



Tuesday, 2 March 2021

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 10 March 2021 via Microsoft Teams, commencing at 7.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the 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 - 8)

The Committee is asked to confirm as a correct record the minutes of the meeting held on 10 February 2021.

4. NOTIFICATION OF LOBBYING

5. DEVELOPMENT CONTROL

5.1 APPLICATION NUMBER 19/00668/FUL (Pages 9 - 62)

Construct 62 dwellings
Beeston Maltings, Dovecote lane, Beeston, NG9 1JG

5.2 APPLICATION NUMBER 19/00524/OUT (Pages 63 - 102)

Hybrid planning application comprising: Outline application to construct 64 dwellings including access with some matters reserved. Full application to change use to create a country park and associated works
Former Dry Ski Slope, Cossall Industrial Estate, Soloman Road, Cossall, Nottinghamshire

5.3 APPLICATION NUMBER 21/00023/FUL (Pages 103 - 120)

Construct stable extension, lion's den and erect 3m high internal fencing to extend wildcat enclosure
Land North of Home Farm Cottage and Park View Cottage, Main Street, Strelley, Nottinghamshire

5.4 APPLICATION NUMBER 21/00027/REG3 (Pages 121 - 130)

Construct mezzanines within Units 1 and 2/3
2 Station Road, Beeston, NG9 2WJ

5.5 APPLICATION NUMBER 20/00667/FUL (Pages 131 - 148)

Construct pair of semi-detached dwellings following demolition of existing bungalow
28 Park Road Chilwell NG9 4DA

5.6 APPLICATION NUMBER 20/00541/FUL (Pages 149 - 166)

Construct 28 Dwellings
42 – 44 Brookhill Leys Road Eastwood Nottingham NG16 3HZ

5.7 APPLICATION NUMBER 20/00714/FUL (Pages 167 - 178)

Construct link extension and change use from residential (Class C3) to residential care home (Class C2)
259 High Road Chilwell NG9 5DD

6. INFORMATION ITEMS

6.1 Appeal Decisions (Pages 179 - 180)

6.2 Delegated Decisions (Pages 181 - 192)

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PLANNING COMMITTEE

WEDNESDAY, 10 FEBRUARY 2021

Present: Councillor D K Watts, Chair

Councillors: L A Ball BEM
T A Cullen
S J Carr (Substitute)
D Grindell
M Handley
R I Jackson
G Marshall
J W McGrath (Vice-Chair)
P J Owen
D D Pringle
M Radulovic (MBE) (Ex- Officio)
H E Skinner (Substitute)
D D Pringle
R D Willimott

Apologies for absence were received from Councillors D Bagshaw and R D MacRae.

54 DECLARATIONS OF INTEREST

Councillor J W McGrath declared a non pecuniary interest in item 5.4 as he is an acquaintance of the developer. Minute number 57.4 refers.

55 MINUTES

The minutes of the meeting held on 6 January 2021 were approved as a correct record.

56 NOTIFICATION OF LOBBYING

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

57 DEVELOPMENT CONTROL

57.1 APPLICATION NUMBER 20/00592/FUL

Retain laundry block
The Grange Nursing Home, 9 Elm Avenue, Attenborough, NG9 6BH

The application was brought to Committee by Councillor T Roberts Thomson.

There were two late items comprised of emails from residents.

Ruth Elmer, objecting, and Councillor T Roberts Thomson, Ward Member, made representation to the Committee prior to the general debate.

Consideration was given as to whether the development was appropriate in a residential area, given that the disturbance caused by the drying machinery had led to the immediate closure of the laundry block. There was concern over the appearance of the laundry lock, its position in relation to neighbouring properties and the removal of car parking spaces. It was noted that the dryers had created a nuisance with vibration as well as noise and pollution with lint.

RESOLVED that planning permission be refused, with the precise wording of the refusal to be delegated to the Head of Planning and Economic Development in conjunction with the Chair of the Planning Committee.

RESOLVED that enforcement action be authorised.

Reason

The outbuilding and associated use as a laundry facility, by virtue of its position within the site, would have a detrimental impact on neighbour amenity in terms of noise, smells and disturbance, and would result in an unacceptable increase in on-street parking due to the loss of parking spaces within the site, contrary to Policies 17 and 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014). The outbuilding hereby refused shall be removed and the parking spaces reinstated within three months of the date of the decision.

57.2 APPLICATION NUMBER 20/00801/FUL

Construct single storey rear extension to form a 5 bed cluster flat
Flewitt House, Middle Street, Beeston NG9 2AR

The application was brought before Committee at the request of Councillor P Lally and Councillor L A Lally.

There were no late items for the application.

Kapil Lathia, applicant, and Councillor P Lally, Ward Member made representation to the Committee prior to the general debate.

The debate included concerns regarding overdevelopment, the risk of flooding and car parking. It was also noted that this was an ideal location for the provision of further student accommodation in a purpose built development.

There was concern that as a previous proposal for a two storey development had been refused, that there would be permitted development rights to build the upper storey.

It was proposed by Councillor D K Watts and seconded by Councillor D Grindell that an additional condition be added to remove permitted development rights, the precise

wording of which to be delegated to the Head of Planning and Economic Development on the Chair of the Planning Committee. On being put to the meeting the motion was carried. After the meeting it was established that no condition was necessary as no permitted development rights existed.

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

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

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

- 2. The development hereby permitted shall be carried out in accordance with the Site Location Plan and drawings numbered 2599(08)G02 rev A and 2599(08)R01 rev B received by the Local Planning Authority on 16.11.20, 2599(08)004 rev B received by the Local Planning Authority on 30.11.20 and 2599(08)S02 rev C, 2599(08)E03 rev B, 2599(08)E04 rev B and 2599(08)E05 received by the Local Planning Authority on 07.12.20.**

Reason: For the avoidance of doubt.

- 3. The extension shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing building.**

Reason: Limited details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

- 4. No development shall take place until a construction plan detailing site access and proposals for the prevention of debris on the tram track have first been submitted to and approved in writing by the Local Planning Authority. The plan should also include provision for signs on exit of the site warning to check for trams, and details of how pedestrian flow will be managed.**

Reason: In the interests of highway safety and the continuity of service provision 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).

- 5. No above ground works shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:**

- (a) numbers, types, sizes and positions of proposed shrubs**
- (b) proposed boundary treatments**
- (c) proposed hard surfacing treatment**
- (d) proposed lighting details**
- (e) planting, seeding/turfing of other soft landscape areas**
- (f) appearance of the enlarged bin store**
- (g) timetable for provision.**

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

Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

6. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the extension, whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.

Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

7. Notwithstanding the details as submitted, the finished floor level of the extension shall be a minimum of 27.56m AOD.

Reason: To ensure that the development does not result in an increase of flood risk for the future occupiers of the building and in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).

NOTES TO APPLICANT

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2. Given the proximity of residential properties, it is advised that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays. There should also be no bonfires on site at any time.
3. Further details regarding undertaking of works adjacent to the tram network are available at <https://www.thetram.net/work-near-the-tram.aspx>

57.3 APPLICATION NUMBER 20/00837/FUL

Construct single and two storey rear extension and a rear dormer. Installation of bin stores to the frontage. Change of use from children's day nursery (Class D1) to eight bed house in multiple occupation (revised scheme)
5 City Road, Beeston, NG9 2LQ

The application was brought to the Committee at the request of Councillor P Lally.

There were no late items for the application.

JH Hofton Trust and Mrs PM Read, the applicant and Councillor P Lally, Ward Member, made representation to the Committee prior to the general debate.

Members noted that planning permission had been granted for a house in multiple occupation and that the proposed extension offered the residents larger communal areas.

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

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

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

- 2. The development hereby permitted shall be carried out in accordance with the Site Location Plan and proposed Block Plan (2050/P01) and drawing numbers 2050/P04, 2050/P05, 2050/P06, 2050/P07, 2050/P08, and 2050/P09, received by the Local Planning Authority on 02.12.20.**

Reason: For the avoidance of doubt.

- 3. The extension and dormer shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing building.**

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

- 4. No part of the use hereby permitted shall be occupied until the bin storage areas have been provided in accordance with the approved details.**

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

NOTES TO APPLICANT

- 1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.**
- 2. 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**

3. **Given the proximity of residential properties, it is advised that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays. There should also be no bonfires on site at any time.**

57.4 APPLICATION NUMBER 19/00668/FUL

Construct 74 dwellings
Beeston Maltings, Dovecote Lane, Beeston, NG9 1JG

This application was brought to the Committee as it is a major application and there are issues in respect of viability.

There was a large number of late items comprised of emails from residents.

Ian Jowett, applicant, and Nuala Hampson, objecting, made representation to the Committee prior to the general debate.

The Committee considered the proposed Section 106 Contributions. Nottinghamshire County Council had requested £286,500.00 for education provision, however, the viability assessment had concluded that the development would only be capable of providing up to £107,899.00 of Section 106 Contributions in total, for Open Space, Education and Primary Health Care. There was concern that this would not be enough to make this a sustainable development, whilst it was acknowledged that the scheme was going to address the pressing need for affordable housing.

The debate progressed on to the concern regarding access to the site and the roads on the scheme which were not going to be adopted because there was no turning circle for refuse vehicles. There was a significant amount of concern that Dovecote Lane would not be wide enough for two lanes of traffic entering and exiting the site, that 74 dwellings would cause a substantial increase in traffic and that in turn, this would endanger cyclists and pedestrians using the road. Access via Cartwright Way was discussed, as was the model of management for the site which was to be purchased by a housing association.

It was noted that the density of the development would be 45 per hectare, which was considered to be overdevelopment. There was also concern regarding the flood mitigation plan, including the water storage tanks under the houses. It was noted that the flood mitigation had to be in place before any of the homes were occupied.

The Committee then discussed the heritage assets on the site, including the Gatekeeper's Cottage.

It was proposed by Councillor T A Cullen and seconded by Councillor G Marshall that the item be deferred to allow further negotiations to take place regarding the Section 106 Contributions, to reconsider the issues around access and unadopted roads.

RESOLVED that the application be deferred.

58 INFORMATION ITEMS

58.1 DELEGATED DECISIONS

The delegated decisions were noted.

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Report of the Chief Executive

APPLICATION NUMBER:	19/00668/FUL
LOCATION:	Beeston Maltings, Dovecote Lane, Beeston, NG9 1JG
PROPOSAL:	Construct 62 dwellings

1 Executive Summary

- 1.1 The application was first brought before Planning Committee 10 February 2021 with a recommendation for approval (original committee report attached as an appendix). Members resolved to defer making a decision on the application following concerns with regard to the density of the development; access from the development; internal road layout; Section 106 allocation; and loss of gatehouse.
- 1.2 The application is being returned to committee following the receipt of amended plans and additional information.
- 1.3 The layout as originally presented to committee in February saw 74 dwellings served from a new access from Dovecote Lane. Members were concerned that the density of the development would have an impact on traffic in the area, and would also result in a poor environment for the future occupiers. Concerns were also raised regarding the side roads, which would be unusable for large vehicles and as such not adoptable, to the detriment of the layout. Amended plans have now been submitted which show a reduction in the number of dwellings, from 74 to 62, and an amendment to the road layout to enable all roads to be of an adoptable standard such that larger vehicles, such as refuse vehicles, can enter and exit the site in a forward gear. The two and three bed house types have been altered so as to ensure that all the dwellings comply with the Nationally Described Space Standards.
- 1.4 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix, and to the prior signing of a Section 106 Agreement.

Appendix 1

1 Details of the Application

- 1.1 The site is allocated for residential development in the Part 2 Local Plan. The proposal has been amended and now shows a development of 62 dwellings, a reduction of 12 from the scheme of 74 presented at February committee.
- 1.2 The layout as amended retains the access from Dovecote Lane. Internally, and due to the reduction in density of development, two of the cul-de-sacs have been altered in order to provide a loop road and the third cul-de-sac now incorporates a turning head, so as to ensure that all roads within the development can be designed to be of an adoptable standard.
- 1.3 Amended plans in respect of house sizes for the 2 and 3 bed semi-detached dwellings have been received, which demonstrate that the internal floor area for these and all other dwellings in the development comply with the DCLG's Nationally Described Space Standards.
- 1.4 The applicant has submitted a statement which confirms that as the land value is to be based on the number of units granted planning permission and adjusted accordingly, the viability of the scheme would not be impacted upon, that is, it would be no more or no less viable than the previous scheme, which was for 74 dwellings.

2 Relevant Policies and Guidance

- 2.1 The relevant policies have previously been set out in the original committee report, attached as an appendix.

3 Re-consultations

- 3.1 Consultation responses will be reported at the Committee as late items.
- 3.2 Re-consultation letters were sent to all responders and a site notice was displayed. Any responses received, which comment on the amended plans or that raise new matters that have not been reported previously will be reported at the Committee as late items.

4 Assessment

- 4.1 The amended layout demonstrates, through widening of the section adjacent to the site, that parking on street, and two-way traffic from the development can be accommodated without detriment to highway safety.
- 4.2 The amended layout allows for the whole development to be accessed by large vehicles such as refuse and can be built to an adoptable standard. This is considered to be a positive improvement to the benefit of both users of the highway, and to the future occupiers of the development, who would no longer need to take waste bins to a designated collection point. There may also be no requirement for

a management company to be agreed for the maintenance of the un-adopted roads.

- 4.3 As the density of the development has been reduced, it has been possible to ensure that all proposed dwellings on the site meet the guidance as set out in the DCLG's Nationally Described Space Standards, to the benefit of the future occupiers.

5 Conclusion

- 5.1 The proposed development, as amended, is acceptable and as such it is recommended that planning permission be granted, subject to conditions and the prior signing of a Section 106 Agreement.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions and to the prior signing of a Section 106 Agreement.</p>	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with drawings numbered 766 004, 766 005 rev D, 766 006 rev B, 766 008 rev C, 766 009 rev D, 766 010 rev A, 766 016, 766 017, 766 018, 766 019, F18003/16 rev B, F18003/17 rev B, F18003/18 and F18003/19 received by the Local Planning Authority on 01.12.20, F/18003/21 rev A received by the Local Planning Authority on 18.12.20, 766 020 received by the Local Planning Authority on 11.01.21, 766 001 rev B1, 766 002 rev G and 766 003 rev F received by the Local Planning Authority on 17.02.21.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No above ground works shall be carried out until details of the materials to be used in facing external walls and roofs have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p>

	<p><i>Reason: 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>4.</p>	<p>The development shall not be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p><i>Reason: In the interests of public health and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>5.</p>	<p>The development shall not be commenced until details of piling or any other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority. A method statement should set out measures for reducing noise and vibration impact on neighbouring buildings and on the rail network. The development shall thereafter be carried out in accordance with the details as approved.</p> <p><i>Reason: To protect groundwater from contamination and nearby buildings/rail network and residents from noise and vibration in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>6.</p>	<p>The development shall not be commenced until details of a surface water drainage scheme based on the principles set forward by the approved FRA, and a drainage strategy have been submitted to and approved in writing by the Local Planning Authority. The scheme shall:</p> <ul style="list-style-type: none"> a) Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753. b) Details of STW approval for connections to existing network and any adoption of site drainage infrastructure. c) Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

	<p>The scheme shall be implemented in accordance with the approved details.</p> <p><i>Reason: To ensure that the development does not increase the risk of flooding in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>7.</p>	<p>The development shall not be commenced until a Traffic Regulation Order as shown indicatively on approved drawing F18003/21 rev A has been entered into with the Highway Authority. The approved TRO shall thereafter be implemented prior to the occupation of any part of the site.</p> <p><i>Reason: In the interests of Highway Safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>8.</p>	<p>The development (including demolition) shall not be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:</p> <ul style="list-style-type: none"> a) The parking of vehicles of site operatives and visitors b) Loading and unloading of plant and materials c) Storage of plant and materials used in the construction of the development d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate e) Wheel washing facilities f) Measures to control the emission of dust and dirt during construction g) A scheme for recycling/disposal of waste resulting from demolition and construction works h) A risk assessment in relation to the railway <p><i>Reason: In the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>9.</p>	<p>The development shall not be commenced until the results of further surveys in regard to Great Crested Newts have been submitted to and approved in writing by the Local Planning Authority. The survey should include details of any mitigation measures that may be required to protect, or measures proposed for the relocation of, any Great Crested Newts found on the site.</p> <p><i>Reason: In the interests of safeguarding a protected species, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p>

<p>10.</p>	<p>The development shall not be commenced until a Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP should include details of ecological enhancements, wildlife boxes, maintenance schedule, bat roost and bird nest boxes, and external lighting.</p> <p><i>In the interests of ensuring that a biodiversity gain can be achieved, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>11.</p>	<p>The development shall not be commenced until a Reasonable Avoidance Measures Statement (RAMS) has been submitted to and approved in writing by the Local Planning Authority. The RAMS should detail a precautionary method of working during site clearance, ground disturbance and other development activities which have the potential to harm, kill or trap species of amphibians or mammals and should be in accordance with BS 42020:2013 Biodiversity – Code of Practice for Planning and Development and should also set out when an Ecological Clerk of Works (ECoW) is needed to be present on site, and timings for all species potentially present on site, including nesting birds. The works shall be carried out in accordance with the approved statement.</p> <p><i>Reason: In the interests of safeguarding flora and fauna on the site, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>12.</p>	<p>The development shall not be commenced until a method statement setting out a programme of archaeological investigation and recording has been submitted to and approved in writing by the Local Planning Authority. The findings of the statement shall be implemented prior to works commencing or to a timetable set out in the statement as approved.</p> <p><i>Reason: In the interests of safeguarding designated and non-designated heritage assets in accordance with the aims of Policy 23 of the Broxtowe Part 2 Local Plan (2019) and Policy 11 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>13.</p>	<p>No above ground works shall be carried out until details of a landscaping scheme has been submitted to and approved in</p>

	<p>writing by the Local Planning Authority. The scheme shall include the following details:</p> <ul style="list-style-type: none"> a) Numbers, types, sizes and positions of proposed trees and shrubs b) Proposed boundary treatments including the attenuation fence and details of Armco barriers c) Proposed hard surfacing treatment d) Planting, seeding/turfing of other soft landscaping areas e) Management and maintenance of any area not falling within the curtilage of a dwelling <p>The approved scheme shall be carried out in accordance with the approved details.</p> <p><i>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>14.</p>	<p>No dwelling hereby approved shall be occupied or otherwise be brought into use until the glazing and ventilation relating to that unit has been installed in accordance with the specification details set out in the Noise Assessment report 12419 v2, dated May 2019.</p> <p><i>Reason: In the interests of public health and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>15.</p>	<p>No dwelling hereby approved shall be occupied or otherwise be brought into use until it has been certified that all necessary remedial measures have been implemented in full so as to render the site free from risk to human health from any contaminants identified.</p> <p><i>Reason: In the interests of public health and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>16.</p>	<p>No dwelling fronting an unadopted (private) road hereby approved shall be occupied or otherwise be brought into use until details of the proposed arrangements for the future management and maintenance of the private road including associated drainage have been submitted to and approved in writing by the Local Planning Authority. The private road and drainage shall thereafter be maintained in accordance with the approved details, until such time that a private Management and Maintenance company has been established.</p> <p><i>Reason: In the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>

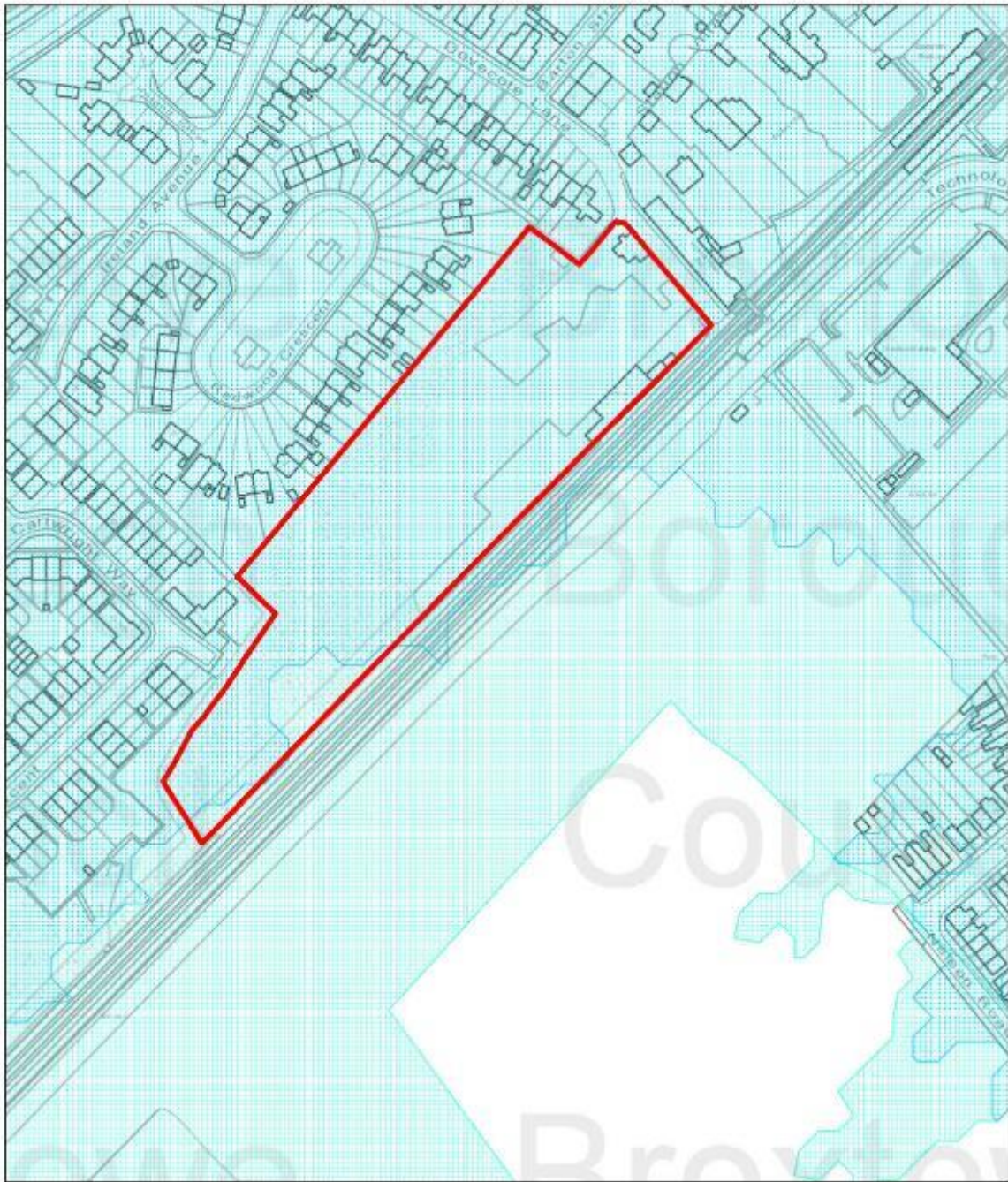
<p>17.</p>	<p>No dwelling hereby approved shall be occupied or otherwise be brought into use until the parking area associated with their respective plot has been surfaced in a bound material (not loose gravel) for a minimum distance of 5m beyond the highway boundary, and shall have been constructed so as to prevent to the discharge of surface water from the parking areas onto the public highway. The bound material and provision to prevent discharge of surface water shall thereafter be maintained for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>18.</p>	<p>No dwelling hereby approved shall be occupied or otherwise be brought into use until the off-site highway works as shown for indicative purposes on approved drawing reference F/18003/21 rev A have been provided to the satisfaction of the Highway Authority.</p> <p><i>Reason: In the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>19.</p>	<p>No dwelling fronting an unadopted (private) road hereby approved shall be occupied or otherwise be brought into use until the bin collection points as shown on the approved site layout plan have been provided.</p> <p><i>Reason: In the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>20.</p>	<p>The development shall be carried out in accordance with the submitted flood risk assessment (ref; Flood Risk Assessment and Drainage Strategy Report, Armstrong Stoke & Clayton Limited, April 2020, WMD105/FRA Rev E and Flood Risk - Technical Note 1, Armstrong Stokes and Clayton Limited, November 2020, WMD105/TN1) and the following mitigation measures it details:</p> <ul style="list-style-type: none"> • Finished floor levels shall be set no lower than 27.58 metres Above Ordnance Datum (AOD) as stated within the Flood Risk Technical Note, section 14 (November 2020). • Flood resilience shall be implemented as stated within the Flood Risk Technical Note, section 14 (November 2020). • Undercroft voids shall be provided to a minimum height of 27.28 metres Above Ordnance Datum (AOD) as stated within the Flood Risk Technical Note, section 14 (November 2020).

	<ul style="list-style-type: none"> • Site levels will be carried out in accordance with the drawing; Proposed Site Plan, Site Block Plan & OS Plan, swish architecture & planning, 766, 001, Revision T, Mar 2019 (Uploaded to the LPA website on 07/12/2020). <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p><i>Reason: To ensure that the development does not increase the risk of flooding in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>21.</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 Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>

	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	Given the proximity of residential properties, it is advised that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays. There should also be no bonfires on site at any time.
3.	<p>The Highways Authority advise:</p> <p>Reference in any condition contained in this permission/refusal of permission to any Statute, Statutory Instrument, Order, Regulation, Design Guide or other document shall be taken to include any amendment, replacement consolidation or variation that shall from time to time be in force and any reference to any body or organisation (public or private) shall be taken to include any successor-body or organisation exercising relevant functions in place of or alongside the body named.</p> <p>The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council’s current highway design guidance and specification for roadworks for which there is a fee.</p> <p>a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is <u>essential</u> that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: hdc.south@nottscc.gov.uk</p>

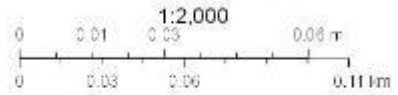
	<p>In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act for which there is a fee. Please contact: hdc.south@nottsc.gov.uk</p> <p>The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land. [Where the development site may be accessed by a significant number of vehicles or may be particularly susceptible to material ‘tracking’ off site onto the highway, details of wheel-washing facilities must be provided to and approved by the Highway Authority.]</p> <p>The proposed access/off-site highway works referred to in condition 7 requires a Traffic Regulation Order before the development commences to provide safe access/off-site mitigating works. The developer should note that the Order can be made on behalf of the developer by Via Est Midlands in partnership with Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact the Improvements Team on 0300 500 8080 for details.</p>
<p>4.</p>	<p>The developer is advised to contact Network Rail in respect of the need to submit a method statement, which should be agreed prior to commencement of works on the site.</p> <p>Asset Protection Project Manager Network Rail (London North Eastern) Floor 3B George Stephenson House Toft Green York Y01 6JT</p> <p>Email: assetprotection@networkrail.co.uk</p>

Maltings Site, Dovecote Lane



1/20/2021, 3:20:34 PM

-  Site
-  Flood Zone 2
-  Flood Zone 3



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Photographs



View from railway bridge, looking south west



Existing accesses to the site from Dovecote Lane



South east end of Dovecote Lane, with access to railway bridge to the left



The Victoria Hotel, opposite the site



Existing boundary wall to the site



North west elevation of the Gatehouse



South east elevation of the Gatehouse



Rear (north east) elevation of the Gatehouse



View along Dovecote Lane, looking south east



Rear of properties on Redwood Crescent, which are to the north west of the site

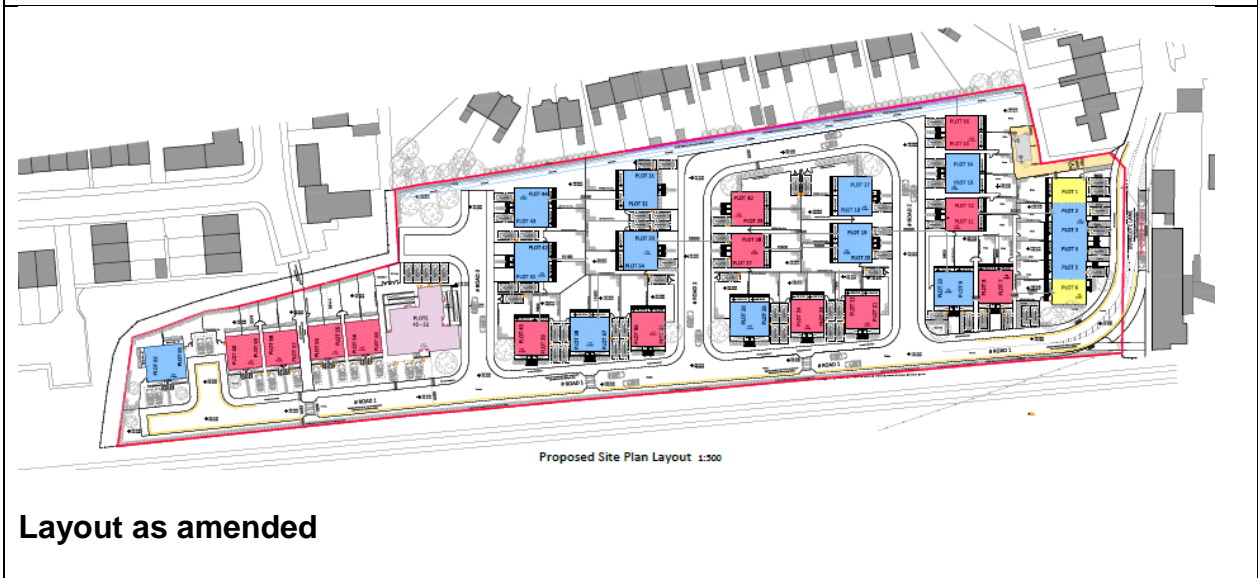


Properties on the Hetley Pearson site (Cartwright Way)

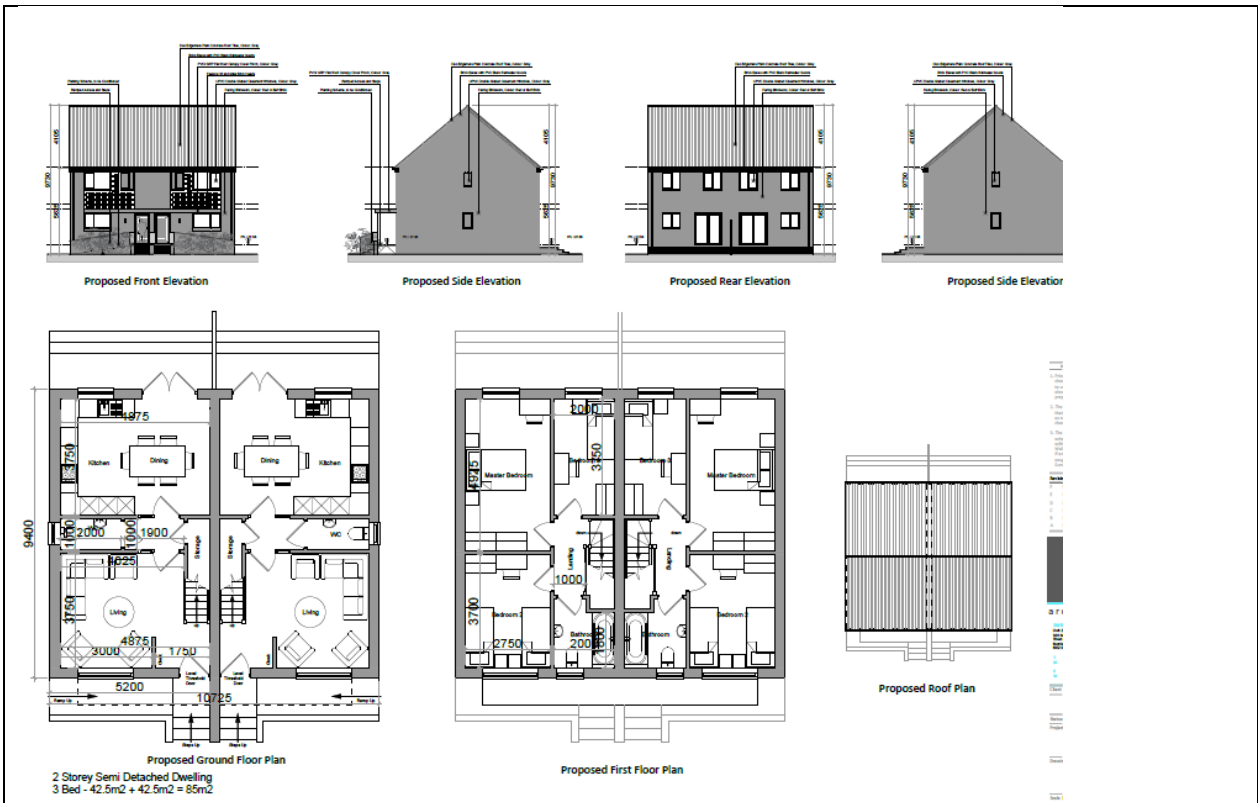
Plans (not to scale)



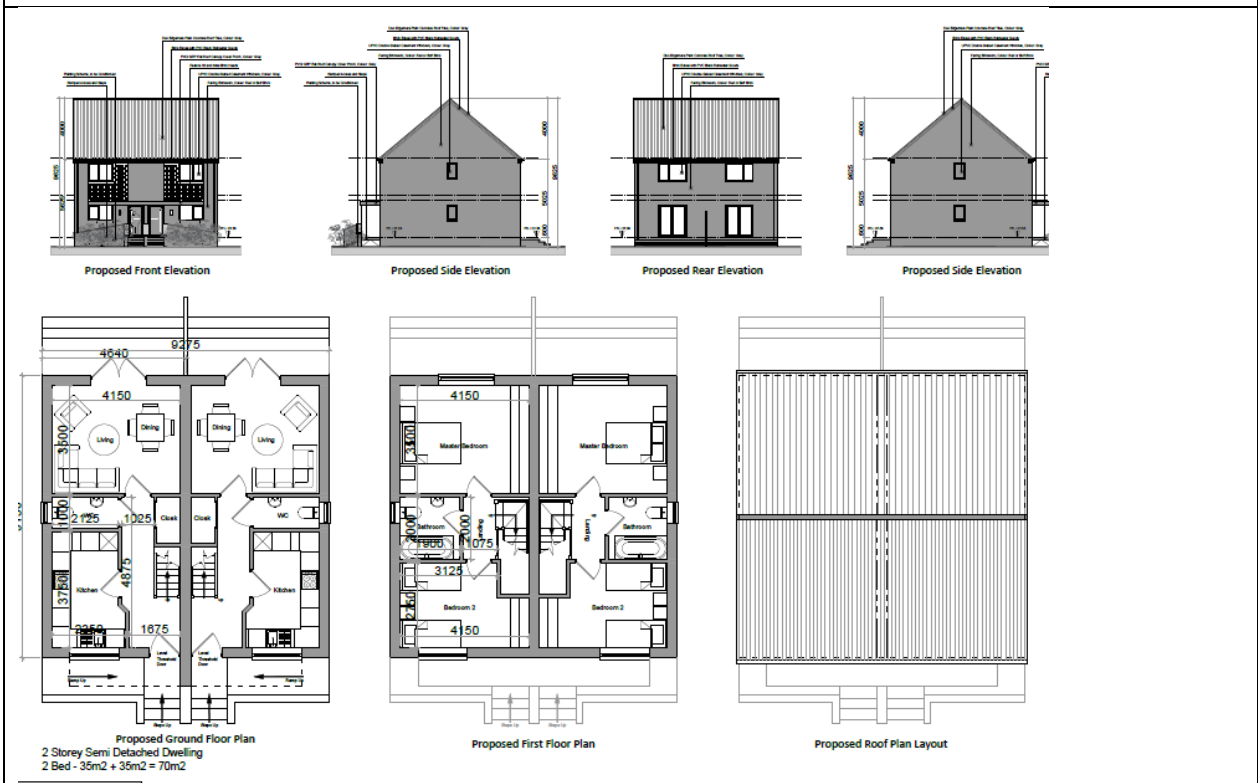
Layout as previously proposed (February committee)



Layout as amended



Revised floor layout for three bed dwelling



Revised floor layout for two bed dwelling

Report of the Chief Executive

APPLICATION NUMBER:	19/00668/FUL
LOCATION:	BEESTON MALTINGS, DOVECOTE LANE, BEESTON, NG9 1JG
PROPOSAL:	Construct 74 dwellings

The application is brought to the Committee as it is a major application and there are issues in respect of viability.

1 Executive Summary

- 1.1 The application seeks planning permission for the construction of 74 dwellings and associated infrastructure.
- 1.2 The site is currently cleared aside from a motor vehicle repair business which occupies the north east part of the site, parallel to the railway line, and a two storey former gatehouse building to the north of the site. There is an existing access on to the site from Dovecote Lane. The site is within Flood Zones 2 and 3.
- 1.3 The main issues relate to whether the proposal is in accordance with the criteria set out as part of the allocation of the site as residential; if there would be harm to any heritage assets in the area; whether the proposal would result in an increase to flood risk; whether the proposal would have an unacceptable impact on highway safety; and whether there would be an unacceptable impact on neighbour amenity.
- 1.4 The benefits of the proposal are that it is an allocated site for residential development and would return a vacant site back to use; would provide 100% affordable housing; would provide an opportunity to provide a future link through to the adjacent site, enhancing connectivity; is in a sustainable location with good access to public transport and to community facilities; and would provide a good standard of living accommodation for the future occupiers. The development would be in accordance with the policies contained within the development plan. This is given significant weight. There would be an impact on the local road network and on neighbour amenity 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, and to the prior signing of a Section 106 Agreement.

Appendix 1

1 Details of the Application

- 1.1 74 dwellings, comprising a mix of two, three and four bed semi-detached and terraced homes and one-bed apartments within two blocks are proposed, with vehicular and pedestrian access from a new access point off the southernmost end of Dovecote Lane. The layout sees a main spine road running parallel to the railway line, with three cul-de-sacs to the north side of and at right angles to the spine road.
- 1.2 Provision for a future pedestrian and cycle link through to the adjacent development (Hetley Pearson site) has been shown to the south west of the site, between plot 66 and the apartment block (plots 67 to 74).
- 1.3 The gatehouse (an existing two storey vacant dwelling), fronting Dovecote Lane, and the motor repair business buildings to the south of the site will be demolished as part of the development.
- 1.4 The housing mix would be 16 x one bed (two person) apartments, in two blocks of two storey height; 28 x two bedroom two storey dwellings; 28 x three bed two storey dwellings; and two x 4 bed two storey dwellings.
- 1.5 The dwellings are to be built on behalf of a Housing Association, and 100% of the development will be for affordable housing.
- 1.6 The houses would all have access to dedicated parking either to the front or side of each property. Unallocated parking for the apartments would be provided in curtilage for each block.

2 Site and surroundings

- 2.1 The site is a linear plot of land running parallel to and north west of the Nottingham – Derby railway line. The site is accessed off Dovecote Lane, which forms the north east boundary to the site. Existing housing development backs on to the north west boundary (Redwood Crescent, and the newer development at Cartwright Way), wrapping round to the south west boundary. There is a narrow strip of amenity land separating the newer development on Cartwright Way from the railway land, which adjoins the application site. This strip of land connects to playing fields / open space beyond and to the south west of Cartwright Way.
- 2.2 There is a Building of Local Interest within the site, being a two storey property known as the Gatehouse, which is directly adjacent to Dovecote Lane. There are several other buildings of local interest in the immediate area; Victoria Hotel to the north east, opposite the site; all the terraced housing to the south west side of Dovecote Lane and semi-detached dwellings to the north east side of Dovecote Lane, between Barton Street and Grove Street. Station Villas, to the north east of the Victoria Hotel, are also Buildings of Local Interest. Buildings and structures at the Beeston train station, to the north east, are Grade II Listed.

2.3 The majority of the site is undeveloped and has recently been cleared. There is a strip of land parallel to the railway line which is occupied by a motor body repair business. This land would be included in the application site.

2.4 The site is allocation in the Part 2 Local Plan for housing, and is mainly within Flood Zone 3, with part of the site, to the south west adjacent to the railway line, falling within Flood Zone 2.

3 Relevant Planning History

3.1 Prior to 2007, there has been no relevant planning history for the site. In 2007 a full planning application was submitted for the development of the site (excluding the motor repairs business) for 56 dwellings. The application was withdrawn following issues regarding highways, drainage and flood risk that could not be resolved during the determination of the application. Reference 07/00098/FUL.

3.2 Later in the same year, a revised application on the same site was submitted. This was for 56 dwellings and was withdrawn prior to a decision, in order to allow for time for the applicant to negotiate with the landowner and the owner of the car repairs business so that that land could be purchased and incorporated within the development site, so as to avoid any potential for noise nuisance. Reference 07/01038/FUL.

3.3 In 2012, an application was submitted for the demolition of the Maltings Building, and permission subsequently granted. Reference 12/00153/DEM. The building has since been demolished and the Maltings site cleared, with the exception of the motor repair business buildings, the gatehouse building which is adjacent to Dovecote Lane, to the north part of the site, and an electricity sub-station, located to the rear of 66 Dovecote Lane.

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 11: Historic Environment
- Policy 14: Managing Travel Demand
- Policy 16: Green Infrastructure, Parks and Open Space
- Policy 17: Biodiversity
- Policy 19: Developer Contributions

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 3.6: Beeston Maltings
- 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 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 12 – Achieving well-designed places.
- Section 14 – Meeting the challenge of climate change, flooding and coastal change.
- Section 16 – Conserving and enhancing the historic environment.

5 Consultations

5.1 **Council's Conservation Officer:** Consider that the retention of the Gatehouse should form part of the development, as the building provides context to the former use of the site, and has a historical link to the Victoria Hotel opposite. The architecture of the Gatehouse makes a positive contribution to the street scene. The development should include a restoration project of the retained building, and the scale and massing replicated for the remaining plots fronting Dovecote Lane, with the use of selective materials and architectural detailing interpreted with a modern architectural style. Further comments received on the revised Heritage Statement. Considers that the revised statement is robust and is correct in its assessment of Historic England's Principles of Conservation. Notwithstanding this, remains of the opinion that the gatehouse should be retained as it is of a domestic scale and therefore in line with the proposed development, and also provides a positive contribution to the street scene. Conclude that there is value in retaining pockets of the town's history.

5.2 **Council's Environmental Health Officer:** No objections subject to a condition securing an investigative survey in regard to contaminated land, to be submitted and approved prior to commencement of the development; a condition to secure glazing and ventilation in accordance with the noise assessment report; a condition requiring details of any piling or other similar methods to be submitted and approved prior to commencement; and notes to applicant in regard to hours of work during the demolition / construction phase and no bonfires on site during these phases.

- 5.3 **Council's Parks and Leisure Officer:** More detail required in regard to size, species and management of the landscaping. Require a financial contribution towards the provision and maintenance of off-site open space of £107,899.40 to be allocated to the adjacent Hetley Pearson Site. Needs to be a pedestrian link through to the adjacent residential site (Cartwright Way).
- 5.4 **Council's Private Housing Officer:** No objections. Layout of the ground floor apartments needs to ensure that there is an adequate escape route in the event of fire.
- 5.5 **Council's Waste and Recycling Officer:** Sets out the requirements for amount of bins required for each type of dwelling and size of storage area. Also requires that any adopted road would need to be of a sufficient width to accommodate a refuse vehicle, alternatively, bins need to be taken to within 15m of a collection point (adopted highway).
- 5.6 **Environment Agency (EA):** Initially objected to the Flood Risk Assessment (FRA) as submitted, on the grounds that the FRA did not adequately assess flood risk in relation to keeping people safe from identified flood hazards; requirement for flood emergency planning; taking impact of correct climate change allowances into account; inadequate mitigation measures and details of safe access and egress in the event of flood. The applicant has worked with the EA and following the receipt of a revised FRA and amended site plan, along with mitigation measures such as undercroft voids to each dwelling and a sunken channel to the north west of the site (along the rear of Redwood Crescent), the EA now have no objection to the development subject to a condition requiring the development to be carried out in accordance with the revised FRA dated November 2020. This will be secured by condition.
- 5.7 **County as Highway Authority:** Initial concerns relating to Transport Assessment data; Travel Plan data; parking layout; width of roads; and lack of adequate swept path analysis for refuse vehicles. Amended site layouts and information have been received, and the Highway Authority are satisfied that no off-site junction improvements are necessary, and that the Travel Plan is acceptable. A Traffic Regulation Order (TRO) will be required for the area to the front of the Victoria Hotel. Internal to the site, the three cul-de-sacs, due to the inadequacy of the turning heads, would not be adopted as they are not sufficient to accommodate refuse vehicles. Recommend conditions be imposed in respect of securing the TRO; details of management and maintenance of the unadopted roads; no occupation until parking areas provided; details of a Construction Method Statement; no occupation until off site highway works completed; and details of bin collection points to be agreed.
- 5.8 **County Policy Team:** In relation to Heritage, would need to secure a program of archaeological recording of the site, given the past historical uses, which could be secured by condition. Considers that the gatehouse (former managers house), which would be demolished as part of the development, is worthy of inclusion on the Nottinghamshire Historic Environment Record and as such is sufficient to properly identify the building as a non-designated heritage asset. As such there is no reason that this building should not be included as part of the development of the site, and would ensure that a significant component of the area's industrial

heritage can be utilised to enhance the local identity of the site. In regard to planning obligations, a financial contribution of £286,500.00 for secondary education is required, for the provision of additional places at local schools.

- 5.9 **County as Lead Local Flood Authority:** No objections, subject to a detailed surface water drainage scheme being submitted and approved prior to commencement of the development.
- 5.10 **NHS – NUH Trust:** as the development would increase the general population, which the Trust considers would significantly impact on the service delivery and performance of the trust, a financial contribution of £74,489 is requested. This figure is based on the original proposal for 82 dwellings.
- 5.11 **NHS – CCG team:** As the development would increase the local population, a financial contribution of £40,098.75 would be sought to invest in enhanced capacity / infrastructure with existing GP practices in the local area.
- 5.12 **Network Rail:** As the Transport Assessment indicates that there is the potential for an increase in passengers using the station, request a financial contribution towards facility improvements at Beeston station. Comments set out requirements in regard to drainage; landscaping; works within close proximity to railway land; boundary treatments; safety and security; noise; lighting; and access to railway land. Details of Construction Method Statement, boundary treatment, lighting and landscaping to be secured by condition.
- 5.13 **Notts Wildlife Trust (NWT):** Initially raised concerns in regard to the content of the Preliminary Ecological Appraisal, particularly in regard to: completion of a suitable bat survey prior to determination; assessment of the site for the potential for Great Crested Newts; details to prevent harm to hedgehogs and other species during site clearance and thereafter; details in regard to biodiversity net gain. Also recommend enhancements in regard to landscaping opportunities; bat roosting opportunities; bird nesting opportunities; lighting and boundary treatments. An updated Preliminary Ecological Appraisal (PEA) has been submitted and NWT advise that whilst this includes a revised survey in regard to Great Crested Newts, further surveys of all suitably connected waterbodies within 500m of the site are recommended and these should be undertaken prior to the determination of the planning application. The Bat survey is accepted and concludes that no bat roosts were identified and recommend the enhancements identified in the bat survey are incorporated into a Landscape Ecological Management Plan. Recommend a condition to secure details of a Reasonable Avoidance Measures Statement (RAMS) document, which outlines details of precautionary method of working during site clearance, ground disturbance and other activities which have the potential to harm, kill or trap species such as great crested newts, hedgehogs, other amphibians and small mammals. Native planting should be introduced to enhance the wildlife corridor along the railway, and a bat friendly lighting scheme, both of which should be secured by condition.
- 5.14 **Severn Trent Water:** Recommend drainage plans to be submitted and approved prior to the commencement of the development.
- 5.15 **Nottinghamshire Police Crime Prevention Officer:** No objections

5.16 Beeston and District Civic Society:

- Consider that as the part 2 Local Plan is allocated for 56 dwellings, the proposal for 82 dwellings represents an over-intensive development of the site, and will have an adverse impact on the amenity of the existing occupiers of adjacent properties.
- Consider that the proposed demolition of the Gatehouse (aka Foreman's house) would be contrary to the NPPF, as would the proposed designs of the majority of the housing as it would fail to make a positive contribution to local character and distinctiveness.
- Considers that the proposal fails to provide safe and convenient access, contrary to Policy 17 of the P2LP, as the proposed access would need considerable modification of Dovecote Lane, and there would be an increase in use of the footbridge, especially once the developments at the Beeston Business Park and Barratt Homes sites are completed. The opportunity already exists to access the site more safely via Cartwright Way, which has been designed to facilitate this.
- Given that the site is known to have a high water table, and with increasing instances of heavy rainfall, the proposal gives insufficient weight to measures relating to sustainable urban drainage.
- The railway line acts as a wildlife corridor. The developer should provide a green buffer alongside the railway which links to the Hetley Pearson recreation ground.
- An archaeological survey should be carried out prior to development.

5.17 57 properties either adjoining or opposite the site were consulted and a site notice was displayed. As at January 2020, 43 responses were received, all objecting to the proposal. Concerns raised are:

- General support for the development of the site for housing but only at the level (56 homes) set out in the Part 2 Local Plan.
- Inadequate amount of parking proposed considering the high density of development.
- High volume of traffic would be generated using the nearby streets (Dovecote Lane, Barton Street and Grove Street). Dovecote Lane in particular is narrow and, in some places, has only one pavement. Pedestrians including school children already often have to cross between parked cars. The higher volume of traffic along Barton Street would also have an impact on the usability of the cycle lane here and provision to separate the cycle route from vehicles should be included.
- Increase in traffic / overspill of parking onto Dovecote Lane and surrounds could compromise the ability of emergency services trying to reach the site.
- Dovecote Lane is totally unsuitable for an additional 82 properties, which the development is proposed to be accessed from. These three streets (Dovecote Lane, Barton Street and Grove Street) are used as a rat run to avoid the traffic lights on Queens Road and additionally are used by commuters using the train station, leaving little room for residents or their visitors to park. A residents parking scheme is desperately needed. Other nearby developments proposed would also bring additional traffic.

- The new access road from the A52 via the Boots site would allow for traffic to bypass University Boulevard and will have a knock-on increase in traffic using Dovecote Lane to avoid the traffic signalled junction at Queens Road.
- Supportive of the need for additional housing on this site, however, primary concern is that Dovecote Lane is not appropriate as the main access route to the site. Vehicular access needs to be from Cartwright Way, which is significantly wider and does not suffer from the same pressures as Dovecote Lane.
- Already difficult for traffic to exit Dovecote Lane onto Queens Road, and the junction is often blocked.
- The Victoria Hotel receives daily deliveries by lorries, which block what would be the main access route for the occupiers of the proposed dwellings and generally occur during morning rush hour.
- The swept path analysis avoids showing the two heavy vehicles side by side at the pinch point on Dovecote Lane.
- No indication that construction traffic has been taken into consideration when choosing the access, or the difficulty of constructing that access off a cul-de-sac, or inconvenience to the local community.
- The traffic report (Transport Assessment) refers to 83 dwellings, and that the car repairs business being derelict, which is not correct.
- The Transport Assessment appears to ignore the impact on Grove Street.
- Increased traffic would have an impact on the safety of non-vehicular traffic especially pedestrians, where the lack of pavement for part of Dovecote Lane results in pedestrians having to cross the street, usually between parked cars.
- Pedestrian and cycle access, as per the requirements of the P2LP, should be provided, in order for the future residents to be able to access the open space to the west (Hetley Pearson), and for access through to local schools, to avoid a long diversion along a busy main road. This would also reduce the reliance of the motor vehicle for short journeys.
- The increase in traffic will cause more damage to Dovecote Lane / Barton Street / Grove Street, which are already in a poor state of repair.
- No provision to enable charging of electric vehicles.
- Loss of on-street parking for customers of the Victoria Hotel.
- The site should be retained for employment (light industrial) uses for local people. Industrial use would bring less traffic to Dovecote Lane and as a result fewer vehicles to the Queens Road junction.
- The developer should be required to improve the footpaths (pavements) on the west side of Dovecote Lane.
- Improvements to secure a direct access to the station platforms from the pedestrian bridge should be incorporated as part of the development, in particular access to the Nottingham bound platform as this will otherwise involve a circuitous walk to avoid having to cut through the Victoria Hotel.
- The original plans for the development on this site should be reverted to (which show access via Cartwright Way).
- The Gatehouse should be saved as it is a historic building in a former industrial area.
- The density of development is too high (with 56 dwellings allocated in the Part 2 Local Plan) and, along with developments at the Plessey, Barton's

and Boots sites nearby, would have significant impact on nearby services including schools and healthcare. Reducing the density would also provide a better environment for the future occupiers.

- There may be an issue with obtaining permission for access over Network Rail land.
- No indication of where the drainage for the new development will be.
- Disappointed that no consultation letter was sent to (address on Dovecote Lane).
- The application involves building on a site designated as a flood plain. Given the development of nearby land either side of the railway lines, including Cartwright Way, there has been a significant reduction in the availability of open land to ease drainage. Along with recent significant rainfall, this gives concern for the existing properties.
- Since the extensive clearance of the site, there has been a marked reduction in wildlife activity and diversity in the area.
- The housing proposed would fall below the standard recognised in the Department and Local Government Technical Housing Standards – Nationally Described Space Standard (which requires a prescribed amount of internal floor area depending on the number of bedrooms to be provided). Housing needs to be of a good quality, and not crammed in.
- Concerned that the Statement of Community Involvement, which states that the proposal was discussed with the Victoria Hotel, is false or misleading.
- Disappointed that the developer had not consulted with the wider community prior to the submission of the application.
- The design of the dwellings, in part due to the density of the development, fails to make a positive contribution to the public realm. The density of development would also result in a lack of natural light for the occupiers of the dwellings, increasing the reliance on artificial lighting.
- The 2.5 storey dwellings, which would be located close to properties on Redwood Crescent, would lead to overlooking to these properties, particularly from the proposed dormers. Proposed trees would not adequately mitigate for this.
- Proximity of the proposed dwellings would result in a loss of light for the existing properties on Redwood Crescent and the apartments on Cartwright Way, and create a sense of enclosure.
- Increase in noise pollution from the resulting development, due to the density.
- The Ecology Appraisal was carried out not long after the site was cleared, and appears to be a deliberate attempt to create a sense that the site has minimal ecological value. Already, there has been a notable reduction in the number of species seen on the site.
- The proposed planting scheme is insufficient to mitigate for what has been lost. Ecological enhancements included in the report have not been incorporated in the application as submitted.
- No details submitted in regard to noise / dust mitigation measures.
- A condition in regard to working hours should be imposed.
- The contamination surveys should be undertaken and completed before the application is determined.

- Concerns regarding the credentials of the applicants in regard to their suitability to be developers of the site.

5.18 Following re-consultations on various amended plans, a further 37 comments were received, objecting on the following grounds:

- Remain concerned in respect of impact on highway safety to the area of Dovecote Lane adjacent to the site, in terms of conflict between vehicles and pedestrians/cyclists, and also loss of parking spaces outside the Victoria Hotel
- Right turn out of Dovecote Lane (onto Queens Road) is going to be problematic and cause tailbacks. Station Road junction is always at capacity and will get worse as developments south of the railway progress.
- Intention was to have vehicle access on to Cartwright Way. This is a more modern and better laid out road network, and unless satisfactory pedestrian/cycle routes can be safeguarded on Dovecote Lane, then this should be the option to use. Note that improved traffic control onto Queens Road from this estate would likely be required.
- Welcome the concept of a welcome pack (travel information for new occupiers)
- Exit onto Dovecote Lane should be pedestrian only
- New pedestrian access to the railway station platforms should be introduced direct from Dovecote Lane using the existing footbridge. Without new station access the opportunity to reduce car trips would not be fully exploited
- Previous objections still stand, and considers that residents' views, opinions and suggestions have been ignored by the planning department
- Inconsistency in regard to information contained in the Flood Risk Assessment in regard to relationship of the site to properties on Redwood Crescent
- The raised bank (escape route) proposed to the rear of properties on Redwood Crescent would have an unacceptable impact on privacy and due to the increase in height of boundary treatment, would also result in loss of light and security. It would also attract anti-social behaviour
- Trees could help with privacy, but these have all been ripped out prior to the application being submitted and none are proposed on the amended plans
- Object to access being created on to Cartwright Way (vehicle/pedestrian/cycle). Privacy will be disturbed and traffic will be a nuisance, and safety of children as they play in the area. Increase in volume of traffic through a densely populated residential estate
- Pleased to see a reduction in the amount of units proposed (74 from 82), however the parking issues have not been addressed
- Following flooding of Dovecote Lane in June 2020, concerned that the development would increase the likelihood of surface water flooding to the houses on this road
- Object on grounds of noise, traffic and sense of enclosure
- Schools, GP practices and dentists already at capacity locally

- Bringing traffic through Cartwright Way estate would have an impact on local wildlife – hedgehogs use the road regularly from the allotments to forage in gardens
- Consider that 74 dwellings are still too many when the requirement is 52 dwellings (note - 56 in the P2LP)
- Noise and general disturbance would be generated during construction. Query regarding timescales for construction and hours of work
- Impact on privacy – houses facing Cameron House. If landscaping were to be introduced on this boundary to protect privacy, it may lead to loss of light
- The raised flood evacuation route would increase risk of flooding to properties on Cartwright Way
- Concerns regarding raised flood evacuation route in terms of construction and maintenance
- Concerns in regard to loss of parking spaces to the front of the Victoria Hotel in terms of impact on trade through loss of customers
- Discrepancies in plans in respect of dimension of Dovecote Lane
- No publically accessible information in respect of Health Impact Assessment or Building for Life, and no updated statements (Design and Access, Transport Assessment)
- It is understood that the County Council have proposed the introduction of traffic calming measures along this end of Dovecote Lane as part of plans to encourage walking and cycling, which is completely at odds to substantially increase traffic along exactly the same route
- The Transport Assessment contains discrepancies and inaccuracies in regard to traffic on Barton Street and cycle usage
- The gatehouse on Dovecote Lane should be retained, as it is an historic building, and should not be demolished
- Proposed dwellings do not meet the National guidelines for internal space standards
- No drainage survey has been carried out
- Removal of all trees carried out before the ecology survey was undertaken, makes it look like there wasn't much wildlife on the site. What is proposed by the developer does not result in a net gain for biodiversity.

5.19 Following re-consultation on amended plans received 01.12.20 and to date, a further 18 comments were received:

- Retain opinion that vehicle access should be from Cartwright Way, not Dovecote Lane
- Now that the raised flood evacuation route omitted, what is to be proposed in its place, and what landscaping will there be
- Concerned regarding impact on traffic on Dovecote Lane
- Consider three storey dwellings are not in keeping with the terraced house on the west side of Dovecote Lane (note: all buildings on the site are now two storey)
- Concern remains in regard to flood assessment and drainage infrastructure
- Consider the removal of the cycle/pedestrian link to Cartwright Way to be a retrograde step (note: now been re-introduced)

- All windows overlooking Redwood Crescent should be opaque
- Trees should be planted between the proposed dwellings and dwellings on Redwood Crescent
- The drainage ditch needs to be maintained properly
- Any trees on the boundary would need to be of a type that doesn't block out sunlight to existing properties
- Considers that the absence of a new FRA (as opposed to a technical note appendix to the submitted FRA) fails to represent a site-specific risk assessment
- Remain of the opinion that too many dwellings are proposed for this site
- Concerned in regard to the undercroft flood water storage under the dwellings – these could hold contaminated water that will smell, and attract vermin in close proximity to dwellings. May also undermine the new dwellings and the existing dwellings.

5.20 A statement has been received from the planning agent which seeks to bring attention to the acceptability of the access being from Dovecote Lane, accordance with Policy H1d of the 2004 Local Plan, which has been brought forward in the adopted P2LP, and that the development would contribute to the housing target for the Borough.

6 Assessment

6.1 The main issues for consideration are the layout of the development, including parking provision; impact on highway safety including access; impact on non-designated heritage assets; the design of the proposed buildings; impact on amenity; impact on biodiversity; and impact on flood risk.

6.2 **Principle**

6.2.1 The principle of residential development on the site is acceptable as this is an allocated site, and the proposed development accords with Policy 3.6 of the Broxtowe Part 2 Local Plan, in respect of the Key Development Requirement to provide new housing.

6.3 **Developer Contributions**

6.3.1 Paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

6.3.2 The proposed development attracts a requirement for developer contributions toward off-site provision of public open space (£107,899.40), provision of additional places at secondary school level (£286,500.00), and a contribution to Primary Health Care (£40,098.75). An additional contribution of £74,489.00 (based on the original 82 dwellings) is also sought for NHS NUH Trust. However,

as the site is allocated in the adopted local plan, and therefore was subject to consultation with relevant healthcare providers at the time of production, this request cannot be justified and as such the latter will not be considered necessary in order to make the development otherwise S106 compliant.

6.3.3 The site would therefore yield £434,498.15 in Section 106 payments, as well as a requirement to provide a minimum of 30% affordable housing.

6.3.4 A viability appraisal has been submitted on behalf of the applicant and this concludes that the development would not be viable, due to the high existing use value of the site; the additional works required to provide flood protection; and as the scheme is to be 100% affordable housing, if all of the above contributions were to be paid. An independent assessor has assessed the viability appraisal and concludes that the development is capable of providing up to £107,899.00 of Section 106 Contributions. As such, this figure will be split equally between Open Space, Education and Primary Health Care, at an amount of £35,966.00 each.

6.4 Heritage

6.4.1 The site is in close proximity to several Buildings of Local Interest, these being the Victoria Hotel and dwellings to both sides of Dovecote Lane. Additionally, the Gatehouse, which falls within the site, is also identified as a Building of Local Interest (a non-designated heritage asset). The County Council Policy team considers that, due to its' association with the historic industrial uses in the area, which have mostly been lost, that this building is worthy of inclusion on the Nottinghamshire Historic Environment Record, and is adequate, in regard to the NPPF, to properly identify the building as a non-designated heritage asset. The Policy officer considers that as the interior of the building is shown to retain original features, and that the condition of the building does not preclude the viability of re-use, the proposal should include the gatehouse in the redevelopment of the site. The conservation of the building would ensure a significant component of the area's industrial heritage is retained and that its distinctive architecture be utilised in order to enhance the local identity of the proposals, for the remainder of the site.

6.4.2 The revised Heritage Statement, received in August 2020, concludes that the Gatehouse has very limited architectural and historic interest, particularly as the Maltings building has since been demolished and the historic connection lost, and as such should not be considered as a non-designated heritage asset for the purposes of determining the proposed development. The Conservation Adviser considers that this assessment is in line with Historic England's Principles of Conservation.

6.4.3 The NPPF (paragraph 192) outlines the matters to take into account when determining applications and include the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use; the positive contribution that a heritage asset can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. As the assessment of the building concludes that the building should not be considered as a non-designated heritage asset, it is considered that whilst the retention of the building

would be desirable, its' current state and its' significance is such that the retention cannot be reasonably required, and that the deliverability of the site for residential development outweighs the need to retain the building in this case.

6.4.4 In addition to the above, it is considered that the site has high industrial archaeological potential, due to the history and previous uses on the site. A program of archaeological investigation and recording would be required prior to the commencement of the development. This can be secured by condition.

6.5 Access and Highway Safety

6.5.1 It is clear from the responses received that the streets immediately adjoining the development (Dovecote Lane, Barton Road and Grove Road) already suffer from through traffic using these streets as a short cut from Station Road, avoiding the traffic controlled junction with Queens Road. Dovecote Lane in particular, due to its' narrowness and lack of pavement in places, is deficient in regard to safe pedestrian and vehicular access. There is also pressure for on-street parking on these three streets, as many dwellings do not have provision for off-street parking, and as commuters take advantage of free on-street parking whilst they use the train station or Skylink bus service.

6.5.2 One of the Key Development Requirements of Policy 3.6 of the P2LP is that the development should provide attractive and usable walking and cycling routes through the site to link the new and existing adjacent residential properties to the railway footbridge in the east and the open space in the west.

6.5.3 Policy 3.6 also includes a Key Development Aspiration for any development of the site to include sustainable transport measures to be fully utilised in order to reduce reliance on the private car, and where there would be residual cumulative impacts on the highways network these should be mitigated to ensure that they are not severe.

6.5.4 Whilst it is acknowledged that it was previously envisaged that this site, in conjunction with the Hetley Pearson site, would be developed as a whole, Policy 3.6 of the P2LP does not express a preference as to whether vehicle access should be from Dovecote Lane, or Cartwright Way/Wharton Crescent, or a combination of the two. The Policy does not exclude vehicle access being solely from Dovecote Lane. The second sentence of the 'Key Development Aspiration', regarding impacts on the highway network is relevant and detailed highway advice is considered to be important in the assessment of the proposed development. In the examination of the P2LP, the Planning Inspector referred to 'challenges to the development of the site', however vehicle access was not one of the challenges mentioned.

6.5.5 The agent for the application notes that Policy H1d of the 2004 Broxtowe Local Plan, now superseded by the P2LP, saw the site forming part of a larger site (including the Hetley Pearson site) which covered 4.6 ha with an indication that 229 dwellings would be developed. It is estimated that the capacity of the now demolished Maltings building would have yielded 96 apartments with 176 bed spaces. The current proposal is for 74 dwellings with a total of 164 bedspaces. As such, the development would have been in accordance with Policy H1d of the

2004 Local Plan, and in terms of traffic generation, there would be no significant difference between the proposed development and what would have potentially been generated should the Maltings building have been retained and converted.

- 6.5.6 The layout as amended shows an indicative pedestrian and cycle route through to the adjacent residential site to the west (Hetley Pearson site). It is acknowledged that the link may not come forward due to a ransom strip beyond the site, which is not in the ownership of the developer and as such not in their control. Notwithstanding this, it is considered that the layout would accord with the requirements set out in Policy 3.6 of the P2LP.
- 6.5.7 There have been many comments from objectors as to why vehicular access cannot be made onto Cartwright Way, which they consider to be a more appropriate option, being a newer road built to modern standards, instead of Dovecote Lane. It is considered that it would not be reasonable to require this as it is not a Policy requirement of the P2LP. Additionally, the access would be to private land, over which the developer has no control. It is considered that vehicular access on to Dovecote Lane, where it utilises an existing access point, is acceptable as the primary vehicle access.
- 6.5.8 Many comments have been made in regard to the vehicular access from the site to Cartwright Way being established under planning permission granted in 2004. It is noted that the approved layout of planning permission reference 04/00900/FUL, provision was made for a potential future link through to the adjacent site (Maltings), this being the turning head to the eastern most corner of the site. At the time of the consideration of the 2004 application, it was a policy requirement for a masterplan to be submitted that covered both the Hetley Pearson and the Maltings site. The masterplan was considered and approved as a basis for considering the development of the wider site, as it was anticipated that the Maltings site would come forward soon after the determination of the 2004 application. Whilst this was secured as part of the Section 106 Agreement, the clause ceased to have effect upon the expiry of three years from the date of that agreement (that is, expiring on 16 August 2008). As such there is no longer a legal obligation for the developer of the Hetley Pearson site or the developer of the Maltings to provide the vehicular link through.
- 6.5.9 In 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. Paragraph 105 provides a list of factors which should be taken into account, which includes the availability of and opportunities for public transport, and the type, mix and use of the development. Policy 10 of the ACS states that development should be designed so as to reduce the dominance of motor vehicles.
- 6.5.10 The findings of the Transport Assessment, submitted as part of the planning application, have been accepted by the Highway Authority. The assessment concluded that access through Cartwright Way would provide no betterment in terms of its ability to accommodate the additional traffic generated by the proposed development, due to their being no parking restrictions along this route, and which as a result on-street parking and double parking, with vehicles parked in the immediate vicinity of the side road junctions. In addition, as the football

pitches are in use at the weekends, this further restricts the free flow of traffic during these events. The report goes on to add that the lack of formal parking restrictions along Cartwright Way would likely lead to more conflict than Dovecote Lane, and as such access via that route is not a viable option.

- 6.5.11 The proposed access onto Dovecote Lane would need to comply with the requirements of the Highway Authority, who would need to be satisfied that both the new access and alterations to the existing highway could accommodate the intended use, including large vehicles such as refuse lorries, and that the development would not have an unacceptable impact on the surrounding area. The Highway Authority are satisfied with the findings of the Transport Assessment in that the junction of Dovecote Lane and Queens Road West; the signalised junction of Station Road and Queens Road West; and the junction of Queens Road / Beacon Road currently operate within capacity (traffic) and that the proposed development would not have a severe residual cumulative impact on these junctions and as such the development meets the requirements of Paragraph 109 of the NPPF.
- 6.5.12 Amended plans have now been submitted which satisfy the requirements of the Highway Authority, in respect of the access and alterations to Dovecote Lane, and the Highway Authority have no objections to the content of the Travel Plan. Parking spaces outside of the Victoria Hotel are to be provided. It is therefore considered that the development, subject to conditions outlined in the consultation section, would not have a significantly detrimental impact on highway safety and that the alterations to the junction would enable safe use by all road users.
- 6.5.13 Internally, the main spine road is considered to be acceptable in regard to highway specifications, however the three cul-de-sacs would not meet adoptable standards, due to the lack of adequate turning facilities at the head of each cul-de-sac, which would be unable to accommodate larger vehicles such as refuse vehicles. As such these would remain as private, unadopted, streets and would be managed and maintained by a management company, to be secured by condition.
- 6.5.14 It is considered that the development would provide an acceptable level of parking on the site, and would not have a significant impact on the amenities of the occupiers of nearby existing dwellings such to consider refusing planning permission on this matter alone. The site is in a sustainable location, with good access to frequent public transport routes (bus and train) and to cycle / pedestrian routes, within easy access to the town centre, and to facilities such as health, education, shopping and leisure. Electric Vehicle Charging Points have been provided, and a Welcome Pack will be provided for each dwelling on first occupation which would contain details of public transport routes, walking and cycling routes, and discounted public transport tickets. There would be an improved footway along Dovecote Lane, which would further encourage sustainable modes of travel. It is therefore considered that reliance on the private motor vehicle be lower than in a less sustainable location.

6.6 Design, Scale and Layout

- 6.6.1 With the exception of the Victoria Hotel, and the existing apartments on Cartwright Way, most properties within the immediate vicinity of the site are two storeys in height. The properties along Redwood Crescent are either two storey semi-detached or two storey terraced housing. As such, development close to these properties should respect this sense of scale and be of a maximum of two storeys in height. The proposed development has been amended and now show all dwellings to be of two storey in height, which is considered to reflect the character of the area, in terms of scale and massing. Aside from the six dwellings fronting Dovecote Lane, which are in a terrace, and the apartment blocks, all dwellings are semi-detached. Each dwelling has a front garden and a private rear garden. There is a mix of parking options on the site, including to the front and side.
- 6.6.2 The two apartment blocks, located toward the south west of the site, would have shared parking to the front and/or side, and a communal bin storage area. Level access into each block is provided.
- 6.6.3 The dwellings would be built from traditional materials (brick and tile) with areas of feature hit and miss brick heads to front elevations to all dwellings including the apartments. The dwellings would have pitched roofs with gable ends, and the terrace to Dovecote Lane would have two feature gables to the front elevation. The apartment blocks would have a hipped roof with gable ends facing to the street.
- 6.6.4 All buildings on the site would need to be elevated from the existing ground level due to the risk of flood on the site. The finished floor levels are higher than the existing ground levels by 1m to the northern most point of the site (rear of existing properties on Dovecote Lane and the sub-station), 1.4m to the south west (rear of existing properties on Redwood Crescent) and then 1m to the south west of the site (adjacent to properties on Cartwright Way). As a result, both steps and a ramp would be provided to the front elevation, and steps down to the rear garden.

6.7 Waste and Recycling

- 6.7.1 All properties would have an area within the respective curtilage to store bins. Those properties on Dovecote Lane, and to the main spine road would be able to have their bins collected directly from outside the respective properties. The remaining properties, located on the cul-de-sacs where access by refuse vehicles would not be possible, would need to present their bins at the designated collection point close to the spine road, and as shown on the site layout.

6.8 Amenity

- 6.8.1 The layout for 82 dwellings as originally proposed, by virtue of the density of development, would have resulted in an unacceptable impact on the amenities of the occupiers of existing properties on Redwood Crescent, and on Cartwright Way. The distances between existing and proposed dwellings would have been less than 20m at several points along the north western edge of the site. Whilst the proposed dwellings would have been side on to the existing, this would have resulted in loss of outlook, and overlooking of private garden areas. Additionally, the distances between some of the proposed dwellings would also have resulted in an unacceptable impact on the amenities of the intended occupiers.

- 6.8.2 The layout, as amended, reduces the density of development to 74 dwellings. Most proposed dwellings are side on to the existing dwellings surrounding the site. Where the proposed does face the existing, at plots 14, 15 and 16, there is a minimum distance of 23.5m between the two rear elevations. Whilst the proposed dwellings would be in a slightly elevated position compared to the existing housing along Redwood Crescent and Dovecote Lane, it is considered that the relationship and distance between would not result in a significant impact on the amenities of the occupiers of existing property in terms of loss of light, outlook or privacy.
- 6.8.3 The site is adjacent to a railway line to the south east. A noise attenuation fence of 3m high would be erected along the boundary with the railway in order to ensure that the amenity of the future occupiers is safeguarded, in terms of noise.
- 6.8.4 The layout of the development, as amended, would ensure that the amenities of the future occupiers would be safeguarded in terms of outlook, light and privacy. Internally, each dwelling would accord with the minimum requirement of the Department and Local Government Technical Housing Standards – Nationally Described Space Standards in regard to internal space, with each having access to an adequate level of natural light and to an outlook.

6.9 Landscaping and Biodiversity

- 6.9.1 The site layout as amended shows indicative areas of landscaping. A detailed landscaping plan, including a management and maintenance schedule, will be secured by condition.
- 6.9.2 Whilst the site has been cleared prior to the submission of the planning application, it is suitable for habitation by several species of fauna. Following advice from the Notts Wildlife Trust, further ecological appraisal has been submitted and the findings in regard to the absence of bats is accepted. Notwithstanding this, the Trust recommend the submission of a Landscape Ecological Management Plan (LEMP), which would detail enhancements, management, location, wildlife boxes, lighting and planting schedule in order to ensure that there would be a biodiversity gain on this site. A Reasonable Avoidance Measures Statement is also recommended, and this would set out details of method of working during site clearance/ground disturbance and other development activities which have the potential to harm, trap or kill species such as great crested newts, hedgehogs, other amphibians and small mammals.
- 6.9.3 In regard to great crested newts, the Preliminary Ecological Assessment identified three ponds nearby which could be suitable habitats for the newts. A further survey was recommended by the Notts Wildlife Trust to be carried out prior to planning permission being given. However, as the season for carrying out the survey is not until spring, it is considered that a suitably worded condition be imposed, requiring the survey to be carried out prior to commencement of the development. An outline mitigation strategy has been submitted, which sets out the method for safeguarding and re-location, if appropriate, of any great crested newts should they be found as a result of the additional survey.

6.10 Flood Risk

- 6.10.1 The site falls mainly within Flood Zone 3, with a small section to the south west of the site, adjacent to the railway, being in Flood Zone 2. As such the development would need to ensure that it does not result in an increase in flooding to properties outside of the site, or harm to persons. The development also need to ensure that it does not cause damage to property or harm to persons within the site.
- 6.10.2 The developer has been working with the Environment Agency in regard to mitigating for flood risk and various schemes have been put forward including a raised evacuation route to the boundary adjacent to the rear of properties along Redwood Crescent. This has now been discounted as a solution (and would have also had an unacceptable impact on the privacy and security of the occupiers of existing properties). Mitigation measures now include: proposed external site levels to reflect the existing ground levels with only minor grading to new roads and to gardens / landscaping areas); inclusion of voids in the form of undercrofts below the finished floor levels of all dwellings; and additional volume along the north western boundary in the form of a swale, with a depth of between 0.4m and 0.6m.
- 6.10.3 Subject to a condition requiring the development to be constructed in accordance with the FRA as amended, the Environment Agency are now satisfied that the development would not have a significant impact in terms of increase in flooding to this and to nearby sites.

6.11 Ground Contamination and Noise Pollution

- 6.11.1 The site was previously occupied by an employment use. As such a condition requiring the submission of a contaminated land survey would be required prior to commencement of the development, in order to safeguard the health and wellbeing of the future occupiers.
- 6.11.2 The site is adjacent to the mainline railway and as such a noise assessment report has been submitted. This is satisfactory and the installation of the mitigation measures such as glazing and ventilation will be secured by condition.
- 6.11.3 As noise from the construction would potentially have an impact on the amenities of the occupiers of the existing properties, a condition requiring details of piling or other similar methods of construction to be submitted and approved prior to work commencing, and a note to applicant in respect of hours of construction will be included.

6.12 Heath Impact Assessment, Building for Life and Statement of Community Involvement

- 6.12.1 A Health Impact Assessment, required as part of Policy 24 of the P2LP, has been submitted. The assessment concludes that the development would have a

positive impact on the health and wellbeing of the future occupiers of the development, by virtue of its sustainable location, close to public transport links, close to community facilities, shopping and employment, and to open space, a layout which reduces the potential for crime by natural surveillance, and importantly provides a 100% affordable housing scheme to meet the social housing needs of the population.

- 6.12.2 A Building for Life assessment has been submitted, as required by Policy 17 of the P2LP. The assessment scores 10 greens and two ambers in response to the criteria. The amber scores relate to the provision of open space on the development and the distinctiveness of the character of the development. Public open space is not required to be provided on the site, and it is noted that there is sufficient provision in the immediate locality, at Hetley Pearson (including sports pitches) and at Dovecote Lane Park. In terms of design, the dwellings would have feature gables to the front elevation of the terrace on Dovecote Lane and would feature a 'cobbling' effect on the front of other dwellings. The materials to be used (bricks and tiles) would reflect those used in the surrounding area.
- 6.12.3 A Statement of Community Involvement has been submitted. This states that the owners of the Victoria Hotel had been consulted by the developer. No other community consultation has been carried out. Whilst comments from objectors question whether the Victoria Hotel had been consulted, there are no written statements from the Victoria Hotel to suggest otherwise.

6.13 Other Matters

- 6.13.1 A comment has been made in regard to impact on community facilities such as schools, doctors and dentists, especially when viewed in conjunction with other residential developments nearby e.g. at the Technology Drive site. This is covered under the 'developer contributions' section of the report.
- 6.13.2 Inaccuracies in regard to the Transport Assessment, Dimensions of Dovecote Lane as show on plan, and to the content of the Flood Risk Assessment have been noted. The relevant consultees are aware and further information/revised plans where necessary have been submitted.
- 6.13.3 The developer would need to enter into an agreement with the Highway Authority in respect of the works to the public highway and it is anticipated that as the works will involve the junction with Dovecote Lane, that any damage caused as part of the development, to the existing road surface would be made good as part of the works.
- 6.13.4 The site is allocated in the Part 2 Local Plan for residential and as such is not allocated as retention for use as employment land.
- 6.13.5 Whilst access to the train platforms would be a benefit, it would not be within the scope of the planning application or a policy requirement. Notwithstanding this, it is noted that without a relocation of or alterations to the footbridge, access is not feasible as the footbridge is built right up to the Victoria Hotel building on one side and to the rail line on the other side.

6.13.6 Concerns have been made in respect of noise emanating from the residential use of the development. As this is an allocated site for residential use, this would have been considered as part of the Local Plan process. In any case, the development of the site as residential is considered to be compatible with the residential character of the area.

6.13.7 Hours of construction and noise will be controlled by a note to applicant.

6.13.8 Concerns have been raised in regard to the undercroft void, part of the flood mitigation measures. The concerns relate to the holding of potentially contaminated water, and to the possibility of attracting vermin (utilising the void). Details submitted as part of the application see a minimal void area under each property, accessed by access points at 1m gaps around the building. The dwellings would have to be built to the building regulations in force at the time of build, and would ensure that the build is safe for habitation. Any flood water accessing the void would be minimal depth and would soak into the ground once the flood water has receded. It is not envisaged that the void would create suitable habitats for vermin or any other animal.

7 Planning Balance

7.1 The benefits of the proposal are that it would bring forward the development of long vacant and allocated site for 100% affordable housing; is in a sustainable location with good access to public transport and to local facilities; the layout provides opportunities for a future connection to the adjacent site, improving connectivity; and it would provide a good standard of living accommodation.

7.2 The negative impacts are that there would be some impact on neighbour amenity and on the road network.

7.3 On balance it is considered that the negatives are not significant to outweigh the benefits of the proposal.

8 Conclusion

8.1 It is recommended that planning permission be granted subject to the conditions listed below and to the prior signing of a Section 106 Agreement.

<p><u>Recommendation</u></p> <p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions and to the prior signing of a Section 106 Agreement.</p>	
<p>1.</p>	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
<p>2.</p>	<p>The development hereby permitted shall be carried out in accordance with the Site Location Plan received by the Local Planning Authority on 14.12.20, and drawings numbered 766 002 rev F, 766 003 rev E, 766 004, 766 005 rev D, 766 006 rev B, 766 008 rev C, 766 009 rev D, 766 010 rev A, 766 013 rev A, 766, 016, 766 017, 766 018, 766 019, F18003/16 rev B, F18003/17 rev B, F18003/18 and F18003/19 received by the Local Planning Authority on 01.12.20, F/18003/21 rev A received by the Local Planning Authority on 18.12.20, and 766 020 received by the Local Planning Authority on 11.01.21.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>3.</p>	<p>No above ground works shall be carried out until details of the materials to be used in facing external walls and roofs have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: 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>4.</p>	<p>The development shall not be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems. The development shall thereafter be carried out in accordance with the details as approved.</p>

	<p><i>Reason: In the interests of public health and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>5.</p>	<p>The development shall not be commenced until details of piling or any other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority. A method statement should set out measures for reducing noise and vibration impact on neighbouring buildings and on the rail network. The development shall thereafter be carried out in accordance with the details as approved.</p> <p><i>Reason: To protect groundwater from contamination and nearby buildings/rail network and residents from noise and vibration in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>6.</p>	<p>The development shall not be commenced until details of a surface water drainage scheme, based on the principles included in the approved FRA, and a drainage strategy have been submitted to and approved in writing by the Local Planning Authority. The scheme shall:</p> <ul style="list-style-type: none"> a) Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that the design is in accordance with CIRIA C753. b) Details of any STW approval for connections to existing network and any adoption of site drainage infrastructure. c) Evidence of how the on-site surface water drainage systems will be maintained and managed after completion and for the lifetime of the development. <p>The scheme shall be implemented in accordance with the approved details.</p> <p><i>Reason: To ensure that the development does not increase the risk of flooding in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>7.</p>	<p>The development shall not be commenced until an application for a Traffic Regulation Order as shown indicatively on approved drawing F18003/21 rev A has been made to the Highway Authority.</p> <p><i>Reason: In the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>

<p>8.</p>	<p>The development (including demolition) shall not be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:</p> <ul style="list-style-type: none"> a) The parking of vehicles of site operatives and visitors b) Loading and unloading of plant and materials c) Storage of plant and materials used in the construction of the development d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate e) Wheel washing facilities f) Measures to control the emission of dust and dirt during construction g) A scheme for recycling/disposal of waste resulting from demolition and construction works h) A risk assessment in relation to the railway <p>The development shall thereafter be carried out in accordance with the details as approved.</p> <p><i>Reason: In the interests of highway safety and the safe operation of the railway, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>9.</p>	<p>The development shall not be commenced until the results of a further survey in regard to Great Crested Newts have been submitted to and approved in writing by the Local Planning Authority. The survey should include details of any mitigation measures that may be required to protect, or measures proposed for the relocation of, any Great Crested Newts found on the site, and should these be required, shall be implemented in accordance with the details as approved.</p> <p><i>Reason: In the interests of safeguarding a protected species, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>10.</p>	<p>The development shall not be commenced until a Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP should include details of ecological enhancements, wildlife boxes, maintenance schedule, bat roost and bird nest boxes, and external lighting. The development shall thereafter be carried out in accordance with the details as approved.</p> <p><i>Reason: In the interests of ensuring that a biodiversity gain can be achieved, in accordance with the aims of Policy 31 of the</i></p>

	<i>Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i>
11.	<p>The development shall not be commenced until a Reasonable Avoidance Measures Statement (RAMS) has been submitted to and approved in writing by the Local Planning Authority. The RAMS should detail a precautionary method of working during site clearance, ground disturbance and other development activities which have the potential to harm, kill or trap species of amphibians or mammals and should be in accordance with BS 42020:2013 Biodiversity – Code of Practice for Planning and Development and should also set out when an Ecological Clerk of Works (ECoW) is needed to be present on site, and timings for habitation of all species potentially present on site, including nesting birds. The works shall be carried out in accordance with the approved statement.</p> <p><i>Reason: In the interests of safeguarding flora and fauna on the site, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p>
12.	<p>The development shall not be commenced until a method statement setting out a programme of archaeological investigation and recording has been submitted to and approved in writing by the Local Planning Authority. The findings of the statement shall be implemented prior to works commencing or to a timetable set out in the statement as approved.</p> <p><i>Reason: In the interests of safeguarding designated and non-designated heritage assets in accordance with the aims of Policy 23 of the Broxtowe Part 2 Local Plan (2019) and Policy 11 of the Broxtowe Aligned Core Strategy (2014).</i></p>
13.	<p>No above ground works shall be carried out until details of a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:</p> <ul style="list-style-type: none"> a) Numbers, types, sizes and positions of proposed trees and shrubs b) Proposed boundary treatments including the attenuation fence and details of Armco barriers c) Proposed hard surfacing treatment d) Planting, seeding/turfing of other soft landscaping areas e) Management and maintenance of any area not falling within the curtilage of a dwelling f) Timetable for implementation g) Lighting, particularly where adjacent to or having the potential to affect the railway

	<p>The approved scheme shall be carried out in accordance with the approved details.</p> <p><i>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area, to ensure the safe operation of the railway 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>14.</p>	<p>No above ground works shall be carried out until details of a Travel Plan, including a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details.</p> <p><i>Reason: In the interests of promoting sustainable modes of travel, and in the interests of highway safety, 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>15.</p>	<p>No dwelling hereby approved shall be first occupied until the glazing and ventilation relating to that unit has been installed in accordance with the specification details set out in the Noise Assessment report 12419 v2, dated May 2019.</p> <p><i>Reason: In the interests of residential amenity and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>16.</p>	<p>No dwelling hereby approved shall be first occupied until it has been certified that all necessary remedial measures have been implemented in full so as to render the site free from risk to human health from any contaminants identified.</p> <p><i>Reason: In the interests of public health and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>17.</p>	<p>No dwelling fronting an unadopted (private) road hereby approved shall be first occupied until details of the proposed arrangements for the future management and maintenance of the private road, including associated drainage, have been submitted to and approved in writing by the Local Planning Authority. The private road and drainage shall thereafter be maintained in accordance with the approved details, until such time that a private Management and Maintenance company has been established.</p> <p><i>Reason: In the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>

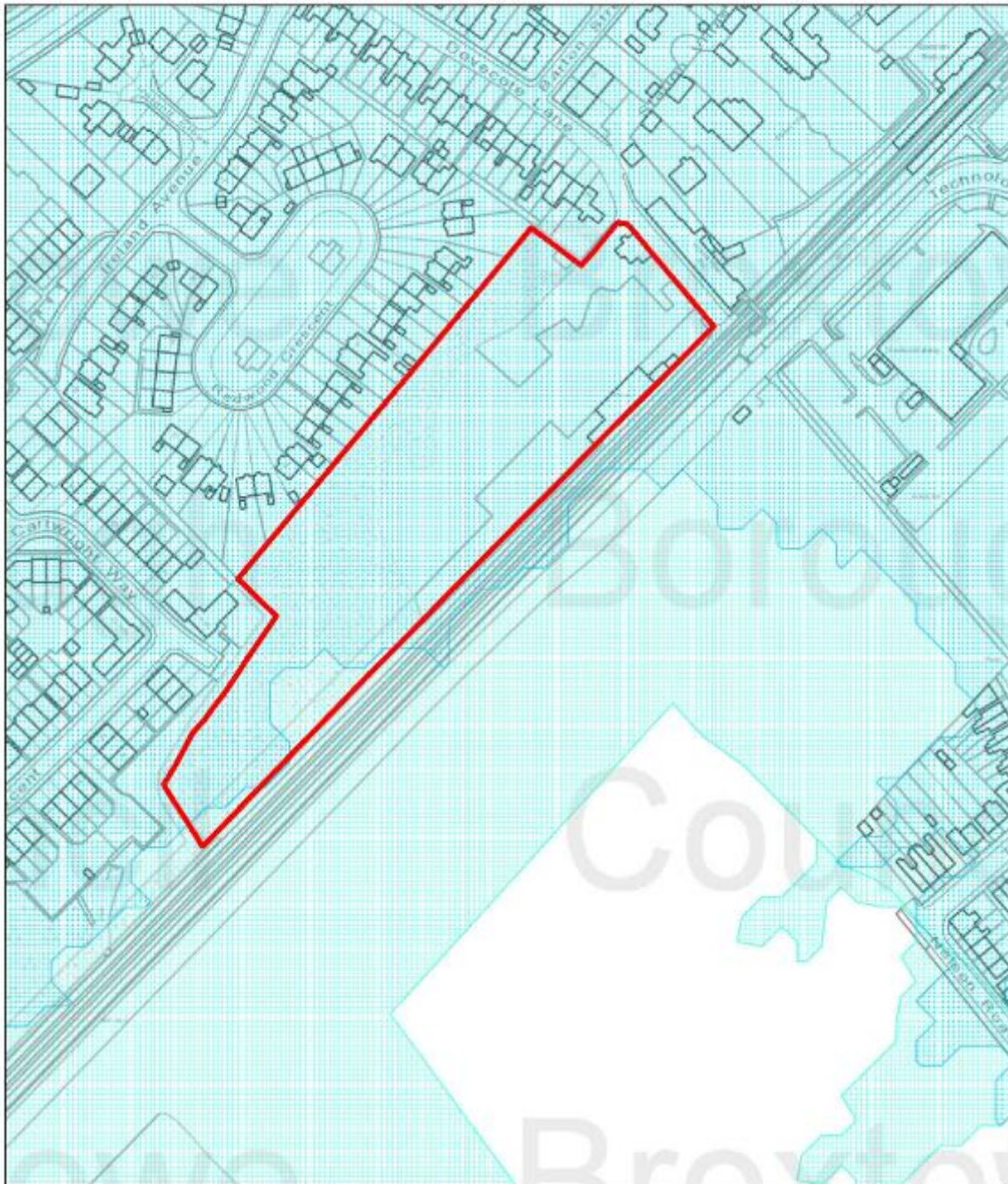
<p>18.</p>	<p>No dwelling hereby approved shall be first occupied until the parking area associated with the respective plot has been surfaced in a bound material (not loose gravel) for a minimum distance of 5m beyond the highway boundary, and constructed so as to prevent to the discharge of surface water from the parking area onto the public highway. The bound material and provision to prevent discharge of surface water shall thereafter be maintained for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>19.</p>	<p>No dwelling hereby approved shall be first occupied until the off-site highway works as shown for indicative purposes on approved drawing reference F/18003/21 rev A have been provided to the satisfaction of the Highway Authority.</p> <p><i>Reason: In the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>20.</p>	<p>No dwelling fronting an unadopted (private) road hereby approved shall be first occupied until the bin collection points as shown on the approved site layout plan have been provided.</p> <p><i>Reason: In the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>21.</p>	<p>The development shall be carried out in accordance with the submitted flood risk assessment (ref: Flood Risk Assessment and Drainage Strategy Report, Armstrong Stoke & Clayton Limited, April 2020, WMD105/FRA Rev E and Flood Risk - Technical Note 1, Armstrong Stokes and Clayton Limited, November 2020, WMD105/TN1) and the following mitigation measures it details:</p> <ul style="list-style-type: none"> · Finished floor levels shall be set no lower than 27.58m Above Ordnance Datum (AOD) as stated within the Flood Risk Technical Note, section 14 (November 2020). · Flood resilience shall be implemented as stated within the Flood Risk Technical Note, section 14 (November 2020). · Undercroft voids shall be provided to a minimum height of 27.28m AOD as stated within the Flood Risk Technical Note, section 14 (November 2020). · Site levels shall be in accordance with the drawing: Proposed Site Plan, Site Block Plan & OS Plan, swish architecture & planning, 766, 001, Revision T, Mar 2019.

	<p>These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p><i>Reason: To ensure that the development does not increase the risk of flooding in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>22.</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 Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>23.</p>	<p>Construction works shall be limited to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no works on Sundays and Bank Holidays.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>

	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	<p>The Highways Authority advise:</p> <p>Reference in any condition contained in this permission to any Statute, Statutory Instrument, Order, Regulation, Design Guide or other document shall be taken to include any amendment, replacement consolidation or variation that shall from time to time be in force and any reference to any body or organisation (public or private) shall be taken to include any successor-body or organisation exercising relevant functions in place of or alongside the body named.</p> <p>The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks for which there is a fee.</p> <p>a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is <u>essential</u> that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: hdc.south@nottsc.gov.uk</p> <p>In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement</p>

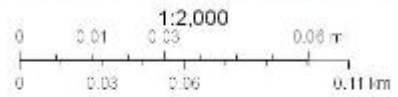
	<p>under Section 278 of the Act for which there is a fee. Please contact: hdc.south@nottscc.gov.uk</p> <p>The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land. [Where the development site may be accessed by a significant number of vehicles or may be particularly susceptible to material ‘tracking’ off site onto the highway, details of wheel-washing facilities must be provided to and approved by the Highway Authority.]</p> <p>The proposed access/off-site highway works referred to in condition 7 requires a Traffic Regulation Order before the development commences to provide safe access/off-site mitigating works. The developer should note that the Order can be made on behalf of the developer by Via East Midlands in partnership with Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact the Improvements Team on 0300 500 8080 for details.</p>
<p>3.</p>	<p>The developer is advised to contact Network Rail in respect of the need to submit a method statement, which should be agreed prior to commencement of works on the site.</p> <p>Asset Protection Project Manager Network Rail (London North Eastern) Floor 3B George Stephenson House Toft Green York Y01 6JT</p> <p>Email: assetprotectionineem@networkrail.co.uk</p>
<p>4.</p>	<p>There shall be no bonfires on site at any time.</p>

Maltings Site, Dovecote Lane



1/20/2021, 3:20:34 PM

-  Site
-  Flood Zone 2
-  Flood Zone 3



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Photographs



View from railway bridge, looking south west



Existing accesses to the site from Dovecote Lane



South east end of Dovecote Lane, with access to railway bridge to the left



The Victoria Hotel, opposite the site



Existing boundary wall to the site



North west elevation of the Gatehouse



South east elevation of the Gatehouse



Rear (north east) elevation of the Gatehouse



View along Dovecote Lane, looking south east

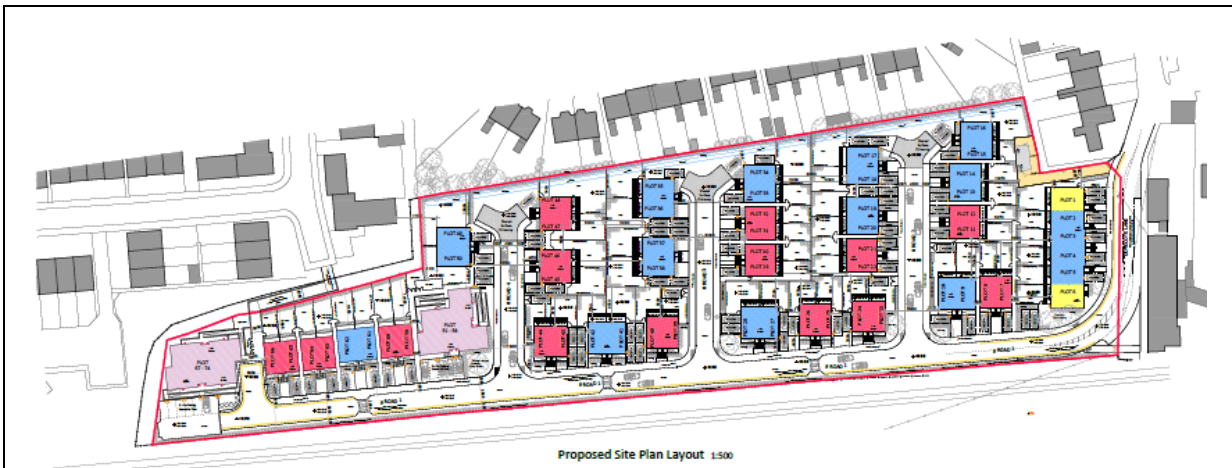


Rear of properties on Redwood Crescent, which are to the north west of the site

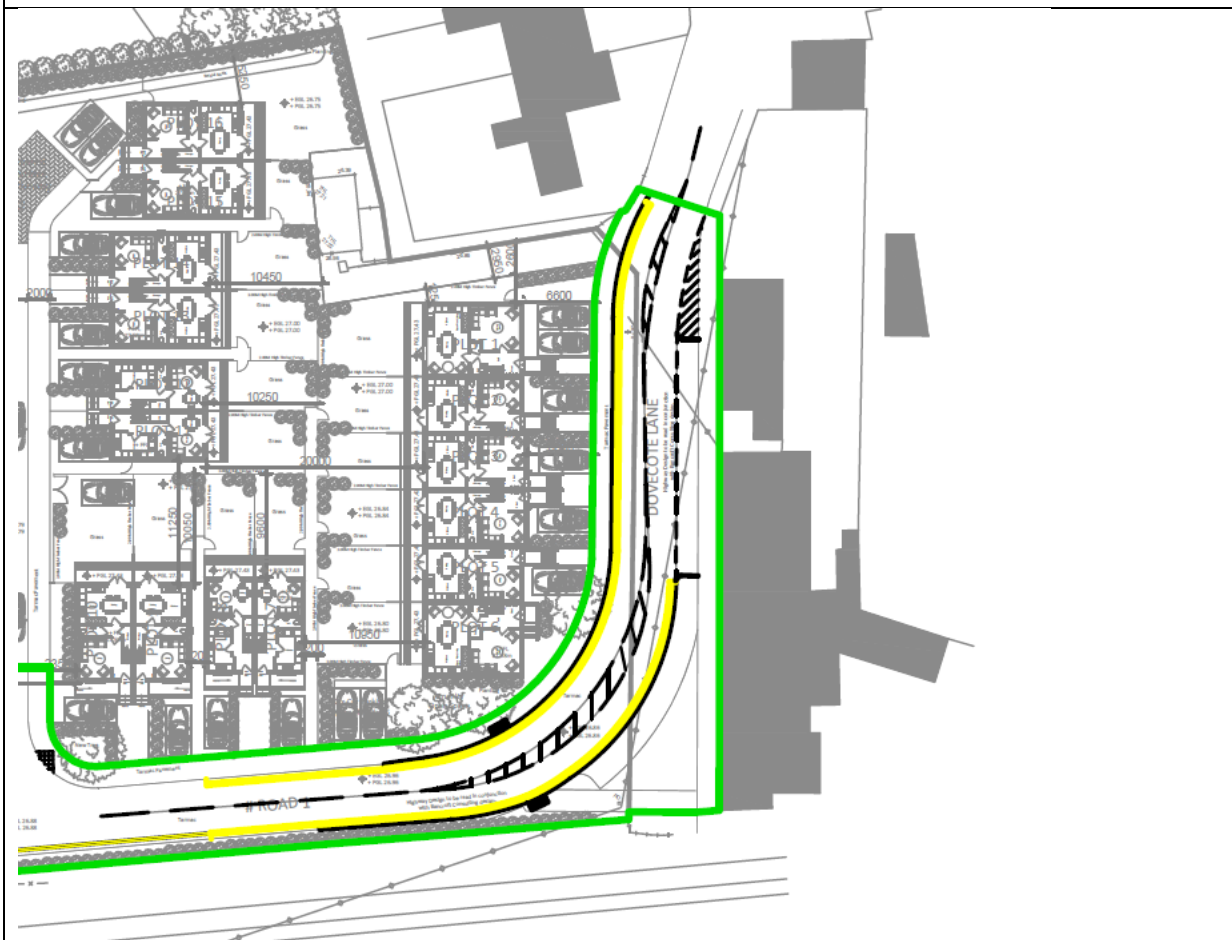


Properties on the Hetley Pearson site (Cartwright Way)

Plans (not to scale)

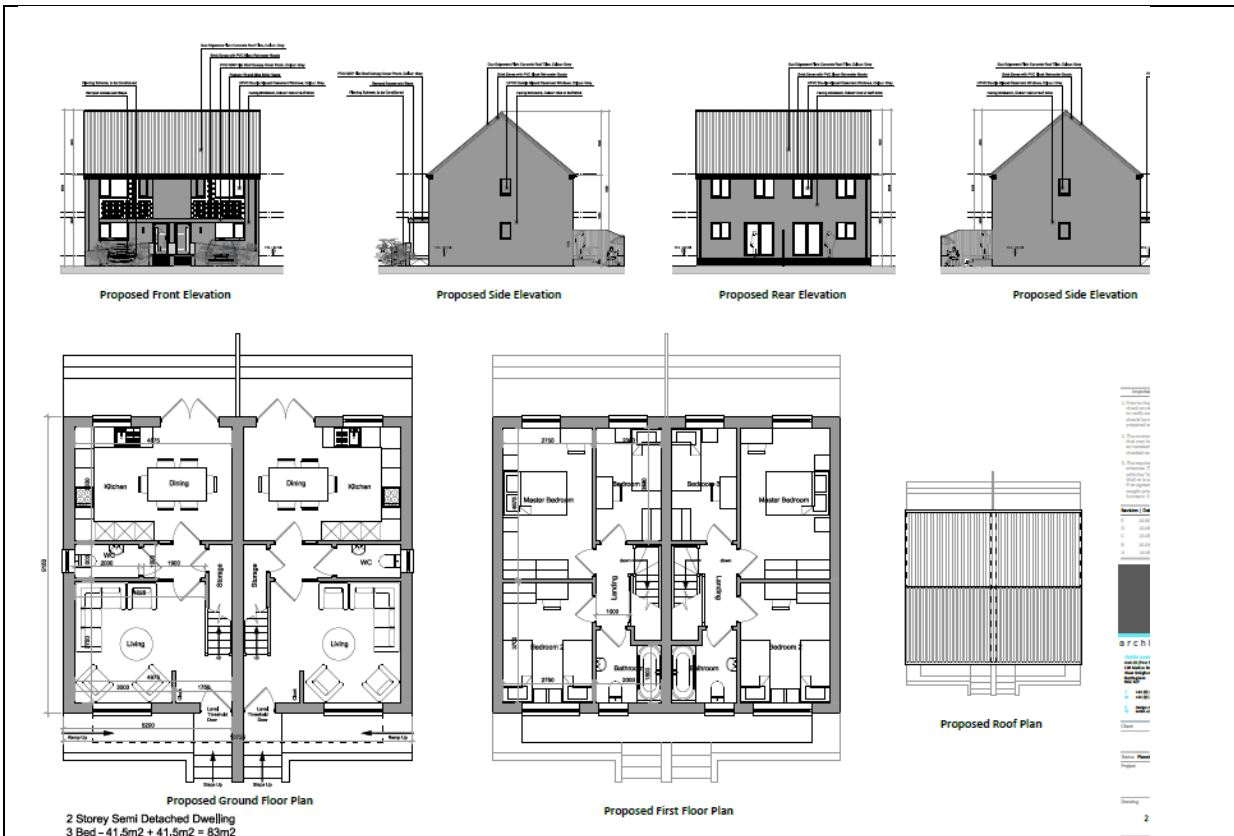


Proposed layout

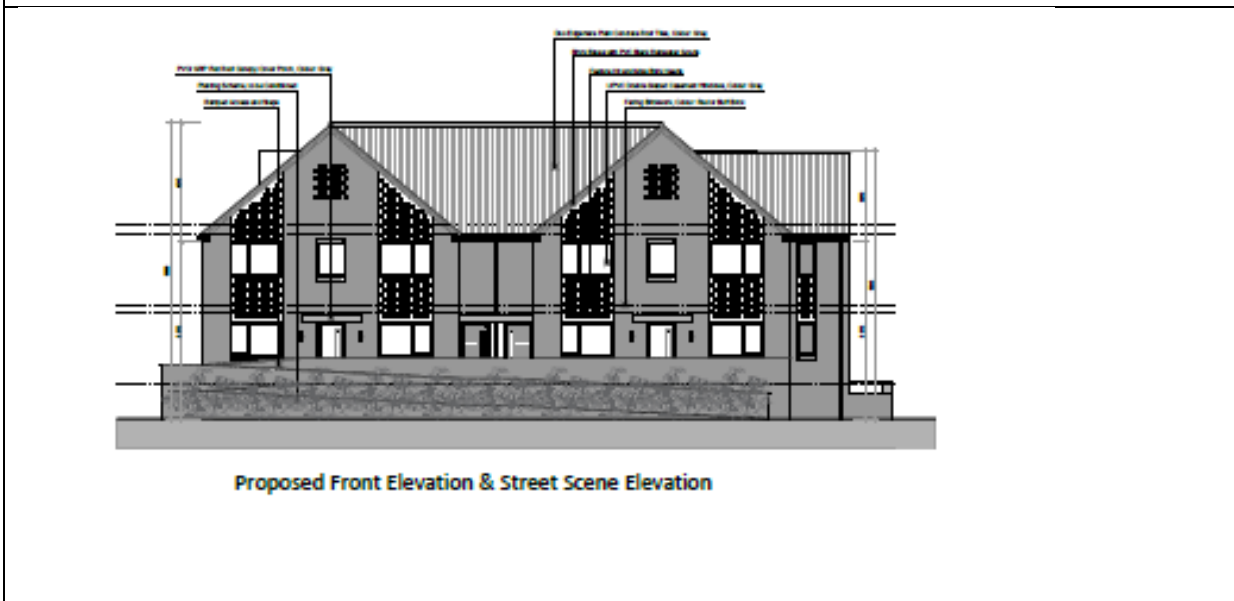


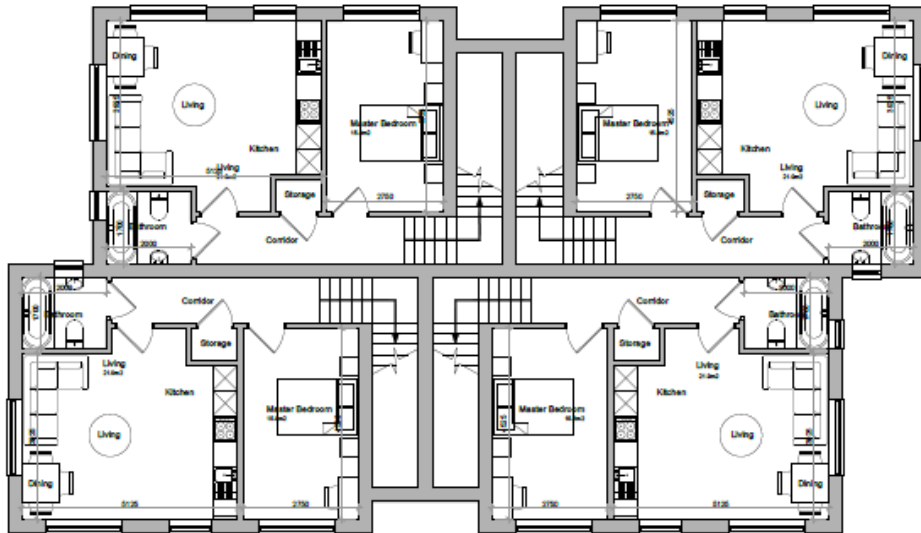
Indicative layout of alterations to Dovecote Lane and access





Three bed dwelling – typical elevation and layout



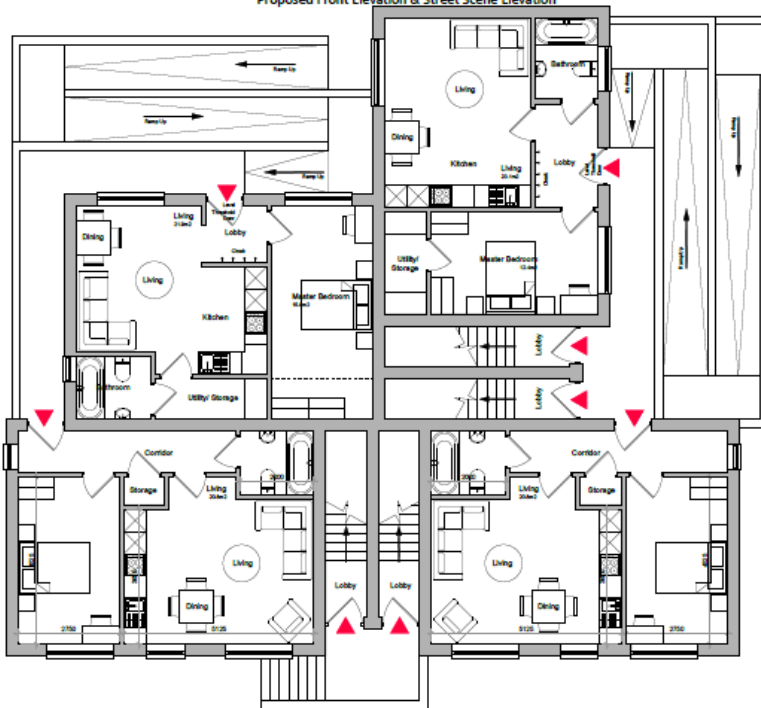


Proposed First Floor Plan

Proposed apartments – elevations and typical first floor layout (Plots 67-74)

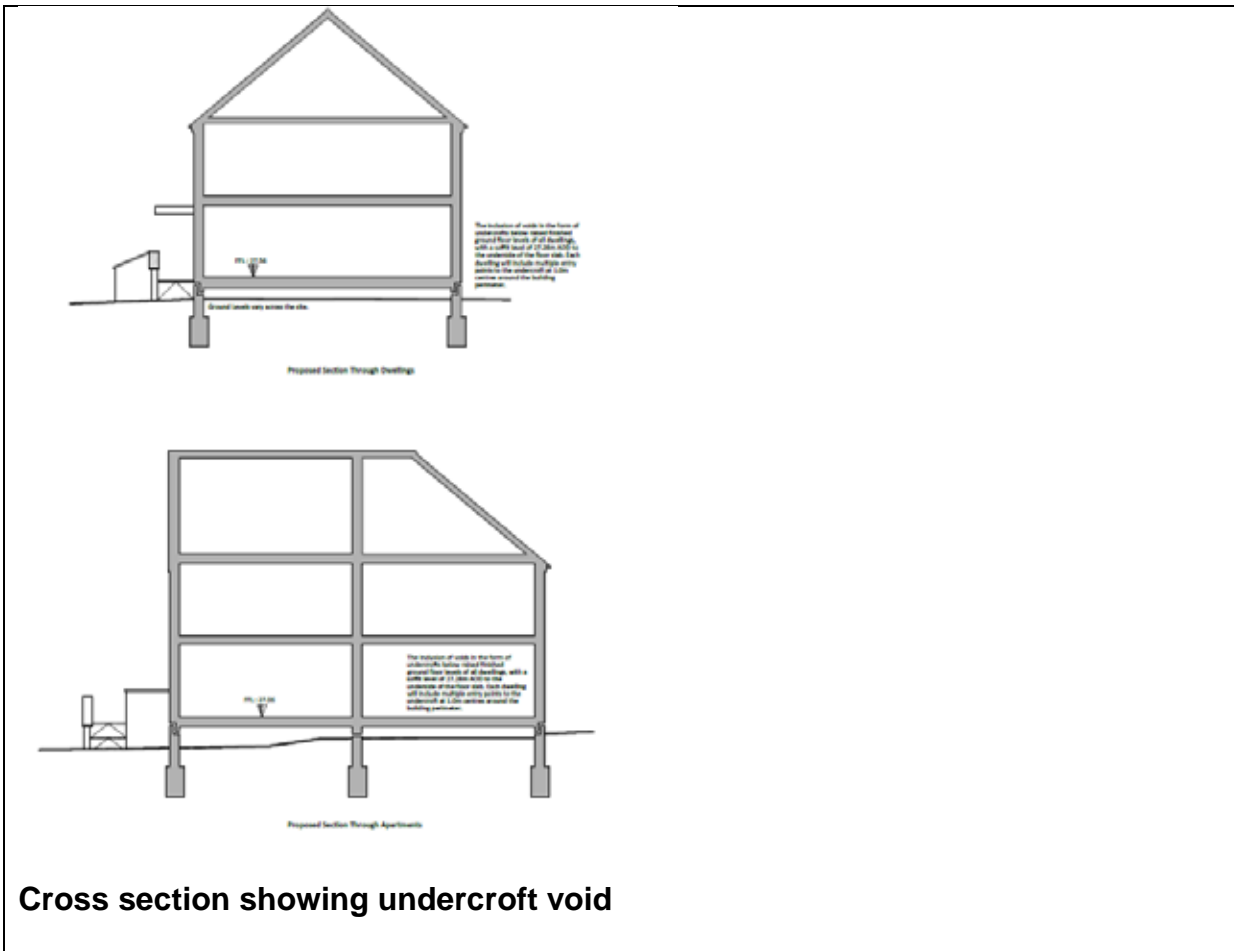


Proposed Front Elevation & Street Scene Elevation



Proposed Ground Floor Plan

Proposed elevations and ground floor layout – Plots 51-58



Cross section showing undercroft void

Report of the Chief Executive

APPLICATION NUMBER:	19/00524/OUT
LOCATION:	Former Dry Ski Slope, Cossall Industrial Estate, Soloman Road, Cossall, Nottinghamshire
PROPOSAL:	Hybrid planning application comprising: Outline application to construct 64 dwellings including access with some matters reserved. Full application to change use to create a country park and associated works

This application has been brought to Planning Committee as it is a major application where contributions are also required under a Section 106 Agreement.

1.1 This application was brought before the Planning Committee on 6th January. At this meeting the Committee raised concerns about the lack of Section 106 contributions proposed as part of the application, the pedestrian access through the industrial estate, and the stability of the site following the proposed significant earthworks. A decision was made to defer the application to allow the applicant to address these matters.

2 Section 106 Contributions

2.1 It was previously reported to the Committee that the proposal was unable to make any contributions, despite the following requests:

- Primary School contribution: £226,538
- Secondary School contributions: £238,750
- Bus stop infrastructure: £23,400
- Libraries: £2,254
- Health contributions: £34,680
- NHS University Trust: £58,138

The site would also have a policy requirement of providing 30% of the dwellings as affordable housing, although it is also proposed that this will not be committed to due to viability constraints of the site.

2.2 The applicant states that due to exceptionally high construction costs associated with the site, largely due to the need for significant earthworks to level part of the site off for residential development, and re-profile the slope for the country park to make for a less steep incline. There are also significant costs associated with the provision of the country park which forms part of this application. The applicant has put the cost of providing the country park at £438,936, not including the cost of ongoing maintenance. An application of this type would usually require an open space contribution, however, the provision of the country park and the significant costs associated with this, negates this requirement.

2.3 The applicant has submitted a viability assessment for the site, assessing build costs, land values and projected sales value. As part of this assessment the provision of the requested planning contributions are also considered. The

viability assessment concludes that the site is only viable if no planning contributions are paid, and the 30% affordable housing policy is not enforced, allowing 100% of the site to be sold as market housing if required. An independent review of this conclusion has been undertaken at the instruction of the Council, and this agrees with the conclusion of the applicant's viability assessment, that the proposal is not viable with the requested contributions. Therefore, should the requested contributions be enforced by way of a Section 106 agreement it is unlikely the site will be developed as per this application.

- 2.4 Paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with these should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker (in this case the Council), having regard to all circumstances in the case. In this instance the balance to be considered is whether or not the overall benefits of the scheme, the provision of the country park and 64 new dwellings, outweighs the harm caused by the absence of contributions to education, health and bus stop infrastructure.
- 2.5 The application site has been vacant for a considerable period of time, and there is clear evidence of anti-social behaviour at the site including the riding of motorbikes and fly tipping. Therefore, there are clear benefits of bringing the site back into a positive use. The provision of the country park will provide substantial open space for the residents of the new dwellings, as well as existing communities in nearby Cossall and Awsworth. The country park will provide footpaths and play areas and will also link to the existing recreational route along the Nottingham Canal which runs along the east boundary of the site. It is considered that the provision of the country park will therefore bring significant benefits to the local and wider community.
- 2.6 The provision of 64 dwellings on a previously developed site will also significantly contribute towards the Council's housing supply. The application site is not allocated for development in the Part 2 Local Plan (2019) and therefore the dwellings will act as windfall development which will be a valuable contribution. The site is situated in close proximity to Ilkeston train station and bus routes along Coronation Road, with local facilities available in the nearby village of Awsworth and town of Ilkeston. It is considered that the provision of 64 dwellings on previously developed land, without encroaching into the countryside, and in a sustainable location close to public transport links and nearby facilities represent significant benefits.
- 2.7 Whilst the proposal is not offering any planning contributions, the provision of the country park will come at a significant cost, and will provide a public open space for the new and existing local communities. The provision of 64 new homes on an unallocated, previously developed site in a sustainable location is also considered to be of significant benefit to the Council. On balance it is therefore considered that the benefits of the scheme outweigh the potential harm of not providing the requested contributions.

3 Access

- 3.1 Since the Planning Committee meeting in January, the applicant has submitted a plan (Appendix 1) showing off site footway works along Soloman Road and through to the entrance to the industrial estate, to be carried out by the applicant to improve pedestrian access between the proposed residential development and Coronation Road.
- 3.2 The proposals include a new 2m wide pedestrian footway along the south side of Soloman Road, to be accessed directly from the proposed development. Lighting columns along this footway will be relocated to the back of the footway and dropped kerbs with tactile paving will be provided close to the junction to provide a crossing point to access the road leading out of the industrial estate. There is an existing footway along this section of road leading out of the estate, although new dropped kerbs and tactile paving will be provided at crossing points, and at the estate entrance to facilitate crossing to the west side of the access road and onto Coronation Road leading towards the roundabout and Ilkeston train station. There is an existing footway on this section of road leading towards the roundabout, and a crossing point on the west side of the roundabout enabling access to the station on the north side of Coronation Road.
- 3.3 The proposed off site works to the footways will provide improved pedestrian access between the proposed development and Coronation Road, from where there is access to public transport including the bus route and Ilkeston train station. There will also be pedestrian access to the country park from the Nottingham canal which runs along the east boundary of the site. The Highways Authority has approved the plans for the improved footways and raise no objections to the proposal. Whilst the proposed works are outside of the application site, they are considered reasonable and necessary to enable the development. The works will take place on Highways land and the Highways Authority have agreed to the proposed works. It is therefore considered reasonable to condition the
- 3.4 The application site is in close proximity to the bus route along Coronation Road, and Ilkeston train station to the north of Coronation Road. These links will make the site accessible for local amenities with the railway providing connections further afield. The proposed off site footway works will make these transport networks accessible for the residents of the proposed development, as well as making the country park accessible for surrounding communities. Overall it is considered that the vehicular and pedestrian access for the site is acceptable.

4 Earthworks

- 4.1 At the January Planning Committee concerns were raised regarding the stability of the site in respect to the proposed development. The site currently has significantly varying land levels, including steep slopes running from the north of the site where the residential development is proposed, up to the highest point towards the middle section of the site, with the levels dropping off again to the south east and west.

- 4.2 The application is supported by a topographical survey showing the proposed topography of the site, as well cross sections and a technical memorandum on earthworks, detailing the works proposed. Further correspondence has also been received from HSP Consultants, seeking to provide additional assurances regarding the proposed earthworks and retaining structures.
- 4.3 The letter states that the proposed earthworks are still subject to detailed design, although this is purely due to the status of the planning application, and should not be misconstrued as being indicative of the works being undertaken in anything other than a robust and professional manner. The letter goes on to state that regulatory approvals appropriate to the design will also be obtained. The proposed earthworks therefore cannot be carried out until the design and process has been signed off by an independent regulator to ensure a safe and appropriate design is followed.
- 4.4 The letter from HSP Consultants goes on to state that whilst the landform of the application site is a constraint, it is not unique, and the investigative works undertaken to-date indicate that technical solutions, using established methods, can be applied to the site and the resulting permanent works will be suitable, durable and safe.
- 4.5 Overall it is considered that the earthworks can be carried out in a manner that will ensure the long-term safety of the site.

5. Conclusion

- 5.1 It is considered that the additional information provided by the applicant covers the concerns raised by the Committee in January. The main drawback of the scheme is that it will not offer any planning contributions as requested by local service providers. However, the benefits of the scheme include the provision of a publicly available country park that will be accessible for the residents of the new dwellings as well as existing nearby communities. Furthermore, the proposal will add significantly to the Council's housing supply, utilising a previously developed site in an accessible location. On balance it is therefore considered that the proposal is acceptable and that planning permission should be granted in accordance with the recommendation.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that the Interim Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:</p> <p>(i) prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of a fully managed and publically accessible country park, and a review of the viability of the proposed scheme should alterations to the layout and housing mix be made at reserved matters stage;</p> <p>(ii) the following conditions:</p>	
1.	<p>Application for approval of reserved matters in relation to the housing scheme shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The housing scheme hereby permitted shall be commenced before the expiration of two years from the date of approval of the last reserved matters to be approved.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
3.	<p>The development hereby permitted shall be carried out in accordance with drawings numbered 7067-L-01, PB103 B-03c, 7067-L-06-B; received by the Local Planning Authority on 13 September 2019.</p> <p>This outline permission for housing relates to Indicative Layout Drawing 7067-L-07 (1:1250); received by the Local Planning Authority on 13 September 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
4.	<p>For the outline housing scheme details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority before any part of the housing development is commenced:</p> <p style="margin-left: 40px;">a. Appearance</p> <p style="margin-left: 40px;">b. Landscaping</p>

	<p>c. Layout d. Scale</p> <p>The development shall be carried out strictly in accordance with the approved details to the satisfaction of the Local Planning Authority.</p> <p><i>Reason: The housing part of the application was submitted in outline only and to ensure that the details of the scheme are acceptable to the Local Planning Authority.</i></p>
<p>5.</p>	<p>Prior to the commencement of the development, details of the children’s play area, footpaths, benches, access point control measures, shall be submitted to and approved in writing by the Local Planning Authority. These features shall be completed in accordance with the approved details, and made available for use prior to occupation of any dwelling on site.</p> <p><i>Reason: To ensure the community facility is delivered to a high standard of design in accordance with the Broxtowe Part 2 Local Plan (2019) Policy 17.</i></p>
<p>6.</p>	<p>The country park hereby approved shall be completed and available for general public use, including the associated park network, park furniture and surfaced car park, to the satisfaction of the Local Planning Authority:</p> <p>a) Prior to the first occupation of the twentieth dwelling; or b) Within 24 months of the commencement of development,</p> <p>Whichever is the sooner.</p> <p><i>Reason: As per the terms of the hybrid permission where the country park is essential to giving the residential element an identity and setting whilst also increasing leisure and recreational opportunities. This condition is in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>7.</p>	<p>No dwelling shall be first occupied until the off-site footway improvement works along Soloman Road have been carried out in accordance with the works shown indicatively on the drawing number C3274-HSP-00-XX-DR-C-0001 Rev P01; received by the Local Planning Authority on 2 February 2021, in consultation with the County Highways Authority.</p> <p><i>Reason: To improve pedestrian connectivity, in the general interest of highway safety.</i></p>
<p>8.</p>	<p>The formal written approval of the Local Planning Authority is required prior to commencement of any housing development</p>

	<p>with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters). All details submitted to the Local Planning Authority for approval shall comply with the County Council's current Highway Design and Parking Guides and shall be implemented as approved.</p> <p><i>Reason: In the interest of highway safety.</i></p>
9.	<p>Occupation of the proposed dwellings shall not take place until their respective driveways have been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveways to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.</p> <p><i>Reason: In the interest of highway safety.</i></p>
10.	<p>Occupation of the proposed dwellings shall not take place until the site access as shown for indicative purposes only on drawing ADC1340-DR-004 Revision P1 has been provided.</p> <p><i>Reason: In the interest of highway safety.</i></p>
11.	<p>Occupation of the proposed dwellings shall not take place until a footway improvement scheme has been provided along Solomon Road in accordance with details first submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: In the interest of highway safety.</i></p>
12.	<p>No part of the country park hereby permitted shall be brought into use until the site access on Solomon Road has been constructed to base course level unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure the future users of the country park have an appropriate means of access by vehicle.</i></p>
13.	<p>No part of the development hereby permitted shall take place until the country park access has been surfaced in a bound material for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the access to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.</p> <p><i>Reason: In the interest of highway safety.</i></p>

<p>14.</p>	<p>No part of the development hereby permitted shall be brought into use until the parking and turning areas as shown for indicative purposes only on drawing 7067-L-05 have been provided. The parking and turning areas shall be maintained in accordance with the approved plan and shall not be used for any purpose other than the parking and turning of vehicles.</p> <p><i>Reason: In the interest of highway safety.</i></p>
<p>15.</p>	<p>No part of the development hereby permitted shall be brought into use until the country park access has been constructed in accordance with the details as shown on drawing Highway Profile 7067-L-05.</p> <p><i>Reason: In the interest of highway safety</i></p>
<p>16.</p>	<p>No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p>a) No building to be erected pursuant to this permission shall be occupied or brought into use until:-</p> <p>(i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and</p> <p>(ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p><i>Reason: In the interest of public health and safety.</i></p>
<p>17.</p>	<p>Prior to works commencing on any phase of the housing development, a detailed environmental noise assessment, based on submitted reserved matters details, must be submitted to, and approved in writing by, the Local Planning Authority, specifying the measures to be taken to ensure that all noise-sensitive premises are protected from road and industrial noise, such that the following noise levels are not exceeded:</p> <p>- An LAeq, 16-hour of 55dB (free field) in outdoor living areas between 07:00 and 23:00 hours (daytime);</p>

	<p>- An LAeq, 16-hour of 35dB inside living rooms between 07:00 and 23:00 hours (daytime); - An LAeq, 8-hour of 30dB inside bedrooms between 23:00 and 07:00 hours (night time); - An LMax, fast of 45dB inside bedrooms between 23:00 and 07:00 hours (night time).</p> <p>Those premises requiring the incorporation of noise mitigation measures to achieve the above levels, as well as the nature of these measures, shall be identified and agreed with the Local Planning Authority prior to construction commencing. In premises where windows must be closed to achieve the above levels, adequate acoustically treated ventilation must be provided. Should the proposals for the site layout, levels or building design/construction alter from that on which the agreed assessment is based, a further audit of the noise assessment and proposed mitigation measures shall be submitted to, and approved in writing by, the Local Planning Authority before construction of amended buildings commences.</p> <p>All noise mitigation measures shall be designed and installed in accordance with the approved mitigation scheme and completed under the supervision of an acoustic engineer. All works shall be completed before any permitted dwelling is occupied unless an alternative period for completion is agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To protect future occupiers from excessive environmental noise.</i></p>
<p>18.</p>	<p>No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:</p> <ol style="list-style-type: none"> 1. A preliminary risk assessment which has identified: <ul style="list-style-type: none"> • all previous uses • potential contaminants associated with those uses • a conceptual model of the site indicating sources, pathways and receptors • potentially unacceptable risks arising from contamination at the site 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they

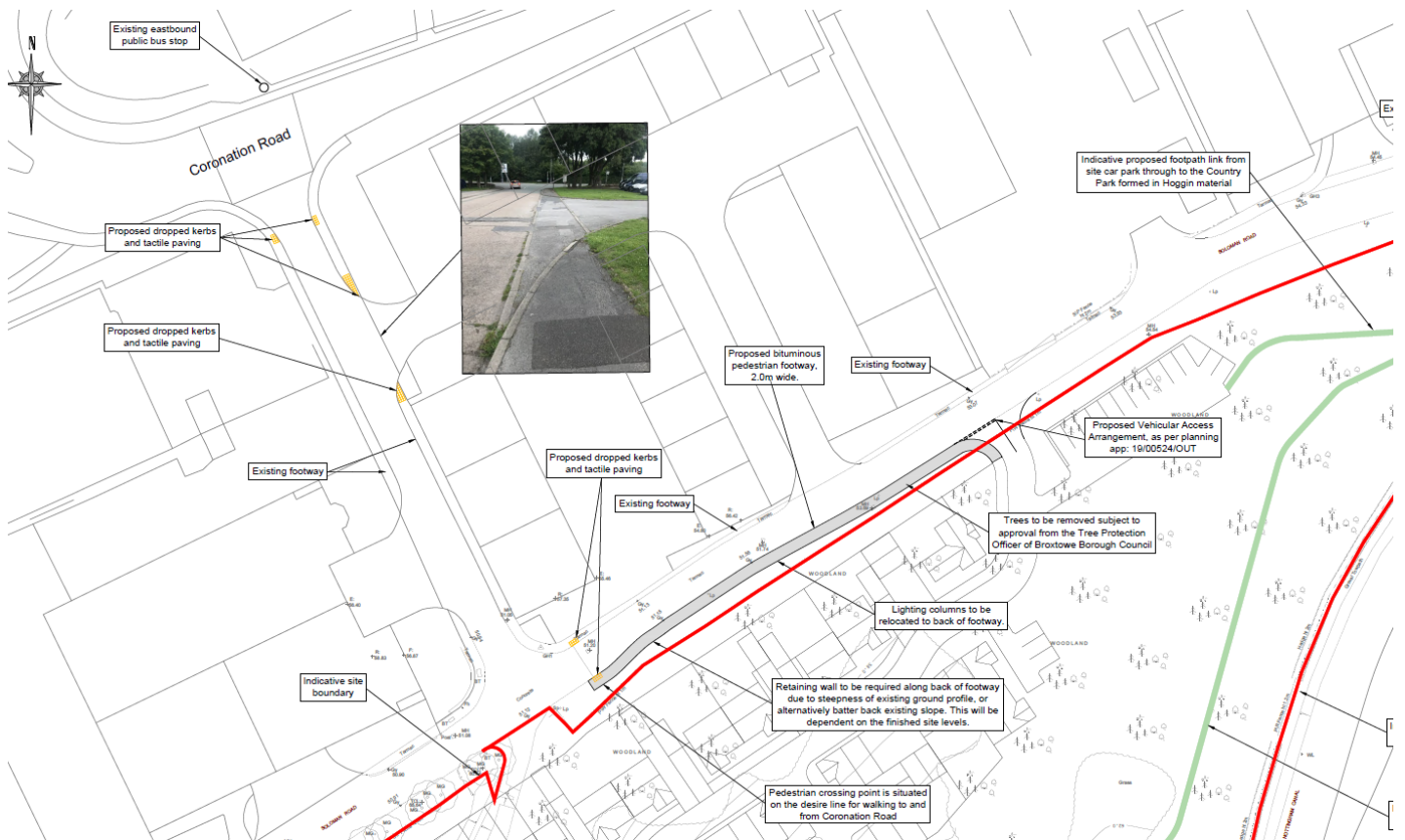
	<p>are to be undertaken.</p> <p>4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p><i>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework (NPPF).</i></p>
<p>19.</p>	<p>Prior to any part of the development hereby permitted being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p><i>Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.</i></p>
<p>20.</p>	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p><i>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.</i></p>
<p>21.</p>	<p>No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy re: w10933-190725-FRA & Drainage Strategy, 03/10/2019,</p>

	<p>Waterco, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. In addition to aforementioned document the scheme to be submitted shall:</p> <ul style="list-style-type: none"> • Provide justification for the use or not of infiltration, including the results of soakaway testing, in accordance with BRE 365. • Demonstrate that the development will use above ground SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753. • Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods. • Show that all exceedance is to be contained within the site boundary without flooding new properties in a 100year+40% storm. • Provide details of STW approval for connections to existing network and any adoption of site drainage infrastructure. • Show consideration has been given to potential surface water run-off from the steep area adjacent the site. To the south on the provided plans. <p><i>Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.</i></p>
<p>22.</p>	<p>No development shall commence until additional survey work including a reptile translocation methodology/mitigation strategy in accordance with recommendations 1 and 2 of the Reptile Survey Project No. 15-1093.02 has been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To protect reptile species within the site and in the interests of preserving biodiversity in accordance with Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>23.</p>	<p>No development shall commence on any part of the site until further intrusive site investigation works are undertaken in order to establish the exact situation regarding shallow mineworkings. This will include:</p> <p>The submission of a scheme for intrusive site investigations for areas of shallow mine workings for approval;</p>

	<p>The undertaking of that scheme of intrusive site investigations; The submission of a report of findings arising from the intrusive site investigations; The submission of a scheme of remedial works for approval; and Implementation of those remedial works.</p> <p>These details shall be first submitted and approved in writing by the Local Planning Authority in consultation with The Coal Authority.</p> <p><i>Reason: In the interest of public health and safety.</i></p>
24.	<p>No development shall commence on any part of the site until a management plan for the maintenance and upkeep of the country park has been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure the country park is maintained in a manner that is safe and acceptable for use by members of the public.</i></p>
25.	<p>No development shall take place within the application site until a written scheme for archaeological investigation has been submitted to and approved in writing by the Local Planning authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.</p> <p><i>Reason: To record archaeological features affected by development in accordance with the requirements of paragraph 189 of the NPPF.</i></p>
	<p>NOTES TO APPLICANT</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>Coal</p>
3.	<p>The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council’s current highway design guidance and specification for roadworks.</p> <p>a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the</p>

	<p>Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is <u>essential</u> that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.</p> <p>Correspondence with the Highway Authority should be addressed to: hdc.south@nottscc.gov.uk</p> <p>In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact hdc.south@nottscc.gov.uk for details.</p> <p>Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be considered by the Highway Authority until technical approval of the Section 38/278 Agreement is issued.</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>
<p>4.</p>	<p>The Regulated Industry team have decided it is highly probable that this will require a waste permit and consultation with the EA.</p> <p>The colliery spoil must be fit for purpose, in that measures are taken to avoid the risk of pollution such as treatment, containment.</p> <p>Further details on applying for a waste permit can be found by visiting https://www.gov.uk/guidance/waste-environmental-permits</p>

Appendix 1



Proposed off site footway improvements through Cossall Industrial Estate.

Report of the Chief Executive

APPLICATION NUMBER:	19/00524/OUT
LOCATION:	Former Dry Ski Slope, Cossall Industrial Estate, Soloman Road, Cossall, Nottinghamshire
PROPOSAL:	Hybrid planning application comprising: Outline application to construct 64 dwellings including access with some matters reserved. Full application to change use to create a country park and associated works

This application has been brought to Planning Committee as it is a major application where contributions are also required under a Section 106 Agreement.

1 Executive Summary

- 1.1 This application is a hybrid of two parts. The first is an outline application to construct 64 new dwellings on the northern part of the site. This outline application is for access only, with all matters relating to layout, appearance, scale and landscaping reserved. The full application is for the change of use of the former dry ski slope to a country park with associated parking.
- 1.2 Planning permission was granted for a similar scheme in 2017, although the housing aspect of that application was for 46 dwellings. The additional dwellings are now being sought to improve the viability of the site and because changes to how the land levels are dealt with will increase the developable area.
- 1.3 The site is vacant and situated to the south of the Cossall Industrial Estate. The part of the site where the housing scheme is proposed is not covered by any site specific planning policy. The southern part of the site which will form the country park is within the Green Belt.
- 1.4 The change of use of the land within the Green Belt to a country park is considered to be an exception to inappropriate development in accordance with paragraph 146 e) of the NPPF. The principle of the residential development is considered to be acceptable taking into account the position of the site close to accessible transport routes and local amenities. Whilst the position adjacent to an industrial estate may not be ideal, it is considered that the site can be designed to mitigate against any potentially harmful impact of this.
- 1.5 The Highways Authority has not raised any objection to the proposal and it is considered that suitable access provisions have been made, subject to compliance with recommended conditions.
- 1.6 As the proposed development is for more than 10 dwellings the Council can seek planning contributions in respect of education, highways, affordable housing and health facilities. However, the applicant has reported in a viability assessment that due to the provision of the country park, and non-standard build costs associated with the sloping nature of the site, that any contributions would make the scheme unviable. The Council has had this assessment reviewed by an independent

surveyor, who has agreed with the applicant's assessment. Taking into account the benefits of the proposed scheme in terms of contributing to the Council's housing numbers, and the provision of a public country park for use by new residents and the existing community, that this would outweigh the harm of not receiving any Section 106 contributions. It has also been agreed that a clause can be inserted into a Section 106 agreement for this position to be reviewed should any of the proposed details be changed on the submission of a reserved matters application.

- 1.7 On balance, it is therefore considered that the benefits of the proposal would outweigh any potential harm and therefore planning permission should be granted in accordance with the recommendation in the appendix.

Appendix 1

1 Details of the Application

- 1.1 This application is a hybrid of two parts. The first is an outline application to construct 64 new dwellings on the northern part of the site. This outline application is for access only, with all matters relating to layout, appearance, scale and landscaping reserved.
- 1.2 The full application is for the change of use of the former dry ski slope to a country park. The details of the proposed country park include:
- A commitment to deliver a fully managed country park;
 - New play area;
 - Provision of new paths and park furniture, final details of which to be agreed with the Council;
 - Car park with 13 spaces.

The change of use to a country park will require significant earthworks, and the movement of soil within the site resulting in a re-profiling of the land.

2 Site and surroundings

- 2.1 The application site comprises the former dry ski slope to the west of the village of Cossall and south of the Cossall Industrial Estate. To the north of the industrial estate is Coronation Road which is a main highway linking the site to Ilkeston to the west and the villages of Awworth and Cossall to the east. The Nottingham Canal runs along the east boundary of the site with open fields beyond this and to the south.
- 2.2 The site is derelict and now appears largely vegetated with grass, trees and scrub land. The land slopes up to the north west corner of the site, and falls away steeply beyond the peak to a wooded area. The land flattens out to the south and east of the site. The northern section of land which covers the outline application for the residential scheme is generally flat, although raised from the ground level to Soloman Road which serves the industrial estate.
- 2.3 The application site is partly within the Green Belt, and partly outside it. The section of the site covered by the outline application for residential development at the northern end of the site is not within the Green Belt, with the rest of the site being within it.

3 Relevant Planning History

- 3.1 In 2017, planning permission 17/00237/OUT was granted for outline permission for 46 new dwellings with all matters reserved except access, and full planning permission for the change of use from the former dry ski slope to a country park. This is an extant planning permission that is still implantable subject to the discharging of relevant conditions.

4 Relevant Policies and Guidance

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

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 8: Housing Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 14: Managing Travel Demand
- Policy 19: Developer Contributions

4.2 **Part 2 Local Plan 2019**

- Policy 8: Development in the Green Belt
- Policy 15: Housing size, mix and choice
- Policy 17: Place-making, design and amenity
- 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 12 – Achieving well-designed places.
- Section 13: Protecting Green Belt Land

5 Consultations

5.1 **Council's Conservation Officer:** Awaiting comments.

5.2 **Council's Environmental Health Officer:** No objections subject to conditions requiring a contaminated land assessment and a noise assessment being carried out.

5.3 **Council's Parks and Green Spaces Manager:** Raised concerns regarding the steepness of the re-profiled bank behind the proposed dwellings and the prominence of the retaining wall. Notes evidence of motorcycling and horse riding of the site and therefore access points will need measures to control this. Requests condition for a management and maintenance plan.

5.4 **Council's Conservation Officer:** Considers that the Archaeological Assessment provided offers sufficient detail on the relevant area. Considers that the Nottinghamshire County Council comments from the 2017 application with regards to a watching brief when on site remains relevant, and that any matters of interest that may be revealed during ground preparations should be reported to the Council.

- 5.5 **Nottinghamshire County Council Highways Authority:** No objections to the proposal subject to conditions requiring works to 2 bus stops on Coronation Road, appropriate scheme for footway/pedestrian crossing improvements linking through the industrial site, approval of a range of access measures for the residential development, hard surfacing of residential driveways, access provision to be provided, footway improvement scheme along Soloman Road. Conditions relating to the country park also requested for access and parking and turning areas to be provided prior to use.
- 5.6 **Nottinghamshire County Council Policy:** Requested contributions of £226,538 for primary schools, £238,750 for secondary schools, £23,400 for bus stop infrastructure and £2,254 for libraries. Noted that it would be useful for the applicant to supply a waste audit.
- 5.7 **Nottinghamshire County Council Rights of Way Officer:** No objection raised. Would welcome the opportunity to expand the network of footpaths in the area.
- 5.8 **Nottinghamshire County Council Lead Local Flood Authority:** No objection subject to condition requiring a detailed surface water drainage scheme to be provided and approved prior to the commencement of development.
- 5.9 **NHS University Trust:** Requested a contribution of £58,138.
- 5.10 **Nottinghamshire CCG:** Requested a contribution of £34,680.
- 5.11 **The Coal Authority:** No objection subject to condition require intrusive site investigations and subsequent reports prior to the commencement of development.
- 5.12 **Nottinghamshire Wildlife Trust:** No objection raised subject to condition requiring a detailed translocation methodology/reptile mitigation strategy to be carried out prior to the commencement of development.
- 5.13 **The Environment Agency:** No objection subject to conditions requiring remediation strategy to deal with risks associated with contamination on site, report setting out demonstrating completion of works set out in the approved remediation strategy, informative note to applicant advising that it is highly likely a waste permit will be required.
- 5.14 **Canal and River Trusted:** No objection raised.
- 5.15 **Erewash Borough Council:** Supports the development proposal noting that in their view it will deliver notable benefits, particularly the new country park.
- 5.16 Eight properties either adjoining or opposite the site were consulted and a site notice was displayed. No responses were received.

6 Assessment

- 6.1 The main issues for consideration are the principle of the residential development, whether or not the development of the country park is appropriate in the Green Belt, site viability and highways safety.

6.2 Principle

Residential Development

- 6.2.1 The site for the residential development is not covered by any site specific planning policy, although it adjoins Green Belt land to the south and the existing employment site of Cossall Industrial Estate to the north. The land is identified as an existing housing commitment as it has an extant permission for the construction of 46 dwellings. The site therefore currently contributes towards the Council's 5 year housing land supply, although the existing permission would expire in 2021 if development does not commence.
- 6.2.2 Whilst the location of the site, adjacent to an existing industrial site, may not be considered ideal for residential development, it is considered that the change in land levels, along with the proposed development of the country park to the south, provide an opportunity for the scheme to be designed in a way that mitigates against any potential impacts of the neighbouring industrial site. The proposal utilises a previously developed site to accommodate a significant residential development that will bring benefits on a local and borough wide scale in terms of its contribution to housing numbers. The indicative site plans show that the site is capable of accommodating the number of dwellings proposed, with the final layout to be approved as part of a reserved matters application.
- 6.2.3 The site is accessible for amenities provided in the local village of Awsworth, and the town of Ilkeston to the west of the site. Ilkeston railway station is located to the north of the site and will also be accessible, with further public transport in the form of bus routes close by along Coronation Road to the north of the site. The proposed country park to the south of the site will provide a significant open space asset for the residential development, as well as the wider existing community.
- 6.2.4 The only matter for consideration in respect of the proposed residential development is access. Matters in respect of layout, scale, appearance and landscaping are reserved for approval at a later date. Therefore, the provision of residential amenity for the future occupiers of the site will not be considered further at this time. However, matters in respect of the proximity of the dwellings to the nearby industrial estate and the proposed country park to the south are matters that should be considered at this time, as they are key to the acceptability of the principle of development.
- 6.2.5 The proximity to the industrial estate raises potential concerns for residential amenity, notably in terms of noise pollution. The Council's Environmental Health Officer has been consulted and raises no objections to the proposal. However, a condition has been requested requiring a detailed environmental noise assessment to be undertaken to ensure that all noise-sensitive premises, notably the dwellings, are protected from road and industrial noise. The change in land levels between the industrial site and the elevated dwellings is considered to provide some separation between the two uses. Furthermore, given the residential scheme is outline at this stage, it is considered that the final layout can ensure that any potential impacts from the nearby commercial use is suitably mitigated against.

- 6.2.6 The land to the south of the residential site is proposed to be a country park, as part of this application. The change in land levels means the country park land will be elevated from the residential dwellings, up to circa 2m higher in some areas. This could therefore raise some concerns in respect of the privacy of the future occupiers of the residential dwellings. As the layout of the residential development needs to be approved at reserved matters stage, it is considered that any potential impacts could be overcome in the final design of the scheme. Furthermore, the nearest footpath proposed as part of the country park to the residential dwellings is set well in from the boundary between the two uses, restricting direct views from what will likely be the more heavily used parts of the site. In addition to this it is considered that landscaping as part of the reserved matters scheme can ensure that suitable boundary treatments can be used to prevent unacceptable levels of overlooking and protect the residential amenity of the future occupiers of the site.
- 6.2.7 Overall it is considered that the site for the proposed residential development offers a sustainable development opportunity for a significant number of new residential dwellings which will make a positive contribution to the Council's housing supply. Whilst the proximity to the industrial estate may not be ideal, it is considered that the final layout of the site to be determined at reserved matters stage can be designed in a manner to mitigate against this and make the most of the opportunity presented by the proposed country park to the south.

Country Park

- 6.2.8 Policy 8 of the Broxtowe Part 2 Local Plan (2019) states the for development proposals in the Green Belt, decisions will be made 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. Paragraphs 145 and 146 identify a number of exceptions to inappropriate development, with loads listed in paragraph 146 being exceptions so long as they preserve the openness and do not conflict with the purposes of including land within the Green Belt. Paragraph 146 e) identifies material changes in the use of land as an exception to inappropriate development. Therefore, a determination needs to be made as to whether the proposed country park would preserve the openness of the site or conflict with the purposes of including land within it.
- 6.2.9 The proposed change of use will not include the construction of any substantial buildings or structures. Furniture such as park benches and railings will be required throughout the area, although these will generally be low lying structures spaced out throughout the park area and are not considered to result in a harmful impact on the openness of the Green Belt. Furthermore, they will be in keeping with features that are found in typical countryside areas. A children's play area will also be provided as part of the country park. Whilst this will include larger structures, they can be designed in a manner that makes use primarily of natural materials, enabling the structures to blend in with the countryside setting. The provision of appropriate facilities for outdoor sport and recreation is identified in paragraph 145 b) of the NPPF as an exception to inappropriate developments long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including the land within it. Whilst the final design of the facilities to be provided in the children's play area are yet to be finalised, it is considered that this can be

achieved with a design that is of a scale and style that is not harmful to the openness of the Green Belt.

6.2.10 Paragraph 134 of the NPPF sets out the 5 purposes of the Green Belt:

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

Taking into account the nature of the development proposed, that being the change of use of the land to a country park, it is considered that the proposal will provide a clear barrier to further development on this land, thus preventing the merging of neighbouring towns and the safeguarding of this sections of countryside. It is therefore considered that the proposed change of use will not conflict with the purposes of including the land within the Green Belt.

6.2.11 Overall it is considered that the proposed change of use to a country park would be an exception to inappropriate development in accordance with paragraph 146 e) of the NPPF, and therefore the principle of development can be supported.

6.3 Access

6.3.1 The proposed residential development and country park will be accessed off Coronation Road and via Soloman Road on the south side of the industrial estate. The Highways Authority note that whilst the scale of the residential development has been increased from 46 dwellings (as approved by the previous application) to 64, the additional volume of traffic is unlikely to have a material impact on the operational capacity of nearby junctions so they consider the principle of development remains acceptable from a highways safety perspective.

6.3.2 There will be a single access from Soloman Road serving both the proposed residential development to the west of the access, and the car park for the country park to the east of the access point. The Highways Authority has commented that whilst the desired gradient of 1:30 has not been achieved at the access, the shortfall is unlikely to result in a highways safety issue and therefore it is considered sufficient.

6.3.3 The car park for the country park will provide spaces for 13 vehicles. The Highways Authority has raised no objection to this.

6.3.3 Whilst the proposed development will be accessed via roads running through the existing industrial estate, it is considered that the surrounding road network is capable of withstanding the increased usage without resulting in an unacceptable impact on highway safety. Conditions are proposed to improve pedestrian routes and crossing linking through the industrial site and Coronation Road and further highways matters that form part of the design of the residential development will be considered in the determination of the layout for the reserved matters part of this scheme.

6.3.4 Overall it is considered that access arrangements for the proposal are acceptable subject to compliance with the recommended conditions.

6.4 Environment

6.4.1 The Environment Agency and Nottinghamshire Wildlife Trust have been consulted on this application, and neither have raised any objections on environmental grounds. The Environment Agency have requested a number of conditions to assess and deal with any potential contamination on the site, which are considered appropriate. Despite a number of emails being sent the Nottinghamshire Wildlife Trust have not responded to this consultation. They did however provide a response to the 2017 application which requested a condition be attached to the permission requiring a detailed translocation methodology/reptile mitigation strategy, which is also considered appropriate to this scheme.

6.4.2 The Nottingham Canal runs along the east boundary of the site, and this is a designated local wildlife site and local nature reserve. The proposed housing part of the development is to the north west of the site and away from the canal, and it is therefore considered that this will not result in a harmful impact on the environment around the canal.

6.4.3 The country park will provide a substantial area of open space, and it is considered that the development and management of the park, in accordance with the recommended conditions could result in overall net biodiversity gain for the area.

6.5 Earthworks

6.5.1 The previously approved scheme required the removal of approximately 72,500m³ of spoil to be removed from the site, involving an estimated 8,055 lorry movements on local roads. This would have a significant environmental impact, as well as having significant cost implications, which would essential result in the scheme being unviable. The works would also require a large, 4m high retaining structure along the southern boundary of the housing, having an adverse impact on the design and appearance of the scheme.

6.5.2 The applicant has therefore commissioned an engineering consultancy to develop an alternative approach. This involves a cut and fill approach to regrade parts of the spoil heap both inside and outside the residential development area to create more gentle slopes. This approach will involve keeping the material inside the site, depositing it on the southern slopes of the spoil heap, avoiding the environmental harm and cost of moving it off site.

6.5.3 Whilst significant earthworks are still required to successfully develop the site, the new approach is considered to be a beneficial alternative to the original scheme, with the key benefit being the reduction in local journeys being made as a result of the land be re-deposited within the application site. Cross sectional drawings of the proposed site have been provided and it is considered that this approach will result in an acceptable form of development for the housing scheme and country park.

6.6 Contributions

- 6.6.1 Policy 32 of the Broxtowe Part 2 Local Plan (2019) states that financial contributions may be sought from developments of 10 or more dwellings for the provision, improvement or maintenance of a range of local facilities, affordable housing and highways. As identified in Section 5 of this report, contributions have been requested for educations, highways and health, with the standard 30% affordable housing also being required for the site.
- 6.6.2 Paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with these should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker (in this case the Council), having regard to all circumstances in the case.
- 6.6.3 The applicant has submitted a viability assessment, which assesses the viability of the site against a Benchmark Land Value (BLV) as required by national planning guidance. The assessment then compares the BLV to the output land value calculated by a residual development appraisal. If the output land value exceeds the BLV, the scheme can make planning contributions. If it is below the BLV, then the scheme is not sufficiently viable to make any planning contributions.
- 6.6.4 The applicant's assessment concludes that the BLV of the application site is £1,531,200. The applicant has adopted the Land Value approach to calculate the residual value of the site based on the proposed scheme. Whilst the residential part of the scheme is outline only, the assessment is based on the indicative plans and housing mix. The assessment is based in rental revenue estimates, BCIS build costs and other appropriate inputs. The output residual land value produced by the appraisal is £624,421. As the output residual land value of the application scheme is less than the BLV, it is concluded by the assessment that the application scheme is not sufficiently viable to make any planning contributions.
- 6.6.5 The Council instructed HEB to carry out an independent review of the applicant's viability assessment, and a report of their findings was provided to the Council on 11 December 2020. In order to compile their report, HEB has reviewed the supporting information for the planning application, obtained further supporting information from the applicant in respect of the specification of the country park, and undertaken their own appraisal to test whether the applicant's conclusions made are justified when considered in the context of being consistent with the principles set out in the NPPF.
- 6.6.6 HEB carried out a full financial appraisal of the scheme and prior to the inclusion of S106 requirements, based on the assumptions as set out within the report, conclude that the site has a residual land value of £463,483. This is compared to a BLV of £752,400. HEB therefore concludes that there is a negative viability gap of £188,917, and as such the scheme cannot withstand any additional Section 106 costs.

- 6.6.7 It is noted that there are differences in the Residual Land Value and BLV calculated by the applicant and by HEB in their review of the assessment. Having sought clarification from HEB on this matter they concluded that the applicant did not include enough finance cost, which is why their Residual Land Value was higher. In respect of the BLV, they acknowledged that the BLV is often an area that assessors disagree on as it is a matter of opinion of the minimum amount a landowner will sell a site for. HEB noted that the reason for the difference is that the applicant relies on a generic figure from the Council's CIL viability report dated 2018, which covers a much wider area, whereas HEB have made a site specific judgement.
- 6.6.8 HEB acknowledge in their report that the appraisal is based on the proposed layout, house types and sizes as set out within the outline application. They therefore recommend that if the scheme changes in any way at reserved matters stage then a further viability review should be undertaken. Following discussions with the Council's legal officer, it is understood that a suitable clause can be included within a Section 106 agreement to cover this.
- 6.6.9 The requested contributions include £226,538 for primary school places, £238,750 for secondary school places, £23,400 for bus stop infrastructure, and £34,680 for health services from the CCG. Further requests include £58,138 from the NHS Trust, and £2,254 for libraries, although these are not considered to be policy compliant in line with the requirements of Policy 32 of the Broxtowe Part 2 Local Plan (2019). There would also be a requirement of 30% affordable housing.
- 6.6.10 Whilst the scheme would not be making the requested contributions, it is considered that the key infrastructure such as road access, will be acceptable to serve the proposed development. Planning conditions will secure the provision of an acceptable access point, as well as requiring improvement to pedestrian route along Soloman Road. The requested transport contribution was for a new bus stop as opposed to major infrastructure improvements in the local road network. Whilst contributions will not be made towards additional school places there are other funding streams available for increases in demand for school places, and therefore it is not considered this will result in a significant shortfall. Whilst the proposed development may result in a funding gap for local GPs, it is considered that this is not sufficient to warrant a refusal of planning permission, especially taking into account the viability assessment provided.
- 6.6.11 Having considered the applicant's viability assessment, and the review undertaken by HEB, it is clear that if Section 106 requests are pursued, the site would be unviable, likely resulting in the land remaining undeveloped. Given the current condition of the site, and the benefits that would come from the provision of 64 new homes contributing towards the Council's housing supply, and the provision of a publically accessible country park, it is considered on balance that the benefits of the development would outweigh the harm resulting from the scheme not including nay Section 106 contributions. Therefore, it is considered reasonable to accept the conclusions from the 2 reports provided and not pursue the contribution requests on this occasion.

6.7 Flood Risk

6.7.1 The application site is outside of flood zone 2 and 3. The Lead Local Flood Authority has been consulted and has not raised any concerns in respect of flooding. It is therefore considered that the proposal will not result in unacceptable flood risk.

6.8 Archaeology

6.8.1 The applicant has submitted an Archaeological Assessment for the application site. This is the same assessment that was provided for the 2017 application, which was assessed by the County Council's Archaeology Officer. The officer concluded that the assessment was a thorough piece of work and that the development is likely to uncover the remains of buildings and features associated with colliery. As these remains would have heritage value the officer recommended a condition requiring a level of archaeological supervision over the development.

6.8.2 The Council's Conservation Officer has reviewed the Archaeological Assessment for the current application, as well as the comments provided previously. She has concluded that it would be appropriate to attach the same condition to this permission, requiring archaeological supervision of the development and for any historical remains to be reported to the Council.

7 Planning Balance

7.1 The benefits of the proposal are that it will contribute towards the Council's housing, utilising previously developed land in a sustainable location. The proposal will also provide a country park, offering a substantial open space for use by the existing community and the future occupiers of the proposed residential development.

7.2 Whilst the proposed residential development will be sited in relatively close proximity to the Cossall Industrial Estate, it is considered that potential negative impacts of this can be mitigated against in the final design of the scheme, with a view to focusing the development towards the benefits of the country park to the south.

7.3 The lack of S106 contributions to be paid from this scheme is unfortunate, although the viability assessment provided has been independently verified and demonstrates that a viable scheme cannot be brought forward with the requested contributions being paid. It is considered that the local infrastructure can cope without the requested contributions, and whilst ideally they would be paid, to enforce this would likely result in the site remaining undeveloped. The delicate viability case of the site is highlighted by the fact that it has had permission for residential development since 2017 but remains undeveloped.

7.4 Overall it is considered that the benefits of the proposal, notably the provision of 64 dwellings on a brownfield site and the provision of a public country park, outweigh the limited harm, and therefore on balance it is considered that the scheme is acceptable and planning permission should be granted.

8 Conclusion

- 8.1 The proposed provision of the country park would be an exception to inappropriate development in accordance with paragraph 146 of the NPPF. It will provide key open space provision for local residents and overall is considered acceptable.
- 8.2 The outline application for 64 dwellings is not considered to be contrary to local or national policy and will provide housing in a sustainable location.
- 8.3 Overall it is considered that the proposal is acceptable and that planning permission should be granted.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that the Interim Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:</p> <ul style="list-style-type: none"> (i) prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of a fully managed and publically accessible country park, and a review of the viability of the proposed scheme should alterations to the layout and housing mix be made at reserved matters stage; (ii) the following conditions: 	
	<p>Application for approval of reserved matters in relation to the housing scheme shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The housing scheme hereby permitted shall be commenced before the expiration of two years from the date of approval of the last reserved matters to be approved.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
3.	<p>The development hereby permitted shall be carried out in accordance with drawings numbered 7067-L-01, PB103 B-03c,</p>

	<p>7067-L-06-B; received by the Local Planning Authority on 13 September 2019.</p> <p>This outline permission for housing relates to Indicative Layout Drawing 7067-L-07 (1:1250); received by the Local Planning Authority on 13 September 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>4.</p>	<p>For the outline housing scheme details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority before any part of the housing development is commenced:</p> <ul style="list-style-type: none"> a. Appearance b. Landscaping c. Layout d. Scale <p>The development shall be carried out strictly in accordance with the approved details to the satisfaction of the Local Planning Authority.</p> <p><i>Reason: The housing part of the application was submitted in outline only and to ensure that the details of the scheme are acceptable to the Local Planning Authority.</i></p>
<p>5.</p>	<p>Prior to the commencement of the development, details of the children’s play area, footpaths, benches, access point control measures, shall be submitted to and approved in writing by the Local Planning Authority. These features shall be completed in accordance with the approved details, and made available for use prior to occupation of any dwelling on site.</p> <p><i>Reason: To ensure the community facility is delivered to a high standard of design in accordance with the Broxtowe Part 2 Local Plan (2019) Policy 17.</i></p>
<p>6.</p>	<p>The country park hereby approved shall be completed and available for general public use, including the associated park network, park furniture and surfaced car park, to the satisfaction of the Local Planning Authority:</p> <ul style="list-style-type: none"> a) Prior to the first occupation of the twentieth dwelling; or b) Within 24 months of the commencement of development, <p>Whichever is the sooner.</p> <p><i>Reason: As per the terms of the hybrid permission where the country park is essential to giving the residential element an</i></p>

	<i>identity and setting whilst also increasing leisure and recreational opportunities. This condition is in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i>
7.	<p>No dwelling shall be first occupied until an appropriate scheme for footway/pedestrian crossing improvements linking through the industrial site to the public transport provision on Coronation Road have been implemented, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority in consultation with the County Highways Authority.</p> <p><i>Reason: To improve pedestrian connectivity, in the general interest of highway safety.</i></p>
8.	<p>The formal written approval of the Local Planning Authority is required prior to commencement of any housing development with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters). All details submitted to the Local Planning Authority for approval shall comply with the County Council’s current Highway Design and Parking Guides and shall be implemented as approved.</p> <p><i>Reason: In the interest of highway safety.</i></p>
9.	<p>Occupation of the proposed dwellings shall not take place until their respective driveways have been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveways to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.</p> <p><i>Reason: In the interest of highway safety.</i></p>
10.	<p>Occupation of the proposed dwellings shall not take place until the site access as shown for indicative purposes only on drawing ADC1340-DR-004 Revision P1 has been provided.</p> <p><i>Reason: In the interest of highway safety.</i></p>
11.	<p>Occupation of the proposed dwellings shall not take place until a footway improvement scheme has been provided along Solomon Road in accordance with details first submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: In the interest of highway safety.</i></p>

<p>12.</p>	<p>No part of the country park hereby permitted shall be brought into use until the site access on Solomon Road has been constructed to base course level unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure the future users of the country park have an appropriate means of access by vehicle.</i></p>
<p>13.</p>	<p>No part of the development hereby permitted shall take place until the country park access has been surfaced in a bound material for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the access to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.</p> <p><i>Reason: In the interest of highway safety.</i></p>
<p>14.</p>	<p>No part of the development hereby permitted shall be brought into use until the parking and turning areas as shown for indicative purposes only on drawing 7067-L-05 have been provided. The parking and turning areas shall be maintained in accordance with the approved plan and shall not be used for any purpose other than the parking and turning of vehicles.</p> <p><i>Reason: In the interest of highway safety.</i></p>
<p>15.</p>	<p>No part of the development hereby permitted shall be brought into use until the country park access has been constructed in accordance with the details as shown on drawing Highway Profile 7067-L-05.</p> <p><i>Reason: In the interest of highway safety</i></p>
<p>16.</p>	<p>No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p>b) No building to be erected pursuant to this permission shall be occupied or brought into use until:-</p> <p>(i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and</p>

	<p>(ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p><i>Reason: In the interest of public health and safety.</i></p>
<p>17.</p>	<p>Prior to works commencing on any phase of the housing development, a detailed environmental noise assessment, based on submitted reserved matters details, must be submitted to, and approved in writing by, the Local Planning Authority, specifying the measures to be taken to ensure that all noise-sensitive premises are protected from road and industrial noise, such that the following noise levels are not exceeded:</p> <ul style="list-style-type: none"> - An LAeq, 16-hour of 55dB (free field) in outdoor living areas between 07:00 and 23:00 hours (daytime); - An LAeq, 16-hour of 35dB inside living rooms between 07:00 and 23:00 hours (daytime); - An LAeq, 8-hour of 30dB inside bedrooms between 23:00 and 07:00 hours (night time); - An LAmx, fast of 45dB inside bedrooms between 23:00 and 07:00 hours (night time). <p>Those premises requiring the incorporation of noise mitigation measures to achieve the above levels, as well as the nature of these measures, shall be identified and agreed with the Local Planning Authority prior to construction commencing. In premises where windows must be closed to achieve the above levels, adequate acoustically treated ventilation must be provided.</p> <p>Should the proposals for the site layout, levels or building design/construction alter from that on which the agreed assessment is based, a further audit of the noise assessment and proposed mitigation measures shall be submitted to, and approved in writing by, the Local Planning Authority before construction of amended buildings commences.</p> <p>All noise mitigation measures shall be designed and installed in accordance with the approved mitigation scheme and completed under the supervision of an acoustic engineer. All works shall be completed before any permitted dwelling is occupied unless an alternative period for completion is agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To protect future occupiers from excessive environmental noise.</i></p>
<p>18.</p>	<p>No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and</p>

	<p>approved in writing by, the local planning authority. This strategy will include the following components:</p> <ol style="list-style-type: none"> 1. A preliminary risk assessment which has identified: <ul style="list-style-type: none"> • all previous uses • potential contaminants associated with those uses • a conceptual model of the site indicating sources, pathways and receptors • potentially unacceptable risks arising from contamination at the site 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p><i>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework (NPPF).</i></p>
<p>19.</p>	<p>Prior to any part of the development hereby permitted being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p><i>Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.</i></p>

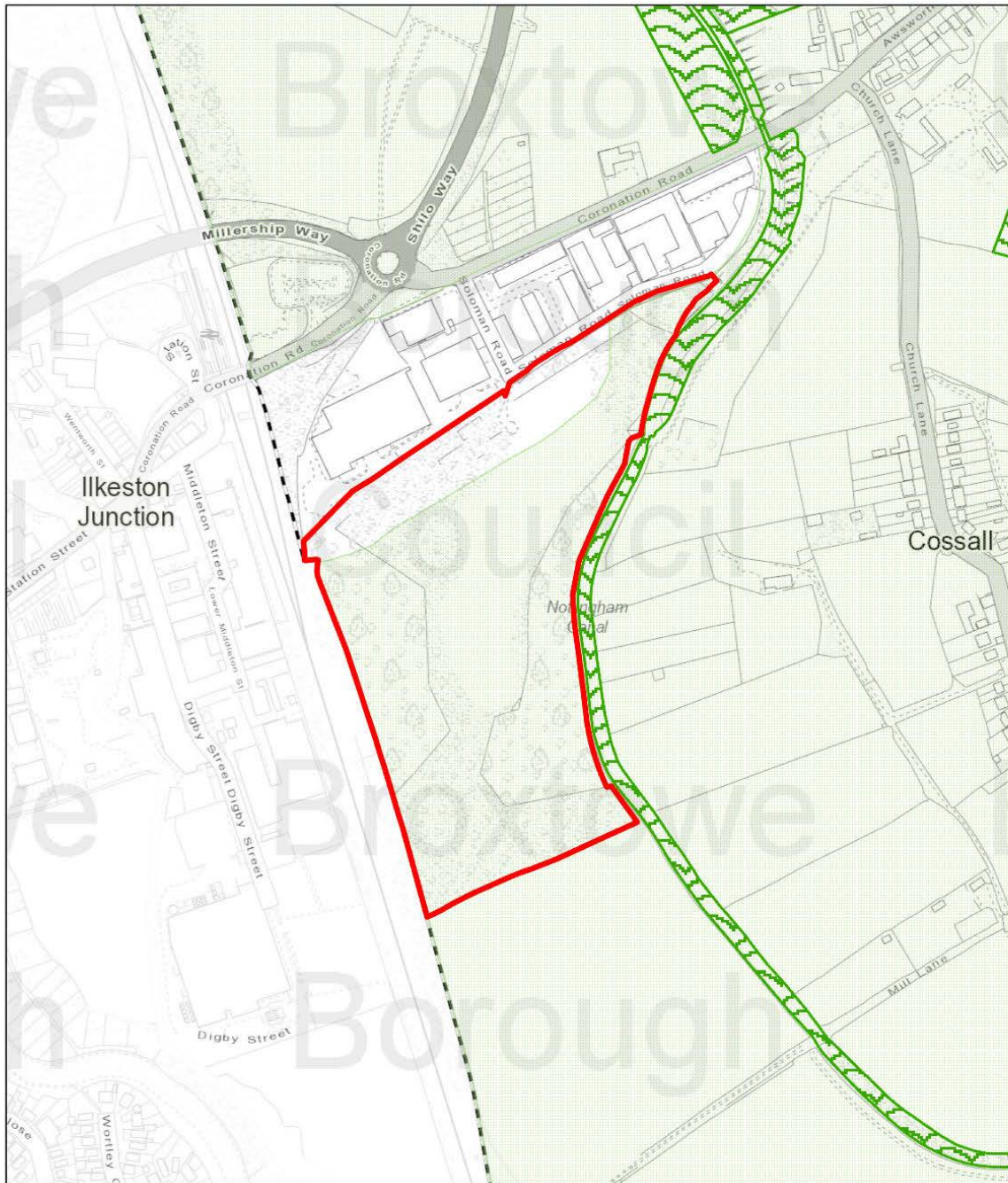
<p>20.</p>	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p><i>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.</i></p>
<p>21.</p>	<p>No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy re: w10933-190725-FRA & Drainage Strategy, 03/10/2019, Waterco, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. In addition to aforementioned document the scheme to be submitted shall:</p> <ul style="list-style-type: none"> • Provide justification for the use or not of infiltration, including the results of soakaway testing, in accordance with BRE 365. • Demonstrate that the development will use above ground SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753. • Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods. • Show that all exceedance is to be contained within the site boundary without flooding new properties in a 100year+40% storm. • Provide details of STW approval for connections to existing network and any adoption of site drainage infrastructure. • Show consideration has been given to potential surface water run-off from the steep area adjacent the site. To the south on the provided plans. <p><i>Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments</i></p>

	<i>have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.</i>
22.	<p>No development shall commence until additional survey work including a reptile translocation methodology/mitigation strategy in accordance with recommendations 1 and 2 of the Reptile Survey Project No. 15-1093.02 has been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To protect reptile species within the site and in the interests of preserving biodiversity in accordance with Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
23.	<p>No development shall commence on any part of the site until further intrusive site investigation works are undertaken in order to establish the exact situation regarding shallow mineworkings. This will include:</p> <p>The submission of a scheme for intrusive site investigations for areas of shallow mine workings for approval; The undertaking of that scheme of intrusive site investigations; The submission of a report of findings arising from the intrusive site investigations; The submission of a scheme of remedial works for approval; and Implementation of those remedial works.</p> <p>These details shall be first submitted and approved in writing by the Local Planning Authority in consultation with The Coal Authority.</p> <p><i>Reason: In the interest of public health and safety.</i></p>
24.	<p>No development shall commence on any part of the site until a management plan for the maintenance and upkeep of the country park has been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure the country park is maintained in a manner that is safe and acceptable for use by members of the public.</i></p>
25.	<p>No development shall take place within the application site until a written scheme for archaeological investigation has been submitted to and approved in writing by the Local Planning authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.</p> <p><i>Reason: To record archaeological features affected by development in accordance with the requirements of paragraph 189 of the NPPF.</i></p>

	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	Coal
3.	<p>The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council’s current highway design guidance and specification for roadworks.</p> <p>a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is <u>essential</u> that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.</p> <p>Correspondence with the Highway Authority should be addressed to: hdc.south@nottscc.gov.uk</p> <p>In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact hdc.south@nottscc.gov.uk for details.</p> <p>Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be considered by the Highway Authority until technical approval of the Section 38/278 Agreement is issued.</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>
<p>4.</p>	<p>The Regulated Industry team have decided it is highly probable that this will require a waste permit and consultation with the EA.</p> <p>The colliery spoil must be fit for purpose, in that measures are taken to avoid the risk of pollution such as treatment, containment.</p> <p>Further details on applying for a waste permit can be found by visiting https://www.gov.uk/guidance/waste-environmental-permits</p>

19/00524/OUT - Former Dry Ski Slope, Cossall



12/9/2020, 2:13:06 PM

-  Site
-  Local Wildlife Site
-  Green Belt



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Photographs



Looking east along Soloman Road toward proposed site access.



Photo taken from north boundary of the site looking south.



Photo taken from top of slope in the southern part of the site looking north towards Bennerley Viaduct.



Photo taken from top of slope in the southern part of the site looking north east.



Photo taken from top of slope in the southern part of the site looking south west towards Ilkeston.



Land at the top of the slope (southern part of the site).



Photo taken from north east part of the site looking south towards the top of the slope.

Plans (not to scale)



Illustrative Master Plan



Indicative Layout.

Report of the Chief Executive

APPLICATION NUMBER:	21/00023/FUL
LOCATION:	Land North of Home Farm Cottage and Park View Cottage, Main Street, Strelley, Nottinghamshire
PROPOSAL:	Construct stable extension, lion's den and erect 3m high internal fencing to extend wildcat enclosure.

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

1 Executive Summary

- 1.1 The application seeks planning permission to construct an extension to the stables to create a new lion's den and a lean-to hay storage area, as well as erect a 3m high fence around the perimeter of the field to the north of the stables to allow for an enlarged enclosure for the wild cats.
- 1.2 The site is set within the Nottinghamshire Green Belt where there is a presumption against inappropriate development and development should not be approved except in very special circumstances.
- 1.3 The main issues relate to whether or not the very special circumstances put forward by the applicant outweigh the harm of the enclosure to the openness of the Green Belt.
- 1.4 The benefits of the proposal are that it will allow for more space for the wild cats. However, it is considered that the size and design of the lion's den and enlarged enclosure represents significant harm to the openness of the Green Belt and is not in keeping with the rural nature of the surrounding area. Whilst the original application for an enclosure was approved to allow for the keeping of wild cats at the site, the scale of the proposed enclosure under this application goes significantly beyond what was originally approved. In accordance with paragraph 143 of the NPPF very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations. In this case it is considered that the potential harm to the Green Belt is significant due to the size, scale and design of the enclosure, and that this is not outweighed by any other considerations.
- 1.5 The Committee is asked to resolve that planning permission be refused for the reason set out in the appendix.

Appendix 1

1 Details of the Application

- 1.1 This application seeks permission to carry out works associated with the keeping of wild cats at the site. The proposals include, an extension to the west side of the existing stable to create a new lion's den, with a lean to addition for hay storage, and the erection of a 3m high fence around the perimeter of the site to allow for the extension of the wild cat enclosure. The existing enclosure which has already been granted planning permission will be retained.

2 Site and surroundings

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

3 Relevant Planning History

- 3.1 The application site has a detailed planning history, with the relevant historical applications being summarised in this section.
- 3.2 In 2011, planning permission (11/00200/FUL) was granted for the change of use of agricultural land to land used for the exercise of horses (construction of a manège) and erection of a replacement field shelter. This planning permission established the equestrian use on the site.
- 3.3 In 2013, planning permission (12/00646/FUL) was granted to construct stables and erect gates at two access points on the east boundary of the site.
- 3.4 In 2013, planning permission (13/00476/FUL) was granted to retain two poles to erect CCTV cameras.
- 3.5 In 2016, planning permission (16/00165/FUL) was refused for the construction of a barn and feed store. The applicant appealed the decision and this appeal was dismissed by the Inspector. One of the reasons for refusal was that the proposal represented inappropriate development in the Green Belt and no very special

circumstances applied. The proposal would not have preserved, and therefore would cause harm to the openness of the Green Belt.

- 3.6 In 2017, planning permission (17/00232/FUL) was granted for the extension of the existing stable block, which is positioned to the south of the wild cat enclosure.
- 3.7 Later in 2017 planning permission (17/00565/FUL) was granted for the enlargement of the approved extension after the building was being constructed larger than the originally approved plans.
- 3.8 In 2018 planning application 18/00123/FUL was refused for the installation of two gated accesses on the east boundary of the site. The access points are already in place however the proposed gates were considered to be of a size and design that did not have regard for the local context and was out of keeping with the character of the area.
- 3.9 In 2019, planning application 19/00243/FUL for the change of use of the site from equestrian to mixed use equestrian and the keeping of fully licensed wild cats, and to retain the secure enclosure, was voted for approval by the Planning Committee. This permission was granted in Jun 2020 and is subject to a unilateral undertaking whereby the owner undertakes to carry out the following obligations:
- Not to use the said Wild Cat Enclosure for any purpose other than the keeping of the three Wild Cats in possession of the owner at the time of the application.
 - On the death or relocation to premises elsewhere of all the Wild Cats to cease use of the Wild Cat Enclosure and to remove it within 3 months of the cessation of use.
- 3.10 In 2020, planning application 20/00388/FUL was granted permission by the Planning Committee for various alterations to the approved enclosure including the internal division of the enclosure, security doors and an additional link to the stables. At the same committee meeting planning permission 20/00422/FUL was also approved for gates to be erected at the existing access to the south part of the field.

4 Relevant Policies and Guidance

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

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

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

4.2 **Part 2 Local Plan (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.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.
- Section 13 – Protecting Green Belt Land

5 Consultations

- 5.1 **Council's Environmental Health Officer:** The Environmental Health Officer has liaised with the Specialist Veterinary Advisor and supports the enlargement of the outside enclosure, provision of an additional den, the fencing and improved gate access in order to meet the welfare needs of the existing animals on site. In addition, it is noted that the alterations will improve safe access and security and general management of the facility. The large size of the additional den is necessary to allow the 2 existing lions to be co-housed, but also separated if required and to incorporate a double door entry system and additional safe access points into each of the indoor and outdoor areas.

Detail in respect of the fencing, gates, sliding door, walkway, below ground fence construction have been received by the Environmental Health Officer direct from the applicant, and as they are mainly arrangements within the fencing and dens are not likely to be significant from a planning perspective. The following information is also required from the applicant, but will be assessed separately from the planning permission:

- Heating
- Ventilation
- Drainage
- Internal layout and partitioning within the den and secure access lobby to this area
- Safe systems of work and revised procedures.

The design has already been modified in order to increase the size of the new internal lion den to meet minimum size requirements for 2 lions to be housed together in this area. In order to allow safe access into this den by the keepers for cleaning, inspection and maintenance, an internal lobby and external door are required in the block construction; therefore, negating access through the external enclosure, where the animals will be secured during this process. Whilst this requires mainly internal alterations and is not a material planning consideration, a doorway will be needed on the south elevation (or possibly the west elevation, if space) and possibly a window on the south or west elevation and either a security door/gate/fence to restrict access from the hay store into the external enclosure area.

The applicant has been advised that any changes to the design will need to be approved before being undertaken (in respect of the licence as well as any relevant planning elements) and that the enclosure should not be occupied until a variation to the licence has been issued.

It is also suggested a condition that the animals should not be for public viewing is added to any permission granted. If the facility allowed public viewing of the animals (whether for payment or not and whether it met the criteria for requiring a zoo licence or not), there would be additional facilities required such as stand-off barriers around enclosures and increased footfall and visitor traffic which is likely to cause further noise and disturbance to local residents.

An enclosure to keep dangerous wild animals is not an essential reason for development in the Green Belt, but in this case the additions are both necessary for the welfare of the animals already on site and are required as part of the ongoing Licensing process in consultation with our specialist Veterinary Advisor.

In summary, if the animals continue to be kept on site, the Environmental Health Officer supports the proposal as the increased den and external enclosure is necessary to ensure continued compliance with the animal welfare requirements of the licence issued to keep such Dangerous Wild Animals. A condition in line with the original permission to remove the enclosure within a specified time period, after the removal or death of the existing animals, should be included on any permission granted.

A condition preventing public viewing of the animals should also be included. Reason: To protect the amenity of residents from noise and disturbance.

It is also requested that a note to applicant be included, as a reminder that there must be no bonfires on site, even as part of the construction process by contractors and that the new areas need to be subject to a licence variation.

5.2 **NCC Rights of Way Officer:** No objection. Has requested a standard informative note to be added to any permission granted.

5.3 **The Coal Authority:** No objection.

5.4 Eight properties either adjoining or closely linked to the site have been consulted and a site notice was displayed. 9 letters of objection have been received from members of the public in respect of this application, with 47 letters of support received. The reasons for objection can be summarised as follows:

- Danger of wild cats to local horse riders as they can scare the horses.
- They should already be in an enclosure that is suitable for their well-being.
- The enclosure is not safe.
- The wild cats pose a significant threat to the surrounding animals and people if they were to escape.
- Penguins have escaped from this property before.
- The animals should be in a proper sanctuary or zoo.
- The applicant should have prepared the correct enclosure for the animals prior to obtaining them.
- No roof on the proposed fencing.
- Witnessed bones from carcasses on the bridleway assumed to be related to the enclosure.
- The lions and puma are not rescue animals, they were purchased and smuggled in.

- The applicant does not have a good record of keeping animals, he has managed to kill 3 penguins, one capybara and one of his monkeys lost an arm.
- A member of staff at the site was mauled by the puma.
- The animals escape continuously.
- Unsuitable development in the Green Belt.
- The enclosure should not be allowed to move closer to the bridleway.
- Increased traffic has been caused by people trying to view the animals and TV crews.
- The site has a rundown appearance and creates smell pollution.
- The enclosure was deemed suitable in its present form by the applicant's advisers and the Council's Licencing Officer.
- The Born Free Foundation previously offered to take the lions.
- People and horses don't like passing the public right of way so close to the enclosure and there is no other way round this area.
- The very special circumstances that permitted the original permission should not have been valid as there was an offer from the Born Free Foundation to take the Lions.
- The proposed fence has an industrial appearance.
- Extending the enclosure will add to the smell pollution.
- The access to the north of the site is not a legal access.
- Roars from the big cats can be heard throughout the day.
- Loss of privacy to neighbouring properties due to increase in people visiting the area.

The reasons for support can be summarised as follows:

- Animals are not a problem to local users of the bridleway.
- Enclosure cannot be seen from bridleway.
- The animals are well looked after.
- It will help enrich the lives of the animals.
- The applicant is very dedicated to the animals.
- Conservation of this kind is very important and the animals are better off here than in zoos.
- It will help the applicant to carry on his good work to eventually re-house to regional zoos or give a chance after rehab to return the animals back to their natural environment.
- The animals are part of the village.
- The proposal is in the best interest of the animals.

Amended plans were received on 12 February 2021, and a re-consultation was carried out. In response to these 11 further responses from member of the public have been received, 6 of which are in support of the proposal, and 5 of which object to it. The reasons identified have been covered in the responses to the original plans.

6 Assessment

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

6.2 Green Belt

- 6.2.1 Paragraph 143 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraphs 145 and 146 identify a range of exceptions to inappropriate development, although the keeping of wild cats and associated facilities are not identified within these paragraphs. Therefore, in accordance with Paragraph 143 of the NPPF very special circumstances would need to be demonstrated for this proposal to be considered acceptable.
- 6.2.2 In 2020, planning permission 19/00243/FUL was granted permission to retain the puma enclosure and for the change of use of the land to allow the keeping of wild animals. As this proposal represented inappropriate development in the Green Belt, a case for very special circumstances was put forward by the applicant, stating that without the enclosure the wild cats would have to be put down as there were no suitable alternatives for places to keep them. The Planning Committee resolved to grant planning permission, against officer advice. Later in 2020, a revised application was submitted to retain various alterations to the enclosure, required as the enclosure had to be adapted to allow the keeping of two lions, in addition to the puma that already resided there. As the amendments represented relatively minor alterations to the enclosure, which did not significantly increase its footprint or size, this application was recommended for approval, with the Planning Committee resolving to grant the permission.
- 6.2.3 The applicant states that the proposed lion's den is designed to allow easier access to an enlarged enclosure area as the lions approach a mature size and require more space for animal welfare reasons. The applicant goes on to state that the erection of a 3m high perimeter fence around the field to the north of the stables, that will include the existing enclosure, will allow a larger enclosure for the wild cats.
- 6.2.4 The key considerations for this proposal in respect of the Green Belt, are whether or not very special circumstances apply for the new den and enlarged enclosure, and if so, whether or not the benefits of these very special circumstances outweigh any potential harm to the Green Belt.
- 6.2.5 In granting permission for the original enclosure, the Planning Committee determined that very special circumstances had been demonstrated, the benefits of which outweighed the harm to the Green Belt. Whether or not very special circumstances outweigh harm of development to the Green Belt is a matter of balance, and therefore the balance needs to be assessed again for this proposal, given the scale of development has now increased from the original permission that was granted. The applicant claims that the increased enclosure is necessary for the welfare of the lions. The Council's Environmental Health Officer also acknowledges that the larger den and enclosure area are required to meet the welfare needs of the animals.

- 6.2.6 The proposed perimeter fence to allow the enlarged enclosure will have a maximum height of 3m, with a cranked top, wooden posts at 4m centres and mesh security fencing. The fencing is not typical of anything that would generally be seen in a countryside location, and whilst it is argued by the applicant that it would be largely screened from view from the public realm this does not discount harm to the openness of the countryside, which is characterised by the absence of development. Furthermore, it is considered that fence will not be entirely screened from view from the public realm due to its substantial height and the nature of the hedging around the site meaning full screening is not guaranteed. Whilst the existing enclosure has some impact on the character of the application site, the proposed development is considered to go significantly beyond this, adding substantial additional harm due to the development of such an industrial style security fence to what is currently a relatively open field.
- 6.2.7 The applicant states that the enlarged enclosure is required for the welfare of the big cats. However, no evidence has been provided to suggest that suitable alternative locations have been researched for such a large enclosure, that may be more appropriate than this Green Belt location. In response to planning application 19/00243/FUL for the original enclosure, the Council were contacted by the Born Free Foundation, stating that they would be willing to work with the applicant to secure lifetime care for the lions in their big cat sanctuary in South Africa. Whilst it is not known if such an offer still exists, it does indicate that alternative solutions are either currently available, or have previously been available to the applicant when considering the optimum location to ensure the optimum welfare for the wild cats.
- 6.2.8 Whilst more space for the wild cats may be required to keep the animals, it is considered that the benefits of the proposal do not outweigh the significant harm to the openness of the Green Belt, in particular caused by the 3m high perimeter fence that would be erected around the site. Should more space be required to support improvements for the welfare of the animals it is considered that alternative locations should be sought that do not have the constraints associated with this site, notably its location within the Green Belt. No evidence of such alternatives being sought has been provided.
- 6.2.9 Whilst the alterations to the enclosure under planning reference 20/00388/FUL were considered to be relatively minor, the same cannot be said for the development proposed under this application. The proposed lion den will be a breeze block extension to the existing stables, 4m wide and 6m in length, with a maximum height of 2.8m. This represents a reasonably significant addition to the existing stable block, which is already substantial in size. As stated previously, it is also considered that the perimeter fence required for the enclosure also goes beyond what would be considered a minor addition to the already approved enclosure.
- 6.2.10 The comments of the Council's Environmental Health Officer in support of the proposal are noted. However, these comments are based on the licencing requirements for keeping the animals, and do not provide a full account of all the matters that need to be considered in the determination of this application, notably the design and appearance of the enlarged enclosure, and whether or not it is inappropriate development in the Green Belt.

6.2.11 Overall, it is considered that the proposal represents significant harm to the Green Belt due to the size, scale and design of the Lion's Den and enlarged enclosure which requires a 3m high fence around the perimeter of the site. It is considered that this harm is not outweighed by any other considerations, and therefore the proposal is inappropriate development in the Green Belt and contrary to Policy 8 of the Broxtowe Part 2 Local Plan (2019).

6.3 Design and Appearance

6.3.1 The proposed lion's den will represent a reasonably large addition to the existing stables at the application site. The stable building is already a reasonably large structure, and it is considered that further addition to this for purposes related the keeping of wild cats is not in keeping with the character of the surrounding area. Whilst part of the proposed development to the west side of the stables is also identified as being for a hay storage, this alone may be acceptable as it could be constructed using materials that are more sympathetic to the rural surroundings. However, due to the proposed use as a lion's den, the building is required to be of substantial construction and therefore has an appearance that is considered to be out of keeping with the character of the area.

6.3.2 The proposed security fencing will have a significant height, as would be required to ensure the safety of the site in respect of its use for the keeping of wild cats. However, the height of the fence, along with the proposed materials and cranked top would give the fence a robust appearance that is considered to be out of keeping with similar development that is typically required around fields for the keeping of horses or other animals for agricultural purposes. The proposed fence will go around the perimeter of the field to the north of the stables, which due to its height and design would represent a substantial development that would significantly alter the character of the application site, which beyond the existing enclosure, is that of a largely open field.

6.3.3 Overall, it is considered that the proposal would be out of keeping with the character of the area and therefore contrary to the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

6.4 Amenity

6.4.1 The extension of the proposed enclosure will bring it closer to the nearest neighbouring dwelling to the north of the site. However, the proposed fencing will be approximately 20m from the front elevation of the neighbouring property, with the intervening bridleway in between. It is therefore considered that the proposal will not result in an unacceptable sense of enclosure or loss of light for the residents of the neighbouring dwelling.

6.4.2 A number of objections have been received on the grounds that the keeping of wild cats in this location presents a danger to the public and that the location is unsuitable for the keeping of wild cats. The puma and the two lions that inhabit the existing enclosure are fully licenced, and the safety elements of keeping them in the enlarged enclosure have been considered by the Environmental Health

team and has been found to be acceptable. It is therefore considered that a refusal on the basis that the animals represent a danger to public health and safety could not be sustained on appeal.

6.4.3 Objections have also been raised on the grounds of noise generation and smell created by the keeping of wild cats. The site has a lawful equestrian use and stables to enable the keeping of multiple horses. Whilst the enclosure would bring the site usable for the lions to within closer proximity of the neighbouring property to the north, the main areas used for sleeping and where the cleaning out takes place will remain close to the existing enclosure, which is set further away from neighbouring residential dwellings. It is therefore considered that the proposed development would not result in a significantly different impact on the amenity of neighbouring residents in terms of noise and smell, than the enclosure which has been previously approved.

6.4.4 Objections have also been raised on the grounds that the lions and puma result in significantly more traffic to the area as members of the public hope to see the animals. The original permission included a condition that the animals are not to be made available for viewing by members of the public. Furthermore, the outcome of this application would not change the fact that the existing enclosure would still house the animals. Therefore, it is considered that additional traffic to the area would not be a reason for refusal of this application that could be sustained on appeal.

6.4.5 Overall, it is considered that the proposed development would not result in an unacceptable impact on the amenity of neighbouring residents.

6.5 Unilateral Undertaking

6.5.1 The applicant and other land owners signed a Unilateral Undertaking for planning permission 19/00243/FUL, committing to remove the enclosure on either the death of the enclosure or their being rehomed elsewhere. The applicant has offered to extend this undertaking to the development proposed as part of this application. In order to achieve this a new agreement would have to be signed, which the applicant has agreed to. However, this is not considered to be of such significant benefit as to overcome the harm associated with granting permission for the proposed development.

6.6 Other Matters

6.6.1 The Environmental Health Officer notes that whilst the proposed lion's den is of an acceptable size, some alterations may be required to meet the requirements of the licence. These include the provision of an internal lobby, external door and possibly a window and security gate to the hay store. Should permission be granted it is considered that these matters could be dealt with by way of a condition, with details to be submitted to and approved by the Local Planning Authority prior to the first use of the new den.

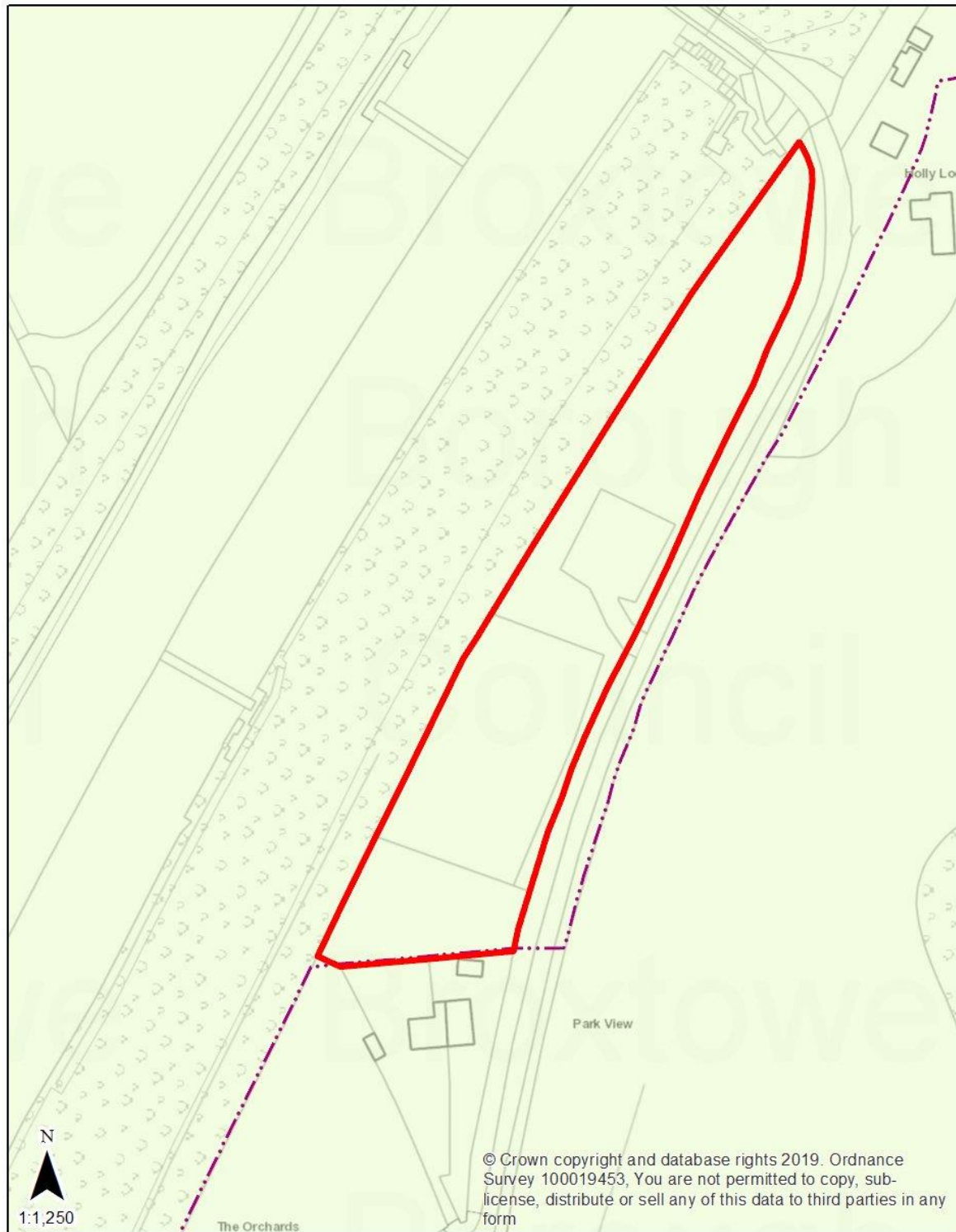
7 Planning Balance

- 7.1 The benefits of the proposal are that it will provide additional space for the lions, contributing to the welfare of the animals.
- 7.2 The negative impacts are that the size and design of the extended enclosure and lion's den represents significant harm to the openness of the Green Belt and is not in keeping with the rural nature of the surrounding area. The proposal represents inappropriate development in the Green Belt.
- 7.3 On balance it is considered that the benefits of extending the animals enclosure are not outweighed by the harm to the openness that characterises the Green Belt.

8 Conclusion

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

<p><u>Recommendation</u></p>
<p>The Committee is asked to RESOLVE that planning permission be refused for the following reasons and that that enforcement action be taken to remedy the breaches of planning control.</p>
<p>1. The site lies within the Nottinghamshire Green Belt where inappropriate development is by definition harmful and should not be approved except in very special circumstances. In the opinion of the Local Planning Authority the proposed stable extension to facilitate the lion’s den, and 3m high fencing to extend the wild cat enclosure, represents inappropriate development and it is considered that very special circumstances have not been demonstrated to justify the granting of planning permission in this instance. The application is therefore not in accordance with Broxtowe Part 2 Local Plan (2019) Policy 8 and the NPPF paragraphs 143 – 146.</p> <p>2. The proposed extension to the stables to facilitate the lion’s den, and the fencing to extend the enclosure, by virtue of their size, design and appearance represents substantial and robust structures that have a dominant impact on the application site and are out of keeping with the rural character of the surrounding area. Accordingly, the proposal is contrary to the aims of the Broxtowe Aligned Core Strategy (2014) Policy 10 and the Broxtowe Part 2 Local Plan (2019) Policy 17.</p>
<p>NOTE TO APPLICANT</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>



Legend

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

Photographs



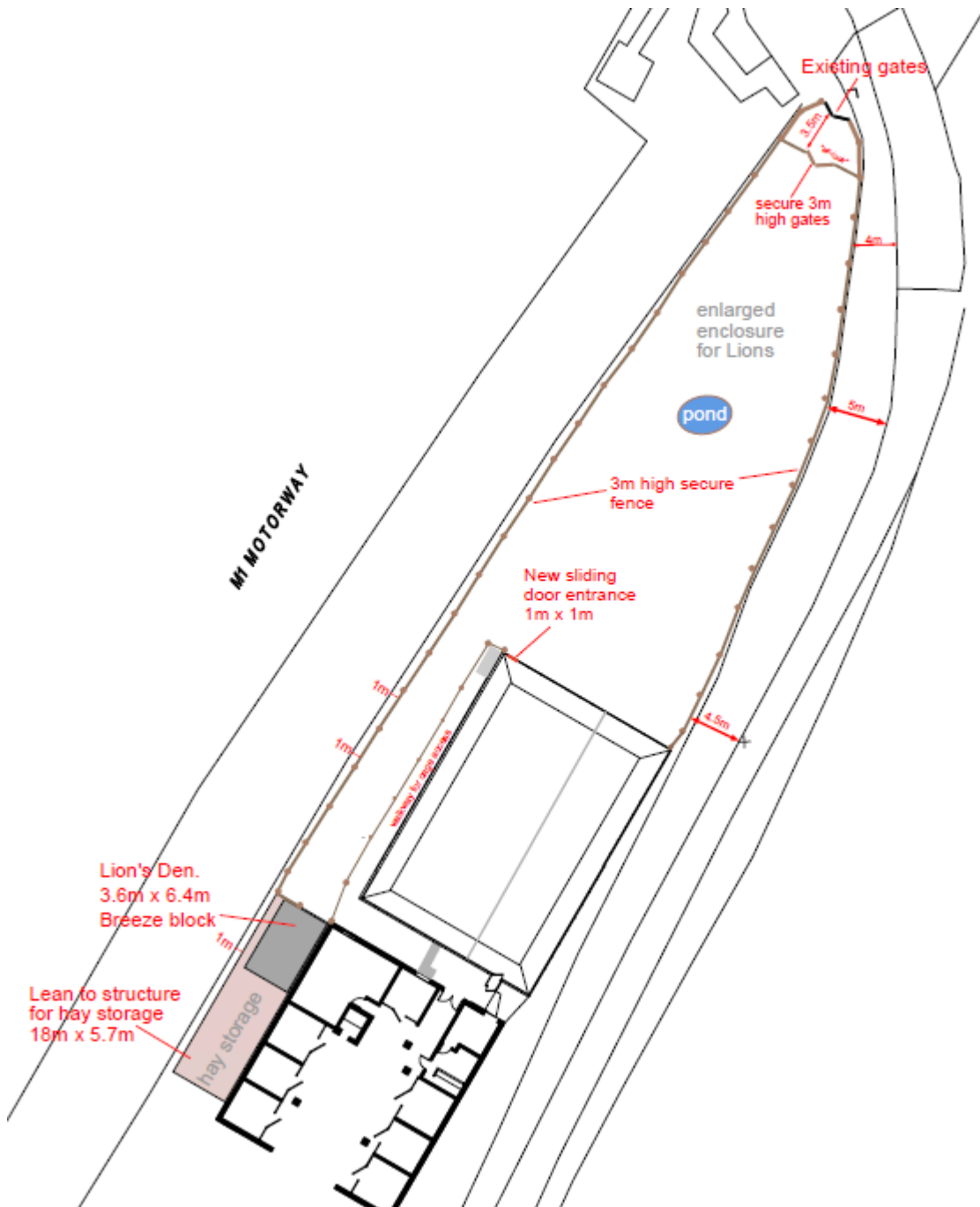
Exist' Existing enclosure



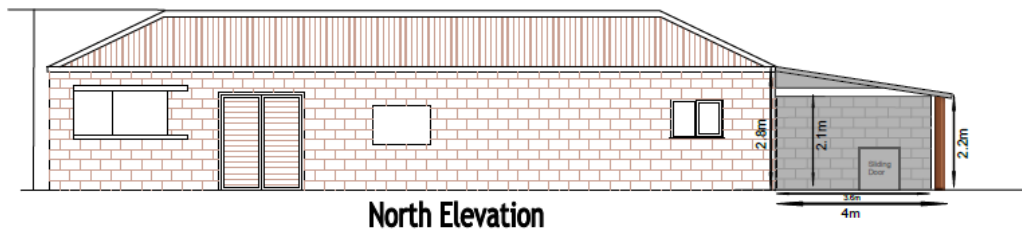
View towards stables and enclosure from bridleway.

Plans (not to scale)

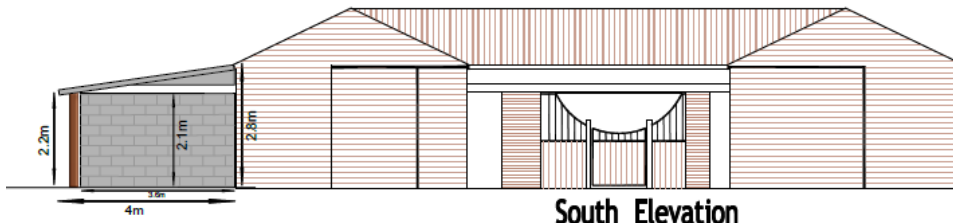
Block Plan



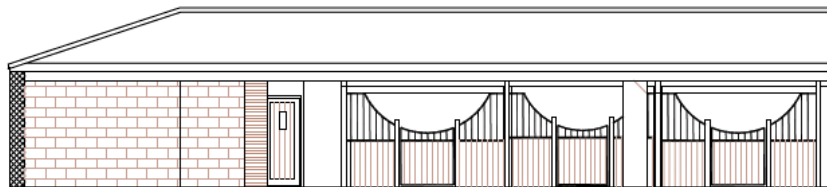
Elevations for Lions Den



North Elevation

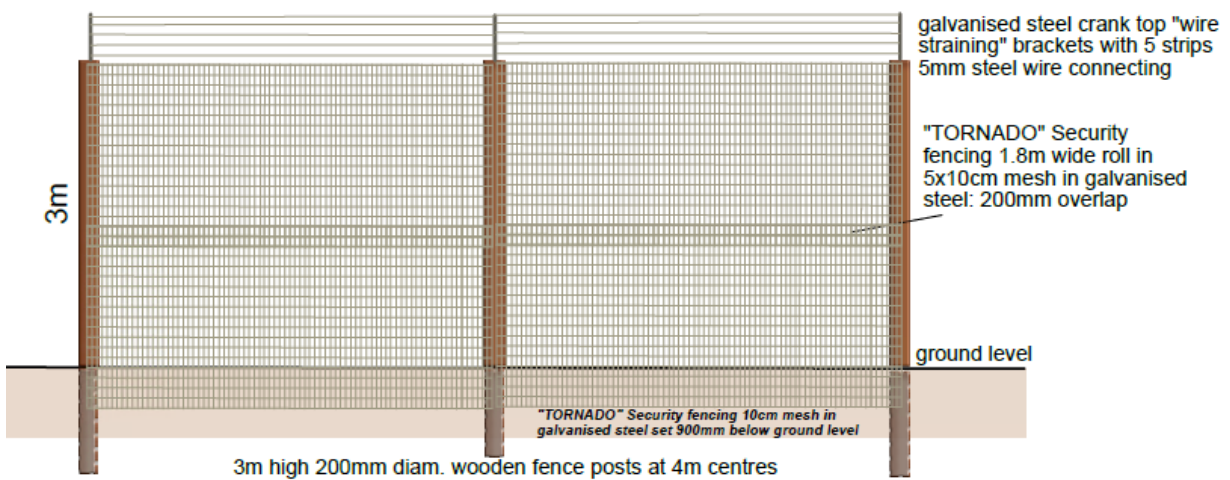


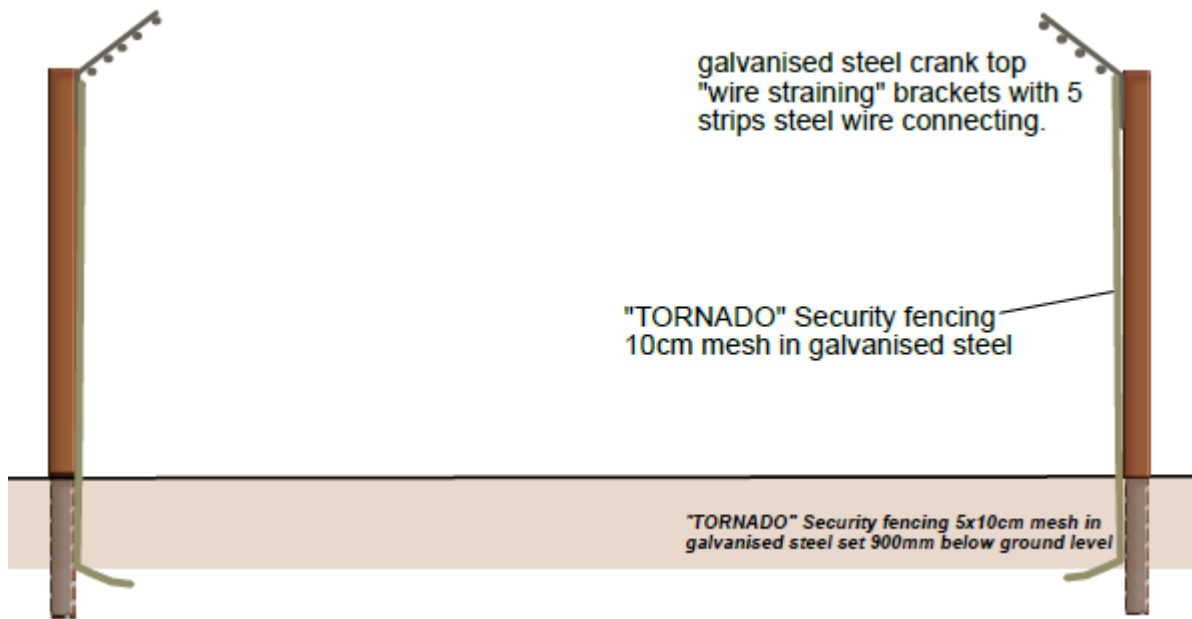
South Elevation



West Elevation From Courtyard

Fence Details





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Report of the Chief Executive

APPLICATION NUMBER:	21/00027/REG3
LOCATION:	2 Station Road, Beeston, NG9 2WJ
PROPOSAL:	Construct mezzanines within Units 1 and 2/3

The application is brought to the Committee as the Council is the applicant.

1 Executive Summary

- 1.1 Two mezzanines, with a total floor area of 341m², within two of the recently constructed commercial ground floor units in the cinema and commercial (Classes A1-A5) complex granted planning permission in September 2018, are proposed. Following the amendments to the Use Classes Order in September 2020, the cinema (previously Class D2 Assembly and leisure) is now classed as sui generis ('in a class of its own') as are uses previously within Classes A4 (drinking establishments) and A5 (hot food takeaways) and uses within Classes A1-A3 (retail, financial and professional services and restaurants/cafés) are now within Class E.
- 1.2 Permission is required for the mezzanines because the ground floor commercial units are yet to be first occupied so do not benefit from any permitted development rights (internal alterations are generally permitted development except mezzanine floors which increase the floor space of retail premises by more than 200 square metres). The site is within Beeston town centre where retail development and main town centres uses are generally supported by planning policy.
- 1.3 The benefits of the proposal are increasing the floor space of existing units within the town centre which makes efficient use of land in a sustainable location. There are considered to be no negative impacts so on balance, the scheme is considered to be acceptable.
- 1.4 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 application proposes the insertion of mezzanine floors with a floor space of 105m² within unit 1 and 236m² within units 2-3. Both mezzanines would be set towards the rear of the commercial units which have a total floorspace of 1353m². The units have permission to be used for uses falling within the former 'A' use class (revoked on 1 September 2020). From 1 August 2021, the units will benefit from permitted development rights applicable to uses falling within the new Class E (including retail, financial and professional services, restaurants and cafés) and any rights for drinking establishments and hot food takeaways (sui generis uses). As the units are yet to be first occupied, they do not benefit from any permitted development rights (internal alterations are generally permitted development except mezzanine floors which increase the floor space of retail premises by more than 200 square metres – so units 2-3 would likely not benefit from such rights in any case).

2 Site and surroundings

- 2.1 The mezzanines are proposed within the ground floor unit beside Station Road (unit 1) and the larger central ground floor units (units 2 and 3). There are two other units forming the ground floor of the recently constructed flat roofed building which has the cinema above.
- 2.2 The building is located within Beeston town centre and is largely light grey brick slips with vertical green glazed brick features and strip lights. The ground floor is predominantly glazed. The public realm, which includes seating and landscaping, has been installed to the south east of the building with 1.8m high black mesh fencing on its south eastern boundary. 1.8m high security fencing is located to the south west of the building and beside Station Road to the north east. There are some storage containers on the land to the south east of the public realm and then a Council car park is located beyond to the south east, accessed from Station Road but consent exists for 132 apartments on this site, with a five storey block proposed adjoining the public realm to the immediate south east of the cinema building.
- 2.3 The land slopes down from north west to south east so Middle Street is approximately 2-2.5m lower than the site. To the immediate south west of the site is the bus and tram interchange on Styring Street with four-five storey apartments beyond, some of which are located within the Beeston West End Conservation Area. Beyond these apartments, to the north west, is St John the Baptist's church (Grade II listed) and churchyard. There are two other Grade II listed buildings within this area – the Crimean war memorial and Village Cross (both located on Church Street).
- 2.4 The two storey B & M retail unit forms the north western site boundary, with other retail/commercial units in Beeston town centre beyond. Station Road adjoins the north eastern site boundary with a pedestrian crossing leading to the two storey brick and timber clad Tesco store with adjacent car park. Beyond the residential

site to the immediate south east, there are commercial and residential properties fronting Middle Street.

3 Relevant Planning History

- 3.1 In 2017, planning permission (17/00498/FUL) was granted to use the site for outdoor events of more than 28 days duration (e.g. Beeston Beach), including installation of temporary structures.
- 3.2 A hybrid planning application (18/00360/FUL) for a mixed use development on the site and land to the south east, including a cinema, commercial units and residential units, was granted permission in September 2018.
- 3.3 Advertisement consent (18/00496/ADV) for two large format signs and two banner signs (relating to the proposed development/sale of the larger site) was also granted in September 2018.
- 3.4 Reserved matters approval for 132 apartments and a flexible use commercial unit was issued in May 2020 (19/00816/REM) in relation to the land to the immediate south east of the site.
- 3.5 Advertisement consent for signage on the cinema was granted in December 2020 (20/00657/ADV).

4 Relevant Policies and Guidance

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

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 6: Role of Town and Local Centres
- Policy 10: Design and Enhancing Local Identity
- Policy 11: Historic Environment

4.2 Part 2 Local Plan 2019:

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

- Policy 10: Town Centre and District Centre Uses
- Policy 11: The Square Beeston
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 23: Proposals 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 7 – Ensuring the vitality of town centres.
- 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 **Council’s Regeneration & Town Centres Officer:** comments awaited
- 5.2 **Council’s Environmental Health Officer:** no objections.
- 5.3 **Nottingham Express Transit (NET):** as work is internal, no comments.
- 5.4 **Nottinghamshire County Council as highway authority:** no objections.
- 5.5 28 properties either adjoining or opposite the site were consulted and 2 site notices were displayed. No responses were received.

6 Assessment

6.1 The main issue for consideration is the impact of the proposed additional floor space on Beeston town centre.

6.2 **Principle**

6.2.1 The site is allocated for a mixed use, retail-led development in the Part 2 Local Plan (Policy 11) with no floor space restriction specified so the principle of additional floor space (to that approved under planning permission reference 18/00360/FUL) is considered to be acceptable.

6.2.2 Policy 10 of the Part 2 Local Plan (P2LP) confirms planning permission for ‘main town centre uses’ on upper floors in the town centre will be granted. The NPPF defines ‘main town centre uses’ as *retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)*. Policy 11 of the P2LP places an emphasis on viable uses within the development to encourage a vibrant evening economy.

6.2.3 Following amendments made to the Use Classes Order last year, the commercial uses that could occupy the mezzanine include all those within Class E which includes retail, restaurants and cafés, financial and professional services, other appropriate services in a commercial, business or service locality, indoor sport, recreation or fitness, medical or health services, creche, day nursery or day centre, uses which can be carried out in a residential area without detriment to its amenity, offices to carry out any operational or administrative functions, research and development of products or processes and industrial processes. Accordingly, this class covers a wide range of uses but it is considered that as the site is within the town centre, and the mezzanines will be located within a self-contained building,

there is no need to restrict permitted development rights relating to the use class of the mezzanines.

6.2.4 It is envisaged the mezzanines could be used for additional seating areas for restaurant/café uses or additional retail or storage space for retail units. The additional floor space proposed is intended to make the use of the building more flexible for potential occupants. Flexibility is considered to be key to aiding the recovery of the town centre post pandemic. The mezzanine floor space will have a resultant positive impact on the vitality and viability of Beeston town centre if its inclusion means the units can be let. Customers will be attracted to the new units and it is anticipated, footfall increase in the wider town centre would accordingly result.

6.3 Design and Heritage

6.3.1 As the application relates to the creation of internal floor space, there are no external design changes to consider as the exterior appearance of the building will not be affected. There will therefore be no impact on the nearby heritage assets or the external appearance of the building.

6.4 Amenity

6.4.1 The relatively modest increase in floor space is considered to have no significant implications for neighbouring amenity, particularly given the town centre location of the site.

6.4.2 The conditions relating to noise, outdoor seating and ventilation/filtration equipment on planning permission reference 18/00360/FUL remain applicable given the red line encompasses the entire building and public realm and will therefore be repeated.

6.5 Highways and NET

6.5.1 No changes are proposed to servicing arrangements (lay-by on Station Road). As the site is located within the town centre and immediately beside the bus/tram interchange, there are considered to be no highway/tram issues given the relatively modest internal floor space increase, the sustainable location of the site and the lack of objection from both NET and the County Council as highway authority.

7 Planning Balance

7.1 The benefits of the proposal are increasing the floor space of existing units within the town centre which makes efficient use of land in a sustainable location and the proposal according with Local Plan policy.

7.2 There are considered to be no negative impacts so on balance, the scheme is considered to be acceptable.

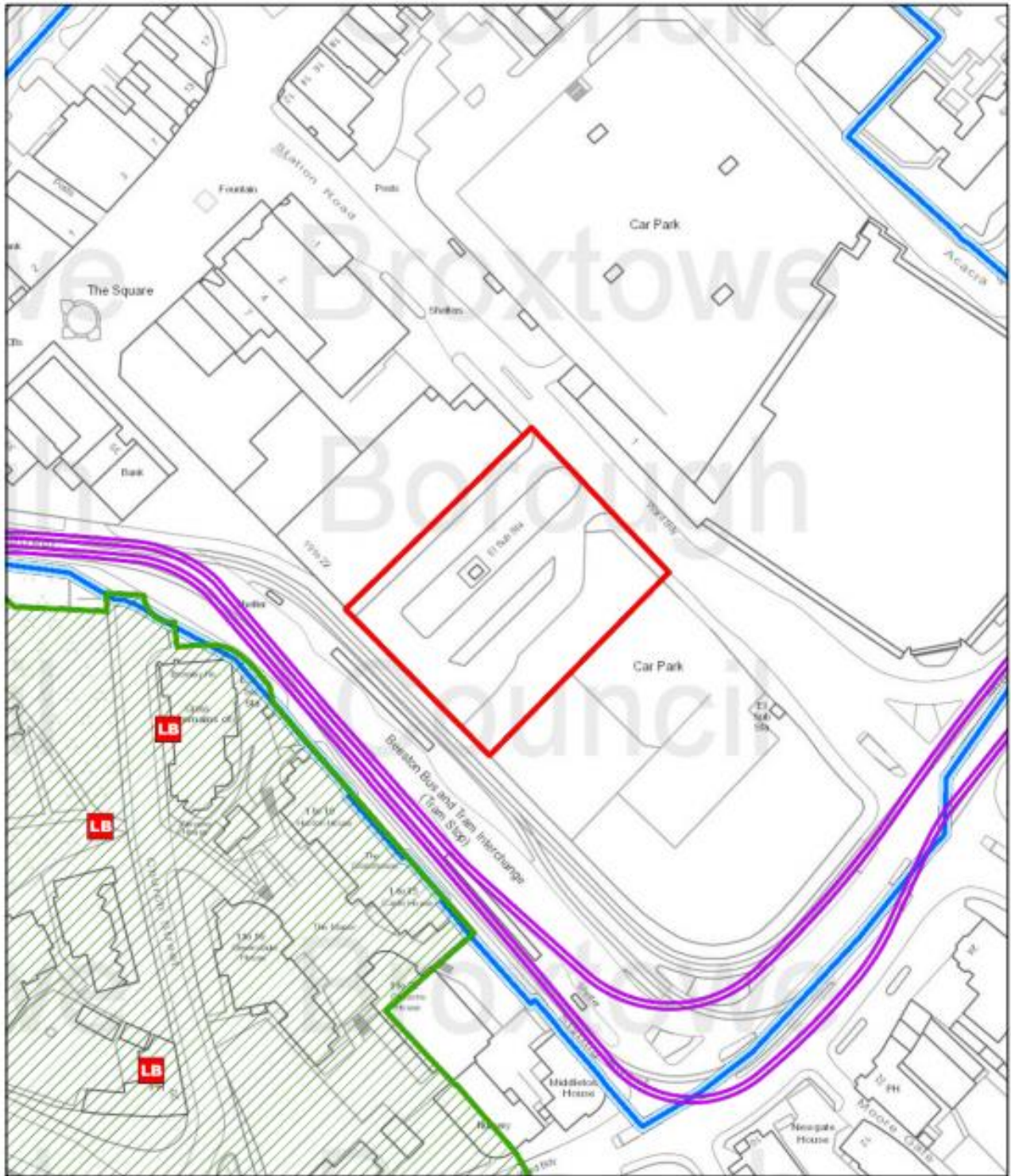
8 Conclusion

- 8.1 The additional floor space will provide greater flexibility for end users and will enable efficient use of land, supporting the vitality and viability of Beeston town centre. It will not give rise to highway safety or amenity concerns. It is recommended planning permission be granted subject to conditions as the application is considered to comply with Policies A, 6, 10 and 11 of the Aligned Core Strategy (2014), Policies 10, 11, 17, 19, 20 and 23 of the Broxtowe Local Plan 2019 and the National Planning Policy Framework.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with drawings numbered BTC-LDA-XX-ZZ-M3-A-08 004 Rev A (Proposed Site Plan) and BTC-LDA-XX-ZZ-M3-A-08 001 Rev A (Red Line – Detailed Site) received by the local planning authority on 13.1.21 and 0576-LDA-XX-00M-DR-A-2010M Rev B (Phase 1 proposed ground mezzanine floor plan) and BTC-LDA-XX-ZZ-M3-A-08 200 Rev C (Proposed sections) received by the local planning authority on 20.1.21.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No ventilation and/or filtration equipment shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. Any equipment shall be in full working order prior to the commencement of the respective use. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues.</p> <p><i>Reason: To suppress and disperse odour created from food preparation operations in order to protect nearby residents from excessive odour and in accordance with the aims of Policy 19 of the Part 2 Broxtowe Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
4.	<p>Outdoor seating areas directly associated with the commercial uses shall not be used by customers except between the hours of</p>

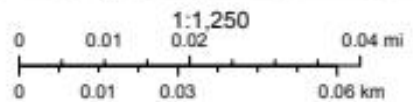
	<p>08:00-23:30 and outside these hours, chairs, tables and other furniture for the purpose of or associated with facilitating outdoor seating, shall be removed from the seating areas.</p> <p><i>Reason: To protect nearby residents from excessive operational noise and in accordance with the aims of Policy 19 of the Part 2 Broxtowe Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
5.	<p>No amplification equipment shall be used externally and no live music shall be played externally at the site between 23.00 and 08.00 hours on any day.</p> <p><i>Reason: To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 19 of the Part 2 Broxtowe Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
6.	<p>No fixed plant, machinery or equipment shall be installed within the site until a noise report, including details of the acoustic specification of such fixed plant, machinery or equipment has been submitted to and agreed in writing by the Local Planning Authority. The plant/machinery/equipment shall be installed in accordance with the agreed details and thereafter maintained in the agreed form for the lifetime of the development.</p> <p><i>Reason: To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 19 of the Part 2 Broxtowe Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
7.	<p>The rating level resulting from the cumulative use of any plant, machinery or equipment shall not exceed the existing background level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive receptor.</p> <p><i>Reason: To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 19 of the Part 2 Broxtowe Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the eight-week determination timescale.
2.	Ventilation and filtration equipment may require planning permission.

21/00027/REG3



2/15/2021, 4:33:07 PM

-  Tram Route
-  Conservation Area
-  Listed Building
-  Site
-  Town Centre Boundaries



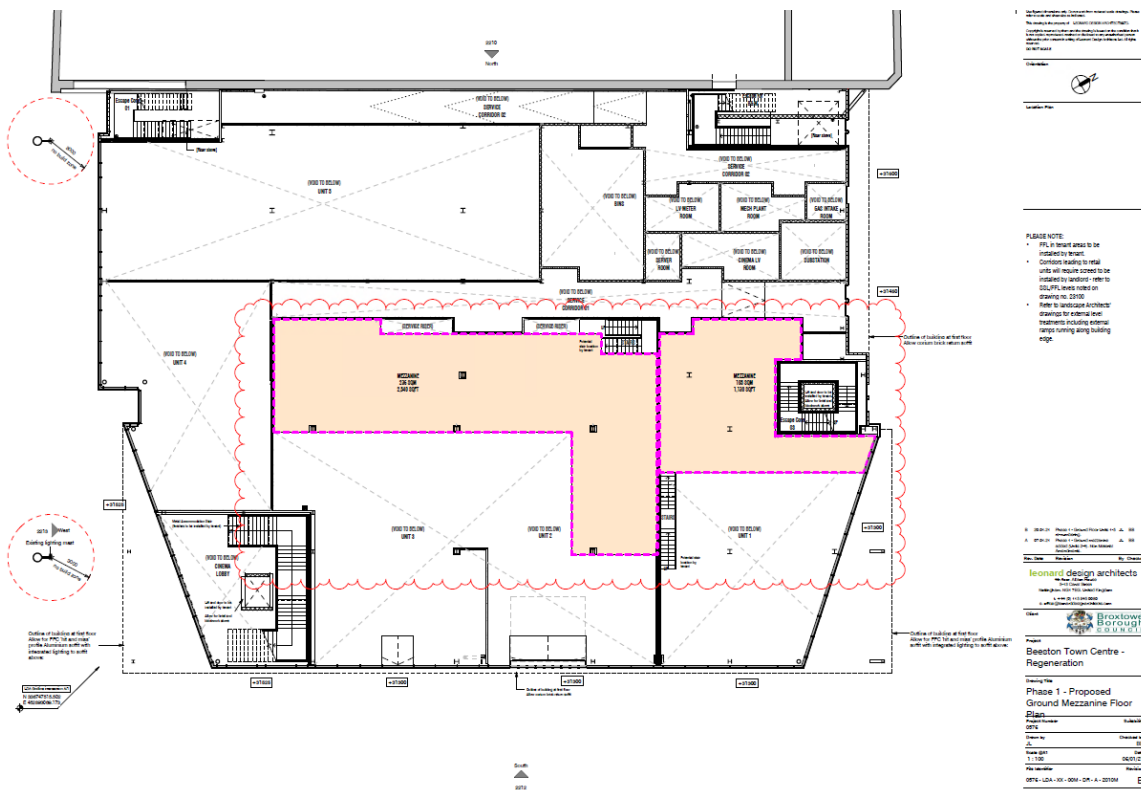
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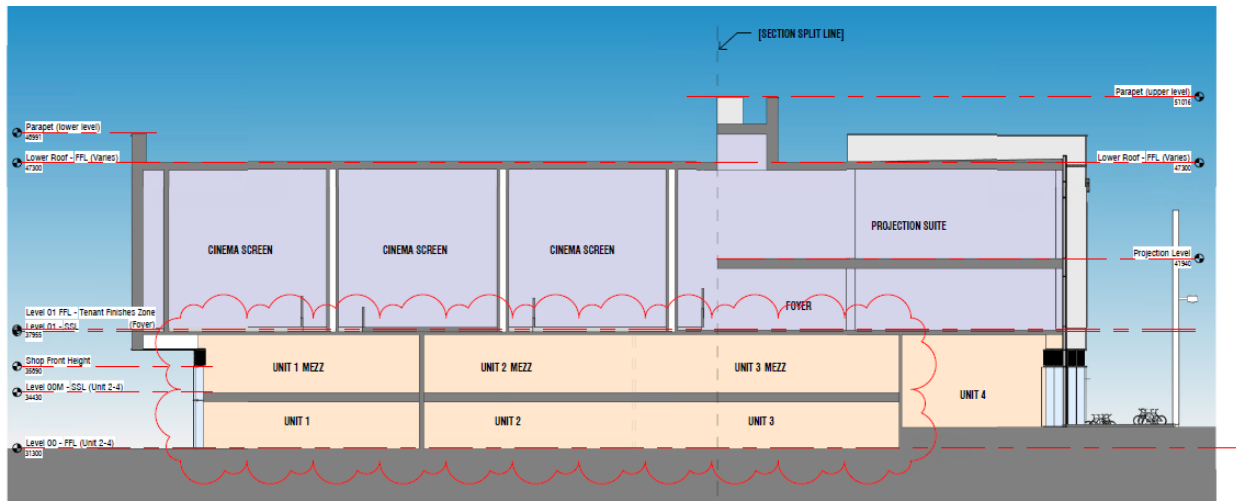
Photographs



Building as viewed from south east

Plans (not to scale)





B . SECTION BB

1 : 200



Report of the Chief Executive

APPLICATION NUMBER:	20/00667/FUL
LOCATION:	28 Park Road Chilwell NG9 4DA
PROPOSAL:	Construct pair of semi-detached dwellings following demolition of existing bungalow

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

1 Executive Summary

- 1.1 The application seeks planning permission to build a pair of semi-detached dwellings following the demolition of an existing bungalow.
- 1.2 The site currently consists of a bungalow which has been extended to the side, to provide a self-contained annexe which is being occupied as a separate dwelling. The site is located within the Chilwell Cottage Grove Conservation Area.
- 1.3 The main issues relate to whether the scale and design of the dwellings are appropriate, if there would be harm to the character and appearance of the conservation area, whether there would be an unacceptable impact on neighbour amenity and whether there would be an unacceptable impact on highway safety.
- 1.4 The benefits of the proposal are that it would provide homes suitable for occupation by a range of tenancies, and would be in accordance with the policies contained within the development plan. This is given significant weight. There would be the potential for an impact on the designated heritage asset and on parking in the local area, but these matters are outweighed by the benefits of the scheme.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

Appendix 1

1 Details of the Application

- 1.1 The proposal seeks to construct two x three storey (rooms in the roof space) semi-detached dwellings with a single storey rear element, and associated garden area. Off street parking for a minimum of two vehicles per property would be provided to the front. The buildings would be built of traditional materials (brick and slate) with decorative ridge tiles and be of a Victorian style of design with feature front gables, shaped barge boards and double height bay windows. Each property would have four bedrooms. Amendments to the original proposal include a reduction in the ridge height of both dwellings, reduction in the width so as to allow for increased gap between the proposed dwellings and the common boundaries to either side, and re-instatement of front boundary treatment.

2 Site and surroundings

- 2.1 The application site consists of a gable bungalow, which is adjacent to the north west boundary, and a single storey addition which has a part flat and part gable roof, to the south east side elevation, built up to the south east boundary, which is being occupied as a separate unit of accommodation. There are therefore two dwelling units on the site. The frontage is surfaced in gravel and mainly given over to parking, and the rear garden has been subdivided so as to provide each unit with a separate garden. There is a hedge to the front boundary, with mature trees behind this. There is a close boarded fence to the side and rear boundaries, with vegetation to the rear boundary in front of the fence. The site is generally level.
- 2.2 To the south east of the site is 26 Park Road, a single storey dwelling which sits slightly forward of 28 Park Road. This property is to the full width of its site, built right up to each side boundary, and has a single storey extension to the rear, positioned to the centre of the building. There are no windows in the north west elevation facing the site, where the dwelling sits on the common boundary.
- 2.3 To the north west of the site is 34 Park Road. This is a two storey detached dwelling which sits in line with the front elevation with no. 28. It has two storey and single storey extensions to the rear. There are no windows in the side elevation facing the site.
- 2.4 2 and 3 Rookwood Close are to the rear of the site, to the north east. These properties are two storey detached properties, albeit with the first floor accommodated in the roof space, having dormer windows to the front and rear ('chalet' style). No. 2 is the property to the right when viewed from Park Road and is offset slightly such that the rear elevation faces both 26 and 28. This property has a single storey flat roof extension to the rear, and a detached outbuilding to the south east of its garden. A two storey side extension has been built to the south east elevation. No. 3 is to the north west of no. 2 and is at an angle to the application site, such that the rear elevation faces toward the rear of 34 Park Road. This property has not been extended but does have a detached outbuilding

to the south east corner of the rear garden, adjacent to the common boundary with the application site.

- 2.5 To the south west and on the opposite side of Park Road is 31 Park Road, a two storey detached dwelling which has its main elevation facing south east (onto the garden) as is common with the original cottage style of properties in this area. There is a drive to the south east of this property which gives access to 29 Park Road, to the south west of no. 31. This is a large detached bungalow.
- 2.6 To the south east of the access to no. 29 is 25 Park Road, a single storey detached dwelling of more recent construction. This property has roof lights in the roof plane facing Park Road.
- 2.7 The application site falls within the Cottage Grove Chilwell Conservation Area. The area covers Park Road and Grove Avenue and was originally developed in a cottage garden style in order to provide housing with gardens suitable for growing food for occupation by textile workers, in the mid 1800's. This Conservation Area is comprised of housing of various dates, from Victorian detached and semi-detached villas to modern detached properties. Park Road itself has a broad mix of house styles and sizes, with this section of the road, to the south east, being of higher density development than the more spacious plots further along the road, towards the north west. There are examples of detached and semi-detached housing, with the majority being two storeys in height and some recent housing developments (single/two dwellings).

3 Relevant Planning History

- 3.1 Planning permission was granted in 1980 for alterations to convert the garage into a 'granny flat', construction of a new garage, and alterations to the boundary walls. Reference 80/00175/FUL. It is understood that the property was separated into two dwellings circa 2009. An enforcement investigation was undertaken at that time which concluded that as planning permission had been granted for an independent flat, no breach of planning permission was evident.

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 11: Historic Environment

4.2 **Part 2 Local Plan 2019:**

4.2.1 The Council adopted the Part 2 Local Plan (P2LP) on 16 October 2019.

- 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

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 16 – Conserving and enhancing the historic environment.

5 Consultations

5.1 Council’s Conservation Adviser: Initial comments: no objection to the demolition of the existing bungalow, as it does not meet the general character of the area. No objection to the chosen style, although have reservations in regard to creating a false history. Quality of the materials will be important, in order that the implementation meets the expectation. No objection to the proposed building line being brought forward from the existing. The proposed openness and loss of separation and vegetation to the front boundary is a concern, as the character of much of the road is green boundaries. Comments on amended plans: Note the inclusion of re-instated boundary planting, which is welcomed.

5.2 Council’s Waste and Recycling Officer: Each dwelling to have 2 x 240 litre bins and 1 x 37 litre bag for glass. Bins / bags to be presented at the edge of the adopted highway prior to collection.

5.3 County Council as Highway Authority: On amended plans: No objections subject to conditions in respect of parking / drives to be provided prior to occupation; and to be constructed so as to prevent the unregulated discharge of surface water onto the public highway.

5.4 14 properties either adjoining or opposite the site were consulted, a site notice was displayed and a press notice published. 11 responses were received to the original plans, one of which was an observation and 10 of which objected on the following summarised grounds:

Design and Impact on the conservation area:

- Rear windows should be redesigned to incorporate roof type windows
- Ridge too high when compared to neighbouring property
- Proximity to side boundaries, too close and out of keeping with the character of the area
- Loss of privet hedge to front resulting in negative impact on appearance of the street and conservation area
- Design and scale is overbearing
- Over development of the site/intensity of development
- Loss of open aspect/garden like appearance of this section of Park Road
- Inappropriate choice of roof material

- The design is pastiche and there are no other similar designed properties on this road
- Allowing open frontage would set a precedent
- One dwelling only should be allowed on this site

Amenity:

- Loss of light
- Loss of privacy
- Sense of enclosure
- Impact from noise during construction and demolition

Highway safety and parking:

- Additional vehicles parked on the road would be a hazard to emergency services vehicles
- Loss of on-street parking
- Hard surfacing of the frontage would lead to surface water discharge on to other properties or onto the public highway

Other matters:

- Consider that the bungalow is still habitable and with a little time spent on the external appearance, would make a big difference
- Supporting document incorrectly refers to a property on Grove Avenue, and there is a lack of detailed measurements on the plan
- Would like to see more details in regard to landscaping
- Neighbouring occupiers have the right to peaceful enjoyment of all their possessions including their home and other land, under the Human Rights Act
- Allowing the replacement of bungalows with larger houses depletes the stock of housing suitable for elderly and disabled people at a time when there is increased demand for such properties. The ACS suggests that consideration should be given to the needs of the elderly when housing issues are considered. Nearby larger developments in the area offer very few properties suitable for elderly and disabled residents but provide plenty of larger homes

One letter of observation summarised as follows:

- Loss of light may occur. However, as the dwellings would be set further back than the existing bungalow, this may allow for early afternoon and evening sun to get through
- Properties should have a lower height and a smaller footprint
- There is a large Leylandii hedge to the rear boundary, which if this were to be removed or the height reduced, may help with loss of light. If removed a suitable planting scheme should be put in place which avoids high hedges and trees.

5.5 A further eight responses (six of objection and two with observations) were received following the receipt of amended plans summarised as follows:

- Remain of the opinion that whilst the roof height has been lowered and distance between boundaries has been increased, still object on the grounds of the density of development in a conservation area, use of hard surfacing in respect of drainage, depletion of housing stock for elderly and disabled

residents, style (design) of the dwellings and out of proportion to its surroundings

- Changes to front boundary (hedges) may make parking situation worse, as now fewer cars will be able to be parked off street
- One dwelling with a garage to the side may be more appropriate
- The front boundary, now shown to be planted, should ideally be a sandstone wall, or a substantial hedge, to reflect the character of the conservation area. Concerned that the landscaping to the front may not get established and would therefore disappear
- Previous objections in regard to neighbour amenity remain (loss of privacy, loss of light)
- Does not preserve or enhance the character of the conservation area
- Proposed brickwork would be dark and imposing, in contrast to the existing light and spacious aspect.

6 Assessment

6.1 The main issues for consideration are impact on neighbour amenity; whether the design and scale of the development is appropriate; whether there would be a significant impact on the character and appearance of the Cottage Grove Conservation Area; and whether the proposal would be acceptable in terms of highway safety.

6.2 **Principle**

6.2.1 The site is within an established residential area and as such the principle of residential development is considered to be acceptable. The proposal seeks to build two x 4 bedroom properties, which would be suitable for occupation by a wide range of occupants, including families, and the ground floor layout could be readily adapted to accommodate the changing needs of the occupants, having a separate living room which could be used as a bedroom, and a utility room with WC which could be converted to a downstairs bathroom. The proposal would therefore accord with the aims of Policy 8 of the Aligned Core Strategy, and Policy 15 of the Part 2 Local Plan.

6.3 **Heritage**

6.3.1 The site is within the Chilwell Cottage Grove Conservation Area. The Character Appraisal notes that whilst there is no greatly dominant architectural style or continuity to the housing in this area, the majority of housing is of late 19th century to early 20th century in date, with inter-war housing being second most dominant. The overriding feel of the area is one of a quiet garden suburb. The Conservation Adviser notes that the existing bungalow does not meet the general character of the area and as such there are no objections to the demolition of the property. No objections to the proposed building line have been raised by the Conservation Adviser, and the quality of the materials to be used would be important. It is therefore considered that the proposal, as amended, and subject to the prior approval of materials, would preserve the character and appearance of the conservation area, where no particular housing style is dominant.

6.3.2 It is considered therefore, that the proposal would result in less than substantial harm to the Chilwell Cottage Grove Conservation Area and that this harm would not outweigh the public benefits of the scheme.

6.3.3 The reinstatement of the front boundary (hedge), originally proposed to be omitted, is considered to preserve the character and appearance of the conservation area.

6.4 Design and Layout

6.4.1 The proposed design has taken reference from the characteristics of the surrounding dwellings, where pitched roofs with feature gables are common, as are bay windows to the frontage. Red facing brickwork is proposed, again a common material used in the area. Cement fibre roof tiles were originally shown on the proposed plans; however, it is considered that slate would be more appropriate and as such, details of materials will be secured by condition.

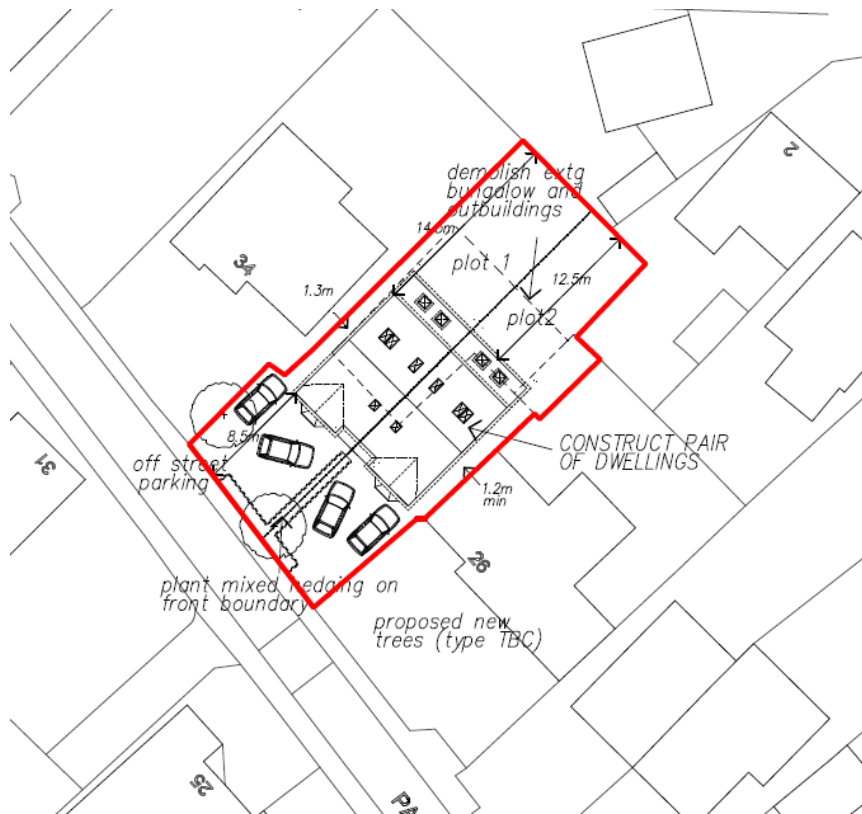
6.4.2 The scale of the building as originally proposed was considered to have been out of proportion when viewed in context with the adjacent two adjacent properties, being approximately 1.4m higher than no. 34. Amended plans now show the proposed dwellings to be the same height as no. 34 and it is considered that the scale of development is acceptable.

6.4.3 The proposed dwellings would be in line with the front elevation of no. 26, albeit forward of no. 34. There is not a consistent building line on this part of Park Road, some dwellings having only 4m between the back of the public highway and the front elevation as at 21 and 23 opposite. In order to allow for a usable rear garden and to minimise impact on neighbour amenity to properties at the rear, it is considered that the siting of the dwellings, set in from the front boundary by a minimum of 8.5m, is acceptable.

6.4.4 There are several examples of pairs of semi-detached properties which occupy plots of a similar width to that of the application site, and where the properties are built close to the common boundary. This can be seen at 2 to 8, 9 and 11, 14 and 16, 17 and 19 Park Road, which are all within sight of the application site. As such, the density of the development, and relationship with the boundaries, are considered to be acceptable and in keeping with the character of this part of Park Road.

6.4.5 The layout of the development shows a private garden to the rear for each dwelling, and a parking area to the front. This is a typical arrangement for properties along Park Road. The original submission saw the frontage to be open plan so as to allow for frontage parking, however, as concerns were raised in regard to the impact on the conservation area, and in order to preserve the character of the area where front boundaries make a significant contribution to the setting, a boundary of mixed hedging to the frontage and between each property is proposed. Details of the landscaping scheme will be secured by condition. There is ample space within the site to accommodate the appropriate number of bins.

6.5 Amenity



Block plan as proposed

6.5.1 There would be a minimum gap of 1.2m between the common boundary of no. 26 and the proposed side elevation of the nearest new dwelling. This dwelling would project 4.7m at ground floor, and 2.7m at first floor past the rear elevation of no. 26. Given the gap between and that the dwellings are to the north west of the neighbour, it is considered the proposed development would not have a significant impact on loss of light or outlook for the occupiers of this property. As the rear windows of the proposed dwellings would not directly overlook the garden of no. 26, it is considered that the proposal would not have an impact on privacy. There are windows proposed at both first floor and second floor level in the side elevation of the proposed dwelling. The first floor window would serve a bathroom and as such a condition will be imposed to ensure that this would be obscurely glazed. The second floor window serves a bedroom and would also have access to natural light from a roof light in the rear elevation. It is considered that a condition to require the lower half of the window to be of obscure glazing, as well as a condition to require full height obscure glazing of the bathroom window, would safeguard privacy for the occupiers of no. 26.

6.5.2 34 Park Road is to the north west of the site. There would be a gap between the side elevation of this property and the side elevation of the nearest new dwelling of 2.3m. The rear elevation of the ground floor single storey element would be in line with the rear elevation of the single storey extension at no. 34. Whilst the front elevation of the proposed dwelling would be 4m forward of the front elevation of no. 34, it is considered that there would not be a significant impact on the amenities of the occupiers of this property in terms of loss of light or outlook. There are no windows in the side elevation of no. 34 facing the site, and as the windows in the side elevation of the proposed dwelling would be level with the side elevation of no. 34, that is, directly facing a blank elevation, it is considered that there would be no requirement for these windows to be obscurely glazed. The rear windows at first floor of the proposed dwellings would have angled views over the adjacent garden. As such, it is considered that the proposed dwellings would not have a significant impact on neighbour amenity in terms of loss of privacy.

6.5.3 2 and 3 Rockwood Close are two detached properties to the rear (north east) of the site. These are both 'chalet' style two storey dwellings, which have the first floor rear windows set in from the eaves, in a flat roof dormer. As the proposed dwellings have been set forward toward Park Road, this has enabled a greater distance between the facing rear elevations to be achieved. There would be a minimum of 21m between the rear of 2 Rookwood Close and the closest new dwelling, and a minimum of 19m between the closest corner of 3 Rookwood Close and the rear elevation of the new dwellings. No. 3 is at an angle to the application site, and faces towards the rear of no. 34. As such, it is considered that the proposed development would not have a significant impact in terms of loss of light, outlook or privacy.

6.5.4 25 and 31 Park Road are to the south and west of the site, on the opposite side of Park Road. Both are offset such that 31 is opposite 34 and 25 is opposite 26. As such there would be no direct overlooking of either property from the new dwellings. There would be a minimum distance of 21m between the front elevation of 25 and the front elevation of the closest new dwelling, and a minimum of 16m between the front elevation of the new dwelling and the side facing elevation of no. 31. This relationship is typical of dwellings which face each other across a road, on this part of Park Road and as such it is considered that the proposed development would not have a significant impact on neighbour amenity for these occupiers, in terms of loss of light, outlook or privacy.

6.6 Access and Highway Safety

6.6.1 The front area to the dwellings would provide a minimum space for two vehicles via a single access to each property. This would allow for both off-street parking and the retention of one on-street parking space. There are no objections from the County Council as Highway Authority in regard to highway safety, subject to conditions in respect of provision of the parking areas prior to occupation, and construction such as to prevent unregulated discharge of surface water onto the public highway.

6.7 Other Matters

- 6.7.1 Whilst it is acknowledged that the bungalow is still habitable and improvements to the external appearance would make a positive difference, the council have a duty to consider the development as proposed, and could not refuse an otherwise acceptable development solely on the grounds of the habitable condition of the existing bungalow.
- 6.7.2 Reference to the Human Rights Act is noted, and neighbour amenity is considered to be adequately protected through adopted planning policies. The development is considered to have no significant impact on neighbour amenity.
- 6.7.3 A condition will be imposed in respect of hours of construction, in order to safeguard the amenity of residents in terms of noise and disturbance, and given the particularly quiet surroundings. No objections in terms of impact on the highway have been raised by the Highway Authority.
- 6.7.4 A condition in respect of landscaping, which will include soft landscaping, will help to ensure that any loss of biodiversity is mitigated for, and is of an appropriate species / size so as to ensure future health and retention of the planting. There are no trees within the site that are considered to be particularly worthy of retention.
- 6.7.5 The granting of planning permission for one site does not automatically set a precedent for future development. Planning applications would be considered on their own merit and in the context of the site in which they are set.
- 6.7.6 Whilst a single dwelling, if proposed, may result in a less cramped development and have less impact on neighbour amenity, it is considered that it would be unreasonable to refuse planning permission for a development which otherwise is considered to accord with the aims of the policies in the adopted local plans.

7 Planning Balance

- 7.1 The benefits of the proposal are the provision of two dwellings of an acceptable design which would be suitable for occupation by a range of occupants.
- 7.2 The negatives are the impact on the Chilwell Cottage Grove Conservation Area and impact on neighbour amenity.
- 7.3 On balance, the negative impacts have been satisfactorily addressed and mitigated for by appropriate planning conditions and are outweighed by the benefits of the scheme.

8 Conclusion

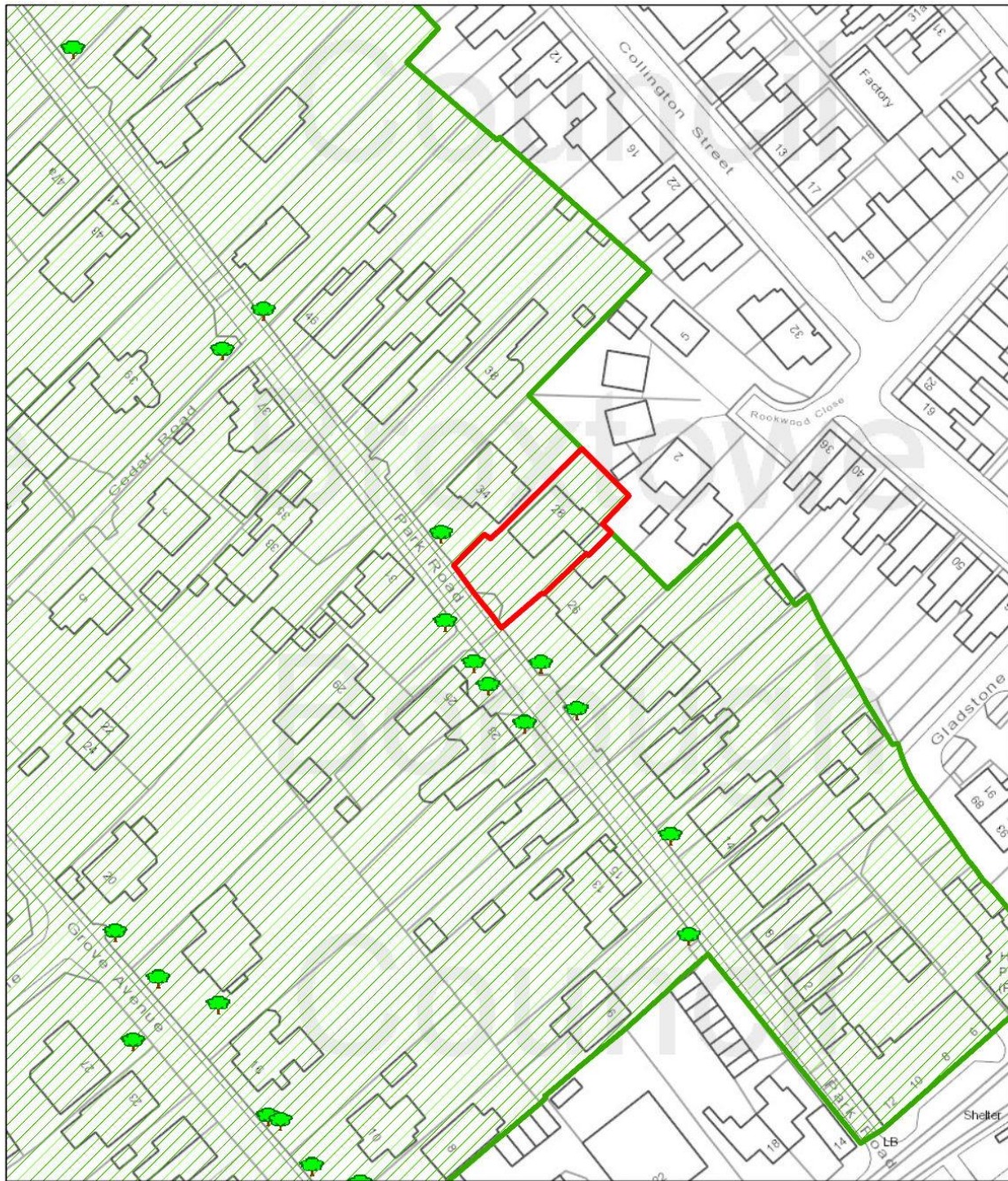
- 8.1 Recommend that planning permission be granted subject to the conditions outlined above. The development complies with Policies A, 2, 8, 10 and 11 of the Broxtowe Aligned Core Strategy (2014) and Policies 15, 17, 19 and 23 of the Broxtowe Part 2 Local Plan (2019).

<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 drawings numbered: 20/976/10 rev B and 20/976/12 rev A received by the Local Planning Authority on 04.01.21, and drawing numbered 20/976/11 rev D received by the Local Planning Authority on 16.02.21</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No above ground works shall be carried out until details of the manufacturer, type and colour of the bricks, roof tiles and headers and sills to be used in facing elevations have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: Limited details were submitted and to ensure the development presents a satisfactory standard of external appearance within the Chilwell Cottage Grove Conservation Area, in accordance with the aims of Policies 17 and 23 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 11 of the Aligned Core Strategy (2014).</i></p>
4.	<p>No above ground works shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following details:</p> <p>(a) numbers, types, sizes and positions of proposed trees, hedges and shrubs (b) proposed boundary treatments (c) proposed hard surfacing treatment (d) planting, seeding/turfing of other soft landscape areas</p> <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reason: Limited details were submitted and to ensure that the</i></p>

	<p><i>details are satisfactory in the interests of the appearance of the area and neighbour amenity 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>
5.	<p>No dwelling hereby permitted shall be occupied until the parking area related to that dwelling has been surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary and constructed with provision to prevent the unregulated discharge of surface water from the frontage to the public highway. The parking areas shall then be maintained as such for the life of the development.</p> <p><i>Reason: In the interests of highway safety in accordance with the aims of Policies 17 and 23 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 11 of the Aligned Core Strategy (2014).</i></p>
6.	<p>The first floor south east side elevation bathroom window 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 the second floor south east side elevation bedroom windows 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) to a height of 1.7m above the floor level of the associated bedroom. These windows shall be 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>
7.	<p>Given the proximity of residential properties, noisy works including demolition shall be limited to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.</p> <p><i>Reason: In the interests of neighbour amenity and in accordance with the aims of Policy 19 of the Broxtowe part 2 Local Plan (2019).</i></p>
	<p>NOTES TO APPLICANT</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>Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste</p>

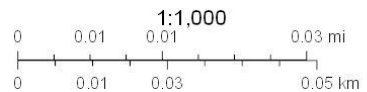
	should be removed by an appropriately licensed carrier.

28 Park Road Chilwell



2/16/2021, 1:21:32 PM

-  Single TPO
-  Conservation Area
-  Site



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Photographs



Front elevation of 28 Park Road. The self-contained annexe is to the right.



View of existing access off Park Road



Front elevation of 34 Park Road



Side elevation of 26 Park Road



Rear elevation of 34 Park Road



Rear boundary of the site

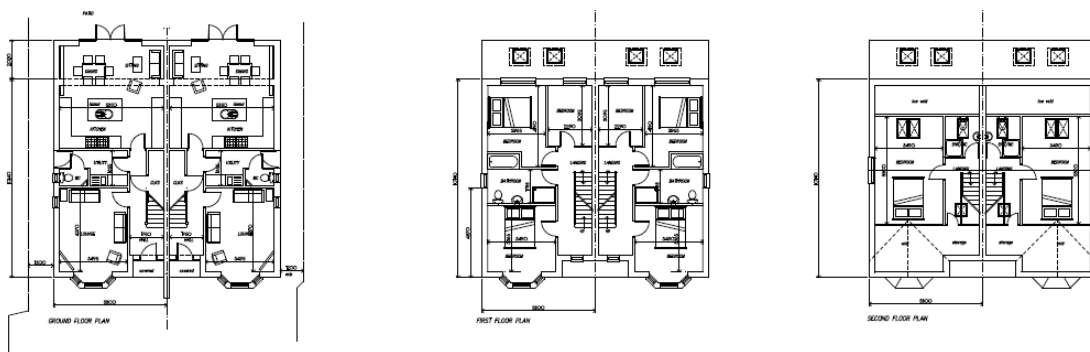


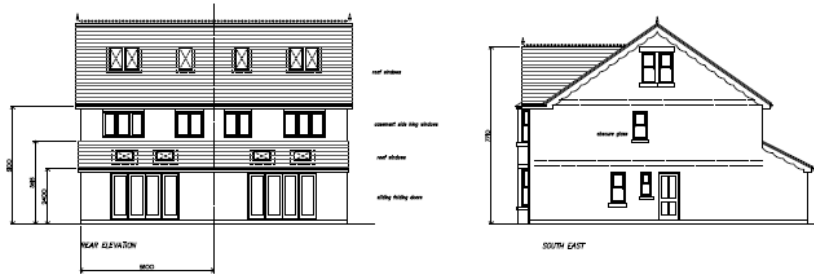
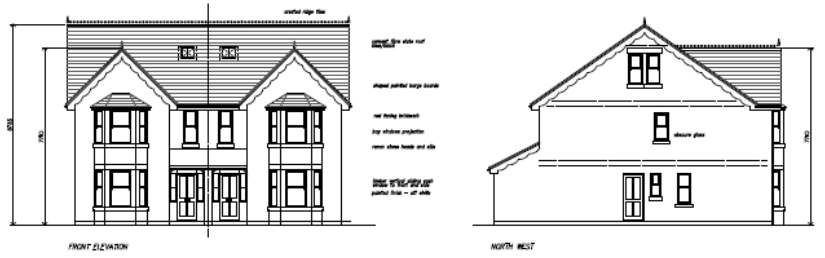
Rear elevation of 2 Rookwood Close

Plans (not to scale)



Proposed street scene





Proposed elevations

Proposed floor plans

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Report of the Chief Executive

APPLICATION NUMBER:	20/00541/FUL
LOCATION:	42 – 44 Brookhill Leys Road Eastwood Nottingham NG16 3HZ
PROPOSAL:	CONSTRUCT 28 DWELLINGS

This item is brought to the Committee as it is a major application and there are issues in respect of viability.

1 Executive Summary

- 1.1 This application seeks planning permission for the construction of 28 dwellings and associated access road.
- 1.2 The application site was previously occupied by a variety of industrial buildings used in association with Belwood Foods, who have since relocated. These have now been demolished and removed from site following the granting of Prior Notification for demolition. A vacant detached two storey dwelling remains on part of the site fronting onto Newmanleys Road which will also be demolished as part of this application.
- 1.3 The benefits of the proposal are that the residential development would return a vacant brownfield site back into use and would also provide a 100% affordable housing scheme. The proposed dwellings are not considered to be harmful to the character of the surrounding area, or have an unacceptable impact on neighbouring amenity or highway safety.
- 1.4 The committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix, and to the prior signing of a Section 106 Agreement.

Appendix 1

1 Details of the Application

- 1.1 This application seeks consent for the construction of 28 affordable dwellings on land formerly occupied by number a variety of industrial buildings and a dwelling. A central access road is proposed along with the mixture of 16 x 2 bed two storey dwellings and 12 x 3 bed two storey dwellings.

2 Site and surroundings

- 2.1 The site is predominantly surrounded by residential dwellings directly opposite to the north on Brookhill Leys Road, to the west on The Sycamores and to the east on Newmanleys Road. Land to the rear of the site is currently being built out for residential purposes by St Mowden Homes and directly opposite this development to the south east by Persimmon Homes.

3 Relevant Planning History

- 3.1 Prior to 2018, there has been no relevant planning history for the site. In 2019 outline planning permission was granted under reference number 18/00810/OUT with some matters reserved for residential development.
- 3.2 In 2020 Prior notification was granted under reference number 20/00367/DEM for the demolition of the previous industrial buildings which occupied the site.

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

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

- Policy A – Presumption in favour of sustainable development
- Policy 1 – Climate change
- Policy 2 – The spatial strategy
- Policy 8 – Housing mix and choice
- Policy 10 – Design and enhancing local identity
- Policy 14 – Managing travel demand
- Policy 16 – Green infrastructure, parks and open spaces
- Policy 19 – Developer contributions

4.2 **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 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 21: Unstable Land

- Policy 32 – Developer Contributions

4.3 National Planning Policy Framework (NPPF) 2019:

4.3.1 The National Planning Policy Framework (NPPF) 2019, outlines a presumption in favour of sustainable development, that planning should be plan-led, decisions should be approached in a positive and creative way and high quality design should be sought.

- 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.

5 Consultations

5.1 **Environmental Health** – No objections subject to a condition relating to all necessary remedial measures having been completed and certified to the satisfaction of the LPA.

5.2 **The Council’s Parks and Environment Manager** confirms that full developer contributions would be sought for open space.

5.3 **Highway Authority** - Originally requested amendments as the proposed layout failed to comply with standards set out in the 6 Council’s Design Guide. Amended plans were submitted and the Highway Authority offer no objections to the proposed development subject to conditions.

5.4 **Lead Local Flood Authority** – No objections based on the information submitted.

5.5 **The Coal Authority** – Raise no objections subject to the inclusion of an informative note to be included within the decision notice regarding the Coal Authority’s standing advice.

5.6 **Nottingham University Hospitals NHS Trust** – Request contributions to ensure health services are maintained.

5.7 **NHS Nottingham West CCG** – Request contributions to ensure health services are maintained.

5.8 **Nottinghamshire County Council** - Request contributions via a S106 Agreement for bus stop improvements and education contributions.

- 5.9 **Cadent Gas** – Raise no objections subject to an informative note relating to the developer's responsibilities and obligations regarding gas service pipes and related apparatus.
- 5.10 **Nottinghamshire Police** – Raise no objections and advise that there is no reason to suggest the development will be of detriment to existing properties and the layout of the dwellings is well-designed from a security aspect.
- 5.11 Neighbours were consulted on the application along with the posting of two site notices around the site. During the course of the application, two letters were received raising objections in respect of loss of privacy.
- 5.12 **Housing Services and Strategy Manager** – Raises no objections and welcomes the development of new affordable housing in Eastwood.

6 Assessment

6.1 The main issues relating to this application are the principle of development, design and the impact upon visual amenity of the area, residential amenity, highway safety and viability. These are discussed in turn as follows:

6.2 **Principle**

6.2.1 The application site is located in a sustainable urban, residential area within Eastwood. The site is currently vacant following the recent demolition of the industrial buildings which previously occupied the site. The principle of the development of the site for residential purposes is considered acceptable, subject to the consideration of other material planning considerations.

6.3 **Design**

6.3.1 The housing stock in Eastwood is generally mixed in character with the older housing stock largely being terraced properties and newer developments consisting of semi – detached and detached properties. Directly opposite the site and to either side of the access road on Brookhill Leys Road there is a mix of detached and semi-detached two storey dwellings. To the west on The Sycamores these dwellings are detached and single storey in nature. Immediately to the east on Newmanleys Road there are two storey detached dwellings.

6.3.2 The scheme layout has been designed with plots addressing the frontage of Brookhill Leys Road and Newmanleys Road. To the east of the access road off Brookhill Leys Road leading into the site plots 1 – 5 will consist of a row of two storey terraced dwellings. To the east of the access road two semi-detached dwellings are proposed plots 6 - 7. These properties will consist of gable ends with doors and window openings to the front and the side elevations addressing both the street frontage of Brookhill Leys Road and the new access road. Feature gable are also proposed to the front of plots 1, 5 and 7 to add a feature to the front elevations of these properties and break up to brick work. Parking is proposed to the front of the plots with the provision of landscaping to address the street scene of Newmanleys Road. Gardens are proposed to the rear these plots facing into the site.

- 6.3.3 Within the site the remaining plots 8 – 25 have been well spaced out in the form of semi – detached dwellings and rows of three/four terraced blocks. Parking spaces are proposed to either the front or side of the plots along with the provision of landscaping and garden areas to the rear. The design of the plots are similar to plots 1 – 7 with gable ends and gable features to the front. In addition, plots 26 – 28 are to be situated fronting onto Newmaleys Road and again of similar design and layout to the previously mentioned plots in terms of driveways, landscaping and garden areas.
- 6.3.4 The house types are relatively simple and modest in their form and massing, with a mixture of gable ends to the front of the various plots and the use of different materials to help break up the brickwork and add interest to the different elevations of the properties. Information submitted during the processing of the application indicates the use of a mix of Wienerberger Tabasco Red and Sunset Red multi bricks and a mixture of Russell Lothian slate grey and cottage red tiles. The use of these materials is considered acceptable given the existing palette of materials used in the surrounding area.
- 6.3.5 In respect of boundary treatments, the boundaries which adjoin the access road into the site and the plots which have gardens backing onto the road within the site will consist of a 1.8m high brick screened wall. Between each individual plot 1.8m high close boarded timber fencing will be provided. Existing boundary treatments surrounding the site serving existing dwellings will remain.
- 6.3.6 It is not considered that the proposal will have a significant detrimental impact upon the visual amenity of the area or the character of the street scene.

6.4 Amenity

- 6.4.1 Objections have been received from neighbouring properties in respect of loss of privacy.
- 6.4.2 To the front of the site there are 7 plots proposed. These plots will be set back from the street frontage of Brookhill Leys Road by approximately 7m. Directly opposite the site there are residential dwellings set back from the main road of Brookhill Leys Road, with a separation distance of approximately 26m. Along the frontage of these properties there are established boundary treatments in the form of walls/hedgerows. The proposal is not considered to have an adverse impact upon the residential amenity of these neighbouring properties in respect of overlooking, overbearing or noise impacts due to the separation distances.
- 6.4.3 To the east of the site fronting Brookhill Leys Road there are 4 two storey dwellings numbers 34 – 40 which are set back from the main road and are served by long linear gardens. Plot 7 will be set back from the front of number 40, with a gap of 1.9m between this existing property and the front of plot 7 and this property and will extend further back by approximately 3m of number 40, with the boundary tapering away to a distance of 3.8m. There is currently a flat roof garage to the side of number 40, with the only side facing window being a landing window. Along the boundary there is an existing 2 m high wall which remains. The only windows within the side facing elevation of plot 7 are a small low level living

room window and a small bathroom window. It is not considered there will be any overlooking or overbearing issues upon the residential amenity of this property.

- 6.4.4 As a general rule it is usually considered that gardens serving new dwellings should have a minimum depth of 10m, not only because of the desire to create an adequate separation distance between neighbouring properties (of particular relevance here due to level differences), but also to ensure that there is an acceptable amount of usable amenity space.
- 6.4.5 Directly to the west of the application site there are existing residential dwellings located on The Sycamores. Number 1 The Sycamores is situated backing onto the rear gardens of numbers 34 – 40 Brookhill Leys Road and it is considered there is an adequate separation distance between plots 8 – 9 in excess of approximately 30m to mitigate against any potential overlooking issues upon this property. Whilst the gardens to numbers 2 and 3 The Sycamores back onto the garden areas of plots 12 – 14, these plots are served by garden depths in excess of 11.5m. In addition, numbers 2 and 3 are also served by long depths of approximately 19m in depth. It is not considered there will be any significant detrimental impact upon these properties in terms of overlooking or overbearing issues.
- 6.4.6 Within the street scene of Newmanleys Road there are existing two storey dwellings, which again are served by long depths in excess of 20m. In addition, plot 21 is set in from the boundary by 6.5m. In terms of the relationship of the proposed dwellings to these properties, the side elevation of Plot 21 will be facing the rear gardens and elevations of these properties, with the only side facing windows proposed being a small low level lounge window and first floor bathroom window. Plots 26 – 28 are proposed to be located to the side of number 6 Newmanleys Road, with a separation distance of 1.5m tapering in to the rear to 1m. Whilst there are windows in the side elevation of number 6, there is already a dwelling sited within this and again the only windows proposed in the side facing elevation are a small lounge window at ground floor level and small bathroom window. It is not considered there will be any significant detrimental impact upon these properties in terms of overlooking or overbearing impacts.
- 6.4.7 To the rear of the site there is a new residential development currently being built out on the site by St Mowden Homes. Whilst some of these dwellings are to be located overlooking the application site, careful consideration has been given to the layout of the development with only plots 14, 15 and 25 side facing onto these dwellings. Along the boundary there is a new 1.8m high close boarded timber fence. Again, careful consideration has been given in relation to the siting of side facing windows with only the previously mentioned small windows at ground and first floor level serving a lounge and bathroom. It is not considered there will be any significant detrimental impact upon the future occupiers of these properties in terms of overlooking or overbearing impacts.
- 6.4.8 The impact upon all other adjacent properties is considered acceptable due to the siting and distance of the proposed dwellings to the neighbouring properties.

6.5 Access

6.5.1 Access into the site is proposed via a new driveway leading into the site opposite Addison Villas. Adequate parking provision is proposed for each of the dwellings, with 2 bedroom plots being served by 1 space and 3 bedroom plots being served by 2 spaces. The Highway Authority offer no objections to the proposal subject to conditions relating to the closing of existing dropped kerb openings on Newmanleys Road, driveways being surfaced in a bound material and details of wheel washing facilities. It is considered there are no highway safety issues relating to this application.

6.6 Developer Contributions

6.6.1 The application constitutes a major scheme and Policy 19 from the Aligned Core Strategies requires that a planning obligation is sought from the developer. In line with the NPPF any planning obligation should meet the tests of being necessary in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

6.6.2 Full open space contributions of £41,235.04 have been requested for the provision of capital and maintenance contributions to fund improvements to Coronation Park or Hall Park.

6.6.3 Nottinghamshire County Council have requested contributions of £3,00.00 towards bus stop improvements. A further request of £121,255 as also been requested towards secondary education provision in the Broxtowe North Planning Area.

6.6.4 A request has been made by Nottingham and Nottinghamshire NHS Clinical Commissioning Group for a contribution of £14,235.04 towards new surgery projects in the area.

6.6.5 A request has been made from Nottingham University Hospital NHS Trust for a contribution of £27,300.00 which would be used directly to provide additional health care services to meet patient demand. However, as the site is providing an 100% affordable housing scheme this request cannot be justified, since the development is required in order to meet a housing need figure included in the Development Plan, which has been consulted upon with relevant health providers at the time of production, and which was subject to Public Examination and as such will not be considered necessary in order to make the development otherwise S106 compliant.

- 6.6.6 A viability appraisal has been submitted on behalf of the applicant and this concludes that the development would not be viable as the scheme is to be 100% affordable housing if all of the above contributions were to be paid. An independent assessor has assessed the viability appraisal and concludes that the development is capable of providing up to £48,000 of Section 106 Contributions. As such, it is proposed this figure will be used to meet the requirements of the Primary Health Care contributions of 14,088.75, with the remainder being split equally between Open Space and Education at an amount of £16,955.63 each.
- 6.6.7 Should a 3rd of each of the above mentioned financial contributions be requested, this would equate to £13,745.01 towards Public Open Space, £40,418.33 towards Education and £4,745.01 towards the NHS, totalling £58,908.35, which would be greater than the viability appraisal states would be viable.

6.7 **Other Issues**

- 6.7.1 Whilst Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application and based on the submitted Drainage Strategy raise no objections, a condition is requested for the submission of a detailed surface water drainage scheme based on the principles set forward by the approved Drainage Strategy.
- 6.7.2 In support of the application, a Phase I and Phase II Geo-Environmental Assessment has been submitted given the previous industrial use of the site. Whilst the Environmental Officer raises no objections, a pre-commencement condition has been requested to agree how soil contamination and gas protections requirements will be mitigated against.
- 6.7.3 In view of the above request for pre-commencement conditions, the applicant's agent has agreed to the conditions to be attached to the decision notice.

7 Planning Balance

- 7.1 On balance this scheme would enable the provision of 100% affordable housing development of 28 dwellings to be constructed on a currently vacant site, which would both enhance the environmental quality of the area, and reduce pressure for housing development elsewhere. The scheme complements the existing built form of the area, without impinging on amenity of those residents currently bordering the site. There are no significant constraints to developing this site that cannot be addressed by conditions, and on balance therefore, it is considered the scheme is acceptable.

8 Conclusion

- 8.1 Having regard to all material considerations, the proposed development is required to assist in meeting the borough's overall housing requirement. As the site is located in the main built-up area, this carries significant weight as the location is sustainable. Therefore, the proposal is considered to be in accordance with the relevant local and national policy guidance and there are no material considerations which would warrant a decision being taken at variance to this. It is recommended that the application be approved subject to conditions and the

completed S106 agreement to secure the delivery of an 100% affordable housing scheme, open space, education and NHS contributions.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions and to the prior signing of a Section 106 Agreement.</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(s) numbered Site Location Plan, 1: 1250, Plots 1 – 5 Elevations/Floor Plans, DB/RB/20/21/03, Plots 6 – 9 Elevations/Floor Plans, DB/RB/20/21/04 and Plots 12 – 14 Elevations/Floor Plans, DB/RB/20/21/06 received by the Local Planning Authority on 13 August 2020, External Materials Specification received by the Local Planning Authority on 08 December 2020, Site Block Plan 1: 500, DB/RB/20/21/02D, Plots 19 – 21 and 26 – 28 Elevations/Floor Plans, DB/RB/20/21/08 and Plots 22 – 25 Elevations and Floor Plans, DB/RB/20/21/05A received by the Local Planning Authority on 17 November 2020.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall include:</p> <ul style="list-style-type: none"> ● Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA, ● Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term. <p><i>Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major</i></p>



	<i>developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.</i>
4.	No part of the development hereby permitted shall be brought into use until the off-site footway works as shown for indicative purposes only on the drawing entitled 'Proposed Site Block Plan', drawing no. DB/RB/20/21/02 D have been provided. <i>Reason: In the interest of highway safety.</i>
5.	The approved landscaping identified on drawing number DB/RB/20/21/02D received 30 September 2020 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. <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>
6.	No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities 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 mud, dirt or other debris is discharged or carried on to a public road. <i>Reason: In the interest of highway safety.</i>
7.	No part of the development hereby permitted shall not be brought into use until the drive and parking area has been surfaced in a hard bound material (not loose gravel), so has to prevent the discharge of surface water and materials therefrom onto the public highway and shall be retained thereafter. <i>Reason: To ensure deleterious material/surface water from the site is not deposited on the public highway causing dangers to road users.</i>
8.	No part of the development hereby permitted shall be brought into use until the dropped kerb accesses on Newmanlays Road that have been made redundant as a consequence of this permission are permanently closed and reinstated to footway. <i>Reason: In the interests of Highway safety.</i>
9.	No part of the development hereby approved shall be commenced until: a) A Remedial Method Statement has been submitted to and approved in writing by the Local Planning Authority. The report

	<p>shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p>b) No building to be erected pursuant to this permission shall be occupied or brought into use until:-</p> <p>(i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and</p> <p>(ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p><i>Reason: In the interest of public health and safety.</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>
<p>2.</p>	<p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at:</p> <p>www.gov.uk/government/organisations/the-coal-authority</p>
<p>3.</p>	<p>The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land. [Where the development site may be accessed by a significant number of vehicles or may be particularly susceptible to material ‘tracking’ off site onto the highway, details of wheel-washing facilities must be provided to and approved by the Highway Authority.</p> <p>The applicant should note that notwithstanding any planning</p>

	<p>permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council’s current highway design guidance and specification for roadworks.</p> <p>The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 and S278 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is <u>essential</u> that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council before any work commences on site. Please contact hdc.south@nottsc.gov.uk for details.</p> <p>In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact hdc.south@nottsc.gov.uk for details.</p>
<p>4.</p>	<p>Given the proximity of the site to other residential properties, it is advised that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays. There should also be no bonfires on site at any time.</p>
<p>5.</p>	<p>Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.</p>
<p>6.</p>	<p>There is an associated S106 legal agreement with this development dated, and this decision should be read contemporaneously with such.</p>



Legend

-  Site Outline
-  Local Wildlife Site

Photographs

View from the east within Brookhill Leys Road.



View from the west within Brookhill Leys Road.



Views of the site.



West boundary of site with No:40 Brookhill Leys Road.



East boundary with properties located on Newmanleys Road.



Existing dwelling to be demolished on Newmanleys Road to be replaced by row of three terraced properties.



Residential developments to the rear of the site.



PLOTS 6 - 9

ELEVATIONS - PLOT 6 & 7

ELEVATIONS - PLOT 8 & 9

PROPOSED GROUND FLOOR PLAN - PLOTS 6/8

PROPOSED FIRST FLOOR PLAN - PLOTS 6/8

PROPOSAL INFORMATION

Project Name	
Project Location	
Project Description	
Project Status	
Project Contact	
Project Date	
Project Reference	
Project Notes	
Project Approval	
Project Review	
Project Action	
Project Outcome	

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Report of the Chief Executive

APPLICATION NUMBER:	20/00714/FUL
LOCATION:	259 High Road Chilwell NG9 5DD
PROPOSAL:	Construct link extension and change use from residential (Class C3) to residential care home (Class C2)

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

1 Executive Summary

- 1.1 The application seeks planning permission for a single storey link extension between 259 High Road and the Landermeads complex; and a change of use of 259 High Road to a residential care home, in association with Landermeads.
- 1.2 The site currently comprises of a two storey semi-detached dwelling, and is located in the Chilwell Conservation Area.
- 1.3 The main issues relate to whether the principle of the change of use and the extension would be acceptable, if there would be harm to the character and appearance of the conservation area and to the setting of the Listed Building, and whether there will be an unacceptable impact on neighbour amenity and highway safety.
- 1.4 The benefits of the proposal are the retention of the building as a residential use, and the provision of targeted accommodation to the benefit of the existing care home residents and compliance with policies contained within the development plan. This is given significant weight. There would be the potential for an impact on designated heritage assets 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 conditions outlined in the appendix, and subject to no additional responses being received post committee.

Appendix 1

1 Details of the Application

- 1.1 A brick built, flat roof link extension, with a footprint of 1.95m x 2.6m, and having a lantern style roof light, is proposed to be constructed between 259 High Road and the north east elevation of the Landermeads Care Home. A change of use of 259 from residential (Class C3) to a three-bedroom residential care home (Class C2), associated with Landermeads, is proposed.
- 1.2 259 High Road would be used as a semi-independent living unit for the use of residents of the care home, in an assisted living environment.

2 Site and surroundings

- 2.1 259 High Road is a two storey semi-detached property with a small front garden, enclosed by a low brick wall. Access to the rear garden and outbuildings is via a path to the south west side of the property.
- 2.2 255 High Road is the attached semi, to the north east of the site.
- 2.3 To the south west and wrapping round to the rear (south east) is the Landermeads Nursing Home complex. It is understood that the nursing home specialises in dementia care. Landermeads consists of the original house called The Meads, a Grade II listed building, which was a farmhouse originally, and is to the south west of the site. Fronting High Road, and between The Meads and the application site, is a gabled wing to the house, which has the appearance of a former barn or stables. The 'Meads' has been altered and extended such that there is a modern two storey wing to the rear of this lower height building, set away from the boundary with the application site for the most part. A glazed link is between this and the original house, and also linked to a larger single storey extension to the rear of that, which continues along the north east boundary and to the south east boundary of the Landermeads site. A parking area is to the south west of the nursing home site, accessed from High Road.
- 2.4 Opposite the site there are two dwellings, 228 High Road, a Grade II Listed Building, which is a two storey detached building set back from the road, and 226 High Road to the east of this, which is also a two storey detached dwelling, although this is set forward of its neighbour.
- 2.5 High Road itself at this point is relatively narrow, having a village character. The site is within the Chilwell Conservation Area.

3 Relevant Planning History

- 3.1 There is no relevant planning history for the site. However, the following planning history for Landermeads is considered relevant:

- 3.2 In 1987, planning permission was granted for the change of use of The Meads to a nursing home and to form a car park and vehicular access. Reference 87/00479/FUL.
- 3.3 In 1992, planning permission was granted for the construction of an extension to create 35 additional bedspaces. Reference 92/00580/FUL.
- 3.4 In 2000, planning permission was granted to construct two storey and single storey extensions, creating an additional 16 bedspaces. Reference 00/00848/FUL.

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:**

4.2.1 The Council adopted the Part 2 Local Plan (P2LP) on 16 October 2019.

- Policy 17: Place-making, design and amenity
- Policy 23: Proposals 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 9 – Promoting sustainable transport.
- Section 12 – Achieving well-designed places.
- Section 16 – Conserving and enhancing the historic environment

5 Consultations

5.1 **Council's Conservation Adviser:** the proposed structure is set back from the street and would not be visually prominent. It appears to be connected to a previous link structure rather the front section of the Listed Building. Would suggest that the link could be 'lighter weight' for example more glazing, which would reflect that used in a previous extension on the site. However, this would not be a reason for objection, but is something that should be acknowledged. The choice of a lighter material would allow for the two buildings to have a clear distinction and may also appear more 'temporary' in nature, giving the ability to convert the dwelling back to a single unit should the requirement change.

5.2 **Council’s Environmental Health Officer:** No objection, subject to notes to applicant in respect of sound insulation; contractor hours; and no bonfires on site.

5.3 **County Council as Highway Authority:** No concerns regarding the proposal. Note that the existing dwelling has no off-street parking and the occupants would therefore choose to park outside the dwelling on High Road, which has no traffic regulation orders. The proposal to convert the dwelling with link to the existing care home to provide an additional three bed spaces would generate the demand for one additional space as opposed to the generation of two spaces for the current use. The road safety team report no injury accidents on High Road between Bye Pass Road and School Lane, between 01.01.17 and 30.09.20. Consultations are ongoing in respect of proposals for Traffic Regulation Orders within the vicinity of the site.

5.4 Three properties either adjoining or opposite the site were consulted, a site notice was displayed and a press notice published. 13 objections were received, on the following summarised grounds:

- the nursing home has expanded without provision of parking facilities for staff and visitors, which has resulted in increased on-street parking on the High Road, causing congestion, and restriction of access/egress to neighbouring drives.
- This stretch of High Road is narrow, with footways either side being inadequate or absent, and is a bus route with frequent service. Vehicles coming along the High Road often go over the speed limit. This poses a danger to pedestrians and will worsen as more cars park on the road.
- Efforts by local residents to get parking and speed restrictions on this stretch of High Road have been unsuccessful
- Parking by staff and visitors on The Close causes an obstruction at the junction of High Road
- Additional expansion without further consideration of road layout, pedestrian crossing or traffic calming is reckless
- Whilst the proposal doesn’t appear to increase the amount of residents living in the home (overall), the type of care may increase staff numbers
- Landermeads is overdeveloped and in the wrong location. This is a highly developed residential area and there is no land to expand further
- the car park is inadequate for the needs of the home
- The road flooded last year, as the drains were blocked, due to cars being parked on the road and as such the road-sweeper cannot clean that side of the road to keep the drains free of leaves and debris
- Nearby residents are being deprived of our amenities due to volume of parking at present. Street cleaning, refuse collection and emergency services can all be hampered.

6 Assessment

6.1 The main issues for consideration are the principle of the change of use and whether the proposal would have an impact on heritage assets, neighbour amenity and highway safety.

6.2 Principle

- 6.2.1 The proposed use of the building is considered to retain the residential nature of a dwelling and as such, subject to the matters below, is considered to be acceptable in principle.

6.3 Heritage

- 6.3.1 The buildings fronting the Landermeads site are Grade II Listed, and the site is within the Chilwell Conservation Area. There are two detached properties opposite the site (228 and 230) which are also Grade II Listed Buildings. It is considered that whilst the link building could be built of or designed with lighter materials, in order to provide a visual break in the two buildings, given the set back from the frontage, its small scale and that the link is not connecting the Listed Building to 259 High Road, the development is considered to have less than significant harm to the setting of the Listed Building and it would preserve the character and appearance of the Chilwell Conservation Area. The benefits of the proposal in providing additional accommodation for the adjacent care home and maintaining the building in a residential use are considered to outweigh any harm to heritage assets.

6.4 Amenity

- 6.4.1 As the link extension would be between the two buildings and not in direct view of the neighbouring properties, being set back from the front elevation, it is considered that the extension would not have a significant impact on neighbour amenity in terms of loss of light, outlook or privacy. In regard to the use, the nature of the use as residential care home would not be significantly different to the current use as a dwelling and as such it is considered that there would be no significant impact in terms of increase in noise and disturbance for the occupiers of the neighbouring semi.

6.5 Highway Safety

- 6.5.1 There are clearly significant concerns in regard to parking and associated problems on this stretch of High Road, which is the main topic of the objections received.
- 6.5.2 The agent and applicant have both stated that there is no intention to increase the total number of residents at the care home overall, but rather are finding further space for the people that they already support; the proposal is intended to provide assisted living facilities for a maximum of 3 residents, living semi-independently in a house setting as a family group. There would be no increase in activity, due to the link building, or to staffing levels. None of the residents would own or have access to a vehicle and as such demand for parking would be reduced, when compared to a dwelling. There is no anticipated increase in visitor numbers. A cycle shelter is on order, separate to this application, which should also help encourage staff to use more sustainable modes of transport.

6.5.3 The change of use of 259 from a dwelling to a care home in itself would not generate any additional demand for on street parking. The dwelling, being three bedroomed, could potentially generate two vehicles which would need to be accommodated on-street since there is no off street parking associated with the property. The occupiers of the care home (proposed to be three residents) would not have access to their own vehicles. The applicant confirms that there would be no increase in staff levels, due to the needs of the residents who will be living semi-independently, and as such there would be no greater demand for on-street parking. It is also noted that as the site is located on a well-served public transport route; staff and visitors have the option to use this sustainable means of transport rather than the private motor vehicle.

6.5.4 As such it is considered that the change of use to care home, associated with Landermeads, would not result in a significant increase or cumulative impact in terms of traffic generation, or result in a detriment to highway safety, as there would be no increase in resident or staff numbers, and compared to the existing use, it would likely generate less demand for on-street parking.

6.6 Other Matters

6.6.1 Surface flooding of the road has been raised as a concern, and stated that this has been caused by the inability of the road sweeping teams to clear debris from the road, due to parked cars on High Road. This is not a material planning matter, however notwithstanding this, it is considered that the proposal would not generate any additional on-street parking and that it would have no greater impact on surface water drainage than the existing situation.

6.6.2 Similarly, the proposal would not result in a significant impact on the ability of refuse collection, street cleaning or emergency vehicles to carry out these services.

7 Planning Balance

7.1 The benefits of the proposal are that the care home would enable more targeted service provision, to the benefit of the users of the facility, and would enable the retention of a residential use, which could be converted back to a dwelling should there be a demand in the future.

7.2 The negative impacts are the impact on heritage assets.

7.3 On balance, given the size and siting of the link building, it is considered that, for the reasons above, the negative impacts would not outweigh the benefits of the proposed development.

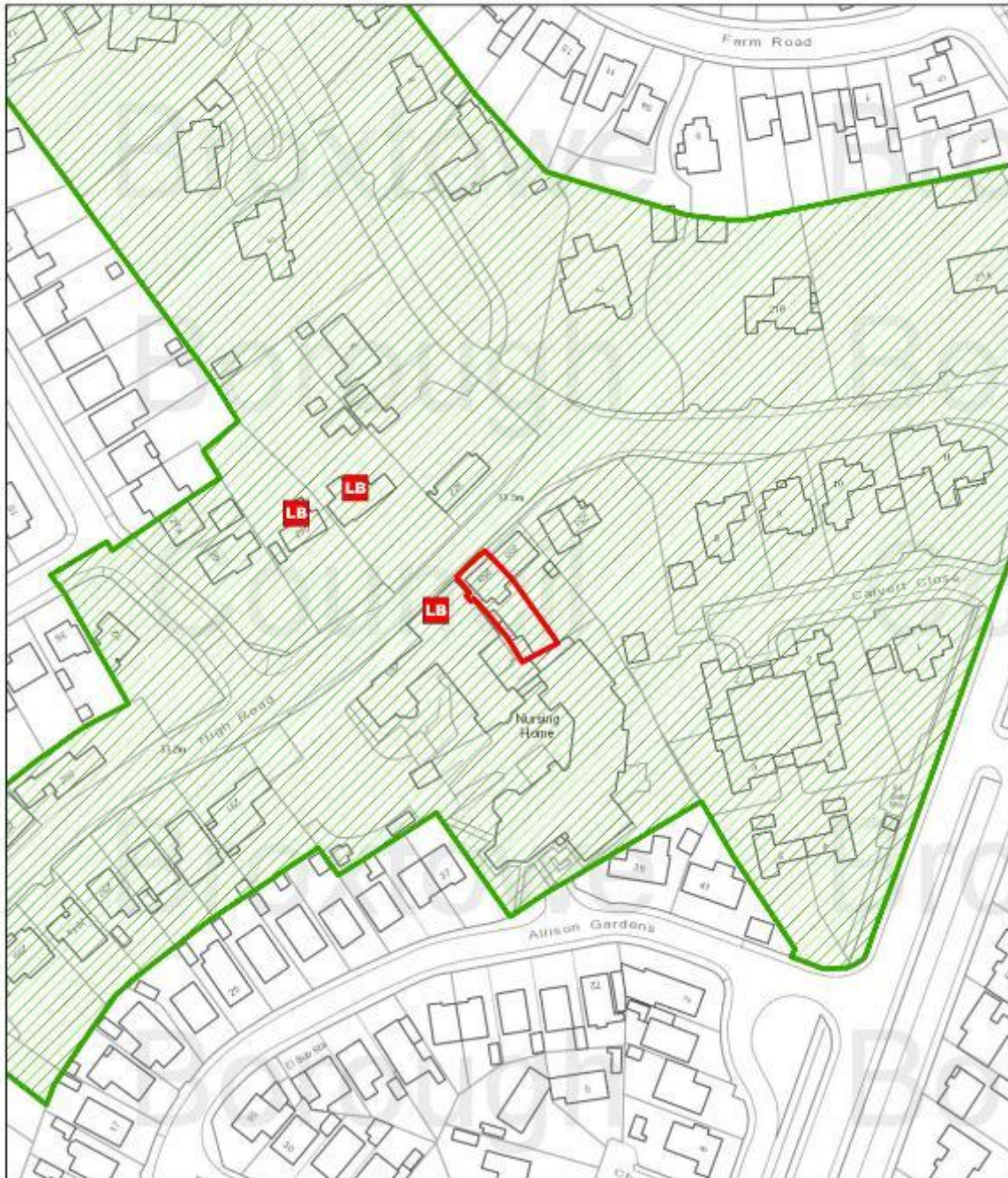
8 Conclusion

8.1 Grant planning permission subject to conditions. The proposal is in accordance with the aims of Policies A, 10 and 11 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 23 of the Broxtowe Part 2 Local Plan (2019).

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the site location plan received by the Local Planning Authority on 16.11.20, the proposed block plan and drawings numbered 20/988/03 and 20/988/04 received by the Local Planning Authority on 10.10.20.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No above ground works shall be carried out until details of the manufacturer, type and colour of the door, bricks and coping stones to be used in facing elevations have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: Limited details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policies 17 and 23 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 11 of the Aligned Core Strategy (2014).</i></p>
NOTES TO APPLICANT	
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	The developer should ensure that sound insulation to limit the transmission of noise between each use 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

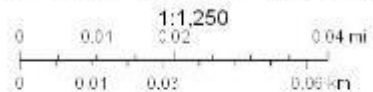
	noisy works on Sundays and Bank Holidays.
4.	Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.

259 High Road Chilwell NG9 5DD



2/15/2021, 9:49:13 AM

-  Conservation Area
-  Listed Building
-  Site



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Photographs



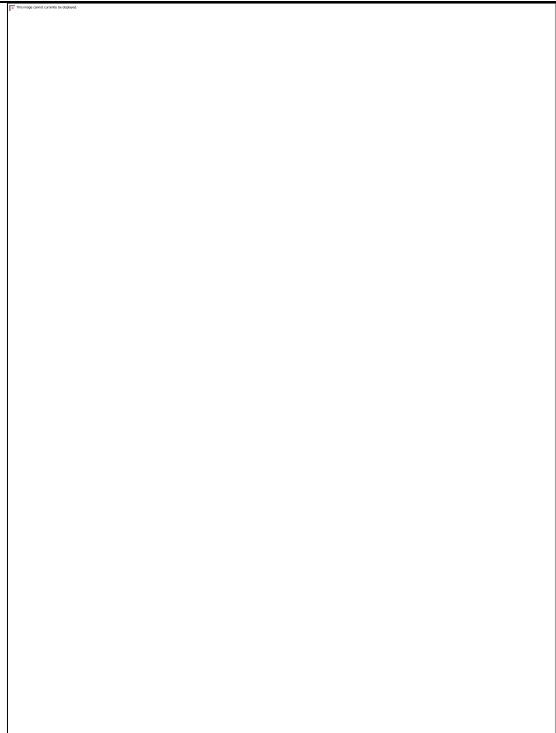
259 High Road, with Landermeads nursing home complex to the right



Gap between 259 and the adjacent home, site of the proposed link building

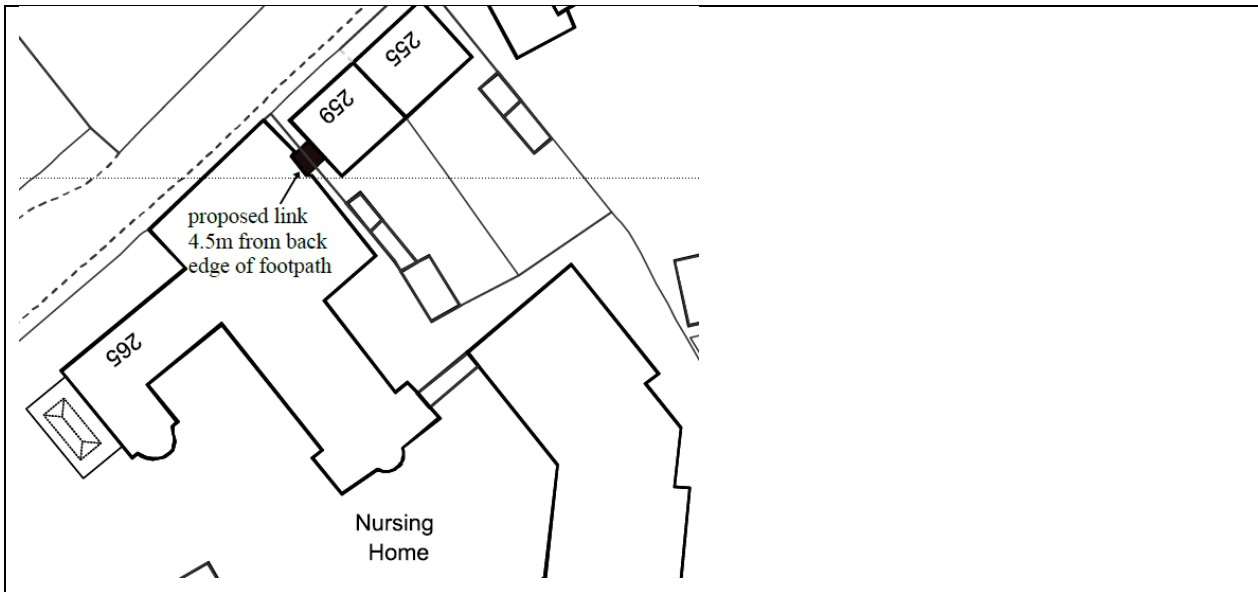


North east elevation of the adjacent building. The link would be to the flat roof element that can be seen to the rear of the adjacent building



Existing glazed link between The Meadows building and Catherine Tam House, viewed from High Road

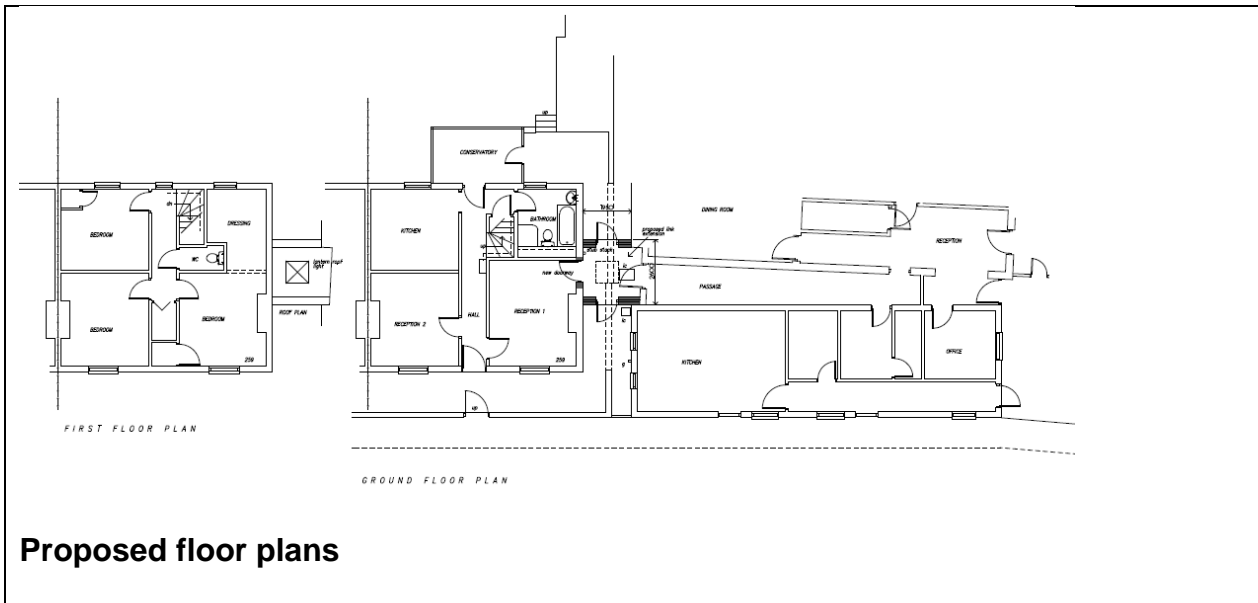
Plans (not to scale)



Block Plan of proposed link between 259 High Road and Landermeads



Proposed elevation to High Road



Report of the Chief Executive

APPEAL DECISION

APPLICATION NUMBER:	20/00020/FUL
LOCATION:	84 Abbey Road, Beeston, NG9 2HP
PROPOSAL:	Construct bungalow

ORIGINAL RECOMMENDATION BY OFFICER - REFUSE

ORIGINAL REASON FOR REFUSAL - The site comprises of a two storey semi-detached dwelling which occupies a prominent position on a corner plot and the proposal sought planning permission to erect a single storey detached dwelling to the side garden. The reason for refusal was as follows:

The proposed dwelling, by virtue of its' design, appearance and position within the site, would fail to respect the established character of the street scene and the wider area. Accordingly, the proposal is contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy 2014 and Policy 17 of the Broxtowe Part 2 Local Plan 2019.

LEVEL OF DECISION: DELEGATED**APPEAL DISMISSED**

This application sought outline planning permission to construct a single storey detached dwelling to the side of 84 Abbey Road. The application was refused on the grounds that it would fail to respect the established character of the street scene and the wider area. The inspector identified the main issue is the effect of the proposal on the character and appearance of the area.

In terms of other considerations, the Inspector noted that the proposal would deliver some economic and social benefits, in terms of the contribution to the housing stock and that the dwelling would potentially provide housing for disabled people, and would be in the affordable range for the area. It would also be in close proximity of local amenities and there would be some local economic benefit arising from the proposal. However, he noted that the benefits on the above respects are limited, as the proposal only relates to the provision of a single dwelling.

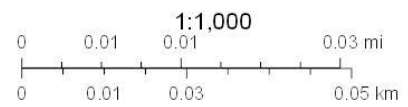
The Inspector concludes that the proposal would cause significant harm to the character and appearance of the area and would fail to accord with adopted policies.

84 Abbey Road Beeston



2/16/2021, 3:38:15 PM

 Site



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BROXTOWE BOROUGH COUNCIL DEVELOPMENT CONTROL – PLANNING & COMMUNITY DEVELOPMENT

**PLANNING APPLICATIONS DEALT WITH FROM
18 January 2021 TO 19 February 2021**

CONTENTS

Planning applications dealt with under Delegated Powers

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

BROXTOWE BOROUGH COUNCIL
DEVELOPMENT CONTROL – PLANNING & COMMUNITY DEVELOPMENT

**PLANNING APPLICATIONS DETERMINED BY
DEVELOPMENT CONTROL**

ATTENBOROUGH & CHILWELL EAST WARD

Applicant : Kate and Paul Gibson 20/00728/FUL
Site Address : 25 Woodland Grove Chilwell Nottinghamshire NG9 5BP
Proposal : **Construct single/two storey side extension and rear canopy**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Sully 20/00730/FUL
Site Address : 1 The Twitchell Chilwell Nottinghamshire NG9 5BD
Proposal : **Construct single storey side extension**
Decision : **Conditional Permission**

Applicant : Mr Adam Bench 20/00735/FUL
Site Address : 76 Charles Avenue Chilwell Nottinghamshire NG9 5ED
Proposal : **Construct two storey side and single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Hickling 20/00762/FUL
Site Address : 383 High Road Chilwell Nottinghamshire NG9 5EA
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr and Mrs Whiley 20/00809/FUL
Site Address : 2A Elm Avenue Attenborough Nottinghamshire NG9 6BH
Proposal : **Construct single storey rear timber clad extension with timber canopy and render ground floor rear elevation**
Decision : **Conditional Permission**

Applicant : Mr S Reynolds 20/00846/PAAP1
Site Address : 45 Allendale Avenue Attenborough Nottinghamshire NG9 6AN
Proposal : **Enlargement of dwelling by construction of one additional storey to create a dwelling with a maximum height of 7.94 metres**
Decision : **Prior Approval Approved**

AWSWORTH, COSSALL & TROWELL WARD

Applicant : Ami Hoggard 20/00414/FUL
Site Address : Land At Nursery Awsworth Lane Cossall Nottinghamshire
Proposal : **Change of use to provide independent school and siting of a caravan and fencing.**
Decision : **Conditional Permission**

Applicant : Mr Noor Nabi AHMED KAIYSA 20/00466/FUL
Site Address : 15 Lawrence Avenue Awsworth Nottinghamshire NG16 2SN
Proposal : **Retain ventilation system**
Decision : **Conditional Permission**

Applicant : Mr Bill Tomson Railway Paths Ltd 20/00710/LBC
Site Address : Bennerley Viaduct Newtons Lane Cossall Nottinghamshire
Proposal : **Listed Building Consent for reconstruction of missing and fallen masonry parapets to the east end abutment (revised scheme)**
Decision : **Conditional Permission**

Applicant	: Mr S Bates	20/00792/ROC
Site Address	: 35 Awworth Lane Cossall Nottinghamshire NG16 2SA	
Proposal	: Variation of condition 4 of planning reference 14/00763/FUL to enable permitted development under Class E of the GPDO within the curtilage of the property	
Decision	: Conditional Permission	
Applicant	: n/a Strawson Group Investments Ltd	20/00833/FUL
Site Address	: Land Adjacent Field House Farm Cossall Road Trowell Nottinghamshire NG9 3PG	
Proposal	: Construct field/farm access and associated works	
Decision	: Conditional Permission	
BEESTON CENTRAL WARD		
Applicant	: Mr K J Tang	20/00477/FUL
Site Address	: 1 Fletcher Road Beeston Nottinghamshire NG9 2EL	
Proposal	: Construct single storey side extension	
Decision	: Withdrawn	
Applicant	: Dr S Krishanand	20/00773/PIAPA
Site Address	: 78 - 80 High Road Beeston Nottinghamshire NG9 2LF	
Proposal	: Prior notification under Class M for change of use from hairdressers (Class A1) to two dwellings (Class C3) including external alterations	
Decision	: Prior Approval Not Required	
Applicant	: Mr J Huang	20/00781/CLUP
Site Address	: 12 Lower Road Beeston Nottinghamshire NG9 2GL	
Proposal	: Certificate of lawful development for proposed change of use from house (Class C3) to house in multiple occupation (Class C4) and loft conversion including rear dormer	
Decision	: Approval - CLU	
Applicant	: British Telecom British Telecom PLC	20/00821/FUL
Site Address	: Telephone Exchange Acacia Walk Beeston Nottinghamshire	
Proposal	: Replacement of glazing in three windows with louvres	
Decision	: Conditional Permission	
Applicant	: Mr Rohit Sharma	20/00875/FUL
Site Address	: 64 Queens Road East Beeston Nottinghamshire NG9 2GS	
Proposal	: Construct first floor and single storey extensions and front porch extension	
Decision	: Refusal	
BEESTON NORTH WARD		
Applicant	: Mrs A Hussian	20/00843/FUL
Site Address	: 19 Warwick Avenue Beeston Nottinghamshire NG9 2HQ	
Proposal	: Construct single storey side extension	
Decision	: Conditional Permission	
Applicant	: Mrs Kalsoom Bibi	20/00849/FUL
Site Address	: 109 Peveril Road Beeston Nottinghamshire NG9 2HU	
Proposal	: Alteration to roof of side extension from flat to pitched	
Decision	: Conditional Permission	
Applicant	: Mrs S Shabbir	20/00840/PNH
Site Address	: 12 Carisbrooke Avenue Beeston Nottinghamshire NG9 2HW	
Proposal	: Construct single storey rear extension extending beyond the rear wall of the original dwelling by 6 metres, with a maximum height of 2.85 metres and an eaves height of 2.55 metres	
Decision	: PNH Approval Not Required	

Applicant	:	Mr James Roberts Ewe Move Beeston Ltd	20/00878/FUL
Site Address	:	74 Marlborough Road Beeston Nottinghamshire NG9 2HL	
Proposal	:	Construct single storey rear extension and render to side and rear elevations	
Decision	:	Conditional Permission	
Applicant	:	Mr Jiangying Huang	20/00884/PNH
Site Address	:	76 Peveril Road Beeston Nottinghamshire NG9 2HU	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5.953 metres, with a maximum height of 3.00 metres, and an eaves height of 3 metres	
Decision	:	PNH Approval Granted	
Applicant	:	Mr Jiangying Huang	20/00887/CLUP
Site Address	:	76 Peveril Road Beeston Nottinghamshire NG9 2HU	
Proposal	:	Certificate of lawful development for proposed change of use from house (Class C3) to house in multiple occupation (Class C4) and loft conversion including rear dormer and raised patio	
Decision	:	Approval - CLU	
BEESTON RYLANDS WARD			
Applicant	:	Mr Leroy Payne Trent Vale Community Sports Association	20/00742/FUL
Site Address	:	Sports Ground And Pavilion Trent Vale Road Beeston Nottinghamshire	
Proposal	:	Erect replacement perimeter fence	
Decision	:	Conditional Permission	
Applicant	:	Mr Ian Sims	20/00768/FUL
Site Address	:	8 Barton Street Beeston Nottinghamshire NG9 1JJ	
Proposal	:	Construct linked front annexe, single storey rear extension, detached garage and replacement front boundary wall with automatic sliding gates. Apply render finish and replace stone cladding with bricks on existing bungalow.	
Decision	:	Conditional Permission	
Applicant	:	Mr Hogg	20/00777/CLUP
Site Address	:	10 Rylands Close Beeston Nottinghamshire NG9 1LT	
Proposal	:	Certificate of Lawfulness for proposed single storey side extension	
Decision	:	Approval - CLU	
Applicant	:	Mrs Farnsworth	20/00803/FUL
Site Address	:	16 Ashfield Avenue Beeston Nottinghamshire NG9 1PY	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	
Applicant	:	Craig Cavers	20/00838/FUL
Site Address	:	139 Leyton Crescent Beeston Nottinghamshire NG9 1PS	
Proposal	:	Construct single storey side extension	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs C Walker	20/00839/FUL
Site Address	:	67 Beech Avenue Beeston Nottinghamshire NG9 1QD	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	
Applicant	:	Miss Eminson	20/00868/FUL
Site Address	:	39 Maple Avenue Beeston Nottinghamshire NG9 1PU	
Proposal	:	Installation of external wall insulation	
Decision	:	Conditional Permission	
Applicant	:	Cornerstone & Vodafone Ltd Cornerstone and Vodafone Ltd	20/00904/TEL
Site Address	:	Land Off Technology Drive Beeston Nottinghamshire	
Proposal	:	Installation of 20m high monopole and ground-based equipment cabinets and ancillary development	
Decision	:	Withdrawn	

BEESTON WEST WARD

Applicant : Mr E Pidduck 20/00321/FUL
Site Address : 43 Bramcote Drive Beeston Nottinghamshire NG9 1AT
Proposal : **Retain two storey side extension with extended patio area (revised scheme)**
Decision : **Conditional Permission**

Applicant : Mr Ahmed 20/00481/FUL
Site Address : 83 Park Road Chilwell Nottinghamshire NG9 4DE
Proposal : **Construct single storey side extension**
Decision : **Conditional Permission**

Applicant : Mr J Macken 20/00753/FUL
Site Address : 12 Barrydale Avenue Beeston Nottinghamshire NG9 1GN
Proposal : **Retain rear extension**
Decision : **Conditional Permission**

Applicant : Mr & Mrs P Terry 20/00778/FUL
Site Address : 37 Fellows Road Beeston Nottinghamshire NG9 1AQ
Proposal : **Construct two storey side and single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr Alan Poyzer 20/00810/FUL
Site Address : 11 Clinton Street Beeston Nottinghamshire NG9 1AZ
Proposal : **Construct detached house**
Decision : **Conditional Permission**

Applicant : Mr J Youens 20/00827/FUL
Site Address : Land At 61 Bramcote Road Beeston Nottinghamshire NG9 1DW
Proposal : **Erect dwelling**
Decision : **Conditional Permission**

BRAMCOTE WARD

Applicant : Mr Hancock 20/00522/FUL
Site Address : 240 Derby Road Bramcote Nottinghamshire NG9 3JN
Proposal : **Extend dropped kerb**
Decision : **Conditional Permission**

Applicant : Pindar 20/00734/FUL
Site Address : 264 Derby Road Bramcote Nottinghamshire NG9 3JN
Proposal : **Construct two storey side and rear extensions and front porch**
Decision : **Conditional Permission**

Applicant : Mr James Wilcox 20/00802/FUL
Site Address : 76 Ewe Lamb Lane Bramcote Nottinghamshire NG9 3JZ
Proposal : **Construct two storey side extension, first floor rear extension and single storey rear extension**
Decision : **Conditional Permission**

Applicant : Dr Christina Baxter CADPLAN 20/00804/FUL
Site Address : 18 St Michaels Square Bramcote Nottinghamshire NG9 3HG
Proposal : **Construct side and rear extensions**
Decision : **Conditional Permission**

Applicant : Mr. and Mrs. Mark Harris 20/00824/FUL
Site Address : 292 Derby Road Bramcote Nottinghamshire NG9 3JN
Proposal : **Construct rear hip to gable roof extension and side dormer**
Decision : **Conditional Permission**

Applicant : Mr A Subhy 20/00805/PNH
Site Address : 35 Latimer Drive Bramcote Nottinghamshire NG9 3HS
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.60 metres, with a maximum height of 3.00 metres and an eaves height of 2.20 metres**
Decision : **PNH Approval Granted**

Applicant : Mr & Mrs Davie & Emma Wilford 20/00889/FUL
Site Address : 2 Russley Road Bramcote Nottinghamshire NG9 3JE
Proposal : **Construct single storey side and rear extension**
Decision : **Conditional Permission**

Applicant : Mr David Evans 20/00905/FUL
Site Address : 4 Hall Gardens Bramcote Nottinghamshire NG9 3LR
Proposal : **Construct cabin**
Decision : **Withdrawn**

BRINSLEY WARD

Applicant : Mr and Mrs Haslam 20/00543/FUL
Site Address : Barn Adjacent To 9 Red Lane Brinsley Nottinghamshire NG16 5BW
Proposal : **Change of use of barn to form residential dwelling (Class C3)**
Decision : **Conditional Permission**

Applicant : Mr Ian Teather 20/00788/FUL
Site Address : 148 Broad Lane Brinsley Nottinghamshire NG16 5BE
Proposal : **Construct rear dormer loft conversion and two roof lights to the front**
Decision : **Conditional Permission**

Applicant : Mr Rob Stanesby 20/00835/FUL
Site Address : 12 The Moor Brinsley Nottinghamshire NG16 5BB
Proposal : **Construct single storey rear and side extension**
Decision : **Conditional Permission**

Applicant : Mr Richard Clarke 20/00863/CLUE
Site Address : Meadow Lodge Hall Lane Brinsley NG16 5BJ
Proposal : **Certificate of Lawfulness for agricultural workers dwelling to be used as domestic dwelling.**
Decision : **Approval - CLU**

CHILWELL WEST WARD

Applicant : GELDER GROUP G SIMPSON GELDER GROUP 20/00814/FUL
Site Address : 120 Sunnyside Road Chilwell Nottinghamshire NG9 4FR
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

EASTWOOD HALL WARD

Applicant : Mr & Mrs K Stapleton 20/00679/FUL
Site Address : 1 Greenhills Road Eastwood Nottinghamshire NG16 3DG
Proposal : **Raise roof, construct side dormer window, external alterations and render to external elevations.**
Decision : **Conditional Permission**

Applicant : Mr A Mills 20/00782/FUL
Site Address : 18 Lower Beauvale Newthorpe Nottinghamshire NG16 3PY
Proposal : **Construct detached annex**
Decision : **Conditional Permission**

Applicant : Dr Keith Brewood Food Innovations Holdings Ltd 20/00806/FUL
Site Address : 2 Oyster Road Eastwood Nottinghamshire NG16 3UA
Proposal : **Erect Fence**
Decision : **Conditional Permission**

Applicant : Mrs E Marshall-Walker 20/00888/FUL
Site Address : 15 Owlston Close Eastwood Nottinghamshire NG16 3GA
Proposal : **Construct single storey front and rear extensions and first floor side extension**
Decision : **Conditional Permission**

EASTWOOD HILLTOP WARD

Applicant : Mr Mark Allen Central England Co-operative Ltd 20/00690/ADV
Site Address : Sainsbury's Local 248 Nottingham Road Eastwood Nottinghamshire NG16 3GR
Proposal : **Retain 2 illuminated fascia sign and 1 illuminated double sided totem sign**
Decision : **Conditional Permission**

Applicant : Lydia & Glyn Pieczka & White 20/00790/FUL
Site Address : 27 Norman Drive Eastwood Nottinghamshire NG16 3FJ
Proposal : **Construct two and single storey side and rear extensions and external alterations**
Decision : **Conditional Permission**

EASTWOOD ST MARY'S WARD

Applicant : Mr C Cormack 20/00666/FUL
Site Address : Land To The Rear Of 128 Church Street Eastwood Nottinghamshire NG16 3HT
Proposal : **Construct dwelling and associated car parking**
Decision : **Conditional Permission**

Applicant : Mr D Nelson 20/00759/FUL
Site Address : 18 Brookhill Leys Road Eastwood Nottinghamshire NG16 3HZ
Proposal : **Change of use from A1 to A4 micro pub house and single storey side extension (revised scheme)**
Decision : **Conditional Permission**

GREASLEY WARD

Applicant : Mr Allan Bone Greasley Sports and Community Centre 20/00624/FUL
Site Address : Greasley Sports And Community Centre Dovecote Road Newthorpe Nottinghamshire NG16 3QN
Proposal : **Construct extension to existing synthetic pitch**
Decision : **Conditional Permission**

Applicant : Mr And Mrs Leadwood 20/00619/FUL
Site Address : 71 Main Street Newthorpe Nottinghamshire NG16 2EU
Proposal : **Construct annexe**
Decision : **Conditional Permission**

Applicant : Mr S Barber 20/00797/FUL
Site Address : 22 Lodge Road Newthorpe Nottinghamshire NG16 2AZ
Proposal : **Construct ground floor front and rear extensions and first floor side extension**
Decision : **Conditional Permission**

Applicant : Mr Andrew Needham 20/00898/FUL
Site Address : 1 Daniel's Court Eastwood Nottinghamshire NG16 3HY
Proposal : **Extension to existing detached garage to provide home office**
Decision : **Conditional Permission**

KIMBERLEY WARD

Applicant : Mrs Yvonne Shanks 20/00618/FUL
Site Address : 12 Knowle Hill Kimberley Nottinghamshire NG16 2PZ
Proposal : **Replace flat roof with pitched roof on garage**
Decision : **Conditional Permission**

Applicant : Mr Ben Wardle 20/00627/FUL
Site Address : 28 Little Lane Kimberley Nottinghamshire NG16 2PE
Proposal : **Demolish garage and construct ground and first floor extension and car port**
Decision : **Conditional Permission**

Applicant : Mr Ben Wardle Gray House Developments Limited 20/00770/FUL
Site Address : 45 - 47 Main Street Kimberley Nottinghamshire NG16 2NG
Proposal : **Change of use of first floor, from hairdressing salon to 2 apartments, including external staircases and alterations**
Decision : **Conditional Permission**

Applicant : TOM LOWTON 20/00785/FUL
Site Address : 3 Coatsby Road Kimberley Nottinghamshire NG16 2TG
Proposal : **Construct first floor side extension**
Decision : **Conditional Permission**

Applicant : Mr Rik Brownhill 20/00733/FUL
Site Address : 26 Stocks Road Kimberley Nottinghamshire NG16 2QF
Proposal : **Construct single storey side extension and drop kerb**
Decision : **Conditional Permission**

NUTHALL EAST & STRELLEY WARD

Applicant : Mrs Neeta Seth Neetas Beauty Clinic 20/00596/FUL
Site Address : 44 Gunnersbury Way Nuthall Nottinghamshire NG16 1QD
Proposal : **Change of use from residential to mixed use of residential and beauty therapy**
Decision : **Conditional Permission**

Applicant : Mrs Susan Stagg 20/00823/FUL
Site Address : 14 Bloomsbury Drive Nuthall Nottinghamshire NG16 1RJ
Proposal : **Variation of condition 3 of planning ref: 91/00538/FUL (garages shall be used for the accommodation of private vehicles) convert to habitable room**
Decision : **Conditional Permission**

STAPLEFORD NORTH WARD

Applicant : Mr N Roskilly 20/00754/FUL
Site Address : 94 Trowell Park Drive Stapleford Nottinghamshire NG9 3RA
Proposal : **Construct first floor side extension above existing garage**
Decision : **Conditional Permission**

Applicant : Cornerstone and Vodafone Ltd 20/00796/TEL
Site Address : Hickings Lane Stapleford Nottinghamshire
Proposal : **Installation of 20m high monopole and ground-based equipment cabinets**
Decision : **Prior Approval Not Required**

Applicant : Mr M Knighton 20/00879/PNH
Site Address : 5 Trowell Road Stapleford Nottinghamshire NG9 8HB
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4 metres, with a maximum height of 3.6 metres, and an eaves height of 2.9 metres**
Decision : **Withdrawn**

STAPLEFORD SOUTH EAST WARD

Applicant : Mr and Miss James / Emma Daykin / Haigh 20/00693/FUL
Site Address : 50 Nottingham Road Stapleford Nottinghamshire NG9 8AA
Proposal : **Construct 3 storey side extension to create 3 apartments and construct front boundary wall**
Decision : **Conditional Permission**

STAPLEFORD SOUTH WEST WARD

Applicant : Mr R Brazier RMB Projects Ltd 20/00554/CLUE
Site Address : 141B Derby Road Stapleford Nottinghamshire NG9 7AS
Proposal : **Certificate of Lawfulness to retain two portable office cabins**
Decision : **Refusal**

Applicant : MR C KEY 20/00779/FUL
Site Address : 75 Brookhill Street Stapleford Nottinghamshire NG9 7GJ
Proposal : **Construct two storey rear extension**
Decision : **Conditional Permission**

Applicant : M Marriott 20/00815/CLUP
Site Address : 30 Birley Street Stapleford Nottinghamshire NG9 7GE
Proposal : **Certificate of proposed development for loft conversion with rear dormer**
Decision : **Approval - CLU**

TOTON & CHILWELL MEADOWS WARD

Applicant : Company Application McCann Group 20/00594/FUL
Site Address : Mccann House 110 Nottingham Road Attenborough NG9 6DQ
Proposal : **Construct two, two storey extensions and second floor extension. Re-arrangement of car parking layout and introduction of stacked car parking system, along with associated engineering and landscaping works including boundary wall to the highway**
Decision : **Conditional Permission**

Applicant : Mr John Patchitt 20/00664/FUL
Site Address : Land To The Rear Of 32 High Road Toton Nottinghamshire NG9 6EH
Proposal : **Construct 4 dwellings**
Decision : **Conditional Permission**

Applicant : Mrs B Chirayath 20/00669/FUL
Site Address : 114 Carrfield Avenue Toton Nottinghamshire NG9 6FB
Proposal : **Construct single storey and two storey rear extension, external alterations and front canopy**
Decision : **Conditional Permission**

Applicant : Mr Tang 20/00744/FUL
Site Address : 6 Goodwood Drive Toton Nottinghamshire NG9 6HX
Proposal : **Construct single storey rear extension and first floor side extension**
Decision : **Conditional Permission**

Applicant : Mr Dean Unwin 20/00756/FUL
Site Address : 29 Sheriff's Lea Toton Nottinghamshire NG9 6LJ
Proposal : **Construct first floor extension above garage, single storey rear extension and front porch/garage (store) extension**
Decision : **Conditional Permission**

Applicant : Mr & Ms Kee & Fletcher 20/00769/FUL
Site Address : 7 Bridgnorth Way Toton Nottinghamshire NG9 6LH
Proposal : **Construct single storey rear extension and patio, including replacement doors to existing window openings with new balcony to rear first floor bedrooms**
Decision : **Conditional Permission**

Applicant	:	Mr & Mrs Plampin	20/00772/FUL
Site Address	:	26 Cleve Avenue Toton Nottinghamshire NG9 6JH	
Proposal	:	Construct single storey rear extension, rear patio with steps and increase hardstanding area to front of property	
Decision	:	Conditional Permission	
Applicant	:	Mrs Amanda Payne	20/00800/FUL
Site Address	:	53 Mountbatten Way Chilwell Nottinghamshire NG9 6NG	
Proposal	:	Construct single storey front porch extension and new canopy	
Decision	:	Conditional Permission	
Applicant	:	Mr Johnson	20/00783/FUL
Site Address	:	128 Seaburn Road Toton Nottinghamshire NG9 6HJ	
Proposal	:	Construct single storey side extension	
Decision	:	Conditional Permission	
Applicant	:	Mr Plaiter	20/00829/FUL
Site Address	:	9 Lichfield Close Toton Nottinghamshire NG9 6JZ	
Proposal	:	Construct rear extension, garage conversion and front porch infill	
Decision	:	Conditional Permission	
Applicant	:	Mr P Hares	20/00841/PNH
Site Address	:	12 Freeland Close Toton Nottinghamshire NG9 6GG	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3.0 metres, with a maximum height of 3.4 metres, and an eaves height of 2.5 metres	
Decision	:	PNH Approval Not Required	
Applicant	:	Mr & Mrs Newbold	20/00832/PNH
Site Address	:	7 Newmarket Way Toton Nottinghamshire NG9 6LB	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5.42 metres, with a maximum height of 3.60 metres, and an eaves height of 2.70 metres	
Decision	:	PNH Approval Not Required	
Applicant	:	Maria Georgiou-Sconcia	20/00859/FUL
Site Address	:	6 Stapleford Lane Toton Nottinghamshire NG9 6GA	
Proposal	:	Construct single storey side and rear extension	
Decision	:	Conditional Permission	
Applicant	:	Helen and Sean McGowan	20/00880/FUL
Site Address	:	16 Stapleford Lane Toton Nottinghamshire NG9 6GA	
Proposal	:	Construct two storey rear extension	
Decision	:	Conditional Permission	
WATNALL & NUTHALL WEST WARD			
Applicant	:	Rev Barbara Holbrook The PCC of St Patrick's Church Nuthall	20/00370/FUL
Site Address	:	St Patricks Church Kimberley Road Nuthall Nottinghamshire	
Proposal	:	Install oak hardwood glazed doors, including the removal of the existing metal gates to the porch	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Porter	20/00713/FUL
Site Address	:	83 Main Road Watnall Nottinghamshire NG16 1HE	
Proposal	:	Construct single storey rear extension and loft conversion	
Decision	:	Conditional Permission	
Applicant	:	Mr Ismail karimi	20/00752/FUL
Site Address	:	5 Maple Drive Nuthall Nottinghamshire NG16 1EH	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	

Applicant : Mr and Mrs Paul Winter 20/00818/ROC
Site Address : Chilton Beck Chilton Drive Watnall NG16 1HL
Proposal : **Variation of condition 4 of application reference 20/00304/FUL to allow clear glazed opening**
Decision : **Conditional Permission**

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