall Drivesetts in accordance with the submitted details approved on the 20 May 2019, unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety.</i></p>
6.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or enlargements to the dwellinghouse hereby permitted shall be erected.</p> <p><i>Reason: In the interests of residential amenity and the appearance of the area and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i></p>
7.	<p>The finished floor levels of the hereby approved dwelling shall be set out in accordance with drawing number 4405ia approved 20 May 2019, unless otherwise agreed in writing by the Local Planning Authority</p> <p><i>Reason: In the interests of residential amenity and the appearance of the area and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i></p>

	<b>NOTES TO APPLICANT</b>
1.	<b>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.</b>



**Photographs**

View of access from Mill Road and within site



Boundary with 51A and 53 Mill Road



Boundary with 53 Mill Road



Side elevation and rear of 11 Kirby Close



Proposed garden area.





2017/00285/FUL – Approved Elevations, Floor Plans and Site Plan

This drawing is copyright. Do not scale from prints. Contractors are to check all dimensions on site before ordering materials.

GROUND FLOOR PLAN

FRONT ELEVATION

REAR ELEVATION

SIDE ELEVATION

SIDE ELEVATION

Bromtave Borough Council  
Planning & Community Development  
24 APR 2017

**Deeside Architectural Design Limited**  
CHARTERED ARCHITECTS, TECHNICIANS, SURVEYORS  
Sally & Andy Spurr, 10 The Elms, Haslemere, Fife, DD8 3JQ  
Tel: 01754 954848  
Email: deesidearchitectural@gmail.com

NO	REVISION	AMENDMENT	DATE
1		PROPOSED PLAN & ELEVATIONS	2016/01/05

DATE	APPROVED BY	SCALE
16/04/17	M. Mark Copple	1:100

51a

51b

51

1575

Timber Fence 1.80m High

2m Car Parking Spaces

TRAIL TO BE RETAINED

Summerhouse

Bromtave Borough Council  
Planning & Community Development  
24 APR 2017

**Deeside Architectural Design Limited**  
CHARTERED ARCHITECTS, TECHNICIANS, SURVEYORS  
Sally & Andy Spurr, 10 The Elms, Haslemere, Fife, DD8 3JQ  
Tel: 01754 954848  
Email: deesidearchitectural@gmail.com

NO	REVISION	AMENDMENT	DATE
1		PROPOSED SITE PLAN	2016/01/05

DATE	APPROVED BY	SCALE
16/04/17	M. Mark Copple	1:200



## Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>19/00728/FUL</b>
<b>LOCATION:</b>	<b>235 DERBY ROAD, BEESTON, NOTTINGHAMSHIRE, NG9 3AZ</b>
<b>PROPOSAL:</b>	<b>RETAIN FRONT EXTENSION, WINDOWS AND DOORS IN REAR EXTENSION, JULIET BALCONY, REAR EXTENSION ROOF AND CONSERVATORY</b>

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

1 Executive Summary

- 1.1 This application seeks permission to retain a front extension, windows and doors in the rear extension, a Juliet balcony, rear extension roof and conservatory. The front extension is 2.2m to the eaves and 3.3m to the ridge. It projects 4.1m from the main house, is 11.2m from Derby Road and is built up to the boundary with no. 233. The front extension has two blank side elevations and a bay window in the north (front) elevation. The extension serves a bedroom.
- 1.2 A first floor window with six lights and patio doors are in the south (rear) elevation of the first floor rear extension. A first floor obscurely glazed, non-opening window is in the east (side) elevation. A roof light is in each side roof slope of the first floor rear extension. A Juliet balcony with double doors and obscure glazing are in the west (side) elevation of the first floor rear extension. The rear extension roof does not adjoin the main house and has a height to ridge of 8.9m (previously approved as 7.9m under 15/00255/FUL).
- 1.3 This application is the result of an application (15/00255/FUL) that was approved in May 2015 to construct a first floor rear extension and single storey side/rear extension which was not built in accordance with the plans. An enforcement case (19/00054/ENF) was raised against the unauthorised elements and presented at October's Planning Committee. This was due to a failure to submit a retrospective planning application for the front extension and a non-material amendment for the alterations to the rear elevation. The report detailed the following:

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

*As the front extension is single storey, set back from the main road by approximately 10m and has been rendered white with a black fascia to match that*

*of the original dwelling, it is considered to be acceptable in respect of design and would not have an unacceptable impact on neighbours.*

*The alterations to the rear elevation which include a roof design alteration, a smaller window, French doors, roof windows set further back and the alterations to the mock-Tudor cladding are deemed to have no undue impact on the privacy and amenity of the immediate neighbouring residents and are considered acceptable in respect of design as they are in keeping with the style of the original dwelling.*

- 1.4 The rear conservatory was not built in accordance with the 15/00255/FUL plans. It was concluded through the 16/00121/ENF case that action would only be taken against the finish of the east (side) wall. However, the plans submitted with this application include the amendments. The conservatory has an overall height of 4.1m (including the roof lantern). There are windows and a door in the south (rear) elevation, window in the east (side) elevation and it has a blank west (side) elevation.
- 1.5 This application seeks to regularise all of the alterations that have been carried out on the property that were not in accordance with the 15/00255/FUL permission.
- 1.6 The main issues relate to whether the principle of the extensions and alterations are acceptable, if there is an acceptable level of design and the impact on neighbour amenity.
- 1.7 The benefits of the proposal would mean the extensions and alterations are regularised under one planning application and would be in accordance with policies contained within the development plan which is given significant weight. There is some impact on neighbour amenity but this matter is considered to be outweighed by the benefits of the scheme.
- 1.8 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 retain a front extension, windows and doors in the rear extension, a Juliet balcony, rear extension roof and conservatory. The front extension is 2.2m to the eaves and 3.3m to the ridge. It projects 4.1m from the main house, is 11.2m from Derby Road and is built up to the boundary with no. 233. The front extension has two blank side elevations and a bay window in the north (front) elevation. The extension serves a bedroom.
- 1.2 A first floor window with six lights and patio doors are in the south (rear) elevation of the rear extension. A first floor obscurely glazed, non-opening window is in the east (side) elevation. A roof light is in each side roof slope of the first floor rear extension. A Juliet balcony with double doors and obscure glazing are in the west (side) elevation of the first floor rear extension. The first floor rear extension roof does not adjoin the main house.
- 1.3 The rear conservatory was not built in accordance with the 15/00255/FUL plans. It was concluded through the 16/00121/ENF case that action would only be taken against the finish of the east (side) wall. However, the plans submitted with this application include the amendments. The conservatory has an overall height of 4.1m (including the roof lantern). There are windows and a door in the south (rear) elevation, window in the east (side) elevation and it has a blank west (side) elevation.

**15/00255/FUL plans approved:**



Rear elevation

**19/00728/FUL as built:**



West (side) elevation



East (side) elevation



South (rear) elevation elevation



West (side) elevation



East (side)

## 2 Site and surroundings

- 2.1 The application site comprises a detached, residential property that until recently operated partly as a cattery. During the course of the application, the cattery ceased operations from the property and the cattery buildings were removed from the rear garden.
- 2.2 The rear, east/west boundaries with nos. 233 and 237 have a 2m high curved top fence. The rear boundary is a 2.5m high white brick wall. The front, east boundary with no. 233 consists of a 1m high white rendered wall and front extension belonging to the application property. The front, west boundary is a 2m high curved top trellis fence. The boundary with Derby Road is a 1.2m high brick wall with brick piers.
- 2.3 The site lies within a residential area. The land slopes down gradually from Derby Road to the house. There is a raised patio serving access to the rear of the conservatory into the garden. The garden is relatively flat.
- 2.4 Nos. 233 and 237 are both detached houses positioned to the east and west of the house respectively. Nos. 16 and 18 Keswick Close are detached houses positioned to the south and south west of the property respectively.

## 3 Relevant Planning History

- 3.1 An application for a dormer window and rear conservatory (02/00628/FUL) was granted permission in October 2002.
- 3.2 An application for a single storey and two storey side extensions (08/00315/FUL) was granted permission in May 2008.
- 3.3 An application for a cattery (09/00590/FUL) was granted permission in November 2009.
- 3.4 An application to extend the existing cattery from 12 to 17 pens and raise the height of the rear boundary to 2.5m (12/00484/FUL) was granted permission in October 2012.
- 3.5 An application to construct a first floor extension and single storey side/rear extension (15/00255/FUL) was granted permission in May 2015.

## 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 10: Design and Enhancing Local Identity

### 4.2 **Part 2 Local Plan**

4.2.1 The Council adopted the Part 2 Local Plan on 16 October 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 4 neighbouring properties were consulted, 3 responses were received, 1 raising no objection and 2 raising objections (one containing photos of the front and rear extension) which can be summarised as follows:

- Front extension encloses front of property and gutter overhangs
- Balcony overlooks and is not in keeping with surrounding area
- Noise and disturbance created from building works
- The balcony doors still have clear glazing
- The rear roof tiles of the extension do not match the main house
- The rear extension windows were not fitted in accordance with the original plans and the Council had to enforce that the east (side) window was changed to obscure glazing
- Ridge height of rear extension appears to be higher than the previous planning permission which compromises ability to enjoy part of patio
- Plans submitted appear unprofessional and do not show neighbouring property
- Rear extension has an open gutter meaning water pours onto neighbouring property
- During construction, neighbouring garden was trampled and had to clean up brick, rubble, cement and insulation debris
- Cost of painting wall due to it looking unsightly
- Unblocking of drains from rubble, especially when cattery was removed
- Concerns over quality and building safety
- Front extension compromises the parking spaces requirement from the cattery permission.

6 Assessment

6.1 The main issues relate to whether the principle of the extensions and alterations are acceptable, if there is an acceptable level of design and the impact on neighbour amenity.

6.2 **Principle**

6.2.1 Derby Road is a main road formed of houses varying in size and character, consisting of bungalows, terrace, semi-detached and detached houses. A number of properties have had permission for extensions within close proximity to the application property (nos. 232, 237, 229 Derby Road and 16 Keswick Close).

6.2.2 Whilst it is acknowledged the property has undergone a significant amount of changes in regards to constructing a cattery and the extensions and alterations to the main house which have not been built in accordance with the 15/00255/FUL permission, this application seeks to regularise these changes.

6.2.3 The cattery has been removed and the application solely relates to the extensions and alterations to the main house. It is considered the extensions and alterations to the main property are acceptable and not dissimilar to the size and scale of other extensions that have been approved in the borough. The matters of design and neighbour amenity will be addressed below.

### 6.3 Amenity

6.3.1 The properties that are mostly impacted by the extensions and alterations are nos. 233 and 237.

6.3.2 During the course of the application, the balcony was removed and changed to a Juliet balcony (see photos at end of report). A window was previously approved under the 15/00255/FUL application. The double doors serving the Juliet balcony open inwards and both have obscure glazing. The neighbour that is mostly impacted by this is no. 237 but due to the amendments stated above, it is considered the level of overlooking has been reduced to an acceptable level. As the Juliet balcony is positioned in the west (side) elevation of the rear extension, it is not visible to no. 233 and therefore has no impact on their amenity.

6.3.3 The front extension is built up to the boundary with no. 233. Whilst it is accepted this projects 4.1m beyond the front of the application property, the projection beyond no. 233's front elevation is approximately 2.7m with a separation distance of approximately 2m between both properties. The east (side) elevation is blank. As the extension is single storey, positioned to the front of the property and has a blank east (side) elevation, it is considered there is not a detrimental impact on the amenity of the occupants of no. 233. Due to the separation distance, it is considered the extension has minimal impact on the amenity of the occupants of no. 237.

6.3.4 The first floor rear extension roof does not adjoin the main house and has a height to ridge of 8.9m. Whilst it is acknowledged this is 1m higher than the 15/00255/FUL permission, the extension is relatively centralised within the plot and is a minimum separation distance of 3.5m from all neighbouring boundaries. Nos. 233 and 237 both have sizeable south facing rear gardens which still receive an adequate amount of light that the extension does not cause a significant impact on the amenity of these neighbouring properties. In relation to the first floor east (side) facing window in the extension, this has been obscurely glazed and is non-opening and therefore it is considered there is not any loss of privacy to no. 233. As the window is in the east elevation, it will not be visible to no. 237 and therefore has no impact on their amenity.

6.3.5 To ensure the first floor east (side) facing window and Juliet balcony doors remain obscurely glazed, these will be conditioned. A condition will also be included to

ensure the first floor area that previously served as a balcony is not permitted to be used as such.

- 6.3.6 In the committee report for the 19/00054/ENF case, the following was concluded in respect of the smaller changes to the extensions:

*“The alterations to the rear elevation which include a roof design alteration, a smaller window, French doors, roof windows set further back and the alterations to the mock-Tudor cladding are deemed to have no undue impact on the privacy and amenity of the immediate neighbouring residents and are considered acceptable in respect of design as they are in keeping with the style of the original dwelling.”*

These changes have been incorporated into this scheme and it is still considered that they are acceptable in relation to impact on neighbour amenity.

- 6.3.7 The conservatory is considered to be an acceptable height and footprint that it does not appear overbearing to the neighbour, no. 237. The height (4.1m) is not dissimilar to what could be constructed under permitted development. The design of the windows has been amended in this application but it is considered this has minimal impact on any adjoining neighbour. Due to the separation distance with no. 233, it is considered it has minimal impact on their amenity.
- 6.3.8 It is considered the retention of the extensions and alterations are acceptable and do not have a detrimental impact on the amenity of the occupants of nos. 233 and 237 Derby Road and nos. 16 and 18 Keswick Close.
- 6.3.9 To conclude, whilst it is acknowledged the extensions and alterations were not built in accordance with the 15/00255/FUL permission and a number of concerns have arisen in regards to previous enforcement cases, it is considered the extensions and alterations proposed for retention are acceptable in regards to neighbour impact and are not dissimilar to other extensions that have been approved in the borough.

## 6.4 Design

- 6.4.1 The design of the extensions and alterations are considered to be appropriate and in keeping with the main house in terms of style and proportions.
- 6.4.2 The single storey front extension is considered to reflect an acceptable level of design. The render matches the main house in relation to colour and texture and the red brick plinth adds detailing to break up the visual appearance of the extension but also matches the red brick plinth of the house. The rosemary tiles are considered to be acceptable. The front of the property has a large amount of detailing with different pitched roofs and mock Tudor boarding. It is considered the single storey front extension is an acceptable feature and integrates with the design appropriately.
- 6.4.3 It is considered the Juliet balcony is of an acceptable design and an appropriate size and positioning within the rear extension. Furthermore, this is a common feature seen in similar domestic extensions. The extension roof does not fully

adjoin the main roof which is considered to be an acceptable feature as this is largely obscured from view due to its positioning within the roof. Although the tiles on the rear extension may not strictly match the main house, it is still considered they are acceptable and are largely obscured from the public realm.

6.4.4 It is considered the smaller alterations to the property, as mentioned in paragraph 6.3.6, are all acceptable alterations and are in keeping with the main property.

6.4.5 It is considered the rear conservatory is an acceptable height, scale and design and is in keeping with the main house.

6.4.6 To conclude, whilst it is acknowledged the extensions and alterations were not built in accordance with the 15/00255/FUL permission and a number of concerns have arisen in regards to previous enforcement cases, it is still considered the extensions and alterations proposed for retention are acceptable in regards to design and are not dissimilar to other extensions that have been approved in the borough.

## 6.5 Other issues

6.5.1 A number of concerns were raised in the representations received which will be addressed below.

6.5.2 Any noise and disturbance that is considered to be excessive should be reported to the Council's Environmental Health department.

6.5.3 Concerns raised in regards to costs towards painting a wall, unblocking drains, damage to a property, debris in neighbouring properties and open/overhanging guttering are not material planning considerations that can be considered with this application. These concerns should be raised directly with the applicant.

6.5.4 Concerns over the quality and safety of the extensions should be raised with Building Control.

6.5.5 The drawings are considered to be acceptable and there is no requirement for these to be drawn professionally. There is no requirement to show the neighbouring property on the plans.

6.5.6 Condition 5 of 09/00590/FUL stated the following: "The car parking area identified on drawing no. TO/LG/07/120/12 REV A shall hereafter be kept available for use for the parking of vehicles in connection with the approved development and the existing residential use of the site." Concerns have been raised that the front extension compromises the parking layout in connection with this condition. However, the cattery has ceased trading and therefore it is unlikely enforcement action would be taken against this. Furthermore, the referenced plan shows four spaces on the frontage and even with the front extension, it is likely that four spaces can still be accommodated.

## 7 Planning Balance



7.1 The benefits of the proposal would mean the extensions and alterations are regularised under one planning application and would be in accordance with policies contained within the development plan which is given significant weight. Whilst it is acknowledged there is some impact on the amenity of neighbours, this is outweighed by the benefits of the scheme stated above.

8 Conclusion

8.1 To conclude, it is considered the extensions and alterations reflect an acceptable level of design that are in keeping with the main house. It is considered the extensions and alterations do not have an unacceptable impact on neighbour amenity and sufficient parking is still available to the front of the property.

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b>	
<b>1.</b>	<p><b>The development hereby permitted shall be retained in accordance with drawings:</b></p> <p><b>Received by the Local Planning Authority on 3 December 2019:</b></p> <ul style="list-style-type: none"> <li>• <b>Site Location Plan (1:1250)</b></li> </ul> <p><b>Received by the Local Planning Authority on 27 May 2020:</b></p> <ul style="list-style-type: none"> <li>• <b>Proposed Ground Floor Plans</b></li> <li>• <b>Proposed First Floor Plans</b></li> <li>• <b>Proposed Side (West) Elevation</b></li> <li>• <b>Proposed Front (North) Elevation</b></li> <li>• <b>Proposed Block Plan</b></li> </ul> <p><b>Received by the Local Planning Authority on 8 July 2020:</b></p> <ul style="list-style-type: none"> <li>• <b>Proposed Side (East) Elevation</b></li> <li>• <b>Proposed Rear (South) Elevation</b></li> </ul> <p><b><i>Reason: For the avoidance of doubt.</i></b></p>
<b>2.</b>	<p><b>The first floor window in the east (side) elevation of the first floor rear extension shall be retained with glazing of Pilkington Level 4 or 5 (or equivalent) and remain fixed shut and retained in this form for the lifetime of the development.</b></p> <p><b><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) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></b></p>

<p>3.</p>	<p>The Juliet balcony doors in the west (side) elevation of the first floor rear extension shall be retained with glazing of Pilkington Level 4 or 5 (or equivalent) 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) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>4.</p>	<p>No part of the flat roof beyond the Juliet balcony shown on the block plan shall be used as a balcony, sun terrace or similar amenity space.</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) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p><b>NOTES TO APPLICANT</b></p>	
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>

**Map**



Photographs



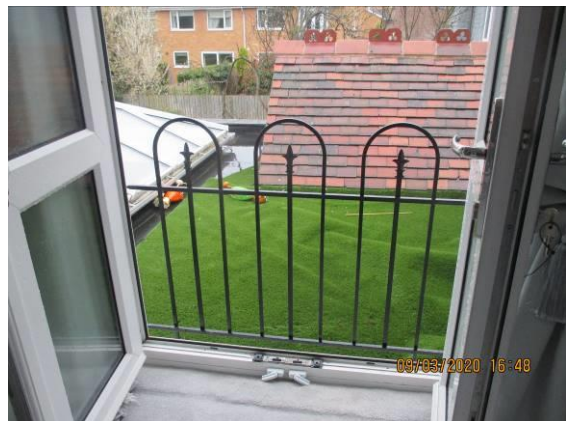
North (front) elevation



No. 233 to the left and front extension of no. 235



South (rear) elevation (cattery since removed)



Juliet balcony in west (side) elevation (with obscure glazing)



South (rear) elevation of main house and no. 233 to the right



First floor east (side) window in rear extension

Photos



South (rear) elevation showing cattery removed



Plans (not to scale)

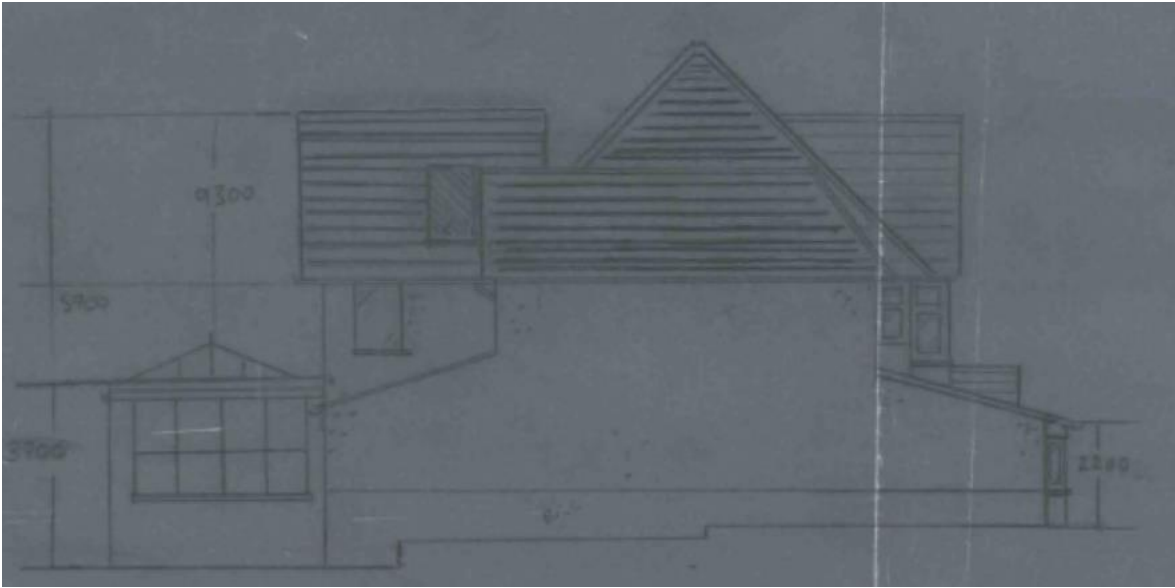


South (rear) elevation



West (side) elevation

Plans (not to scale)



East (side) elevation



**Report of the Chief Executive**

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

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

1 Executive Summary

1.1 The application was first brought before Planning Committee on 24 June 2020 (original report attached to Appendix 1). The Committee moved to defer the application to allow for a site visit and further consideration regarding windows at the neighbouring property (Gin Farm).

1.2 Prior to the previous Committee meeting, one letter of objection had 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.

1.3 Since the previous Committee meeting a further site visit has been made and photographs taken of the adjacent outbuilding, in particular the relationship with the windows closest to the gates when open. It must be noted that these windows do not serve a habitable room serving a residential dwelling but an outbuilding, with the three windows closest to the gate being obscurely glazed and serving a stable. In light of this it is not considered the proposal will give significant rise to any overbearing issues upon the immediate neighbouring property.

1.4 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 the conditions contained within the original report.

<b><u>Recommendation</u></b>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following condition.	
1.	The hereby permitted fence and gates shall be retained in accordance with 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.  Reason: For the avoidance of doubt.
	<b>NOTES TO APPLICANT</b>
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



**Plans (not to scale)**

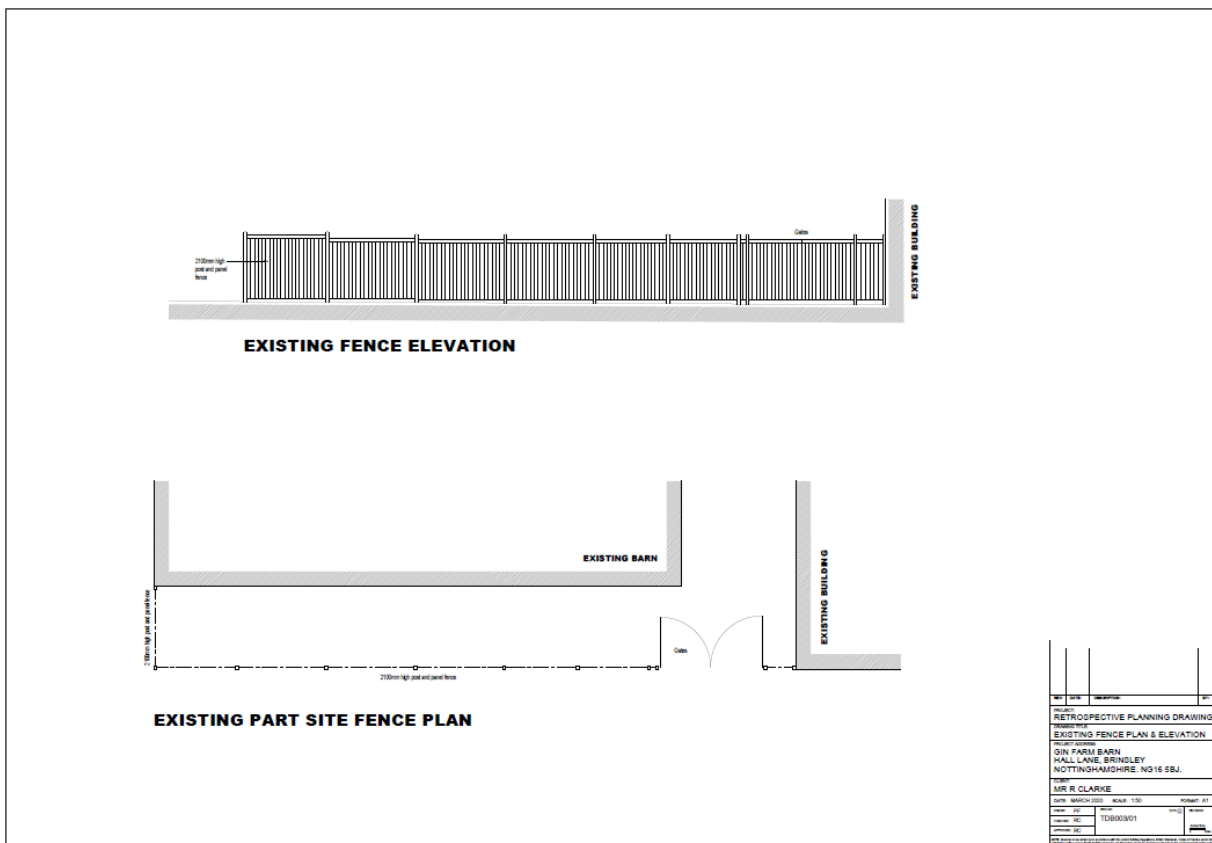
**Site Plan/Location of Fence**



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

**Fence Details**



NO.	REV.	DESCRIPTION	BY
RETROSPECTIVE PLANNING DRAWING			
PROJECT NO.			
EXISTING FENCE PLAN & ELEVATION			
PROJECT NAME			
GIN FARM BARN			
HULL LANE, BRINGLEY			
NOTTINGHAMSHIRE, NG16 5BU			
DRAWN BY			
MR R CLARKE			
DATE	20/07/2020	SCALE	1:50
DRAWN BY	RC	CHECKED BY	
DATE	20/07/2020	DATE	
DRAWING NO. TD0003/01			
PROJECT NO. TD0003/01			

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**Report of the Chief Executive**

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

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.

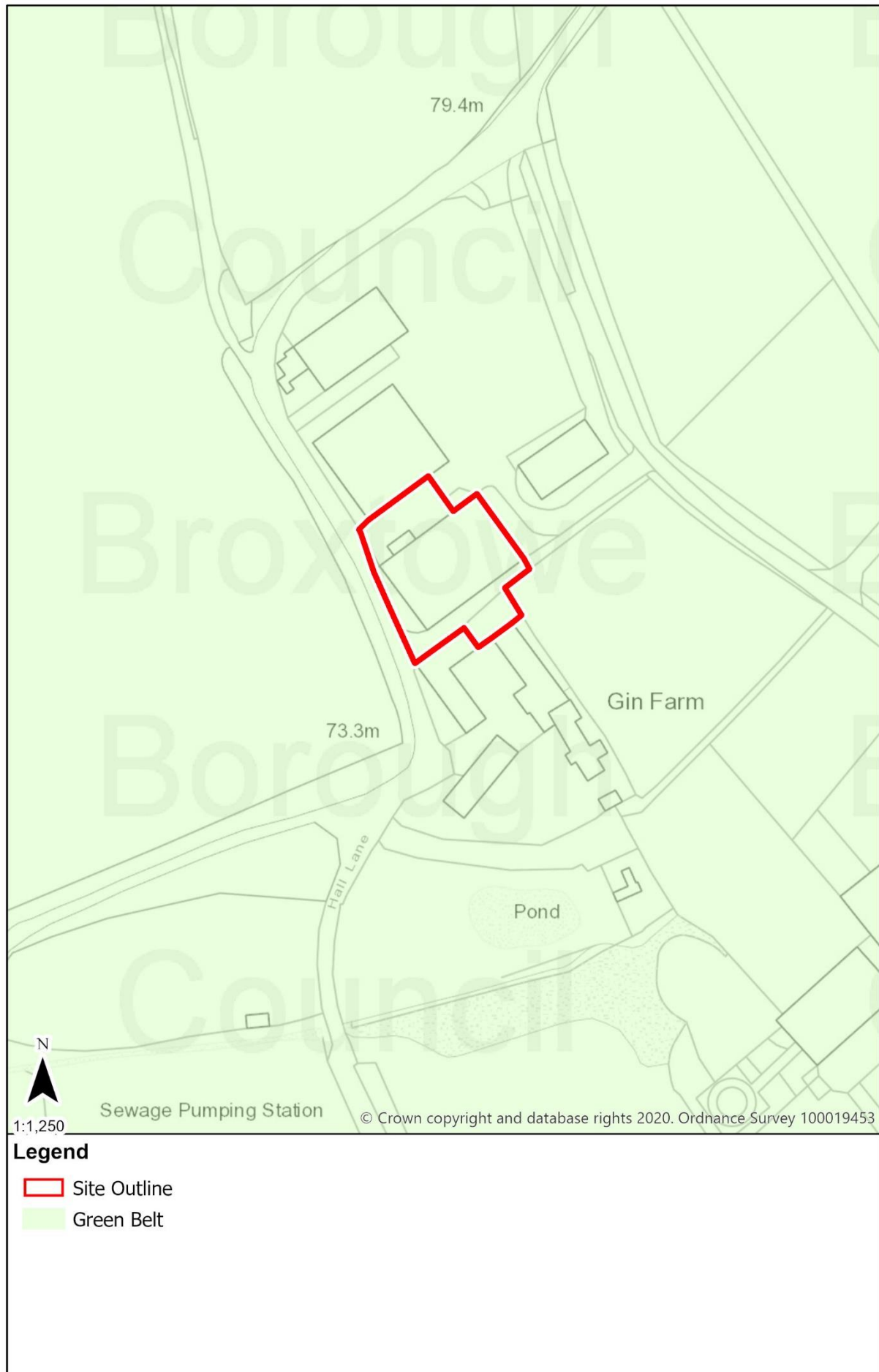
8.1.2 The negative impacts are that the proposal is inappropriate development in the Green Belt. However, on balance it is considered that the very special circumstances demonstrated outweigh the harm to Green Belt.

**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.

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

	<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>

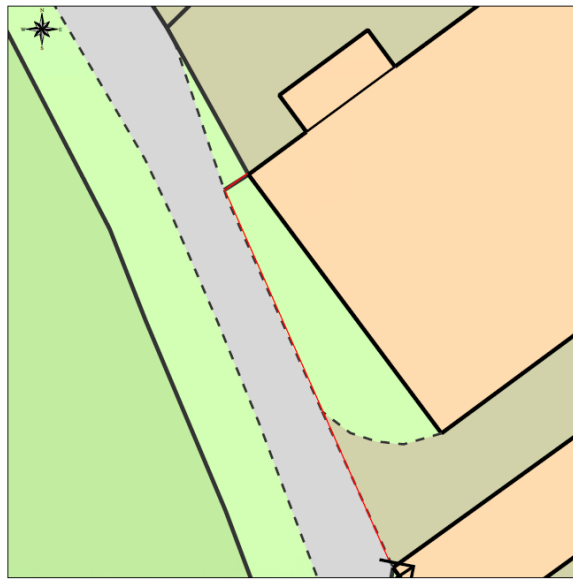


Photographs



**Plans (not to scale)**

**Site Plan/Location of Fence**



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

**Fence Details**

**EXISTING FENCE ELEVATION**

**EXISTING PART SITE FENCE PLAN**

NO.	REV.	DATE	BY

RETROSPECTIVE PLANNING DRAWING  
 PROJECT NO: 20/00194  
 EXISTING FENCE PLAN & ELEVATION  
 DRAWN BY: RCL  
 2IN FARM BARN  
 HULL LANE, BRINDLEY  
 NOTTINGHAMSHIRE, NG16 5BU

CLIENT: MR R CLARKE  
 DATE: 28/03/2020 SCALE: 1:50 DRAWN BY: RCL  
 CHECKED BY: SC PROJECT NO: 20/00194  
 DRAWING NO: TD0003/01

## Report of the Chief

<b>APPLICATION NUMBER:</b>	<b>20/00299/ROC</b>
<b>LOCATION:</b>	<b>Myford Ltd, Wilmot Lane, Beeston, NG9 4AF</b>
<b>PROPOSAL:</b>	<b>Variation of condition 21 (named first occupant) of application reference 18/00268/FUL (Construct 75 bed care facility; 30 supported living apartments (Class C2); bistro; gym/spa; hairdressers; bin, cycle and scooter stores; emergency generator; substation, car parking and landscaping)</b>

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

### 1 Executive Summary

- 1.1 The application proposes to vary condition 21 of planning permission 18/00268/FUL which proposed to construct a 75 bed care facility; 30 supported living apartments (Class C2); bistro; gym/spa; hairdressers; bin, cycle and scooter stores; emergency generator; substation, car parking and landscaping. Condition 21 states:

*The building hereby approved shall be first occupied by Belong Limited.*

*Reason: In accordance with the terms of the application and in relation to S106 contribution requirements.*

- 1.2 The condition was imposed to accord with the terms of the application and for viability reasons, namely the charitable status of Belong and the lack of viability of the scheme with the required affordable housing.
- 1.3 The applicants have failed to conclude a contract with Belong for the site so are wanting to vary the condition to enable them to market the site to other not-for-profit operators and to ensure the scheme is delivered. Accordingly, it is proposed to vary the condition to:

*The building hereby approved shall be first occupied by a not-for-profit organisation.*

- 1.4 The benefits of the proposal are that the variation of the condition will help to ensure that the development can progress and deliver much needed specialist accommodation and jobs both in the short term during construction and in the long term when the facility is operational.
- 1.5 The negative impact is the unknown nature of the first occupant.
- 1.6 On balance the benefits of the proposal are considered to significantly outweigh the negative given the need to provide residential development in sustainable locations and as the first occupier will need to be a not-for-profit organisation.

- 1.7 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 proposes to vary condition 21 of planning permission 18/00268/FUL which proposed to construct a 75 bed care facility; 30 supported living apartments (Class C2); bistro; gym/spa; hairdressers; bin, cycle and scooter stores; emergency generator; substation, car parking and landscaping. Condition 21 states:

*The building hereby approved shall be first occupied by Belong Limited.*

*Reason: In accordance with the terms of the application and in relation to S106 contribution requirements.*

- 1.2 The condition was imposed to accord with the terms of the application and for viability reasons, namely the charitable status of Belong and the lack of viability of the scheme with the required affordable housing.

- 1.3 The applicants have failed to conclude a contract with Belong for the site so are wanting to vary the condition to enable them to market the site to other not-for-profit operators and to ensure the scheme is delivered. Accordingly, it is proposed to vary the condition to:

*The building hereby approved shall be first occupied by a not-for-profit organisation.*

- 1.4 It was initially proposed to remove the condition but during the course of the application, the proposal was amended to vary the condition as above.

2 Site and surroundings

- 2.1 The site has an area of 0.64 hectare and was previously part of the larger Myfords (engineering) site. It is an area of land that slopes down approximately 2m from Chilwell Road towards the south eastern boundary. Demolition of the buildings on site has been completed and the site is vacant land. The site has vehicular access from Ellis Grove and Wilmot Lane.

- 2.2 To the immediate north west of the site lies the Chilwell Road tram stop. A public footpath runs beside the south western site boundary connecting Vincent Avenue with High Road/Chilwell Road. Ellis Grove adjoins part of the north eastern site boundary, with the rear gardens of numbers 8-14 (terraced houses) being the closest residential properties on this road to the site and the south western wall of the commercial property known as the Raven Group directly adjoins this boundary. The Royal British Legion Social Club is located to the north east, beside the Raven Group.



2.3 Semi-detached and terraced properties on Barrydale Avenue adjoin part of the south eastern site boundary. These houses have various rear boundary treatments and there is a row of deciduous trees on the site side of the south eastern boundary.

2.4 Various shops/commercial units are on the north western side of Chilwell Road. To the south west of the site is the Council owned car park and land in the ownership the applicants, which forms part of the larger former Myfords site, is located to the south east and west. The construction of dwellings and retail development on this adjoining site is well advanced, with the retail unit open to the public.

3 Relevant Planning History

3.1 Planning permission to construct a 75 bed care facility; 30 supported living apartments (Class C2); bistro; gym/spa; hairdressers; bin, cycle and scooter stores; emergency generator; substation, car parking and landscaping was granted permission by Planning Committee in January 2019 (18/00268/FUL).

3.2 Outline planning permission was granted on 12 December 2014 for the redevelopment and change of use of the larger former Myfords site for residential/commercial uses (to include Classes A1, A2, A3, A4, A5, B1(a), C2, C3 and D1 uses). This permission has expired but was granted contemporaneously with a S106 Agreement requiring 25 per cent of the housing on site to be affordable and financial contributions towards education, transport and open space.

3.3 A prior notification application for the demolition of the buildings on the larger site was approved on 30 June 2017 (reference 17/00370/DEM). Demolition has been completed.

3.4 Planning permission (17/00723/FUL) for 47 dwellings and a retail unit on the southern and western parts of the Myfords site was granted on 24 May 2018, following the grant of planning permission (reference 17/00511/FUL) for a road to serve the southern part of this site on 29 September 2017, to enable its early implementation. Construction of this road has been completed and as referenced above, construction works relating to planning permission 17/00723/FUL are well underway.

3.5 Planning permission for 15 apartments on the adjacent site to the north east (18/00538/FUL) currently occupied by the Raven Group was granted on 16 October 2019.

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 4: Employment Provision and Economic Development
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 11: Historic Environment
- Policy 14: Managing Travel Demand
- Policy 16: Green Infrastructure, Parks and Open Space
- 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 14 - Centre of Neighbourhood Importance (Chilwell Road/High Road)
- Policy 15 – Housing size, mix and choice
- Policy 17 - Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 23: Proposals affecting Designated and Non-Designated Heritage Assets
- Policy 24: The Health and Wellbeing Impacts of Development
- Policy 26: Travel Plans
- 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 16 – Conserving and enhancing the historic environment.

**5 Consultations**

- 5.1 **Nottingham West Clinical Commissioning Group:** request contribution of £56,896.87 towards enhancing the capacity/infrastructure of local GP practices given the increased number of patients arising from the development.
- 5.2 **Nottinghamshire County Council as Highway Authority:** no objection.
- 5.3 **Nottinghamshire County Council as Lead Local Flood Authority:** advisory letter as do not consider they need to be consulted as no surface water drainage implications in relation to condition proposed to be varied.
- 5.4 **Nottingham Express Transit:** no objection.

### 5.5 Housing Services & Strategy Manager: no objection

5.6 Due to CV19, the applicant notified 60 neighbours by letter of the application, the Council posted four site notices around the site and an advert was placed in the Nottingham Post. One observation and one objection were received in relation to the proposal to remove the condition.

5.6.1 The observation was made by a solicitor on behalf of Belong and refers to conditions 2, 4 and 14 of planning permission 18/00268/FUL which reference drawings/documents prepared on behalf of Belong. The solicitor believes that no-one would be able to implement the planning permission because they would not be able to comply with these three aforementioned conditions as they would not be entitled to reproduce or make use of the drawings/documents without infringing the intellectual property rights of third parties.

5.6.2 The objection was from a local resident can be summarised as follows:

- Premature application – condition should be changed not removed, once a replacement for Belong has been identified and other necessary changes to the permission can be identified
- New operator should confirm the information provided in support of the application applies equally to them before the condition is varied – to ensure the operating hours of the publically accessible facilities, the characteristics of the operator's other sites and proposed operating parameters in relation to parking provision and viability of the scheme are the same.
- If condition 21 is removed, the opening hours of the public facilities should be conditioned ('The Venue' and the bistro) and other conditions may be required to ensure parking provision is adequate (e.g. shift changes to relate to public transport operating times)
- Belong gave separate undertaking that the accommodation used during construction would be positioned so as to respect neighbours' privacy – this should be conditioned should condition 21 be removed.
- That the development was to be a Belong Care Village was central to the original application and a change of operator could significantly change the understanding on which permission was granted. Naming the new operator would enable committee to fully assess the impact of the change.
- Apparent issues with utilities which were not resolved with Belong need to be explained.
- Developers should apply for all changes at same time to reduce stress and disruption caused to neighbours in responding to such requests.

5.6.3 In relation to the amended proposal to vary the condition, two representations were received, with the solicitor on behalf of Belong making the same observations and the local resident objecting as above.

## 6 Assessment

6.1 The main issue for consideration is whether the proposed variation to the wording of the condition is acceptable. The development itself (the care facility, supported

living apartments and associated facilities) has already been established as being acceptable through the grant of planning permission reference 18/00268/FUL.

- 6.2 The condition making first occupation personal to Belong was imposed to accord with the terms of the application and notably, in relation to S106 contribution requirements. Belong had produced a viability report which confirmed the scheme would not be viable with the provision of affordable housing. This was the only s106 requirement of the scheme as detailed in the paragraphs below from the 5 December 2018 Planning Committee report:

**6.6 S106**

*6.6.1 Given the age of the proposed occupants of the apartments would be restricted to over 55s only (and a condition is recommended accordingly), there is no need for an education contribution. Given the previous use of the site and its very sustainable location, a contribution towards sustainable transport measures is not required. No open space contribution has been requested as open space is to be provided on site which includes a high specification, dementia friendly garden.*

*6.6.2 The only contribution which is considered to be applicable to the development is affordable housing. This is a significant point of disagreement with the applicant who considers that no affordable housing should be required. The applicant considers that no affordable housing is required because they are proposing to provide specialist accommodation for the elderly which they consider to fall within Class C2 of the Use Classes Order; provision of affordable housing would make the scheme unviable and Belong (the applicant) are a not-for-profit organisation. The applicant is currently preparing a viability assessment to support their argument.*

*6.6.3 Class C2 ‘residential institutions’ of the Use Classes Order is defined as “Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)). Use as a hospital or nursing home. Use as a residential school, college or training centre.” Class C3 ‘Dwellinghouses’ is defined as follows: “Use as a dwellinghouse (whether or not as a sole or main residence) by - (a) a single person or by people to be regarded as forming a single household; (b) not more than six residents living together as a single household where care is provided for residents; or (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).”*

*6.6.4 It is considered that the proposed use is a combination of Use Classes C2 and C3, particularly as the 30 apartments will be self-contained with their own front doors and with occupants not necessarily needing care, albeit with the associated higher costs of living in a building where care can be provided should the occupants require care. The apartments and care facility will be in one building which could be seen as blurring the distinction between the use classes.*

*6.6.5 However, irrespective of whether the use of the building is Class C2 or C3 (or indeed a combination of both), both use classes are residential uses. Policy 8 of the ACS states “Affordable housing will be required in new residential developments on appropriate sites” so irrespective of whether the development*

*is classed as C2 or C3 or a combination of both, this would still be a new residential development and would require an affordable housing contribution, subject to viability. Although only limited weight can be attached to Policy 15 of the Draft Part 2 Local Plan as it is yet to be examined, this policy requires the provision of affordable housing on sites for development of more than 10 units falling within Use Classes C2 or C3 (30% or more in the 'Beeston' submarket).*

*6.6.6 No affordable housing is proposed by the applicant and the applicant asserts that the scheme would be unviable with such a requirement (viability assessment awaited). It is therefore open to members to refuse the scheme as being contrary to Policy 8 of the ACS (subject to the conclusion of the awaited viability assessment). However, the advice of officers would be to approve the scheme with a condition being applied which restricts the first occupation of the building to Belong. This is because there is a clear need for this specialist development and the government, through the NPPF, is requiring Councils to significantly boost their supply of housing, particularly on previously developed land.*

- 6.3 Paragraph 1.4 of the 9 January 2019 Planning Committee report confirms the following in relation to viability of the original scheme:

*Following publication of the December committee report, a viability assessment was submitted (received 27.11.18) which concludes that the scheme is not viable with any affordable housing contribution. The Council's Estates Manager has advised that the assessment appears to be reasonable.*

- 6.4 Since permission for the original scheme was granted (10 January 2019), the Part 2 Local Plan has been adopted (16 October 2019). Draft Policy 15: 'Housing Size, Mix and Choice' required affordable housing to be provided for development of more than 10 units of use class C2 (residential institutions) or C3 (dwelling houses) and this policy was afforded 'limited weight' at the time the decision on application 18/00268/FUL was made. The adopted policy specifically excludes use class C2 from a class of development which requires affordable housing provision. There is therefore less of a requirement now for the development of this site to include affordable housing provision as only 30 of the units (the supported living apartments) are considered to fall within use Class C3 (dwelling houses).
- 6.5 Given Belong are a not-for-profit organisation and the original scheme was not viable with any affordable housing provision, the condition requiring first occupation to be by Belong was imposed. It is considered to be reasonable to vary the condition to require first occupation to be by a not-for-profit organisation as such a company is highly likely to have the same viability issues as Belong.
- 6.6 The CCG have requested a contribution towards enhancing the capacity/infrastructure of local GP practices. No such contribution was requested in relation to the original scheme. Given the lack of viability of the original scheme, such a contribution is not considered to be required to make this proposal to vary the first occupation condition acceptable.

- 6.7 In relation to the concerns raised in the representations received, the planning application drawings and documents are public documents. Any third party rights pertaining to such documents would be a legal matter.
- 6.8 The applicant wishes to market the site without the personal condition and therefore has applied to vary the condition. There is interest in the site but no buyer has yet been secured. Whoever purchases the site would need to comply with the conditions imposed on the original planning permission. If they wish to amend the planning permission in a material way, they would need to apply for planning permission. The Council is unable to insist that all future changes are made in a single application as this would not be reasonable and matters can arise during the course of a development being built out and subsequently.
- 6.9 Belong's shift patterns and staff numbers were taken into account when the application was determined. However, there are no planning conditions which require the shift patterns, staffing numbers and car ownership of residents detailed by Belong to be adhered to as such conditions were not deemed to be necessary or reasonable given the highly sustainable location of the site and the parking provision proposed (44 spaces) being deemed acceptable. Likewise, there is considered to be no need to condition the opening hours of the publically accessible elements of the scheme given the site's location beside a main road which contains many other commercial occupiers, the previous unrestricted use of the site for industrial purposes and given the nature of the proposed use (care facility/supported living). The December 2018 committee report does refer to the first occupation by Belong condition too as justification for not imposing such a condition but even without this condition, it would not be considered necessary or reasonable to restrict the opening hours for the aforementioned reasons.
- 6.10 Conditioning details of the siting of the construction compound is considered to be reasonable and condition 5 of permission 18/00268/FUL (construction site access and parking) is proposed to be amended accordingly to protect neighbour amenity (new condition 4).
- 6.11 The nature of the occupier (Belong) did form part of the consideration of the original application but this was not the only or determining consideration. The development was considered to be acceptable as it would provide specialist accommodation in a sustainable location on a previously developed site, as the conclusion for the December 2018 report states:

*The proposed development will provide specialist accommodation in a sustainable location and the design of the development is considered to be acceptable. There are no highway safety concerns subject to conditions. Some harm is considered to be caused to the amenity of residents on Ellis Grove and the as yet to be built housing development to the south east. However, this is considered to be significantly and demonstrably outweighed by the benefits of the scheme in terms of provision of housing, the sustainable location of the site and the re-use of a previously developed land. The lack of any S106 monies is considered to be acceptable in this case given the nature of the specialist accommodation proposed and the need to significantly boost the supply of housing.*

6.12 The apparent utilities issue has no significant bearing on the consideration of this application and would be a matter for any future developer to resolve.

6.13 All of the previous conditions need to be re-imposed on this revised permission, except where they have already been discharged – conditions 3 (groundwater remediation) and 15 (Traffic Regulation Order application relating to removal of on-street parking on Ellis Grove) of 18/00268/FUL have been discharged.

7 Planning Balance

7.1 The benefits of the proposal are that the variation of the condition will help to ensure that the development can progress and deliver much needed specialist accommodation and jobs both in the short term during construction and in the long term when the facility is operational.

7.2 The negative impact is the unknown nature of the first occupant.

7.3 On balance the benefits of the proposal are considered to significantly outweigh the negative given the need to provide residential development in sustainable locations and as the first occupier will need to be a not-for-profit organisation.

8 Conclusion

8.1 The proposed variation of the condition from named first occupation of the building by Belong to first occupation by a not-for-profit organisation is considered to be a reasonable, necessary and enforceable planning condition that will help to ensure the much needed specialist residential accommodation is provided on this site.

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b>	
<b>1.</b>	<b>The development hereby permitted shall be commenced before 10 January 2022.</b>  <b><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></b>
<b>2.</b>	<b>The development hereby permitted shall be carried out in accordance with drawing numbers: P4693_111 Planning - Proposed Façade Details received by the Local Planning Authority on 18 April 2018; P4693_001 Location Plan, P4693_121 Rev A Planning - External Bin and Generator Store, P4693_122 Rev A Planning - External Cycle and Buggy Store and P4693_123 Planning - Substation Drawing received by the Local Planning Authority on 18 May 2018; P4693_106 Planning - Proposed GA Elevations - Sheet 1, P4693_108 Planning - Proposed GA</b>

	<p>Elevations - Sheet 3, P4693_109 Planning - Proposed GA Elevations - Sheet 4, 1072 003 Rev A Landscape Strategy and P4693_112 Planning - Proposed Household Façade Details received by the Local Planning Authority on 21 May 2018; M2715(69)001 Rev P1 received by the Local Planning Authority on 2 July 2018; P4693_SK112 Barrydale Avenue Boundary Sections received by the Local Planning Authority on 25 July 2018; P4693_110 Rev A Planning - Proposed GA Elevations - Sheet 5 and P4693_124 Rev A Planning - Car Park Sections received by the Local Planning Authority on 3 August 2018; P4693_113 Rev B Planning - GA Sections received by the Local Planning Authority on 13 November 2018; P4693_102 Rev B Planning - Proposed First Floor, P4693_103 Rev B Planning - Proposed Second Floor, P4693_104 Rev A Planning - Proposed Third Floor, P4693_105 Rev A Planning - Proposed Roof Plan, P4693_114 Rev C Planning - Proposed Street Elevations and P4693_107 Rev A Planning - Proposed GA Elevations - Sheet 2 received by the Local Planning Authority on 4 December 2018 and P4693_101 Rev B Planning - Proposed Ground Floor and P4693_100 Rev D Planning - Proposed Site Plan received by the Local Planning Authority on 11 December 2018.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>3.</p>	<p>No development shall commence until a plan to show the location of protective fencing for the trees shown to be retained on drawing number P4693_100 Rev B has been submitted to and agreed in writing by the Local Planning Authority. The erection of fencing for the protection of these retained trees shall be undertaken in accordance with the agreed details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.</p> <p><i>Reason: No such details were submitted with the application and 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 retaining the trees on the site boundary with Barrydale Avenue and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>4.</p>	<p>No development shall commence until details of the location of the construction compound, construction site access and parking arrangements for construction vehicles have been submitted to and approved in writing by the Local Planning</p>



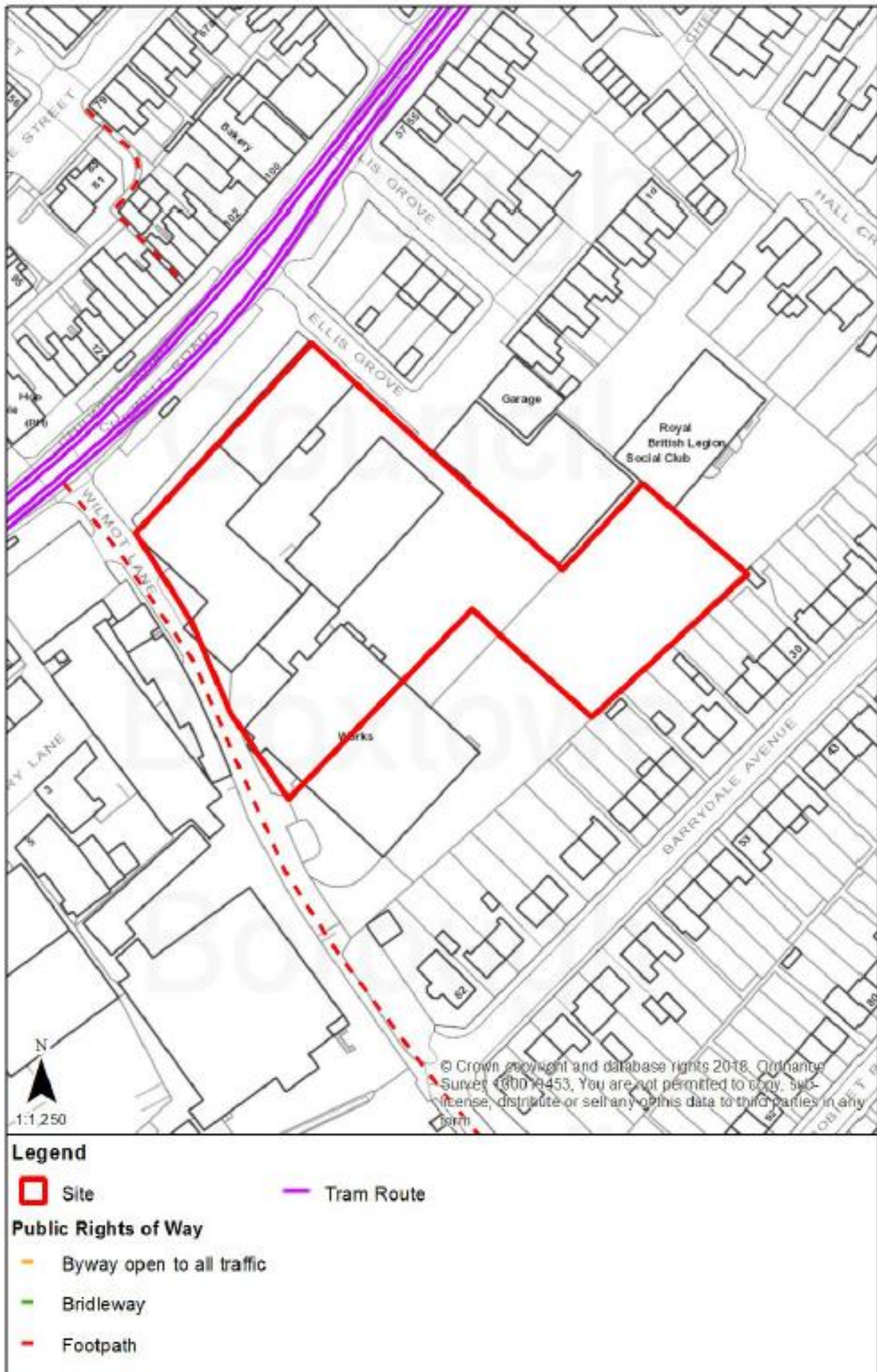
	<p>Authority. The siting of the compound, construction access and parking shall take place in accordance with the agreed details.</p> <p><i>Reason: No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of highway safety, to avoid conflict with the tram and to protect residential amenity and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>5.</p>	<p>No development above slab level shall be carried out until samples of the materials to be used in the facing walls (including windows and doors) and rainwater goods have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: Full details were not submitted, in the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>6.</p>	<p>No development above slab level 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"> <li>(a) numbers, types, sizes and positions of proposed trees and shrubs,</li> <li>(b) proposed hard surfacing treatment,</li> <li>(c) planting, seeding/turfing of other soft landscape areas,</li> <li>(d) proposed boundary treatments including details of the gate access to the British Legion social club</li> <li>(e) a timetable for implementation.</li> </ul> <p>The approved scheme shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: No such/insufficient details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area, to ensure a satisfactory standard of amenity and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>7.</p>	<p>The approved landscaping shall be carried out not later than the first planting season following the practical completion of the development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local</p>

	<p><b>Planning Authority.</b></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 Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>8.</p>	<p>No building to be erected pursuant to this permission shall be occupied or brought into use until:</p> <p>(i) All necessary gas and vapour barrier and clean cover remediation measures have been completed in accordance with Remediation Method Statement (Ref 12292A June 2018) and;</p> <p>(ii) It has been certified to the satisfaction of the Local Planning Authority that the remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p><i>Reason: In the interests of public health and safety and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019).</i></p>
<p>9.</p>	<p>No deliveries or collections by commercial vehicles (excluding the delivery of urgent medical supplies) shall be made to/from the site except between the hours of 07:00 - 22:00 on any day.</p> <p><i>Reason: To protect nearby residents from excessive noise and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>10.</p>	<p>Piling or any other foundation designs using penetrative methods shall not be permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. For areas where penetrative foundations are permitted, a methodology for reducing noise and vibration impact on neighbouring buildings and residents shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the piling activity. The activity shall be carried out in accordance with the approved details.</p> <p><i>Reason: To protect groundwater from contamination and nearby buildings and residents from noise and vibration in accordance with the aims of Policies 17 and 19 of the Part 2 Local Plan (2019).</i></p>
<p>11.</p>	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of</p>

	<p>being undertaken.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
12.	<p>The total rating level resulting from the use of any plant, machinery or equipment hereby installed pursuant to this permission, shall not exceed the existing background sound level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive premises.</p> <p><i>Reason: To protect residents from excessive plant noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
13.	<p>The building shall be constructed and the glazing and ventilation installed in accordance with the specification details in the Azymuth Acoustics UK report Ref AA0050, dated February 2018.</p> <p><i>Reason: To protect future occupiers from excessive environmental, commercial and industrial noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
14.	<p>The development shall not be occupied until the redundant vehicular crossings on Ellis Grove have been removed and replaced with full kerbs and the footpath reinstated to the Highway Authority specification.</p> <p><i>Reason: In the interest of pedestrian safety and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019).</i></p>
15.	<p>The building shall not be first occupied until the parking, turning and servicing facilities have been provided in accordance with the approved plans and constructed so as to prevent the unregulated discharge of surface water therefrom onto the public highway. These facilities shall thereafter be retained in the agreed form for the lifetime of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.</p> <p><i>Reason: In the interests of highway safety to ensure satisfactory access, servicing and parking arrangements are provided and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019).</i></p>
16.	<p>The building shall not be first occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority.</p>

	<p><i>Reason: To promote sustainable travel and in accordance with the aims of Policy 14 of the Broxtowe Aligned Core Strategy (2014).</i></p>
17.	<p>The Automatic Opening Vents in the north east elevation of the apartments shall only be opened in the event of a fire and 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 the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
18.	<p>The hereby approved apartments shall not be occupied other than by persons who have attained the age of 55 years, together with the spouse or partner of such persons, including a widow or widower who may be under 55 years of age.</p> <p><i>Reason: In accordance with the terms of the application and in relation to S106 contribution requirements.</i></p>
19.	<p>The building hereby approved shall be first occupied by a not-for-profit organisation.</p> <p><i>Reason: In accordance with the terms of the application and in relation to S106 contribution requirements.</i></p>
20.	<p>The site access shall be provided in accordance with the approved drawings before the development is first occupied.</p> <p><i>Reason: In the interests of highway safety to ensure a satisfactory access is provided and in accordance with aims of Policy 17 of the Part 2 Local Plan (2019).</i></p>
	<p><b>NOTES TO APPLICANT</b></p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the 13 week determination timescale.</p>
2.	<p>It is not permitted for any vehicles to obstruct the tramway at any time and consideration should be given to erecting a warning sign at the construction site exit point to warn of overhead lines. Please contact the Nottingham Express Transit (NET) Project Office for further information (0115 876 4095).</p>
3.	<p>In order to carry out the off-site works required, you will be undertaking work in the public highway which is land subject to</p>

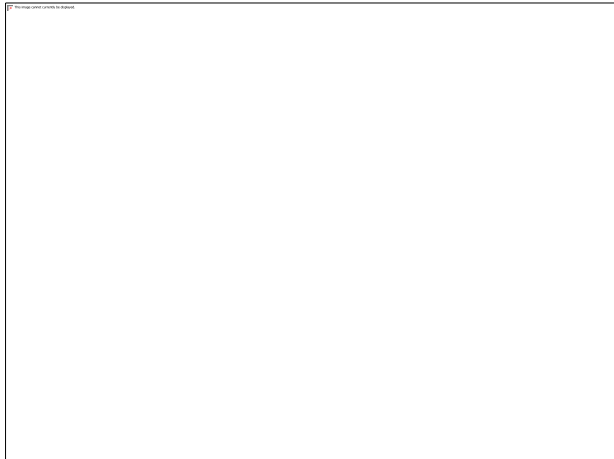
	<p>the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under section 278 of the Act. Please contact <a href="mailto:hdc.south@nottscc.gov.uk">hdc.south@nottscc.gov.uk</a> for details.</p>
<p>4.</p>	<p>It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.</p>



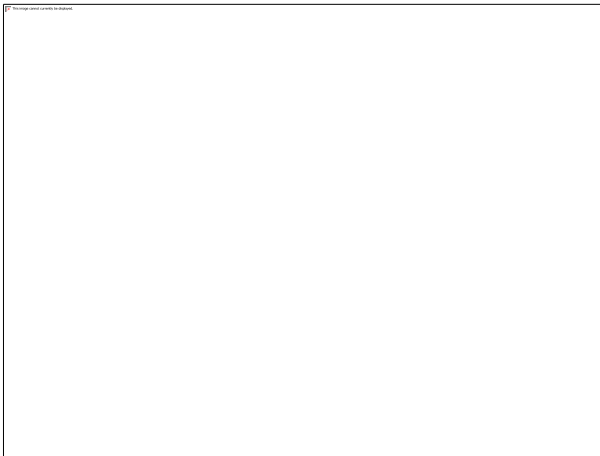
Photographs



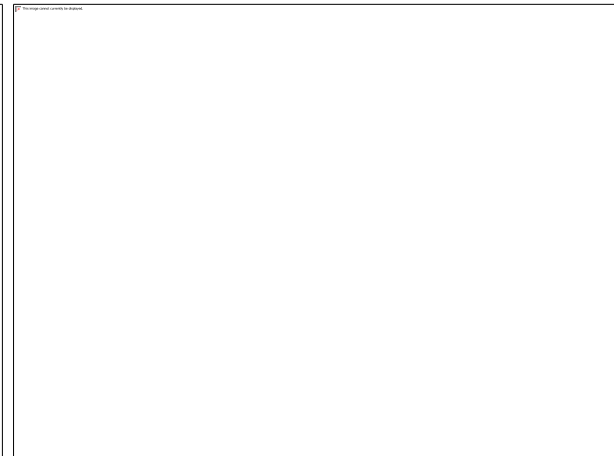
Site as viewed from beside car park to rear of Co-op



Looking across site towards Co-op building



Looking across site towards trees on boundary with Barrydale Avenue and Raven Group, Ellis Grove



Site frontage, Chilwell Road

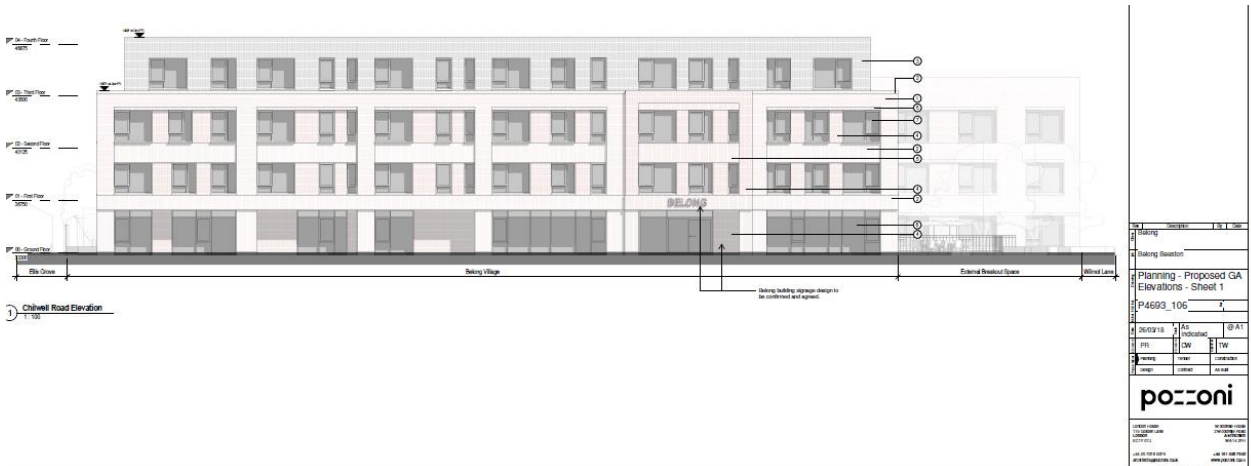
**Plans (not to scale)**

Approved ground floor plan 18/00268/FUL:



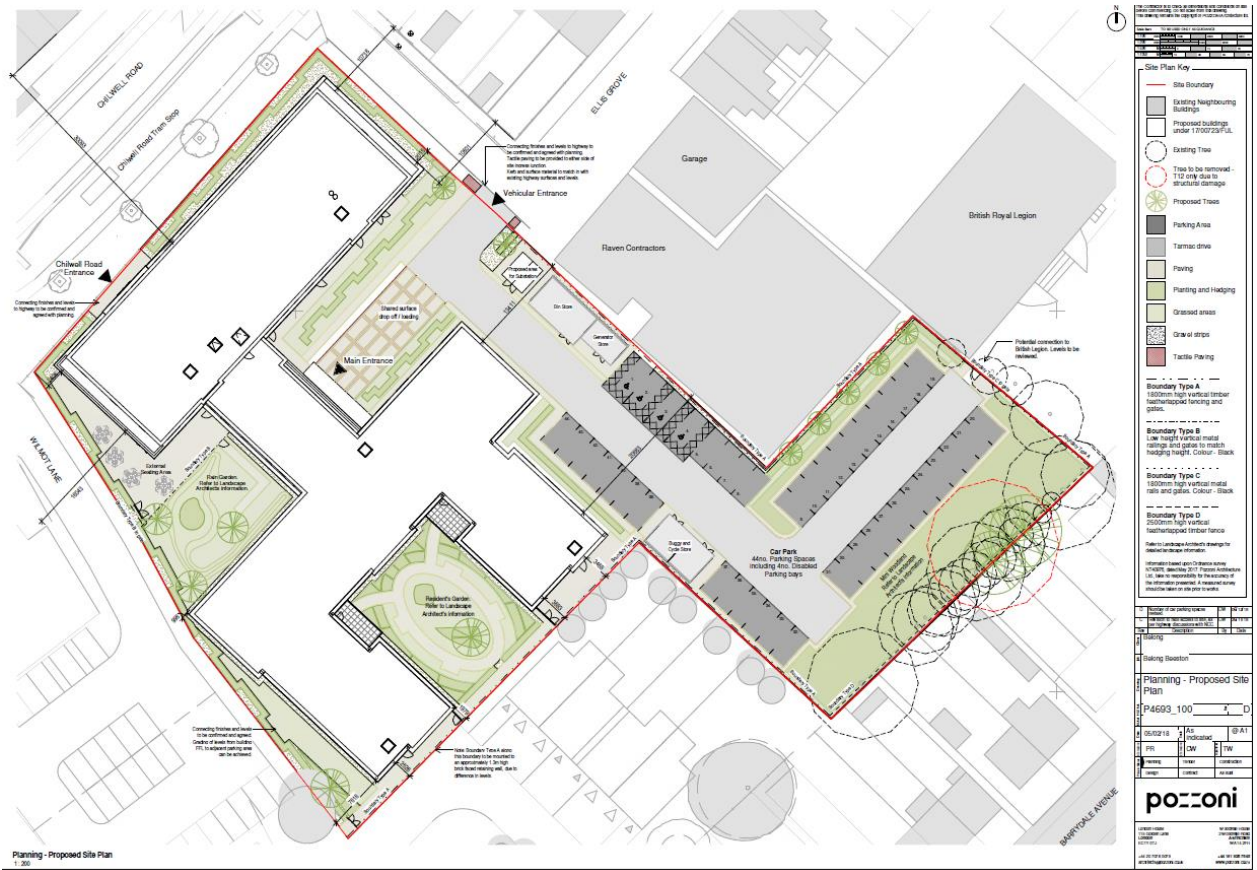
Approved elevations 18/00268/FUL

1. Chilwell Road









## Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>20/00255/FUL</b>
<b>LOCATION:</b>	<b>10 Wimpole Road Beeston Nottinghamshire NG9 3LQ</b>
<b>PROPOSAL:</b>	<b>Construct single storey rear/side extension and lower rear garden level</b>

Councillor S Carr has requested that the application is determined by the Planning Committee.

1 Executive Summary

- 1.1 This application seeks planning permission for a single storey rear/side extension to a bungalow and to lower the rear garden level by up to 2m, with a 1m high retaining wall.
- 1.2 The proposed extension is not considered to be harmful to the character of the host dwelling or out of keeping with the character of the surrounding area.
- 1.3 Lowering the ground level of the rear garden is considered to be acceptable as part of the overall development and modernisation of the property.
- 1.4 It is considered that the proposal will not result in an unacceptable loss of amenity for any neighbouring properties.
- 1.5 The benefits of the proposal are that it would be an extension to an existing residential dwelling, would have an acceptable design, would not have a significant negative impact on neighbour amenity and would be in accordance with the policies contained within the development plan. It would provide the facilities, accessibility, space and levels of a lifetime home. The negative impact would be the loss of part of the garden to development, but this is offset by levelling the garden to the rear in creating a useable amenity space, therefore this negative is 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 The proposal is for a single storey rear/side extension and to lower the rear garden level. Works have already commenced on site. The L-shaped extension would extend 6m from the rear elevation and have a predominantly hipped roof at an eaves height of 2.6m and an overall height of 4m. The roof would connect to the side with a small, flat roofed element at an overall height of 2.6m. The proposal would be 7.4m wide (protruding 2m beyond the side (east) elevation), with the flat roofed side element being 2m in length along the original side (east) elevation. To the rear, there would be two sets of French doors. Facing the front, there would be a door with a narrow full height window. The rear elevation of the extension would be constructed 0.3m off the boundary with no. 12 and 0.8m off the boundary with no. 8, though these gaps would narrow towards the bungalow (to 0.3m with no. 8 and 0.1m with no. 12).
- 1.2 The proposal would be constructed at the same level as the existing property which has involved some works to lower the levels at the rear of the site – this will include the land to the immediate sides and the rear of the proposed extension being lowered. A retaining wall 1m high will be constructed between 0.8m and 1.3m from the rear boundary and 0.3m off the side boundary with no. 12 and 0.8m off the side boundary with no. 8.
- 1.3 Fenestration on the side facing no. 8 would be a window (replacing the current front door) and a window will be blocked up. Inside, with layout changes, the existing property would house three bedrooms and a bathroom, with the extension creating an open plan kitchen / lounge. The element to the side would be a new entrance hall. There would be an increase from two to three bedrooms.
- 1.4 The entire building would be insulated and have a rendered finish and concrete tiles to match existing would be used on the extension.

2 Site and Surroundings

- 2.1 The property is a semi-detached bungalow with a side gable roof. It has sandy bricks on the lower part of the elevations (and around door/ windows and the eaves), above there is a cream coarse render (applied over concrete blocks – parts currently exposed) and on the roof there are red pan tiles.
- 2.2 At the front, the boundary is open on three sides with a shared (with no. 8) tarmac drive providing parking for two cars on site. There is a relatively narrow pavement beside the front highway. The front lawn is currently used for storage of materials, with the rear garden also used for storage/bare earth as works to lower the ground levels have commenced. In the rear, the boundary with no. 8 is a 2m high fence and no. 8's shed. The rear boundary is a 2m high fence (with concrete posts and gravel boards), some holly and wire mesh fencing at the north western corner, then with no. 12 there is a 2m high fence and then no. 12's rear extension. Along both side fences and at the rear, the ground level has been lowered by 2m. Wimpole Road slopes uphill in a westerly direction, with the driveway having a

slight northerly slope. The rear is now generally level and lower than its surroundings, with both nos. 8 and 12's rear gardens rising in a northerly direction and to the rear, the properties on Carwood Road are 2m higher.

- 2.3 Wimpole Road is a cul-de-sac with a mixture of property types. No. 8 is an end of terrace house and has no side windows facing the site. No. 12 is the attached bungalow and has been extended including a side and rear extension (sunroom/conservatory), which wraps around the rear north western corner of no. 12 (similar to the proposed albeit smaller). No. 12 has a tree in their rear garden towards the middle of the boundary with the site.

### 3 Relevant Planning History

- 3.1 The bungalow was granted permission in 1981 (81/00195/FUL - Construct 62 dwellings with separate and integral garages). This permission removed permitted development rights for extensions to the properties to prevent additional development which could be harmful to the general appearance of the neighbourhood.

### 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**

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

- 5.1 Two site notices were posted (due to CV19), with no responses received.

### 6 Assessment

- 6.1 The main issues for consideration are the design of the extension and the impact of the proposal on neighbour and visual amenity.

**6.2 Design**

- 6.2.1 In terms of mass and scale, it is considered that the extension does not represent a disproportionate addition as it is single storey, to the rear of the existing bungalow and has a lower roof height towards the boundary with no. 12 and the side element (facing the front) would have a flat roof. The development would also be at a lower level than properties to the rear of the site.
- 6.2.2 The extension is considered to have a simple design which matches that of the existing property.
- 6.2.3 The ground works have lowered the ground so that it is level with the rear of the property. Once the extension is constructed, this will enable level access throughout the property and level amenity space to the rear.
- 6.2.4 It is considered that the extended and modernised layout of the bungalow, with the level access would provide the occupants with a lifetime home.
- 6.2.5 The proposed materials are render and concrete tiles to match existing.
- 6.2.6 As the property has a relatively wide side access shared with no. 8, the extension would be visible from Wimpole Road. However, the proposal is single storey and would have a lower roof height facing the front (2.6m). The development would also be set towards the rear, being a distance of 12m from the front boundary with Wimpole Road. Therefore, the proposed development is considered to have no significant impact on the street scene.
- 6.2.7 Overall it is considered that the proposal would achieve an acceptable standard of design, would provide a lifetime home, would maintain the character of the property and area and would have no significant visual impact on the surrounding area.

**6.3 Amenity**

- 6.3.1 In regards to the ground works, these have created a level site so that the proposed extension can be built at the same level as the existing property. The remaining garden has also been lowered so as to provide level amenity space for the occupants. This is lower than the surrounding properties gardens (currently approximately 2m lower beside the rear boundary) and would be retained by a 1m high retaining wall. Works to alter the levels will need to comply with the Building Regulations. Therefore, it is considered that as the rear garden is lower than the neighbours, the ground works would have no significant impact on neighbour amenity.
- 6.3.2 Neighbours to the rear (8 Nicholas Road, 22 and 24 Carwood Road) would have limited sight of the extension as it is at a lower level and single storey. Therefore, the proposal is considered to have no significant impact on these neighbours.
- 6.3.3 The proposal is single storey and would be built to the rear and side of the property, therefore it is considered to have no significant impact on the neighbours to the front (3 and 5 Wimpole Road).

6.3.4 8 Wimpole Road is a two storey end of terrace, to the east of the site. No. 8 has no side windows facing the site and is situated 2.5m away from the eastern site boundary. Along this boundary, the proposal would be single storey, have a hipped roof to the rear and a flat roof at the side (with a height of 2.6m). There are no side windows proposed facing no. 8. Therefore, it is considered that the proposed development would have no significant impact on no. 8.

6.3.5 12 Wimpole Road is the attached bungalow to the west and has a rear extension. The proposed rear extension would extend 2.5m further to the rear than no. 12's extension, though it would be single storey, be constructed just off the boundary and have an eaves height adjacent to this boundary of 2.6m. Therefore, it is considered that the proposal would have no significant impact on no. 12.

7 Planning Balance

7.1 The benefits of the proposal are that it would be an extension to an existing residential dwelling, would have an acceptable design, would not have a significant negative impact on neighbour amenity and would be in accordance with the policies contained within the development plan. It would provide the facilities, accessibility, space and levels of a lifetime home. The negative impacts would be the loss of part of the garden to development, but this is offset by levelling the garden to the rear in creating a useable amenity space, therefore this negative is considered to be outweighed by the benefits of the scheme.

8 Conclusion

8.1 Overall, it is considered that the proposal is acceptable as it will not result in an unacceptable loss of amenity for any neighbouring properties, is of an acceptable design, is not considered to be harmful to the character of the host dwelling or out of keeping with the character of the surrounding area and accordingly, planning permission should be granted.

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b>	
<b>1.</b>	<b>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</b>  <b><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></b>
<b>2.</b>	<b>The development hereby permitted shall be carried out in accordance with drawing numbers: NG93LQ-amc-03-xx-dr-A-0001 and NG93LQ-amc-03-xx-dr-A-00028 received by the Local Planning Authority on 14 April 2020, NG93LQ-amc-03-xx-dr-A-0026A received by the Local Planning Authority on 20 April 2020</b>

	<p>and NG93LQ-amc-03-xx-dr-A-0027A received by the Local Planning Authority on 22 April 2020.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3	<p>The extension and alterations shall be constructed using render and tiles of a type, texture and colour so as to match those of the existing building,</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
	<p><b>NOTES TO APPLICANT</b></p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the extended determination timescale.</p>
2.	<p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. <u>Further information is also available on the Coal Authority website at:</u> <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p>



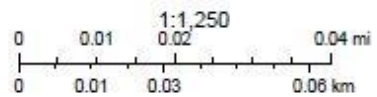
Site Map

10 Wimpole Road



6/23/2020, 2:55:29 PM

 Site



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Photographs



Front (south) and side (east) elevations.



Rear (north) elevation.



Rear boundary with no. 12.



View from rear, facing Wimpole Road.

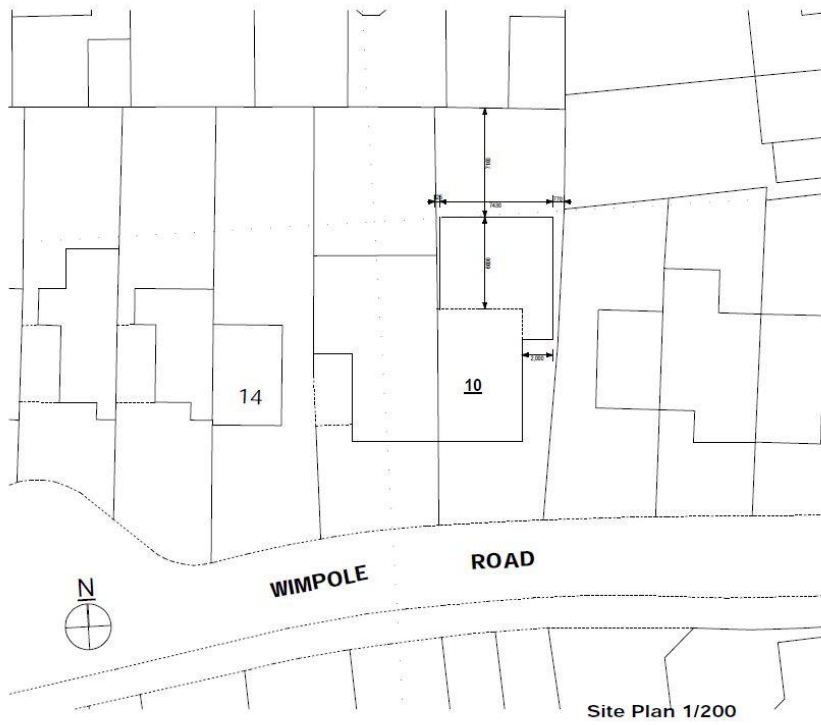




Rear and boundary with no. 8

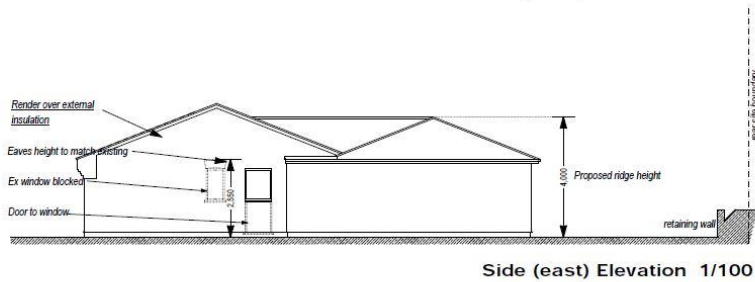
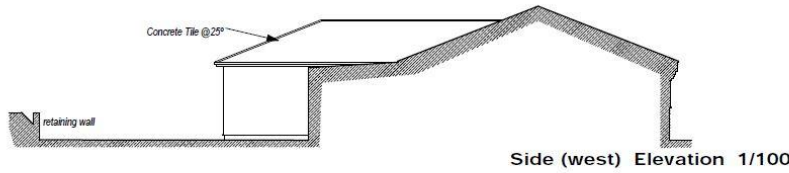
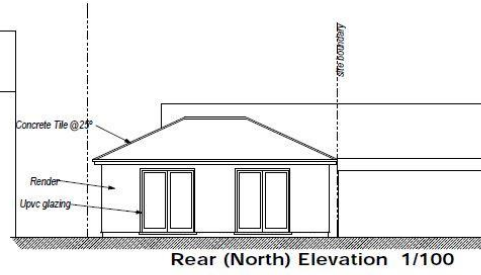
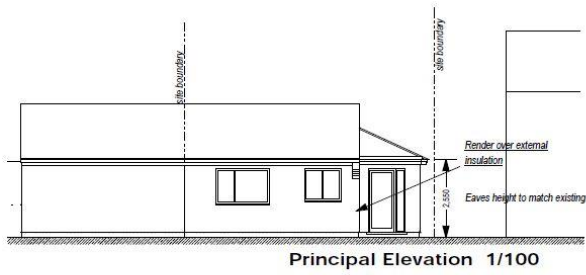


Rear garden works.

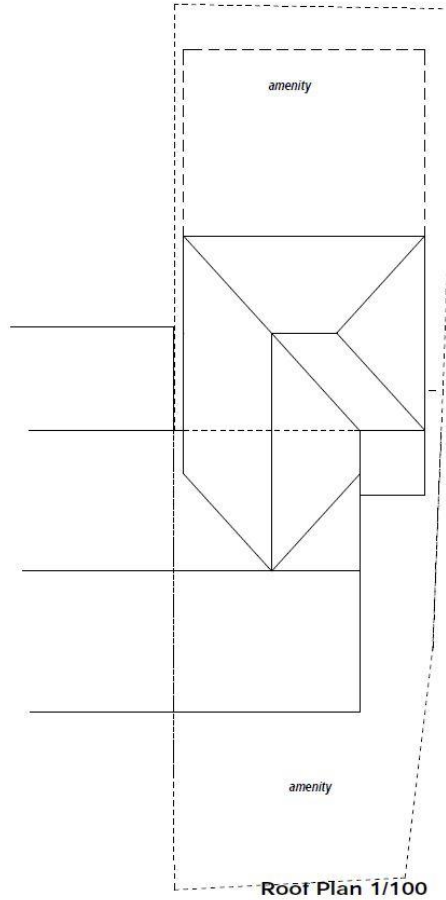
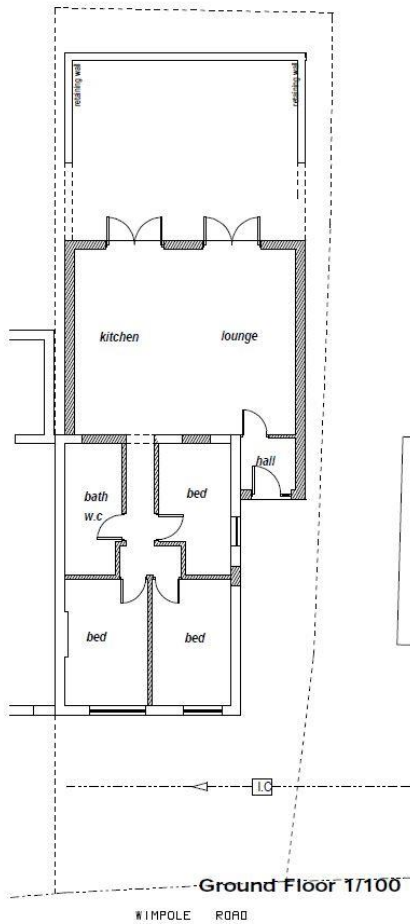
**Plans (not to scale)**



DATE	AMENDMENT	REV
PROJECT Proposed extensions 10 Wimpole Rd Beeston		
DESCRIPTION PLANS PROPOSED		
SCALE 1-200 @ A3	DATE	mar 20
PROJECT NUMBER	DRAWING NUMBER	
NG93LQ-amc-03-xx-dr-A- 0028		
STATUS HOUSEHOLDER PLANNING		
<small>DO NOT SCALE FROM THIS DRAWING - ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE THIS DRAWING IS ALAN MCGOWAN ARCHITECTS</small>		
 Alan McGowan Architects Ltd  Chartered Architects RIBA # <small>BRIDGE HOUSE LONG LAYTON NOTTINGHAM NG10 1HE TEL: 0115 8738021 info@alantogowan.co.uk</small>		



PROJECT		Proposed extensions 10 Wimpole Rd Beeston	
DESCRIPTION		PLANS PROPOSED	
SCALE	DATE	1-100 @ A3 apr 20	
PROJECT NUMBER	DRAWING NUMBER	NG93LQ-amc-03-xx-dr-A-0027A	
STATUS		HOUSEHOLDER PLANNING	
DO NOT SCALE FROM THIS DRAWING - ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE THIS DRAWING © ALAN MCGOWAN ARCHITECTS			
		RIBA #	
<small>BRIDGE HOUSE, LONG LAYTON, NOTTINGHAM NG10 1NL TEL: 0115 8758021 info@alanmarc.co.uk</small>			



DATE		AMENDMENT	REV
PROJECT		Proposed extensions 10 Wimpole Rd Beeston	
DESCRIPTION		PLANS PROPOSED	
SCALE	DATE	1-100 @ A3 APR 20	
PROJECT NUMBER	DRAWING NUMBER	NG93LQ-amc-03-xx-dr-A-0026A	
STATUS		HOUSEHOLDER PLANNING	
DO NOT SCALE FROM THIS DRAWING - ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE THIS DRAWING © ALAN MCGOWAN ARCHITECTS			
		RIBA #	
<small>BRIDGE HOUSE, LONG LAYTON, NOTTINGHAM NG10 1NL TEL: 0115 8758021 info@alanmarc.co.uk</small>			

## Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>20/00267/FUL</b>
<b>LOCATION:</b>	<b>Woodend, Kimberley Road, Nuthall, NG16 1DA</b>
<b>PROPOSAL:</b>	<b>Retain 4 lamp posts in garden</b>

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

1 Executive Summary

- 1.1 This application seeks permission to retain 4 lamp posts that are situated on the drive leading to the main dwelling at Woodend, Kimberley Road. The lamp posts are 4.2m high and of cast iron construction.
- 1.2 The application site is within a residential area in the Nuthall Conservation Area and within the Nottinghamshire Green Belt.
- 1.3 The proposal is inappropriate development in the Green Belt and therefore should only be approved if very special circumstances can be demonstrated. The benefits of any such circumstances must outweigh potential harm to the Green Belt to be considered acceptable. The applicant has stated that the lamp posts are the only light source for the drive, which is circa 200m from the public highway. The drive is bordered by a high wall to the west and woodland to the east which is outside of the applicant's ownership. Therefore, without the lamp posts the drive would be in complete darkness at night. The need for lamp posts to provide lighting for the purposes of safety and security is considered to be very special circumstances, and therefore in accordance with the NPPF so long as the benefits outweigh the harm to the Green Belt. The lamp posts are of a slim design and sited to the front of the host dwelling and in close proximity to the high boundary wall. Taking into account the relatively small scale and siting of development close to the boundary wall it is considered that the harm to the Green Belt is limited, and outweighed by the benefits to safety and security. As such it is considered that very special circumstances have been demonstrated that outweigh the harm to the Green Belt and the principle of development can therefore be supported.
- 1.4 The Conservation Officer has not raised any objection to the proposal. The lamp posts are of cast iron construction and high quality design and therefore are not considered to be harmful to the character of the area. They are set well into the application site and are therefore not harmful to the street scene.
- 1.5 The Environmental Health Officer has not raised any objection to the proposal. As there are neighbouring residential dwellings, conditions have been recommended to obscure the light source to the north and west, and for the lights to be operated on a sensor basis only. Subject to these conditions it is considered that the proposal will not result in an unacceptable loss of amenity for any neighbouring residents.

- 1.6 Overall it is considered that the proposal is acceptable and that planning permission should be granted subject in line with the resolution set out in the appendix.

## 1 Details of the Application

- 1.1 This application seeks permission to retain 4 lamp posts that are situated on the drive leading to the main dwelling at Woodend, Kimberley Road. The lamp posts are 4.2m high and of cast iron construction.

## 2 Site and surroundings

- 2.1 The application site comprises a detached residential dwelling, set back from the highway by a private drive which is circa 200m in length and runs between No. 19 and 21 Kimberley Road. The application site is situated in a largely residential area, with residential dwellings to the north and west. The west boundary of the site is made up of a large brick wall, with a hedge forming the boundary with No. 21 Kimberley Road. The land to the east and south of the site is largely made up of woodland.
- 2.2 The application site is set within the Nuthall Conservation Area and within the Nottinghamshire Green Belt.

## 3 Relevant Planning History

- 3.1 Planning permission 95/00122/FUL, was granted in 1995 to construct a detached garage and make alterations to the dwelling. In 1999, planning permission 99/00081/FUL was granted to construct a first floor bedroom and bathroom extension. These historical permissions do not have any bearing on the current 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
- Policy 11: Historic Environment

### 4.2 **Part 2 Local Plan 2019**

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

### 4.3 **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 Conservation Officer:**

No objection raised with regards to the impact of the proposal on the Nuthall Conservation Area.

5.2 **Council’s Environmental Health Officer:**

No objection raised to the proposal subject to a condition being applied requiring the light source to be obscured so as to prevent illumination of adjoining properties, and for the lights to be operated by a passive infrared (PIR) switch for the duration of the permission.

5.3 Fifteen properties either adjoining or opposite the site were consulted and a site notice was displayed. Six responses from members of the public have been received. 1 observation has been raised with 5 letters of support received. The observation raised can be summarised as follows:

- Impact on wildlife needs to be considered – the area has been in darkness for 30 years and behaviour of wildlife is affected by this.
- Potential nuisance caused by lights coming on.
- There should be a condition for full time lighting to be used only in an emergency.
- The use of lighting should be limited to only when it is needed, especially in winter months.
- Sensors should be positioned above a level where it could be tripped by animals such as foxes and cats.
- Colour and level of light should be known for approval.

The reasons for support can be summarised as follows:

- Provides security for the surrounding area.
- The lamp posts are high quality and enhance the area.

6 Assessment

6.1 The main issues for consideration are, whether or not the principle of development is acceptable in the Green Belt, the design and appearance of the development and its impact on the appearance of the conservation area and its impact on the amenity of neighbouring properties.

6.2 **Principle**

6.2.1 The application site is located in the Nottinghamshire Green Belt. Broxtowe Part 2 Local Plan Policy 8 states that applications for development in the Green Belt will be determined in accordance with the NPPF. 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 when considering any application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other proposals.

- 6.2.2 Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The paragraph goes on to identify a number of exceptions, although the development proposed as part of this application is not covered by any of these exceptions. Therefore, the proposal is inappropriate development in the Green Belt, and whether or not it is acceptable will depend on whether any Very Special Circumstances that outweigh the harm of the development can be demonstrated.
- 6.2.3 The applicant has provided a supporting statement with the aim of demonstrating very special circumstances for the proposal. The application property is a residential dwelling. It is accessed via a private driveway, circa 200m long from Kimberley Road. The lights to be retained are the only light source along this driveway, without which it would be in complete darkness in the evenings. To the east of the site is mature woodland which is not owned or controlled by the applicant, with the west boundary being made up of a brick wall, circa 3.7m high, further reducing any potential light source to the drive. Historically there have been some lights attached to the wall that forms the west boundary of the site, although these were dislodged during maintenance to remove a large amount of ivy from the wall. There were also some lights attached to telegraph poles within the site that were of a low quality of appearance and have now been removed. The new lamp posts were then erected by the owner who was unaware of the need for planning permission.
- 6.2.4 It is considered that the provision of lighting along an access to a residential dwelling, which would otherwise be in complete darkness at night, would amount to very special circumstances in the Green Belt on the grounds that they are required for the safety and security of the residents of the dwelling. The principle of development in the Green Belt would therefore be acceptable so long as the benefit of the development outweighs the harm to the Green Belt.
- 6.2.5 The lamp posts are positioned adjacent to the west boundary of the site, which is made up of a large brick wall, circa 3.7m in height. The lamp posts are positioned to the front of the dwelling at Woodend, along an existing access, and do not extend out into the countryside beyond the dwelling. Therefore, they are read as part of the existing built environment. The lamp posts have a slender design, which in combination with their position adjacent to the high boundary wall, and to the front of the dwelling, are not considered to have a significant, unacceptable impact on the openness of the Green Belt. The house is set a considerable distance from the main road. The drive is not overlooked by any neighbouring properties and is bounded by woodland that is outside the applicant's control and is difficult to secure. The lamp posts would therefore be the only reasonable source of light to the drive, which is considered necessary for the safety and security of the applicant. It is therefore considered that in this instance the benefit of the proposal by virtue of the security the lamp posts provide to the applicant

and residents of the dwelling amounts to very special circumstances, which outweighs the limited harm to the openness of the Green Belt.

### 6.3 Design and Impact on the Conservation Area

6.3.1 The lamp posts are set away from the main highway and therefore are not visually prominent from the public realm or harmful to the street scene. Whilst the lamp posts represent reasonably high structures, they have a slim design and are positioned in close proximity to the high boundary wall, giving clear context to their siting and ensuring they do not have a harmful impact on the character of the area.

6.3.2 The lamp posts are of a high quality design, with a cast iron construction and traditional appearance which is considered to be in keeping with the character of the Conservation Area. The Conservation Officer has not raised any objection to the proposal on conservation grounds.

6.3.3 Overall it is therefore considered that a satisfactory standard of design has been achieved.

### 6.4 Amenity

6.4.1 The lamp posts are positioned adjacent to the brick wall, which is circa 3.7m high to the west of the site. Whilst the lamp posts slightly exceed the height of the wall, it is considered that in terms of their physical presence they do not result in a loss of light, or sense of enclosure for any neighbouring residents.

6.4.2 The main consideration regarding the impact of the proposal on neighbouring amenity is the potential for unacceptable light pollution. The lamp post which is positioned furthest north, is in close proximity to the rear boundary of No. 21 Kimberley Road. The rear elevation of No. 21 is approximately 38m from the rear boundary of its garden, where the lamp post is sited. Whilst this is considered a sufficient distance, relative to the size of the lamp post, to ensure the lamp post will not cause unacceptable nuisance to the residents of the neighbouring property, the proposal could still result in light spill to the rear garden of the property. It is therefore considered appropriate to condition that provisions such as the blocking up of the north side of the light source should be made to obscure the light and prevent the lighting spilling into the garden of No. 21.

6.4.3 Whilst the west boundary wall will obscure the lights to some extent for the properties to the west, as the lamp posts will exceed the height of these walls the lights will result in some illumination of the land beyond this boundary. It is considered that the main dwellings to the west are a sufficient distance from the lights to ensure they will not be adversely affected, although it is considered appropriate to condition that the light source is obscured to prevent illumination of these gardens also.

6.4.4 The land to the east of the site is made of mature woodland, and to the south of the lamp posts is the application property. It is therefore considered that the proposal will not result in an unacceptable loss of amenity to the east or south.

6.4.5 The lamp posts are required for security reasons for the safety of the applicant particularly when entering and exiting the property. It is therefore considered that it will not be necessary for the lights to be on unless the driveway is in use. With this in mind it is considered appropriate to condition that the lights are operated by a passive infrared switch for the duration of the permission, meaning they will be motion censored and therefore only be operational when the drive is in use.

6.4.6 Subject to the recommended conditions it is considered that the proposal will not have an unacceptable impact on the amenity of any neighbouring residents.

**7 Planning Balance**

7.1 The benefits of the proposal are that it will provide security measures which will ensure the safety of the applicant when using the drive at night. The lamp posts are of a high quality design which is not out of keeping with the character of the Conservation Area, and will not be visually prominent in the street scene. Whilst the lights will be partly visible from some neighbouring properties, it is considered that subject to the recommended conditions, they will not result in an unacceptable loss of amenity for these properties.

7.2 The application site is within the Green Belt, and is not identified as an exception to inappropriate development by paragraph 145 of the NPPF. However, it is considered that very special circumstances have been demonstrated by the applicant, notably that the lamp posts are required for security purposes, and it is considered that taking into account the scale and siting of the lights, that this benefit outweighs any potential harm of the proposal.

7.3 On balance it is therefore considered that the proposal is acceptable.

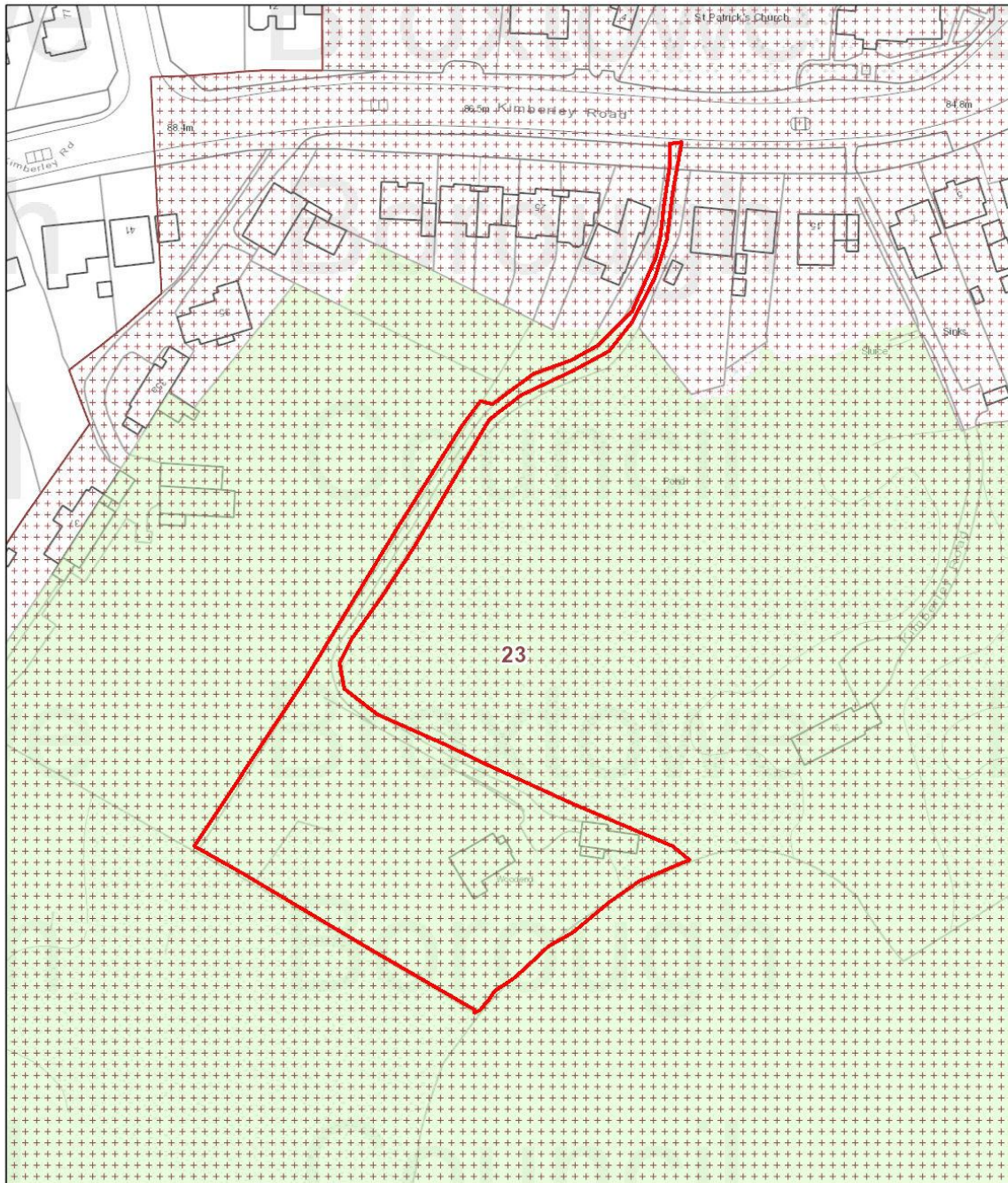
**8 Conclusion**

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




<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b>	
<b>1.</b>	<b>The development hereby permitted shall be retained in accordance with the drawings numbered 19-187(02)S01 (1:1250), 19-187(08)001 (1:500) and 19-187(08)002 (1:20); received by the Local Planning Authority on 29 April 2020.</b>  <b><i>Reason: For the avoidance of doubt.</i></b>
<b>2.</b>	<b>The light source shall be obscured so as to prevent illumination of adjoining properties to the north and west, and be operated by a Passive infrared (PIR) switch for the duration of the permission.</b>

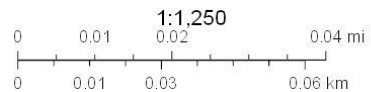
	<i>Reason: To prevent light nuisance to immediate properties.</i>
	<b>NOTES TO APPLICANT</b>
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.

### Woodend, Kimberley Road, Nuthall



6/29/2020, 11:55:39 AM

-  INTERNAL: PCO Applications
-  Green Belt
-  Conservation Areas



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Ordnance Survey 100019453

Photographs



Drive and lamp posts, looking north towards Kimberley Road.

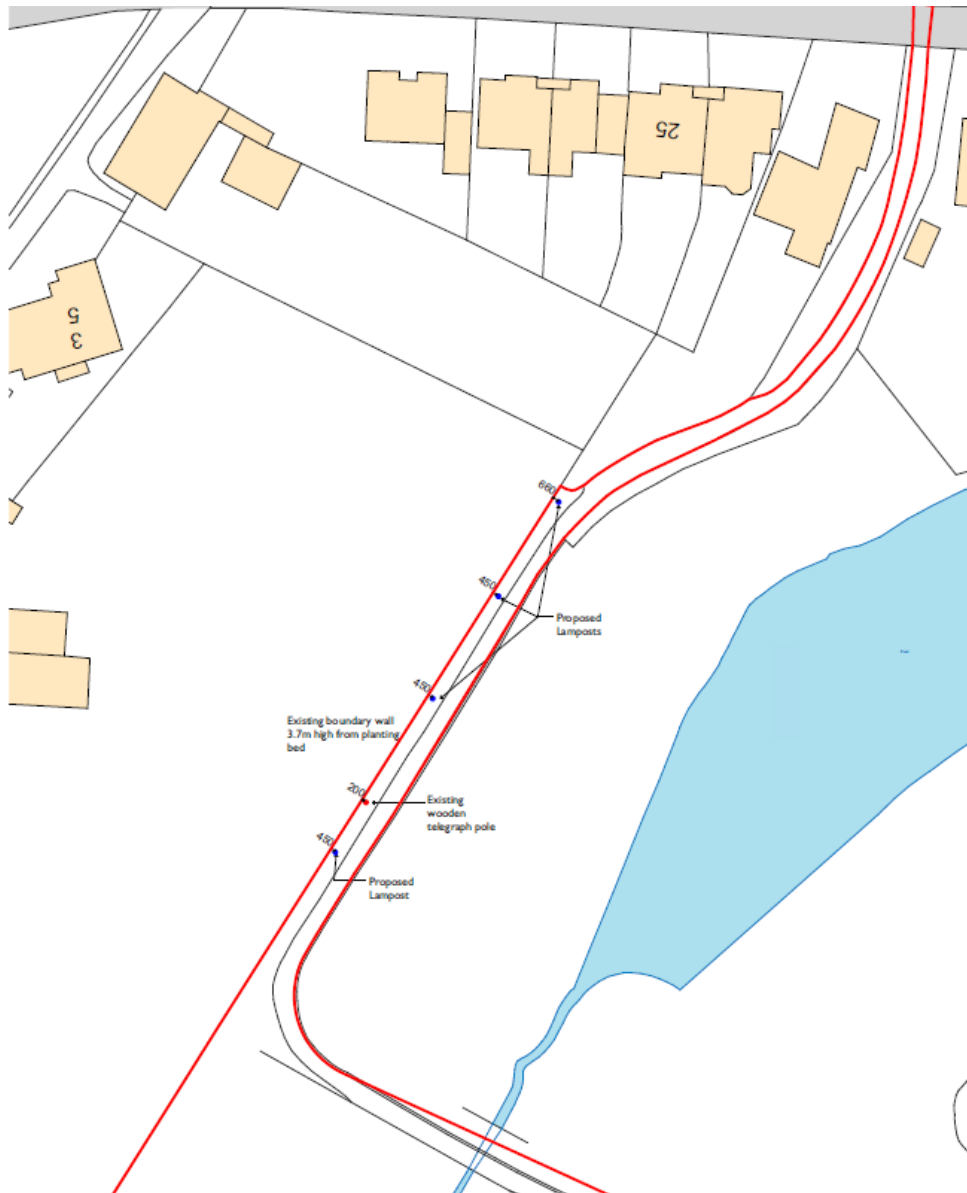


Lamp post and west boundary of the site.

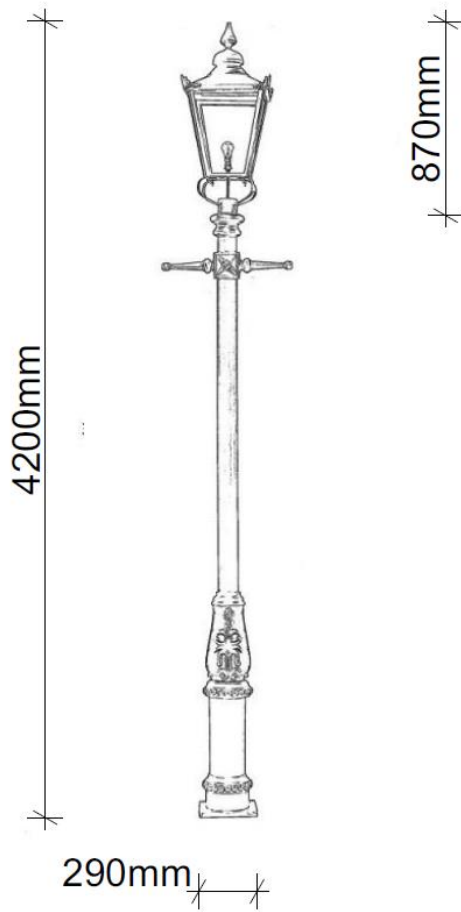


Drive and lamp posts, looking south towards host dwelling.

**Plans (not to scale)**



Part of site plan showing position of lamp posts.



Lamp post elevation plan.



**Report of the Chief Executive**

**APPEAL DECISION**

<b>APPLICATION NUMBER:</b>	<b>19/00342/MMA</b>
<b>LOCATION:</b>	<b>72 Queens Road East, Beeston NG9 2GS</b>
<b>PROPOSAL:</b>	<b>Minor Material Amendment to planning permission 16/00877/FUL to retain roof alterations, increase in size of rear dormer, revisions to windows and revisions to rear ground levels and inclusion of steps</b>

**APPEAL DISMISSED**

The application was refused permission because the size, poor design and materials of the rear dormer were considered to dominate the roof and have a negative impact on visual amenity, and the use of non-matching materials for the single storey/two storey side extension and the high eaves height of the single storey part of the side extension were considered to be over-prominent in the street scene.

The Inspector considered the main issue was the effect that varying the conditions to allow the retention of development as built would have on the character and appearance of the host property and of the area.

The Inspector considered the use of non-matching materials on the side extension, combined with the elevated eaves height of the single storey part of the extension, would accentuate the visual prominence of the extension within the street scene. Accordingly, the side extension failed to respect the proportions and appearance of the original dwelling and was thus harmful to the character and appearance of the host property and the area. The Inspector noted that the reason imposed by the Council for matching materials was to ensure a satisfactory standard of external appearance. Given the contrast between the colour of materials to the front of the property, the Inspector considered that an adequate standard of external appearance had not been achieved.

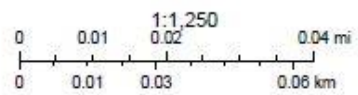
In regards to the dormer, the Inspector acknowledged the appellant's reasons behind the increase in the size of the rear dormer, compared with the approved scheme, such as to achieve acceptable levels of head height, but noted that this could not justify a structure that had such a harmful impact on the character and appearance of the host property and of the area.

Therefore, it was concluded that the amendments proposed to conditions 2 and 3 of the original permission to vary the design of the development from that approved and to allow non-matching materials, have had, and would continue to have, an unacceptably harmful impact on the character and appearance of the appeal property and the surrounding area.

### 72 Queens Road East



7/6/2020, 4:05:49 PM



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**Report of the Chief Executive**

**APPEAL DECISION**

<b>APPLICATION NUMBER:</b>	<b>19/00479/FUL</b>
<b>LOCATION:</b>	<b>29 Dunsmore Close, Beeston NG9 1LU</b>
<b>PROPOSAL:</b>	<b>Construct dwelling (revised scheme)</b>

**APPEAL DISMISSED**

The proposed dwelling was refused permission because its height, design, close proximity to Longlands Road and small garden size would be out of keeping with the predominant character and appearance of the area.

The Inspector considered the main issue to be the effect of the development on the character and appearance of the area.

The inspector considered that the new dwelling would be a dominant addition to the street scene.

Properties in the area are generally set back from the highway with their main garden being to the rear. The proposed dwelling would project in front of the building line of terrace No. 27-29 by approximately 2 metres. Additionally, the dwelling would be adjacent to the highway, and the parking area and garden would be situated to the side of the property.

The Inspector also considered that the appearance of the detached, hipped roof dwelling would not reflect that of the surrounding area. The terraces have a simple appearance with a broadly square footprint. The proposed dwelling would be an ‘L’ shape and would have a higher finished floor level than properties within the street scene. Due to the finished floor level, the eaves height and the roof ridge would be higher than the surrounding properties. The configuration, design and height of the proposed windows and door openings would also be noticeably different to the terraces. Accordingly, the development, by reason of its scale, siting and design was considered to be out of character with the adjacent housing.

The Inspector concluded that limited weight could be given to the appellant’s argument that the scheme would help address the undersupply of housing within the local area given the Council can demonstrate a five-year housing land supply and only one house was proposed.

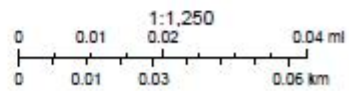
To conclude, the Inspector stated that whilst the Highways Department did not object to the proposal, the internal floor area is compliant with space standards, the scheme would provide limited economic benefits and make effective use of land in an accessible location; these considerations did not outweigh the harm identified above.

19/00479/FUL 29 Dunsmore Close, Beeston NG9 1LU



6/24/2020, 12:12:31 PM

 Site



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Appeal Ref: APP/J3015/N/20/0248809

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

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**PLANNING APPLICATIONS DEALT WITH FROM  
6 June 2020 TO 3 July 2020**

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### **CONTENTS**

Planning applications dealt with under Delegated Powers

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

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

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

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**ATTENBOROUGH & CHILWELL EAST WARD**

Applicant : Mr David Jenkins 20/00118/FUL  
Site Address : 203 Attenborough Lane Attenborough Nottinghamshire NG9 6AB  
Proposal : **Construct single storey rear and side extensions and rear dormer. Insert new windows.**  
Decision : **Conditional Permission**

---

**AWSWORTH, COSSALL & TROWELL WARD**

Applicant : Mr G Ashmore 20/00264/FUL  
Site Address : 24 Iona Drive Trowell Nottinghamshire NG9 3RF  
Proposal : **Construct external lift and steps with alteration to porch and ramp installed to the rear and removal of condition 3 of reference 00/00335/FUL "... the garage shall not be converted into living accommodation..."**  
Decision : **Conditional Permission**

---

Applicant : Mr & Miss Mark & Clare Horspool & Spittal 20/00286/FUL  
Site Address : 8 The Meadows Awsworth Nottinghamshire NG16 2RE  
Proposal : **Construct single storey extensions & alterations**  
Decision : **Conditional Permission**

---

Applicant : Mr D Moore 20/00281/PNH  
Site Address : 2 Wordsworth Road Awsworth Nottinghamshire NG16 2SW  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6 metres, with a maximum height of 3.8 metres, and an eaves height of 2.65 metres**  
Decision : **PNH Approval Not Required**

---

Applicant : MR I POYNTER 20/00307/FUL  
Site Address : 9 Newtons Lane Cossall Nottinghamshire NG16 2SB  
Proposal : **Demolish existing rear conservatory and construct new rear conservatory**  
Decision : **Conditional Permission**

---

**BEESTON CENTRAL WARD**

Applicant : Ms Erica Staniforth 20/00049/FUL  
Site Address : Land Adjacent 1 Henry Road Beeston Nottinghamshire NG9 2BE  
Proposal : **Construct 1 pair of semi-detached houses**  
Decision : **Conditional Permission**

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Applicant : Mr Patrick Chivinge 20/00075/FUL  
Site Address : 70 Salisbury Street Beeston Nottinghamshire NG9 2EQ  
Proposal : **Retain decking**  
Decision : **Conditional Permission**

---

Applicant : Mr Mohmmad Basharat 20/00140/FUL  
Site Address : 9 Queens Drive Beeston Nottinghamshire NG9 2ES  
Proposal : **Construct single storey annexe**  
Decision : **Conditional Permission**

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Applicant : Alight Media 20/00223/ADV  
Site Address : Advertisement Hoarding 145 Queens Road Beeston Nottinghamshire  
Proposal : **Display illuminated 48-sheet digital advertisement**  
Decision : **Conditional Permission**

---

Applicant : Mr D Beaumont 20/00248/FUL  
Site Address : Flat 1 And Flat 4 Amber House 1 Lambeth Court Beeston Nottinghamshire NG9 2DT  
Proposal : **Change of use from 2 flats to create one dwelling and construct single storey rear extension**  
Decision : **Conditional Permission**

---

Applicant : Mr J Brannan Broxtowe B c 20/00282/REG3  
Site Address : Beeston Market Willoughby Street Beeston NG9 2LT  
Proposal : **Construct two bungalows (revised scheme)**  
Decision : **Conditional Permission**

---

#### BEESTON NORTH WARD

Applicant : Mr C Burton 20/00147/FUL  
Site Address : 74 Abbey Road Beeston Nottingham NG9 2QH  
Proposal : **Construct two storey side extension, single storey rear extension and loft conversion with front and rear dormers**  
Decision : **Conditional Permission**

---

Applicant : Mr R Chamberlain 20/00249/FUL  
Site Address : 42 Dennis Avenue Beeston Nottinghamshire NG9 2PR  
Proposal : **Construct conservatory**  
Decision : **Conditional Permission**

---

#### BEESTON RYLANDS WARD

Applicant : Mr Peter Treagus 20/00158/FUL  
Site Address : Sea Scout Headquarters Lilac Grove Beeston NG9 1PF  
Proposal : **Construct HQ building, relocate portacabin and construct boat storage canopy**  
Decision : **Conditional Permission**

---

#### BEESTON WEST WARD

Applicant : Mr Owen Rees 20/00124/FUL  
Site Address : 7 Bramcote Road Beeston Nottinghamshire NG9 1AG  
Proposal : **Construct rear dormer and insert second floor side window**  
Decision : **Conditional Permission**

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#### BRAMCOTE WARD

Applicant : Mr J Loughlin 20/00170/FUL  
Site Address : 21 Sandringham Drive Bramcote Nottinghamshire NG9 3EA  
Proposal : **Construct single storey front, two storey side/ rear extension, rear canopy and render external walls**  
Decision : **Conditional Permission**

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Applicant : Mr Richard Maling North Sands Developments Ltd 20/00206/FUL  
Site Address : 5 Court Yard Bramcote Nottinghamshire NG9 3DL  
Proposal : **Construct 4 dwellings**  
Decision : **Conditional Permission**

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Applicant : Mrs Mahmoona Kausar 20/00215/FUL  
Site Address : 3 Sandy Lane Bramcote Nottinghamshire NG9 3GT  
Proposal : **Construct single storey rear and side extensions**  
Decision : **Conditional Permission**

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Applicant : Mr Matthew Sanders 20/00250/FUL  
Site Address : 33 Thoresby Road Bramcote Nottingham NG9 3EN  
Proposal : **Construct single/two storey rear extension, replacement boundary wall to the front and insert first floor side window**  
Decision : **Conditional Permission**

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Applicant : Richard Robinson 20/00296/FUL  
Site Address : 26 Thornhill Close Bramcote Nottinghamshire NG9 3FS  
Proposal : **Construct single storey front porch**  
Decision : **Conditional Permission**

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### BRINSLEY WARD

Applicant : Mr T Hanna 20/00232/FUL  
Site Address : 29 Lawrence Drive Brinsley Nottinghamshire NG16 5AU  
Proposal : **Raise ridge height to create attic bedroom**  
Decision : **Conditional Permission**

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### CHILWELL WEST WARD

Applicant : Mr Michael Brown 20/00242/FUL  
Site Address : 165 Inham Road Chilwell Nottinghamshire NG9 4JF  
Proposal : **Construct porch and single/two storey side and rear extensions**  
Decision : **Conditional Permission**

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### EASTWOOD HALL WARD

Applicant : Mr B Woolley 20/00176/FUL  
Site Address : 11 Meadow Close Eastwood Nottinghamshire NG16 3DQ  
Proposal : **Construct single storey front and side extension**  
Decision : **Conditional Permission**

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### EASTWOOD HILLTOP WARD

Applicant : Mr S Turner Allsigns Pension Trust 20/00099/OUT  
Site Address : Land To The Rear Of 17A Percy Street Eastwood Nottinghamshire NG16 3EP  
Proposal : **Outline application for construction of three dwellings with some matters reserved**  
Decision : **Conditional Permission**

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Applicant : Ms Deanna Fahy 20/00234/FUL  
Site Address : 48 Chewton Street Eastwood Nottinghamshire NG16 3JP  
Proposal : **Construct single storey front extension**  
Decision : **Conditional Permission**

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### GREASLEY WARD

Applicant : Mr G Coombes 20/00025/FUL  
Site Address : 16 Wessex Drive Giltbrook Nottinghamshire NG16 2YP  
Proposal : **Construct single storey extension**  
Decision : **Conditional Permission**

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Applicant : Mr David Redgate 20/00141/FUL  
Site Address : Coney Grey Farm Mansfield Road Brinsley Nottinghamshire NG16 5AE  
Proposal : **Construct extension to existing cattle shed**  
Decision : **Conditional Permission**

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Applicant : Mr David Redgate 20/00142/FUL  
Site Address : Coney Grey Farm Mansfield Road Brinsley Nottinghamshire NG16 5AE  
Proposal : **Construct steel framed hay barn**  
Decision : **Conditional Permission**

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Applicant : Mark Smith 20/00262/FUL  
Site Address : 2 Foxglove Road Newthorpe Nottinghamshire NG16 2BG  
Proposal : **Erect a 1.8m high closeboard fence, timber posts and gates, around the perimeter of the property**

Decision : **Refusal**

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Applicant : na MBNL for and on behalf of EE Limited & H3G UK Limited 20/00277/PRIOR  
Site Address : Telecommunications Mast 100 Baker Road Newthorpe NG16 2DP  
Proposal : **Application to determine if prior approval is required - removal and replacement of existing monopole and equipment cabinets**  
Decision : **Permitted Development (Telecomms)**

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#### KIMBERLEY WARD

Applicant : Mrs Naomi Lee 20/00251/FUL  
Site Address : 69 Cliff Boulevard Kimberley Nottinghamshire NG16 2JJ  
Proposal : **Construct single storey rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs S Bruce 20/00280/CLUP  
Site Address : 32 Stocks Road Kimberley Nottinghamshire NG16 2QF  
Proposal : **Certificate of proposed development to construct single storey rear and side extension.**  
Decision : **Approval - CLU**

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#### NUTHALL EAST & STRELLEY WARD

Applicant : Mr Ian Beck 20/00233/FUL  
Site Address : 50 Vernon Drive Nuthall Nottinghamshire NG16 1AR  
Proposal : **Construct two storey side extension**  
Decision : **Conditional Permission**

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Applicant : Mr P Hughes 20/00308/FUL  
Site Address : 22 Horsendale Avenue Nuthall Nottinghamshire NG16 1AN  
Proposal : **Construct single storey side extension**  
Decision : **Conditional Permission**

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#### STAPLEFORD SOUTH WEST WARD

Applicant : Mr K Zargarbashi 20/00148/CLUP  
Site Address : Nottingham College Arthur Mee Centre Church Street Stapleford Nottinghamshire NG9 8GA  
Proposal : **Proposed 3 replacement windows**  
Decision : **Approval - CLU**

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Applicant : Mrs Siobhan Somers 20/00254/FUL  
Site Address : 16 Horace Avenue Stapleford Nottinghamshire NG9 8FR  
Proposal : **Retain out building for use as massage therapy clinic**  
Decision : **Conditional Permission**

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#### TOTON & CHILWELL MEADOWS WARD

Applicant : Mr & Mrs C Tigg 20/00238/FUL  
Site Address : 11 Stapleford Lane Toton Nottingham NG9 6FZ  
Proposal : **Construct rear extension, front porch, front dormers, raise roof to form rooms in roofspace and extension and alterations to existing garage (revised scheme)**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Wood 20/00239/FUL  
Site Address : 20 Kirkham Drive Toton Nottinghamshire NG9 6HG  
Proposal : **Construct single storey rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr D Morris 20/00268/FUL  
Site Address : 28 Banks Road Toton Nottinghamshire NG9 6HD  
Proposal : **Construct single storey rear and side extension**  
Decision : **Conditional Permission**

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#### **WATNALL & NUTHALL WEST WARD**

Applicant : Mrs Z Allen 20/00274/FUL  
Site Address : Larkfields Infants School Coronation Road Nuthall Nottinghamshire NG16 1EP  
Proposal : **Construct single storey extension to provide a new main entrance**  
Decision : **Conditional Permission**

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