



Monday, 30 December 2024

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 8 January 2025 in the Council Chamber, Council Offices, Foster Avenue, Beeston NG9 1AB, commencing at 6.00 pm.

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

Yours faithfully

Chief Executive

To Councillors:	D Bagshaw (Chair)	G S Hills
	S P Jeremiah (Vice-Chair)	G Marshall
	P J Bales	D D Pringle
	L A Ball BEM	H E Skinner
	R E Bofinger	P A Smith
	G Bunn	D K Watts
	S J Carr	

A G E N D A

1. Apologies

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

2. Declarations of Interest (Pages 5 - 12)

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

3. Minutes (Pages 13 - 26)

The Committee is asked to confirm as a correct record the minutes of the meeting held on 4 December 2024.

4. Notification of Lobbying

5. Development Control

5.1 Application Number 23/00447/FUL (Pages 27 - 62)
Construct 29 apartments with associated parking and landscaping
Riverside Close, Riverside Road, Beeston

5.2 Application Number 24/00395/FUL (Pages 63 - 86)
Construct single/ two storey side and single storey rear extensions, raise the ridge height to the existing/ extended dwelling including a loft conversion and rear box dormer, and external alterations
16 Mornington Crescent, Nuthall

5.3 Application Number 24/00375/FUL (Pages 87 - 110)
Construction of 4 dwellings following the demolition of 121 Brookhill Street
121 and land to the rear of 123 Brookhill Street, Stapleford, Nottinghamshire NG9 7GU

5.4 Application Number 23/00095/FUL (Pages 111 - 128)
Change of use of land to open storage and siting of storage and skips (Class B8) including access point off West End Street and egress point on Bailey Street
Former Dyeworks Site, Bailey Street, Stapleford, Nottinghamshire

5.5 Application Number 24/00784/FUL (Pages 129 - 140)
Change of use from 6 bed HMO (Use Class C4) to 7 bed HMO (Sui Generis)
108 Long Lane, Attenborough, NG9 6BW

5.6 Application Number 24/00545/REG (Pages 141 - 156)
Reconstruction of the full wooden structure for the Brinsley Colliery Headstocks and construct new metal estate fencing around the site perimeter
Brinsley Colliery Headstocks, Brinsley Picnic Site Mansfield Road Brinsley Nottinghamshire

5.7 Application Number 21/00838/FUL (Pages 157 - 176)

Convert existing building to create 25 1,2 and 3 bedroom apartments and external alterations.

St Johns School of Mission Office Building, Peache Way,
Bramcote, Nottingham, NG9 3DS

5.8 Application Number 21/00839/LBC (Pages 177 - 184)

Proposed alterations to Grade II listed wall, including steps for pedestrian access.

St Johns School of Mission Office Building, Peache Way,
Bramcote, Nottingham, NG9 3DS

5.9 Application Number 24/00534/FUL (Pages 185 - 198)

Construct single storey front extension.

Boundary Cottage Main Street Strelley Nottinghamshire
NG8 6PD

6. Information Items

6.1 Delegated Decisions (Pages 199 - 206)

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Report of the Monitoring Officer

DECLARATIONS OF INTEREST

1. Purpose of Report

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda. The following information is extracted from the Code of Conduct, in addition to advice from the Monitoring Officer which will assist Members to consider any declarations of interest.

Part 2 – Member Code of Conduct

General Obligations:

10. Interest

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

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members of the Council. The register is publicly available and protects you by demonstrating openness and willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting which allows the public, Council employees and fellow Councillors know which of your interests gives rise to a conflict of interest. If in doubt you should always seek advice from your Monitoring Officer.

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

Advice from the Monitoring Officer:

On reading the agenda it is advised that you:

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

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

‘The nature of my interest is therefore the type of interest is
DPI/ORI/NRI/BIAS/PREDETERMINATION
‘The action I will take is...’

This will help Officer record a more accurate record of the interest being declared and the actions taken. You will also be able to consider whether it is necessary to send a substitute Members in your place and to provide Democratic Services with notice of your substitute Members name.

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

6. Update your Member Interest Register of any registerable interests within 28days of becoming aware of the Interest.

Ask yourself do you have any of the following interest to declare?

1. DISCLOSABLE PECUNIARY INTERESTS (DPIs)

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

2. OTHER REGISTERABLE INTERESTS (ORIs)

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

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

3. NON-REGISTRABLE INTERESTS (NRIs)

“Non-Registrable Interests” are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

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

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

Declarations and Participation in Meetings

1. DISCLOSABLE PECUNIARY INTERESTS (DPIs)

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

Action to be taken

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

2. OTHER REGISTERABLE INTERESTS (ORIs)

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

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

3. NON-REGISTRABLE INTERESTS (NRIs)

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

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

Dispensation and Sensitive Interests

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

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

BIAS and PREDETERMINATION

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

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

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

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

BIAS

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

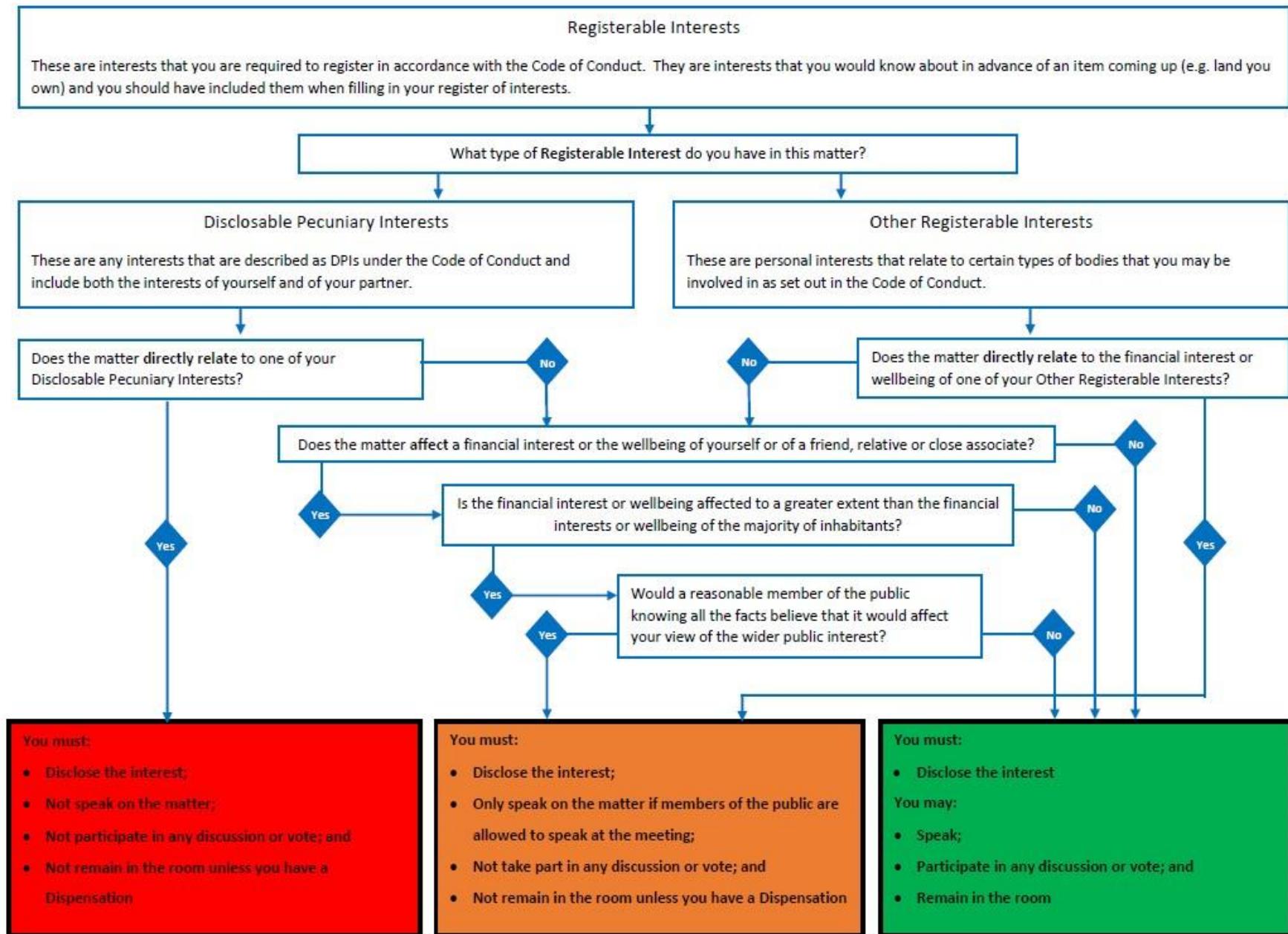
- a) you should not take part in the decision-making process
- b) you should state that your position in this matter prohibits you from taking part
- c) you should leave the room.

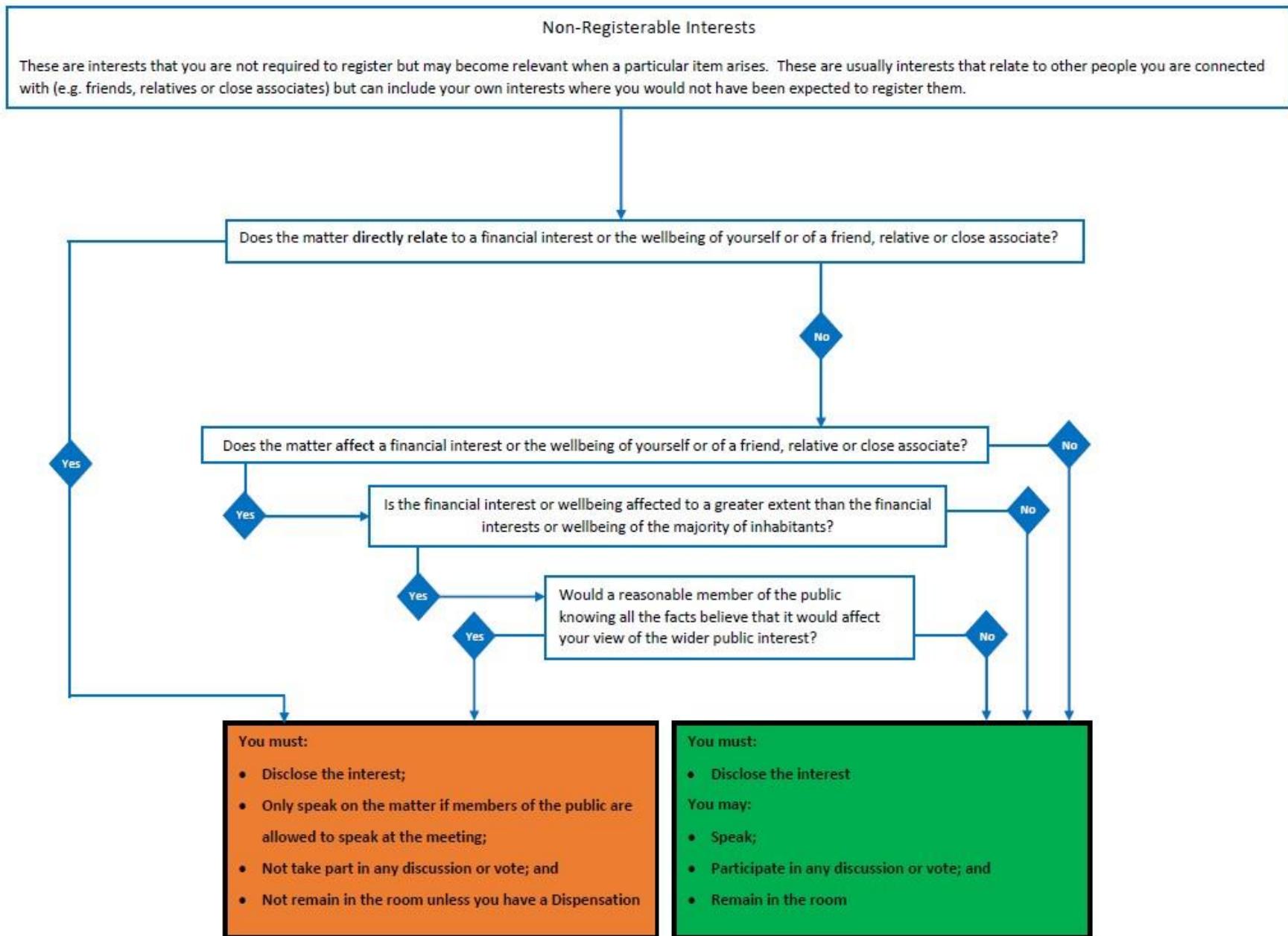
PREDETERMINATION

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

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

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Agenda Item 3.

PLANNING COMMITTEE

WEDNESDAY, 4 DECEMBER 2024

Present: Councillor S P Jeremiah, Vice Chair in the Chair

Councillors: P J Bales
L A Ball BEM
R E Bofinger
G Bunn
S J Carr
G S Hills
G Marshall
D D Pringle
H E Skinner
P A Smith
D K Watts

An apology for absence was received from Councillor D Bagshaw.

33 DECLARATIONS OF INTEREST

Councillor S P Jeremiah declared a non pecuniary, registrable interest in item 5.2 as he was a member of Stapleford Towns Board. Minute number 36.2 refers.

Councillor R E Bofinger also declared a non pecuniary, registrable interest in item 5.2 as he was a member of Stapleford Towns Board. Minute number 36.2 refers.

34 MINUTES

The minutes of the meeting on 6 November 2024 were confirmed and signed as a correct record.

35 NOTIFICATION OF LOBBYING

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

36.1 24/00499/FUL

Construct single storey front extension. Conversion of garage to living accommodation including alterations to roof and construct dormer within garage roof
19 Rolleston Crescent, Watnall, Nottinghamshire NG16 1JU

Councillor C Carr had requested that this proposal come before Committee.

There were no late items.

Jonathan Parker, the applicant, made representation to the Committee prior to the general debate.

Having considered all the representations before it, the Committee debated the application. Discussions centred on the impact of the street scene and whether the proposed development would have a detrimental impact on the character of the area. It was considered that the proposal would not be out of place.

RESOLVED that planning permission be approved, with the conditions to include details on plans, materials and time, and that the precise wording of the approval be delegated to the Vice Chair of Planning Committee in agreement with the Head of Planning and Economic Development.

Conditions:

1. **The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
2. **The development hereby permitted shall be carried out in accordance with the following plans received by the Local Planning Authority on 30 July 2024:**
 - **Site Location Plan, and in accordance with the following plans received by the Local Planning Authority on 07 August 2024:**
 - **Proposed Plan (Drawing Reference 1956/102 Rev A),**
3. **The single storey front extension and the raising of the garage roof shall be constructed using materials to match the existing house and as specified in the application form received by the Local Planning Authority on 30 July 2024, unless otherwise agreed in writing by the Local Planning Authority.**
4. **The development hereby approved shall be used solely as accommodation ancillary to the main dwellinghouse and at no time shall it be occupied as a separate stand alone dwelling**

Reasons :

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

2. **For the avoidance of doubt**
3. **To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).**
4. **To ensure that the development does not become used as a separate dwellinghouse in recognition of unacceptable impact on neighbour amenity, in accordance with the use applied for 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).**

Note to Applicant

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

36.2 24/00669/REG

Construct two/three storey building serving mixed uses with associated landscaping and parking
Car Park, Victoria Street, Stapleford Nottinghamshire NG9 7AP

The application was brought before Committee as the Council was the landowner and applicant.

There were a number of late items, including changes to condition 4 and condition 8. It was noted that the correct wording for condition 8 was as follows:

No sound reproduction, air conditioning units, or amplification equipment (including public address systems, loud speakers, etc) which is audible at the site boundary shall be installed or operated on the site without the prior written approval of the Local Planning Authority.

Tina McInerney, objecting and Councillor J W McGrath, Ward Member, made representation to the Committee prior to the general debate.

The Committee gave due regard to the information before it and the debate commenced with particular reference to the opening times for the public toilets and the loss of parking. It was also noted that the proposed development represented an

investment in Stapleford Town Centre that would benefit the local economy and provide opportunities for small, local enterprises.

RESOLVED that the Head of Planning and Economic Development be given delegated authority to grant planning permission, including the changes to condition 4 and condition 8, subject to:

- (i) Prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of Biodiversity Net Gain
- (ii) the following conditions:

1. Condition:

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. Condition:

The development hereby permitted shall be carried out in accordance with the plans

Received by the Local Planning Authority on 1 October 2024:

- Existing Site Plan and Elevation ref: 3572-MAB-00-00-D-A-0101 rev: P01
- Sections – Stage 3 ref: 3572-MAB-00-ZZ-D-L-4410 rev: P01
- Proposed Ground Floor Plan ref: 3572-MAB-ZZ-00-D-A-0120 rev: P05
- Proposed First Floor Plan ref: 3572-MAB-ZZ-01-D-A-0121 rev: P02
- Proposed Second Floor Plan ref: 3572-MAB-ZZ-02-D-A-0122 rev: P02
- Proposed Roof Plan ref: 3572-MAB-ZZ-RF-D-A-0123 rev: P01
- Proposed Elevations ref: 3572-MAB-ZZ-ZZ-D-A-0160 rev: P02
- Proposed Elevations ref: 3572-MAB-ZZ-ZZ-D-A-0161 rev: P03
- Proposed Elevations ref: 3572-MAB-ZZ-ZZ-D-A-0162 rev: P02
- Proposed Sections ref: 3572-MAB-ZZ-ZZ-D-A-0170 rev: P02
- Proposed Sections ref: 3572-MAB-ZZ-ZZ-D-A-0171 rev: P02
- Proposed Sections ref: 3572-MAB-ZZ-ZZ-D-A-0172 rev: P02

Received by the Local Planning Authority on 4 October 2024:

- Block Plan ref: 3572-MAB-00-00-D-L-0103 rev: P01

Received by the Local Planning Authority on 15 November 2024:

- Landscape Masterplan Stage 3 ref: 3572-MAB-00-00-D-L-4000

Reason:

For the avoidance of doubt.

3. Condition:

No development shall commence until a remediation scheme to ensure safe development and mitigate any potential risks from asbestos containing materials in the ground has been submitted to and approved in writing by the Local Planning Authority. The agreed remediation scheme shall be implemented in full during development.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site. An assessment must be undertaken in accordance with good practice and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

Reason:

No such details were submitted with the application and in the interests of public safety and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

4.

No development shall commence until a detailed surface water drainage scheme based on the principles set forward by the Outline Drainage Strategy SEH-BWB-EXT-XX-TN-D-0500, dated 8.9.24 by BWB, 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:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 175
- Limit the discharge generated by all rainfall events (up to the 100 year plus climate change) back to the existing discharge rates or lower - or a suitable alternative solution as agreed with the LLFA in collaboration with the LPA.
- Provide detailed design (plans, network details, calculations and

supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets

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 30 year and 1 in 100 year plus climate change return periods.

- No surcharge shown in a 1 in 1 year
- No flooding shown in a 1 in 30 year
- For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure
- Evidence of approval for drainage infrastructure crossing third party land where applicable
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

Reason:

Insufficient information was submitted and to ensure there is sufficient surface water management, the development is not at risk of flooding of increasing flooding off-site and in accordance with Policy 1 of the Part 2 Local Plan (2019) and Aligned Core Strategy (2014).

5. Condition:

No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include:

- a) the means of access for construction traffic;
- b) parking provision for site operatives and visitors;
- c) the loading and unloading of plant and materials;
- d) the storage of plant and materials used in construction the development;
- e) a scheme for the recycling/disposal of waste resulting from construction works;
- f) details of dust and noise suppression to be used during the construction phase; and
- g) Details of a scheme for the identification and safe removal of asbestos containing material (if identified).

Reason:

To protect the amenity of neighbouring residents and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

6. Condition:

No above ground works shall commence until samples of external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details.

Reason:

Insufficient details were submitted with the application and in the interests of the appearance of the development and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

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

- a) numbers, types, sizes and positions of proposed trees;**
- b) details and elevational plans of any new boundary treatments;**
- c) details and elevational plans of bin stores, cycle racks and substation;**
- c) proposed hard surfacing treatment; and**
- e) timetable for implementation of the scheme.**

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

Reason:

Insufficient details were submitted with the application and to ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policies 17 and 31 of the Part 2 Local Plan (2019) and Policies 10 and 17 the Broxtowe Aligned Core Strategy (2014).

8. No sound reproduction, air conditioning units, or amplification equipment (including public address systems, loud speakers, etc) which is audible at the site boundary shall be installed or operated on the site without the prior written approval of the Local Planning Authority.

Reason:

To protect the nearby occupants from excessive operational noise and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

9. Condition:

The building shall not be open to the use of the public except between the hours of 07:30-23:00 Monday to Sundays

Reason:

To protect nearby occupants from excessive operational noise and in accordance with Policy 17 of the 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 applicant is advised to contact the licensing team on 0115 9173485 to register any activity and for advice on complying with current Licensing regulations prior to opening.
3. The applicant is advised to contact the Food and Occupational Health team on 0115 9173485 to register any activity and for advice on complying with current Food Safety and Health and Safety regulations prior to opening.
4. The applicant is advised that under the current British Standard 6465 for sanitary provision any proposed restaurant / café will required to comply with the aforementioned standard.

(Having declared a non pecuniary, registrable interest in the item Councillor R E Bofinger and Councillor S P Jeremiah left the meeting for the duration of the item and did not vote thereon. Councillor P J Bales took the Chair for the item.)

Two storey side extension and single storey rear extension
48 Warwick Avenue, Beeston, Nottinghamshire, NG9 2HQ

The application had been called before Committee by Councillor S J Carr.

There were no late items.

Jayne Humbert - Iles, made representation to the Committee prior to the general debate.

The Committee commenced the debate, having given due regard to all the evidence before it. It was noted that the proposed development was in a residential area with a number of styles of home, so it would not have a negative impact on the street scene. There was a discussion about the size of the plot and the lack of impact on neighbours.

RESOLVED that planning permission be granted with the precise wording of the approval and conditions, to include details on time, materials and plans, delegated to the Vice Chair of the Planning Committee in agreement with the Head of Planning and Economic Development.

Conditions:

1. **The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
2. **The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250), Proposed Block Plan (1:500), Proposed Floor and Roof Plans ref: (08) 044, Proposed Elevations ref: (08) 005 and Proposed Master Plan ref: (08) 006 received by the Local Planning Authority on 26 September 2024.**
3. **The proposed two storey side and single storey rear extensions shall be constructed using the materials annotated on the application form received by the Local Planning Authority on 26 September 2024.**

Reasons:

1. **To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
2. **For the avoidance of doubt.**
3. **To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014)**

Note to Applicant

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

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

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

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

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

36.4 24/00656/FUL

Construct two-storey side and rear extension
33 Muriel Road, Beeston, NG9 2HH

The proposal had been called to Committee by Councillor S J Carr.

There were no late items and no public speakers.

Having considered all relevant evidence, the Committee debated the proposed development.

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

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 plans**

Received by the Local Planning Authority on 1 October 2024:

- **Site Location Plan (1:1250) (Drawing Number: 23/1100/01)**
- **Proposed Block Plan (1:500) (Revision: B - amended 23/09/24)**
- **Proposed Floor Plans, Roof Plan and Elevations (1:100) (Drawing Number: 23/1100/02, Revision: G)**

Reason: For the avoidance of doubt.

3. **The two storey side and rear extension shall be constructed using materials as noted on the Proposed Floor Plans, Roof Plan and Elevations (1:100) (Drawing Number: 23/1100/02, Revision: G) received by the Local Planning Authority on 1 October 2024.**

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).

NOTES TO APPLICANT

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

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

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

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

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

37 INFORMATION ITEMS

37.1 DELEGATED DECISIONS

The Committee noted the delegated decisions.

37.2 APPEAL DECISION

The Committee noted the results of the appeal for application number 20/000209/ENF.

38 KIMBERLEY BREWERY UPDATE

The Committee noted the update on the progress of works at the Kimberley Brewery Site.

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Report of the Chief Executive

Application Number:	23/00447/FUL
Location:	Riverside Close, Riverside Road, Beeston
Proposal:	Construct 29 apartments with associated parking and landscaping

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

1. Purpose of the Report

1.1 The application seeks planning permission for the construction of 29 one and two bed apartments arranged over two blocks, with basement parking and landscaping.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the Appendix and the prior signing of a Section 106 Agreement.

3. Detail

3.1 The site is currently occupied by three static single storey homes with associated separate garaging. There are two empty plots formerly also occupied by static homes, to the east of the site.

3.2 The proposed development would consist of two separate buildings of two and three storeys, which would overall provide for 29 apartments comprising 11 x one bed and 18 x two bed units. The buildings would have two and three storeys of accommodation and external materials proposed would be brick with areas of cladding to the upper most storey.

3.3 Parking would be provided at basement level, accessed by way of a ramp off Riverside Road. The basement level would also accommodate cycle and bin storage. Lift access would be provided to all floors.

3.4 The main issues for consideration relate to whether the principle of the development is acceptable; whether the design, scale and massing is appropriate for the location; whether the development would have a detrimental impact on non-designated heritage assets and the character of the area; impact on highway safety; impact on neighbour amenity; impact on biodiversity assets; and whether the development would increase risk of flooding.

3.5 The site is within Flood Zones 2 and 3.

4. **Financial Implications**

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

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

5. **Legal Implications**

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

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

6 **Data Protection Compliance Implications**

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

7. **Background Papers**

Nil.

Appendix**1. Details of the application**

- 1.1 The application seeks to construct 29 apartments (11 one bed and 18 two bed) arranged over two buildings of a maximum 3 storeys of accommodation. Parking with 16 vehicle spaces and cycle enclosures to accommodate 29 cycle spaces, as well as refuse storage (accessed from street level) would be provided to the basement. There would be a lift within each building serving all floors. There would also be a lift accessed from street level giving access to the basement, landscaping area above and pedestrian access to each block, in addition to stepped access from the street. The parking would be accessed via a ramp leading from Riverside Close.
- 1.2 The development would comprise two buildings known as 'Block A' and 'Block B'. Block A would be sited to the east of the plot, and would be two storeys of accommodation to the eastern most point, with an open communal area above, rising to three storeys toward the centre of the site. There would be a landscaped area between and separating the two buildings with stepped access down to the canal side path. Block B would be positioned to the west of the site and would be three storeys of accommodation in height. This block would be set back from the west boundary by a minimum of 4.3m. Both blocks are proposed to be built up to the edge of the south east boundary.
- 1.3 Solar panels are proposed on the roof of both buildings and in order to screen these from view the building would have a shallow parapet to the roof edge, with safety railings set in from the roof edge.
- 1.4 Both buildings would have a flat roof and it is proposed that the external materials would be a mix of brick and cladding, the latter being applied to areas of the uppermost floor. Each apartment would have a balcony with glass balustrade. With the exception of the south west corner of Block A, where the balcony of units A2, A8 and A14 would project out from the elevation, all balconies would be inset within the elevations.

2. Site and surroundings

- 2.1 The application site is roughly triangular in form, and is currently occupied, to the western section, by three single storey static (mobile) homes and five garages which are separate to the homes. Plots to the east of the site were formerly occupied by two static homes, which have since been removed, leaving concrete bases. There is a bus stop directly outside the site, on Riverside Road.
- 2.2 To the west and outside of the site there are two static homes which are parallel to the west boundary. Both properties have windows in the facing elevation. These statics are two of 17 statics, known as Lock Close, which continue to the west. A flood defence (raised area), which runs in a north / south direction adjacent to the site, continues across Riverside Road and into

the sports ground opposite runs on the western edge of the site and has a slightly higher ground level than the statics to the west.

- 2.3 To the north of the site there are three bungalows which have the front elevations slightly angled toward the south east. These properties are set back from the road and have generous front gardens.
- 2.4 To the west of these bungalows, north west of the site, is a green area used as sports pitches. Within this area and close to its southern boundary there is an electricity pylon sited to the edge of the land with electricity lines overhead and over the application site in a north west / south east direction, continuing on over the canal towards Weir Fields and beyond.
- 2.5 To the east of the site is the junction of Canal Side, South Road and Riverside Road. To the corner of this junction, opposite to and north east of the site, there is a detached two storey property, and a pair of two storey semi-detached properties north of this. The detached property has its primary elevation facing south.
- 2.6 To the south / south east of the site runs the Beeston Canal and Beeston Lock, which in turn lead to the River Trent, to the south west. A wide, mainly non-vehicle, access separates the site from the canal. A footbridge over the canal leads to the Canalside Heritage Centre, a series of two storey former lock keeper cottages which have been converted to museum / workshop / event space and café. Further south and beyond this is the River Trent Weir. A further footbridge leads from the heritage centre to the Weir Fields which are sports pitches.
- 2.7 In the wider area, there are residential properties of one and two storeys mainly to the north east, and the Beeston Marina buildings / area and more static homes to the west of Lock Close.
- 2.8 The application site and immediate area are in Flood Zones 2 and 3.

3. Relevant Planning History

- 3.1 Aside from minor planning applications for construction of sheds and garages, and extension to a static home, there has been no relevant planning history on the site post 1974.

4. Relevant Policies and Guidance

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

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: The Historic Environment
- Policy 14: Managing Travel Demand
- Policy 17: Biodiversity
- Policy 19: Developer Contributions

4.2 Part 2 Local Plan 2019:

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

- Policy 1: Flood Risk
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 23: Proposals Affecting Designated and Non-Designated Heritage Assets
- Policy 24: The Health and Wellbeing Impacts of Development
- Policy 30: Landscape (TSV01 Attenborough Wetlands)
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

4.3 National Planning Policy Framework (NPPF) 2024:

The National Planning Policy Framework (NPPF) 2024, 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 11 - Making effective use of land
- Section 12 - Achieving well-designed places.
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

5. Consultations

5.1 **Environment Agency:** Initial comments: Object to the proposal as the development would involve building within 8 metres of a flood defence and as such the EA would be unlikely to grant a flood risk activity permit for the application. The proposed development would restrict essential maintenance and emergency access to the flood defences. To overcome the objection, the

development would need to demonstrate an unobstructed 8 metre easement between the toe of the flood defence and the edge of the development. Comments also that the LPA would need to decide whether the access and egress arrangements during a flood are acceptable or not. The EA also advise that the basement parking area is at flood risk and would be completely submerged in the event of a flood. The applicant would need to ensure that the building would be of a construction that would not jeopardise the structural stability of the building and could withstand floating vehicles potentially damaging the basement walls. Additionally, services such as gas, water and electricity pipes and conduits need to be safeguarded from potential impacts of floating or displaced vehicles. A mitigation plan may be required to drain the basement post flood. The Flood Risk Assessment fails to propose flood resilience measures to protect the basement.

Following continued objection from the EA regarding flood risk to basement parking area, ongoing negotiations including incorporation of flood resistant measures such as physical barriers to the basement at times of flood warnings, and a revised FRA, the EA have now removed their objection and recommend conditions relating to compliance with the FRA, as amended.

5.2 **Nottinghamshire County Council as Highway Authority:** Initial comments: concerns in respect of gradient of ramp and width / height of access. Would like clarification on how parking spaces would be allocated. Any doors (e.g. to bin stores) would need to be openable inwards and not onto the public highway.

Comments on amended plans / additional information received: The HA are satisfied that outstanding issues with regards to the ramp and parking areas have now been addressed. No objections subject to conditions in respect of provision of dropped kerb prior to occupation; works to remove existing redundant site accesses and kerb reinstated prior to occupation; provision of visibility splays and gradient of ramp as agreed; provision of parking area prior to occupation; restrict any ground floor openings from being over the adopted highway; and installation of wheel washing facilities on site during construction. Will support the inclusion of a condition to require the approval of a Construction Method Statement. Also request Note to Applicant in respect of works to highway.

5.3 **Nottinghamshire County Council Right of Way Officer:** Beeston Footpath 69 appears to be unaffected by the proposal and as such the Rights of Way team have no objection. Requests Note to Applicant in respect of method of working alongside the right of way. No further comments following receipt of amended plans.

5.4 **Nottinghamshire County Council as Lead Local Flood Authority:** No objection, subject to a condition requiring details of a surface water drainage scheme, to be approved prior to commencement and implemented in accordance with the approved details.

5.5 **Nottinghamshire County Council Policy Officer:** The development would result in the need for a financial contribution of £6,100 toward bus stop infrastructure improvement at the bus stop directly adjacent to the site; and £110,062 toward improving capacity at secondary / post 16 schools within the Broxtowe South area.

Comments received following amended plans June 24. Revised financial contribution of £90,810.00 in respect of Secondary education in the Broxtowe South area. No contribution required for Primary or Post 16 provision, as there is currently a surplus in spaces. Request for financial contribution to Bus Stop infrastructure of £6,000.00. Bus stop to be retained in present location.

County Archaeologist commented on an updated archaeologist report received August 2024. Agrees with the findings which includes a recommendation for further evaluation. Recommends conditions to secure and agree an archaeology mitigation strategy which should be carried out in accordance with the approved details, and reporting of any finds to the County.

5.6 **Notts Wildlife Trust:** Initial comments are to require conditions in respect of prior approval of a Construction Environmental Management Plan (CEMP) and a Landscape Ecological Management Plan (LEMP). Ideally established habitats should be retained and designed into the proposals. Would need the submission of a comprehensive Ecological Impact Assessment (EclA) prior to determination that would address impact on the nearby Attenborough Gravel Pits SSSI and nearby Local Wildlife Sites. Further bat surveys have been carried out to assess potential for existing statics to provide bat roosts. The surveys have identified the potential to be low, and NWT agree with the findings, recommending condition to require bat boxes to be incorporated with the buildings, along with a lighting strategy.

An EclA has been submitted, and subject to securement of lighting scheme and details of bat boxes, the NWT are satisfied with the contents.

5.7 **Council's Conservation Adviser:** Considers that the development is wholly out of context with the character of the area and most pertinently the 18th Century lock keeper's cottage, being a very ordinary and uninspiring block of apartments bearing little relevance to the surrounding area. The canal itself is a heritage asset, and together with the cottage, forms an important grouping. Notes that the lock keepers' cottage, being of high architectural and historic value, would be a high priority for inclusion on the emerging Broxtowe Local List.

Comments on amended proposal: Considers that whilst the proposed scheme would obliterate the relationship with the non-designated heritage assets (Canalside Heritage Centre, Lock-keepers Cottage and Beeston Lock) with regard to the open countryside and tranquil setting of the River Trent, this would not be a basis to refuse the scheme purely on these grounds and as such, concludes that the level of harm caused to the setting of the non-

designated heritage assets would be less than substantial, in accordance with paragraph 209 of the NPPF.

- 5.8 **Council's Environmental Health Team:** No objections subject to conditions in relation to: restriction on hours of construction; prior approval of a Construction Method Statement; prior approval of contaminated land report and works to be carried out in accordance with approved details; Note to Applicant in respect of no burning of waste on site. In addition to the comments, the EHO comments that, in respect of the overhead power cables and concerns regarding health, the scientific evidence is against Electromotive Force (EMF) from high voltage power lines causing ill health, and that no causal link has been established between cancer or any other disease and EMF's and no established mechanism by which these fields could cause or promote disease. No further comments received following amended plans received June 2024.
- 5.9 **Council's Tree Officer:** There are no protected trees on site (TPO's) and the site is not in a conservation area. The existing trees on site are of poor quality and as such there are no objections to their removal.
- 5.10 **Council's Housing Officer:** As the site is within the Beeston submarket, would require 30% affordable housing to be provided on site, with a split of 20% affordable rent / social rent, 7.5% First Homes, and 2.5% other low cost homeownership. The officer notes that 1 bed properties are in demand in the south of the borough, with 2173 applicants qualifying for this property type.
- 5.11 **Council's Parks and Open Space Manager:** The size of the development triggers the need for open space contributions. A financial contribution of £47,395.28 (comprising 26,839.50 for capital works and £20,555.78 for maintenance) would be required, and would go toward improvements and maintenance at Weir Fields Recreation Ground and Leyton Crescent Recreation Ground.
- 5.12 **Council's Waste and Recycling Officer:** Sets out requirements for size and quantity of bins, distance to collection point, and access arrangements to bin store. A Note to Applicant will set out the requirements.
- 5.13 **Canal and River Trust (C&RT):** Planning permission should not be granted due to impact on the character and appearance of the locality; overbearing; part of site appears to be on C&RT land; and potential impacts on adjacent canal infrastructure. Further comments received following amended plans – previous comments stand. The Trust note, in their comments dated 28 June, their disappointment that the developer has not sought to engage with them regarding concerns over potential damage to infrastructure or as to whether the development can be carried out as proposed.
- 5.14 **Police Designing Out Crime Officer:** Recommend inclusion of Note to Applicant in respect of promotion of Secured by Design initiative.

5.15 **Nottingham and Nottinghamshire NHS:** Request a financial contribution of £15,714.37 toward investment in enhancing capacity / infrastructure at existing local practices.

5.16 **Councillor Shaun Dannheimer:** The development is not sympathetic to the quirkiness and heritage of the area. Due to height, will cut out daytime light to adjacent properties. The construction will cause major noise and traffic issues in an already congested area and may result in loss of income to businesses in the area and visitors may be deterred from visiting. Connectivity is poor with bus service only hourly at most. These apartments are not designed for families and won't meet housing needs for the area.

5.17 **Darren Henry (who was consulted whilst MP):** Comments that the development is not in keeping with the character and heritage of the area. The development would disrupt the visual harmony of the area. Considers that the height of the building would impact on light and quality of life for occupants opposite. Should be promoting sustainable and sympathetic designs rather than focussing on high-density developments. The LPA should take into account the objections raised by the community.

5.18 **Beeston and District Civic Society:** Object, and recommend refusal due to the design, choice of materials, scale and massing; damage to or loss of habitat; negative impact on heritage assets; and impact on character of the area. Also concerned in respect of proximity to electricity pylons (health and safety) and construction so close to canal – potential breach of canal walls and pollution from construction, and increase in hard surfacing could lead to increase in flood risk.

Following the receipt of amended plans, the Society recognises that the applicant has responded to some sustainability concerns – solar panels to roof and increase in landscaping area to ground level; changes to brickwork to address character / design objections. Notwithstanding this, the Society remain of the view that the amended proposal would be completely out of character with the site's historic setting, buildings and semi-rural valley landscape; building still poorly designed and too high such that it does not complement the local area; no street trees, and no mention of BNG. Concerns remain in respect of proximity of electricity lines; lack of sustainable travel availability; drainage and flood risk; proximity to heritage assets; poor relationship between ground floor accommodation and surrounding paths / public areas.

Additional comments received following amended plans June 2024. Strongly object due to significant risk of flooding; contrary to NPPF and Local Plan Policy; maintain view that proposal is out of character with site's historic setting; building too high and poorly designed and fails to complement the local area; no street trees proposed / lack of information on Biodiversity Net Gain; and all previous objections still stand.

5.19 38 Neighbouring properties were notified, site notices posted and a press notice published. A total of 525 responses were received, of which six were

observations, one no objection, five in support and the remainder objections. Of these, approximately 80 letters of objection used a generic template, with no personal comments included. The comments in respect of objections / observations can be summarised below:

- Buildings in terms of scale not in keeping with the area
- The design of the building does not reflect character of the area or take into account impact on heritage assets
- Building materials should reflect what is used locally i.e. red brick
- Building is too high at 3+ storeys
- Roofs should be pitched as flat roofs leak
- Apartments would spoil peace and beauty of the area / become urbanised
- Development more suited to town or city centre
- Too many apartments in area
- Should use other brownfield sites such as Boots first
- Visitors may no longer come – impact on businesses
- Impact on traffic and parking in area – 16 spaces on site not enough for 29 apartments
- Impact on infrastructure such as schools / doctors / dentists as spaces limited
- Limited bus service – occupiers would be dependent on private vehicles for shopping / commuting etc
- Cumulative impact of development on wider Rylands area when assessed alongside former Plessey site and Station Road development
- Additional parking on street would impact on delivery of bus service and highway safety
- Building would be at risk of flooding / would add to risk of flooding
- Would result in loss of light to neighbouring properties
- Impact on privacy through overlooking
- Will overshadow other properties
- Would result in sense of enclosure
- Light pollution from building itself and from vehicles leaving ramped access
- More dwellings would have detrimental impact on services e.g. doctors, school places and so on
- Impact on biodiversity – loss of trees and loss of habitat
- There is a need for affordable / family housing not luxury apartments
- Will not meet needs of local community
- The development is just for financial gain
- Covenant restricting buildings forward of houses on Canal Side
- Impact on existing static home residents and on those who would be displaced
- Concerns in respect of increase in density of the population in this small area
- Noise, smell and disturbance to existing residents both during construction and as a result of occupation
- Concerns in respect of proximity to overhead power lines in terms of health

- Lack of active frontage – suggest small retail or café to ground floor
- Affect value of existing property
- Allowing this development would set a precedent for development further along canal front
- Lack of soft landscaping
- Development should be low level – bungalows or maximum two storeys to blend in with the area
- The site should be developed for alternative uses such as small retail / independent business hub / craft studios or be kept as green space
- Money would be better spent on upgrading paths
- Concerns in respect of type of tenancy
- Impact on existing drainage and capability
- Loss of green space – should be retained for public use
- Query if need for this type of accommodation been assessed with Broxtowe Borough Council
- No archaeological survey carried out
- Misleading information in the Design and Access Statement – shows site extent smaller than is on accompanying plans / visuals depict people being larger which makes building look smaller in comparison
- Pollution – litter, noise and disturbance both during construction and through occupation
- There is a culvert running beneath site – should not be built over
- An archaeology survey should be carried out given history of site
- Needs to include solar panels and cycle storage [case officer notes these are both included]

In support:

- Disagrees with suggestion that the development is visually unattractive
- Should be supporting campaign to remove unkempt boatyard adjacent rather than worrying about this proposal
- Considers objections to increase in number of residential units odd in midst of housing crisis
- Well thought out proposal and subject to build quality should be supported
- Need for more housing
- Will add value and appeal to area
- Will support local businesses
- Will be catalyst for further regeneration

5.20 A further 33 comments were received following re-consultation in October 2023. 32 were objections with one observation and raised the same concerns as the original scheme, noted above, with additional concerns as follows:

- Considers building encroaches on Canal and River Trust Land
- No revised Heritage Impact Assessment submitted
- Change from buff brick to red only reinforces visual dominance
- Query regarding start and finish times of the building work

- Concerns regarding impact of construction works on stability of canal infrastructure e.g. lock chamber
- Given current high water table (October 23) basement parking would be unusable resulting in additional vehicles on the street

5.21 A further 46 comments were received following the receipt of amended plans June 2024. One comment in support, and 45 objections. No new concerns raised.

6. Assessment

6.1 The main issues for consideration relate to whether the principle of the development is acceptable; whether the design, scale and massing is appropriate for the location; whether the development would have a detrimental impact on non-designated heritage assets and the character of the area; impact on highway safety; impact on neighbour amenity; impact on biodiversity assets; and whether the development would increase risk of flooding.

6.2 **Principle of Development**

6.2.1 The existing use of the site is residential and whilst the site is not allocated or safeguarded in the local plan for any specific use, it is considered that the principle of residential development is acceptable subject to the matters set out below, given the existing use. It is also considered that as the site has previously been developed, this is considered to be a brownfield site, as opposed to a greenfield site, where the definition of greenfield site is land which has not been previously built on.

6.2.2 The proposal to provide apartments on the site is also acceptable in principle. The Council's Housing Officer has identified that 1 bedroom properties in particular are in high demand in the south of the Borough.

6.3 **Building Design, Scale and Layout**

6.3.1 Following the receipt of amended plans, it is considered that the scale of the building, at three storeys of accommodation plus sunken basement, is acceptable in the context of the site. The height to the roof top would be approximately 11.5m from street level (Riverside Road) and a maximum 11.3m on the Canal tow path elevation, for both blocks, the setting back of part of the upper most floor on the canal towpath elevation and the use of contrasting cladding for the upper most floor, along with the use of red brick, has helped to reduce the visual impact of the building. For comparison, a typical new-build two storey detached dwelling would have a height of 8.5m to its' ridge.

6.3.2 The layout of the development, having two separate blocks with landscaping between, is considered to make good use of the site, maximising views out towards the canal or westwards toward the marina area / eastwards over the

landscaped area. Some apartments would have an outlook towards Riverside Close, however balconies have been sensitively located toward the centre of the site so as to reduce impact on neighbour amenity. The separation of the two buildings reduces the massing of the development and allows for landscaped areas between, further enhancing the overall appearance of the development.

- 6.3.3 The layout accommodates parking and cycle storage in a convenient location, and bin storage is contained in an enclosure accessed from Riverside Road.
- 6.3.4 The design, whilst contemporary in appearance, would reflect the character of the area in terms of choice of materials. Originally proposed to be built of buff colour bricks, the change to red colour bricks is welcomed and along with the areas of cladding, feature brickwork to the sub-basement elevations, and design of the windows and balconies, the design would represent an attractive addition to the street scene, creating its own sense of place. Details of materials would be secured by condition.
- 6.3.5 Concerns have been raised in respect of the development having an impact on the character of the area, in terms of context with the surrounding buildings, and openness of the land to the south. It is considered that the buildings would be viewed more in the context of the existing built development to the north and east, and as the site has previously been developed, the openness of the character of the area, which is to the south and south east of the site, would be retained.

6.4 Flood Risk

- 6.4.1 Within Beeston and Attenborough there are substantial areas which are within Flood Zones 2 and 3 but have a high degree of protection against flooding due to the Nottingham Trent Left Bank Flood Alleviation Scheme. Some of these sites are on previously-developed (as this site is) land and some may bring the opportunity to provide housing in areas of substantial need. Sequentially, it is considered that the site is acceptable and it is considered a positive that this location minimises additional development in the Green Belt in Broxtowe. Therefore, when assessing whether other sites are 'reasonably available', this site can be viewed as a 'sustainability benefit' and the Green Belt must be treated as a major constraint.
- 6.4.2 The site is within Flood Zones 2 and 3. The buildings have been elevated so as to reduce risk of harm to the occupiers in the event of a flood. The basement area, which contains areas for vehicle parking, would be at risk of flooding and as such potential damage to vehicles parked therein.

6.4.3 There are flood defences to the west of the site. The Environment Agency advises that the development could restrict essential maintenance to the defence should the building be built within 8m of it.

6.4.4 The development would be built close to the canal and as such consideration needs to be given to any impact that construction and excavation works may have on the stability of the canal infrastructure. There is also understood to be a culvert running below the site, which also needs to be protected.

6.4.5 To address the Environment Agency's objections, extensive discussions have been undertaken and a revised FRA submitted. The FRA concludes that, subject to the development being constructed in line with the revised FRA, the development would not result in significant impact on flood risk to the development or the area, or pose a significant increase to risk of life. The EA have now removed their objections to the development.

6.5 Amenity

6.5.1 The three bungalows opposite, to the north, are at an angle to the site, and face south east. As such there would be oblique views towards the site. There would be a minimum distance of 17.5m between the corner, closest, part of no. 2 Riverside Road and the north elevation of the proposed building. No. 2 is the dwelling to the east and views from that property would generally be toward the eastern most point of the development, where the height drops down from 3 to 2 storeys. 6 Riverside Close is a minimum of 23.5m between the nearest corner of that property and the north elevation of the proposed building. 4 Riverside Close is a minimum of 31m. The distances between habitable room windows of these properties and the development would be greater. It is considered that whilst these properties are north of the development site, the separation distance and the orientation of those properties would not result in a loss of light or an increased sense of enclosure.

6.5.2 Whilst there are balconies within both buildings facing the Riverside Road bungalows, these are placed at an angle to the opposite dwellings, and in the case of Block B (east) are set back from the site boundary, and would be inset into the building elevations. As such, it is considered that the use of the balconies would not have a significant detrimental impact on the privacy of the existing residents.

6.5.3 1, 2 and 3 Lock Close are the static homes located directly to the west of the site. These are all single storey. No 1 is end on to the site, with no windows in the end elevation and as such there would be no impact in terms of neighbour amenity on these occupants. 2 and 3 Lock Close are side on to the site and have windows and doors on the facing elevations. All three are on a lower ground level than the development site. Whilst there would be a minimum

distance of 8 metres it is considered that, as the living accommodation proposed would be at a higher level, there would be minimal opportunity for overlooking into the habitable room windows of the static homes. Due to the open nature of the static home sites, it is considered that there would be no significant impact on privacy. It is noted that due to the height of Block A building close to the statics to the west, there would be some loss of light to, in particular, 2 and 3 Lock Close. Notwithstanding this, it is noted that the principle elevation and outdoor amenity areas for these properties are to the west of each static and as such it is considered that there would not be a significant impact in terms of loss of light for these occupiers.

- 6.5.4 The Lock Keepers Cottage / Heritage Centre are to the south of the site. There would be a minimum of 20m between the nearest cottage and the south east elevation of the development. The Heritage Centre would be a minimum of 30m distant. As such it is considered that the development would not have a significant impact in terms of loss of light, outlook or privacy.
- 6.5.5 To the north east of the site is 69 South Road and 208 Canal Side. These are two storey properties and there would be a minimum of 27.5m between the closest point of no. 69 and the proposed development. Given the distance between and the relationship between the buildings, it is considered that the development would not have a significant impact on neighbour amenity.

6.6 Highway Safety including Impact on Traffic Generation and Parking

- 6.6.1 Paragraph 109 in the NPPF encourages developers to consider the potential impacts of development on transport networks, and how these can be addressed, and opportunities to promote walking, cycling and public transport use. Paragraph 116 in the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy 17 - Place-making, Design and Amenity of the Part 2 Local Plan advises that for all new development, permission will be granted for development which i) Provides sufficient, well-integrated, parking and safe and convenient access.
- 6.6.2 Concerns have been raised in respect of traffic generation and parking. It is acknowledged that the area is popular with visitors both coming to enjoy the waterfront and heritage centre, and those attending sports events on the nearby sports pitches. As a result, at times (weekends particularly) there is added pressure for on street parking in the area, particularly along Canal Side but also along South Road and Riverside Road.
- 6.6.3 The development would utilise the existing access point on Riverside Road, which currently serves garaging for the remaining static homes. As such the proposed access is acceptable in principle and would not have a detrimental

impact on highway safety or cause detriment to nearby properties in respect of headlights emerging from the basement parking, due to this being an existing access point. The existing bus stop would not be affected by the proposal and is proposed to be updated should financial contributions be secured by way of a Section 106 Agreement.

- 6.6.4 It is considered that, in terms of traffic generation once occupied, the development would not result in an unacceptable impact on highway safety either by itself or as a result of cumulative impact on the road network. The site is also adjacent to a good cycle route giving easy access to Beeston Town Centre, and further afield to the City Centre, for purposes of commuting and shopping etc, and toward Attenborough Nature Reserve along the River Trent, for leisure activities, thereby reducing reliance on private vehicles. Disruption during construction and demolition works would be addressed by inclusion of a condition requiring a Construction Method Statement to be submitted and approved prior to works commencing on site.
- 6.6.5 In respect of vehicle parking, the development would provide a total of 16 vehicle parking spaces in the basement area, one of which would be a dedicated parking space for use by disabled occupants, and a total of 30 cycle parking spaces, which would be provided in the form of dedicated cycle storage areas. The proposed level of parking is in accordance with the County Council's Highway Design Guide, which requires one vehicle parking space per three dwellings, where the parking is unallocated. In the case of the current proposal, which is for 29 apartments, this would equate to ten spaces, and the development is proposing 16 spaces. As such it is considered that the amount of vehicle parking provision is sufficient for the development.
- 6.6.6 Given the above, and that the proposal would provide a minimum of one cycle space per apartment, it is considered that the development would not result in increased demand for on street parking in the vicinity of the site to such a degree that it would result in detriment to highway safety or impact on neighbour amenity through indiscriminate parking on street.
- 6.6.7 There is a bus stop directly outside the site. Currently the bus service in the area is infrequent, a point raised by several objectors. However, it is considered that as the infrequency of the service is in some respects due to levels of demand and therefore viability, the development could potentially encourage use and improved viability of the service.
- 6.6.8 It is noted that the Highway Authority would support a Construction and Demolition Method Statement to be submitted and approved for this development. Given the concerns raised in respect of traffic and parking it is considered that it would be reasonable to require details be submitted and agreed prior to commencement of the development.

6.7 Impact on Surrounds including Non-Designated Heritage Assets

6.7.1 The Canalside Heritage Centre, the lock keepers' cottage and the Beeston Lock are considered to be a local interest buildings / non-designated heritage assets.

6.7.2 The surrounding area is a popular destination for locals and for visitors from further afield, offering pedestrian and cycle routes both along the canal going eastwards and beyond to playing fields, and westwards along the River Trent and towards the Attenborough Nature Reserve. The lock and marina area also offers café and retail opportunities as well as the Canalside Heritage Centre which offers café and community facilities. It is an attractive area.

6.7.3 Whilst the development would be taller than the surrounding buildings, which are mostly one and two storeys, it is considered that the introduction of taller buildings would form an attractive focal point which would complement the existing buildings. As the development would be split into two blocks, views of the heritage centre and the lock would be maintained, particularly when viewed from Riverside Road, and the buildings would be set back from the site boundary so as to create a break from the buildings to the canal and beyond.

6.7.4 The Council's Conservation Adviser initially objected to the development on the grounds of the impact of the development would have on the setting of the non-designated heritage assets. Following on from the receipt of amended plans in June 2024, the proposed buildings have been re-designed and the scale and massing reduced. The Conservation Adviser notes that whilst the proposed scheme would obliterate the relationship with the non-designated heritage assets (Canalside Heritage Centre, Lock-keepers Cottage and Beeston Lock) with regard to the open countryside and tranquil setting of the River Trent, this would not be a basis to refuse the scheme purely on these grounds and as such, concludes that the level of harm caused to the setting of the non-designated heritage assets would be less than substantial, in accordance with paragraph 209 of the NPPF.

6.7.5 In respect of archaeology, the County Council note that there is the potential within the site for archaeological remains and / or artefacts, given the sites proximity to the River Trent and the industrial heritage of the area, and as such an Archaeological Desk Based Assessment (DBA), accompanied by a Heritage Impact Assessment would need to be undertaken, and assessed prior to decision. The DBA has been submitted and the Archaeologist at County agrees with the assessment of archaeological potential and recommendations for further evaluation, and recommends conditions in respect of agreeing an Archaeological Mitigation Strategy prior to development; undertaking of development in line with the strategy; and

requirement to submit and findings to the LPA and Historic Environment Officer at County Council.

6.7.5 As such it is considered that the development would result in less than substantial harm, and any archaeological interest can be secured by condition.

6.8 Environmental Impacts (biodiversity and landscaping)

6.8.1 Whilst there are some trees and hedges to the perimeter of the site along the south east boundary, the trees, whilst providing some amenity value, are not considered to be particularly high value in terms of quality and consideration for retention. Aside from the perimeter planting, there is little planting within the site apart from areas of grass and a few small shrubs forming gardens areas to the remaining static homes, the site itself is not well landscaped and as such the loss of the shrubs and grass on the site would be considered negligible. Notwithstanding this, and in order to present an attractive development to the area and to enhance and support biodiversity, details of landscaping would be secured by condition.

6.8.2 Notts Wildlife Trust (NWT) note that due to the lack of standing water and minimal habitats within the site it is unlikely that the site would support a significant population of amphibians, although amphibians may be utilising the site for shelter. As such, precautionary working measures would need to be applied during works. The Trust would prefer to see established habitats (hedgerows) retained and included in the design, and additional habitats created. Landscaping details can be secured by condition, in the form of a Landscape Ecological Management Plan (LEMP), and retained features protected by way of a Construction Environment Management Plan (CEMP).

6.8.3 The Beeston Canal, to the south east of the site, is allocated as a Local Wildlife Site (LWS) being considered a valuable aquatic habitat in an urban setting with local species on walls of the lock / canal side. Whilst the development would be located close to the canal, as the towpath between would act as a buffer and the buildings would not intrude on the canal itself, it is considered that the development would not have a direct or indeed significant impact on this LWS, subject to details of external lighting being approved in order to protect wildlife in the canal from the effects of artificial lighting.

6.8.4 Attenborough Nature Reserve, also allocated as a LWS due to having a mosaic of terrestrial, marsh and aquatic habitats of particular ornithological value, is approximately 350m to the west of the site. Concerns have been raised in respect of the development's impact on biodiversity and in particular foraging mammals, bats and birds due to the links along the Trent and links

across the playing fields and land to the east of the reserve. NWT advise that whilst proposed impacts in relation to pollution (run-off etc) are deemed unlikely, there is a potential to impact on the reserve and Canal LWS in other ways, notably through additional visitor pressure, predation pressure (domestic pets), light spill, noise, spray drift (pesticides), disturbance and litter. As such a comprehensive Ecological Impact Assessment (EIA) would be required prior to the determination of the application, and this has since been received, with Notts Wildlife Trust satisfied with the contents. A bat survey has been submitted which has determined that there are no bat roosts within the existing statics.

6.9 Pollution and Health of Existing and Future Occupiers

- 6.9.1 Subject to details being submitted and approved prior to commencement in respect of a contaminated land report and a Construction Method Statement, and a restrictive condition in respect of hours of construction and demolition, it is considered that the development would not have a significant detrimental impact on either neighbour amenity, in terms of noise and disturbance, or on the health of existing and future residents, in terms of land contamination.
- 6.9.2 It is noted that overhead electricity lines cross the site. Concerns have been raised through consultation with neighbours and interested third parties that the proximity of the overhead lines may present a danger to health. The Environmental Health Officer comments that the scientific evidence is against Electromotive Force (EMF) from high voltage power lines causing ill health, and that no causal link has been established between cancer or any other disease and EMF's and no established mechanism by which these fields could cause or promote disease. As such there would be no concerns in respect of potential health impacts resulting from the presence and proximity of the overhead lines.
- 6.9.3 As the development would introduce two buildings which would produce a source of lighting, which may have a potential to result in light pollution, a condition to secure details of any external lighting is recommended.

6.10 Developer Contributions

- 6.10.1 Financial contributions are sought in respect of Public Open Space (£47,395.28), Education (Secondary and Post 16) (£110,062.00), Bus Stop Infrastructure (£6,000.00), and NHS Nottingham and Notts ICB (primary care) (£15,714.37) which equates to £179,271.65. There is also a policy requirement to provide 30% affordable housing on site.
- 6.10.2 The applicant has submitted a viability assessment due to a claim that the scheme would not be viable if the financial contributions and Affordable Housing requirement were to be applied. An independent assessment of the

viability assessment has agreed with this claim and as such developer contributions and affordable housing contribution would not be sought.

6.11 Other Matters

6.11.1 Matters such as impact on housing prices; motive of developer (financial gain); existence of restrictive covenants regarding building lines; setting of a precedent should planning permission be granted; type of tenancy; where money should be spent (upgrading paths instead of development); are not considered to be material planning considerations that would carry any weight.

6.11.2 Suggestions have been made by interested parties that the site should be used instead for alternative uses such as small retail / independent businesses / craft studios or retained as green space. Comments also received that consideration be made to using other brownfield sites such as Boots campus first. It is noted that the LPA must determine the application for the development as submitted, and it would be unreasonable to refuse the application on the basis that alternative uses may be more desirable, particularly where the site is not part of a Part 2 Local Plan site allocation, or that alternative sites be considered first. It should be noted that planning permission for residential on the Boots site has been given and that development has now commenced.

6.11.3 Whilst it is acknowledged that there will be an increase in the density of the population should the development be granted planning permission; it is considered that the increase would not be to a level that would adversely impact on the character of the area such that planning permission be refused for this reason alone. In terms of impact on businesses, it is considered that the viability of the businesses would be impacted positively, particularly where serving a local need or providing leisure services, given the increase in population.

6.11.4 Concerns have been raised in respect of the loss of homes and impact on those residents. It is considered that this would be a matter that the residents would need to address via their tenancy agreements with the landowner, and could not be addressed by way of the planning system.

7. Planning Balance

7.1 The development would result in built development on a site currently occupied by low rise buildings and would therefore have an impact on the character and appearance of the street scene and the area. The development would also have an impact on biodiversity, traffic, heritage and neighbour amenity. These matters carry significant weight. The development would

deliver housing in the form of 1 and 2 bedroom apartments, and would, through design and landscaping, contribute to the enhancement of the appearance of the area. These matters carry significant weight, and, subject to compliance with conditions listed below and securement of financial contributions as set out in the Section 106, it is considered that overall the benefits of the development would outweigh any negative impacts.

8. Conclusion

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

It is recommended that conditional planning permission be granted subject to the conditions below.

Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the appendix and the prior signing of a Section 106 Agreement.

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>
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2.	<p>The development hereby permitted shall be carried out in accordance with drawings received by the Local Planning Authority on the following dates:</p> <p>12.07.23:</p> <p>00101 Site Location Plan</p> <p>06.10.23:</p> <p>00611 P04 00305 P03</p> <p>04.06.24:</p> <p>00612 P06 00601 P06 00304 P02 00303 P02 00302 P05 00211 P06 00210 P06</p> <p>21.06.24:</p> <p>00301 P06</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No development shall be commenced until details including samples of all external materials have first been submitted to and approved in writing. The development shall thereafter be carried out in accordance with the approved 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 Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
4.	<p>The development hereby permitted shall be carried out in accordance with the submitted flood risk assessment compiled by RPS Group (Ref: CLE30316 V5, 24/10/2024) and the following mitigation measures it details:</p> <ul style="list-style-type: none">• Finished floor levels of the residential accommodation shall be set no lower than 28.32 metres above Ordnance Datum (AOD) as stipulated within section 6.5 of the submitted FRA.• Finished floor levels of the Basement Carpark shall be set no lower than 25.32 metres above Ordnance Datum (AOD)

	<p>as indicated within section 6.1 of the submitted FRA.</p> <ul style="list-style-type: none"> • All utilities are to remain operational during times of flood as stipulated within section 6.1 of the submitted FRA <p>And in accordance with the submitted block plans drawn by Sigma Architects (Drawing Number: 210, Rev: S4-P06 located within appendix B of the submitted FRA) and confirmed within section 6.6 of the submitted FRA and the following measures they detail:</p> <ul style="list-style-type: none"> • All buildings/structures shall be set back to allow a minimum of a 4 metre easement to the existing flood defences <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 the development is in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of Broxtowe Part 2 Local Plan (2019).</i></p>
5.	<p>The development hereby permitted shall not be commenced (excluding the carrying out of any site investigation and/or remediation works) until details of a Construction Method Statement have been submitted to and approved in writing by the Local Planning Authority. The statement shall include:</p> <ol style="list-style-type: none"> a) The means of access and routing to / from the site for construction traffic; b) Parking provision for site operatives and visitors; c) The loading and unloading of plant and materials including details of hours of loading / unloading; d) The storage of plant and materials used in construction of the development; e) A scheme for the recycling / disposal of waste resulting from construction / development works; f) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; g) Details of dust and noise suppression to be used during the construction period; h) Full details of excavations and earthworks to be carried out near the canal infrastructure; i) Details, where vibro-compaction machinery is to be used, of the use of such machinery and a method statement; and j) Details of wheel washing facilities.

	<p>The approved statement shall be adhered to throughout the construction / demolition period.</p> <p><i>Reason: In the interests of highway safety, and residential amenity, in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
6.	<p>Prior to the commencement of the development including any site investigation or land clearance works, a Landscape Ecological Management Plan (LEMP) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved LEMP.</p> <p><i>Reason: In the interests of ensuring that biodiversity enhancements 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>
7.	<p>Prior to the commencement of the development including any site investigation or land clearance works, a detailed Construction and Environmental Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority. The Construction and Environmental Management Plan shall contain mitigation measures to ensure the protection of wildlife on the site. The development shall be implemented in accordance with the approved CEMP.</p> <p><i>Reason: In the interests of protecting existing environmental features and habitats during the construction period, 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>
8.	<p>a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</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 interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).</i></p>
9.	<p>No development or demolition shall take place until an Archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The mitigation strategy will include appropriate Written Schemes of Investigation for evaluation trenching and provision for further mitigation work. These schemes shall include the following:</p> <ol style="list-style-type: none"> 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements). 2. A methodology and timetable of site investigation and recording 3. Provision for site analysis 4. Provision for publication and dissemination of analysis and records 5. Provision for archive deposition 6. Nomination of a competent person/organisation to undertake the work <p>The scheme of archaeological investigation must only be undertaken in accordance with the approved details.</p> <p><i>Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework, Policy 11 of the Broxtowe Aligned Core Strategy (2014) and Policy 23 of the Broxtowe Part 2 Local Plan (2019).</i></p>
10.	<p>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:</p> <p>(a) trees, hedges and shrubs to be retained and measures for their protection during the course of development</p>

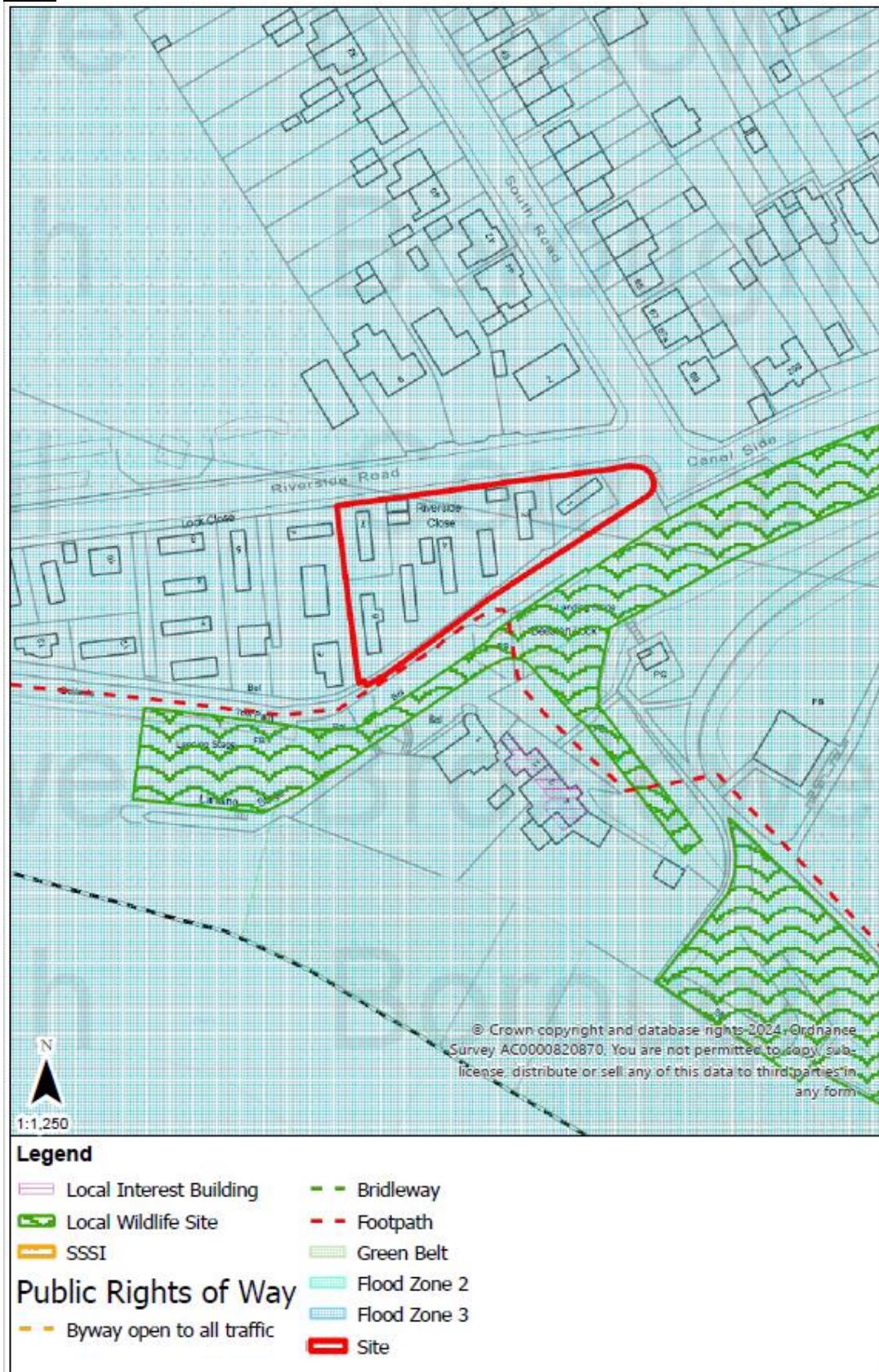
	<p>(b) numbers, types, sizes and positions of proposed trees and shrubs (c) proposed boundary treatments (d) proposed hard surfacing treatment (e) proposed external lighting details (f) planting, seeding/turfing of other soft landscape areas</p> <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policies 10 and 17 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
11.	<p>No part of the development shall be brought into use until the basement parking area, cycle store and bin storage areas have been provided and thereafter made available for such use for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety and to ensure the development presents a more pleasant appearance in the locality 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>
12.	<p>No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification.</p> <p><i>Reason: In the interests of highway safety 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>
13.	<p>No part of the development hereby permitted shall be brought into use until any existing site accesses that have been made redundant as a consequence of this consent are permanently closed and the access crossing reinstated as footway and full height kerbs.</p> <p><i>Reason: In the interests of highway safety 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>
14.	<p>No part of the development hereby permitted shall be brought into use until visibility splays are provided in accordance with the</p>

	<p>approved plans. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions.</p> <p><i>Reason: In the interests of highway safety 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>
15.	<p>No part of the development hereby permitted shall be brought into use until the access ramp to the car parking areas has been constructed with a gradient not exceeding 1 in 8, as shown on plan entitled 'BF GA Plans Blocks A & B, drawing S4-P06'.</p> <p><i>Reason: In the interests of highway safety 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>
16.	<p>No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08.00 – 18.00 Monday to Friday, 08.00-13.00 Saturdays and at no time on Sundays or Bank / Public Holidays.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan Part 2 (2019).</i></p>
17.	<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 buildings, 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: In the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Local Plan Part 2 (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
18.	<p>The archaeological site work must be undertaken only in full accordance with the approved written schemes. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.</p> <p><i>Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance</i></p>

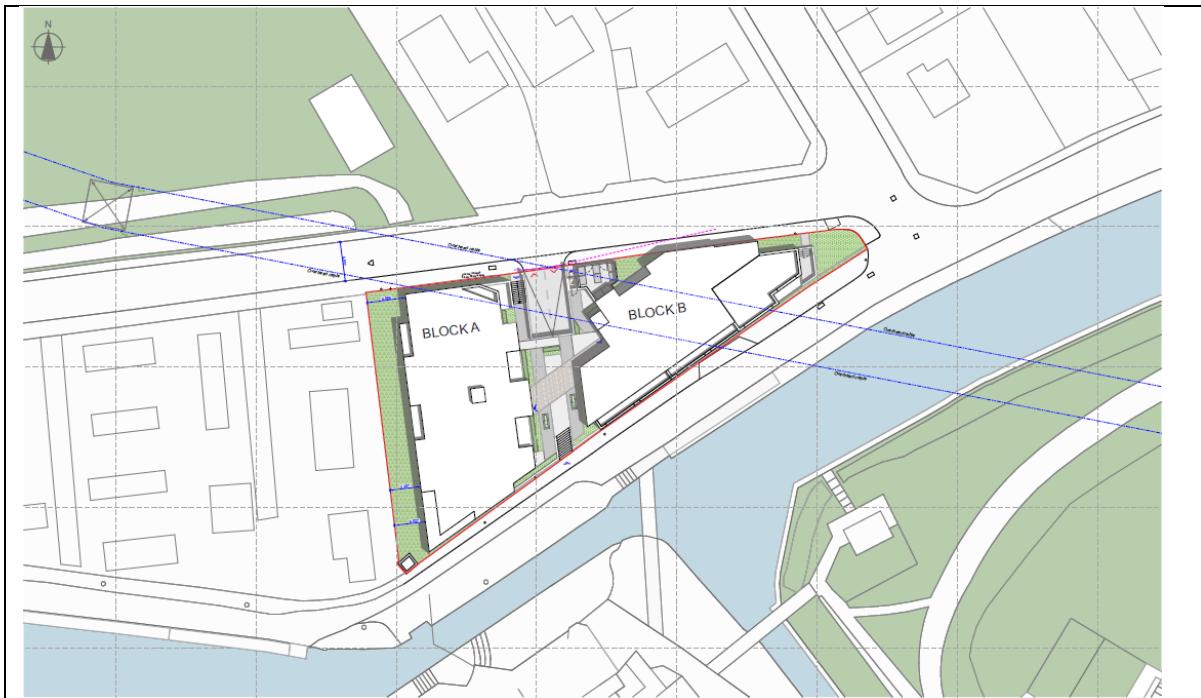
	<p><i>with the National Planning Policy Framework, Policy 11 of the Broxtowe Aligned Core Strategy (2014) and Policy 23 of the Broxtowe Part 2 Local Plan (2019).</i></p>
19.	<p>A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.</p> <p><i>Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework, Policy 11 of the Broxtowe Aligned Core Strategy (2014) and Policy 23 of the Broxtowe Part 2 Local Plan (2019).</i></p>
	NOTES TO APPLICANT
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
2.	<p>As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.</p>
3.	<p>The County Council Public Rights of Way team advise:</p> <ul style="list-style-type: none"> • There should be no disturbance to the surface of the paths without prior authorisation from the Rights of Way team. • If the Public Right of Way is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles. • If a structure is to be built adjacent to the paths, the width of the right of way is not to be encroached upon. • Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of Way

	<p>team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.</p> <ul style="list-style-type: none"> • The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line, ensuring that it is cut back so as not to interfere with the right of way. • Should scaffolding be required on or over the RoW then the applicant should apply for a license via email licences@viaem.co.uk and ensure that the scaffold is constructed so as to allow the public use without interruption. If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), via email countryside.access@nottsc.gov.uk <p>If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit. http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit and also ensure that the RoW can still be accessed appropriately by the users permitted by its status e.g. equestrians if on a bridleway, motorised vehicles if on a byway open to all traffic.</p>
4.	<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>
5.	<p>Unless the refuse and waste is to be managed by a private contractor, the Council's Waste and Recycling team advise:</p> <ul style="list-style-type: none"> • Developer to purchase the first time provision of bins. Notice served in due course. • The development details the construction of 29 apartments. Comprising of 12 x 1 Bedroom and 17 x 2 bedroom apartments totaling a potential of 46 occupants. • The application does state that there is going to be a bin store on site. • Each property would be allocated the following: <ul style="list-style-type: none"> • 46 x 140 litre bin for residual waste = 6440 = 6 x 1100 litre bin • 46 x 140 litre bin for recycling waste = 6440 = 6 x 1100 litre bin

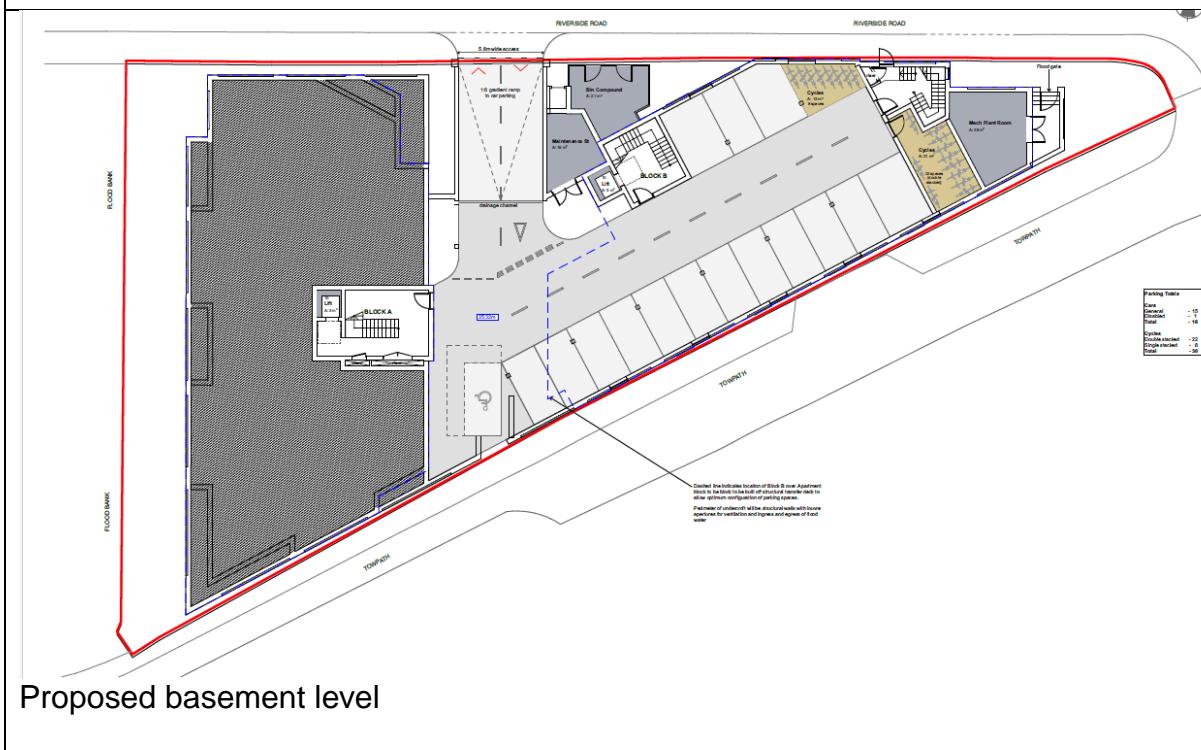
	<ul style="list-style-type: none">• 46 x 37 litre bag for glass = 1702 = 12 x 140 litre bin• The approx. size of a 1100 litre bin is 1380mm (h) x 1270mm (w) x 100mm (d)• The approx. size of a 140 litre bin is approx. 1060mm (h) x 480mm (w) x 550mm (d)• As per the guidance in BS5906 the bins must be within 10m of the collection point. The collection point is the adopted highway.• Access would be required to the bin store on the scheduled collection day, any keys/codes would need to be provided to the refuse teams to enable access.
6.	No openings shall be permitted to open out onto the public highway.
7.	<p>The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at:</p> <p>http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities</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>

Map

Plans



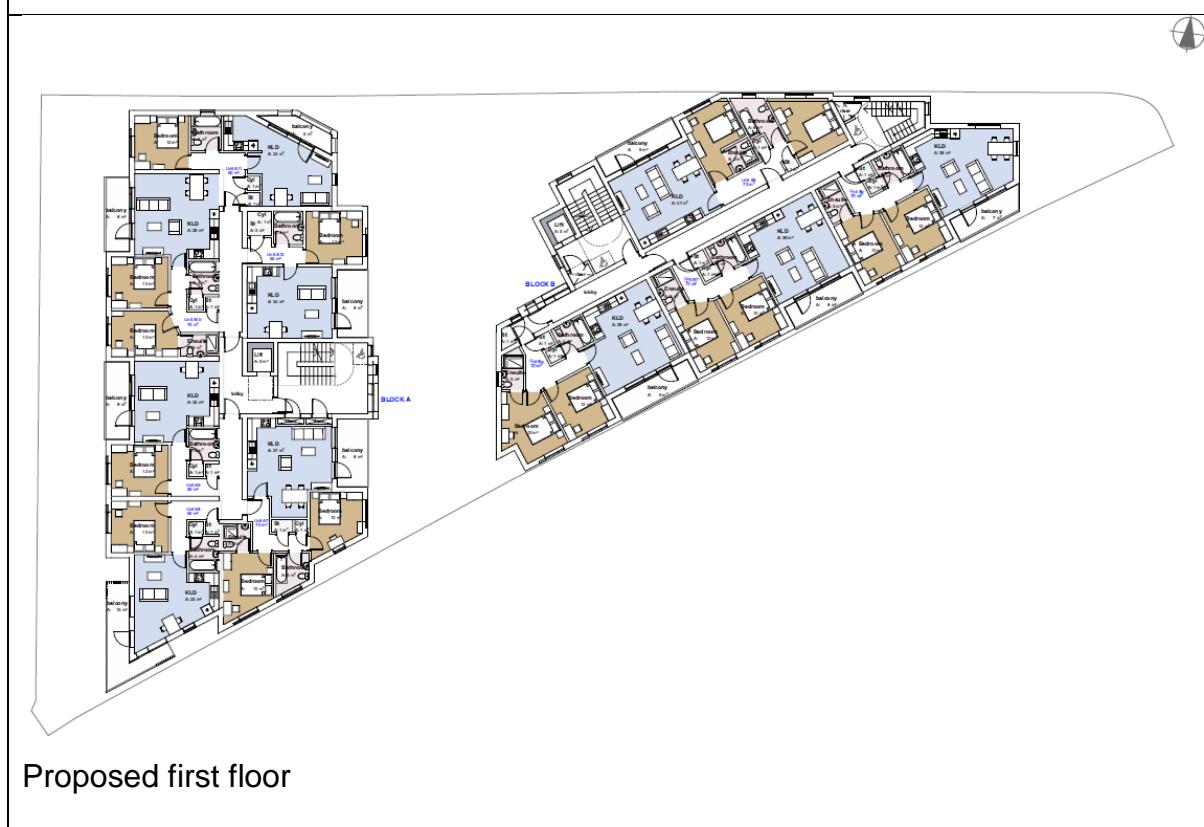
Proposed block plan



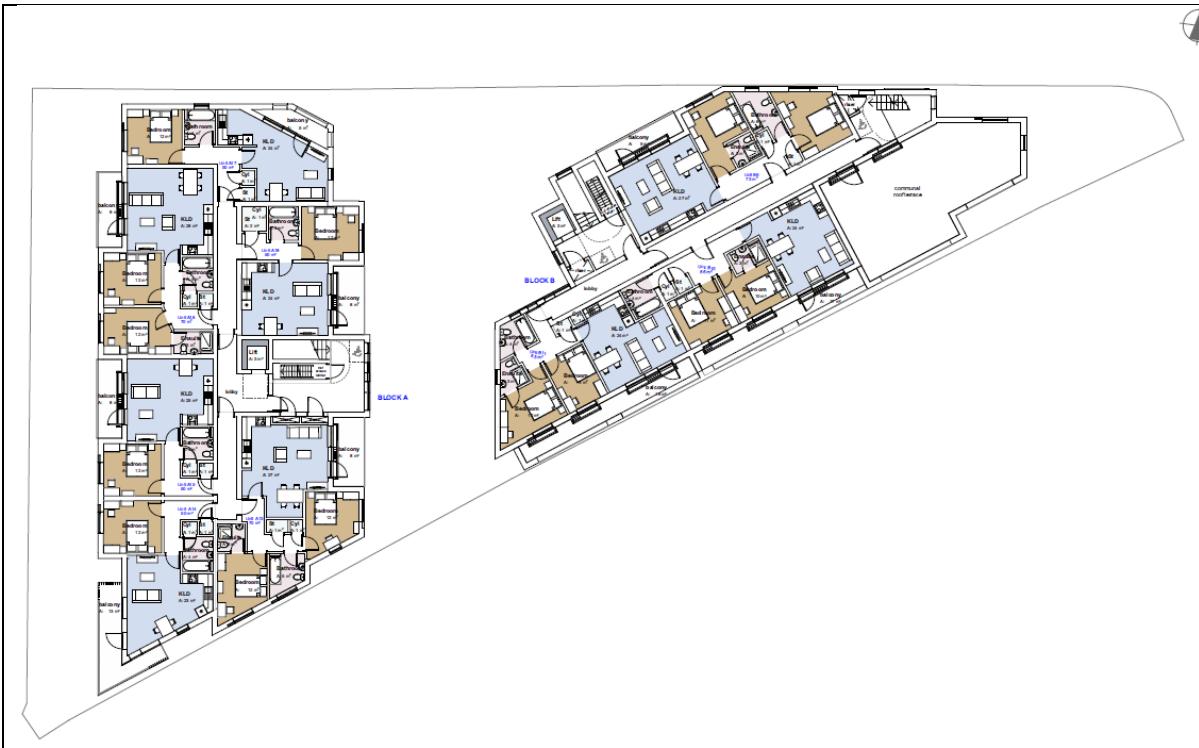
Proposed basement level



Proposed ground floor



Proposed first floor



Proposed second floor



Proposed elevations



CGI of view from Beeston Lock spur



CGI view from Riverside Close (playing fields)

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Report of the Chief Executive

Application Number:	24/00395/FUL
Location:	16 Mornington Crescent, Nuthall
Proposal:	Construct single/ two storey side and single storey rear extensions, raise the ridge height to the existing/ extended dwelling including a loft conversion and rear box dormer, and external alterations

The application was brought to Committee at the request of Councillor P Bales, and was deferred at the 2 October 2024 Planning Committee, this report forms

Appendix 2.

1. Purpose of the Report

- 1.1 The application seeks planning permission to construct single / two storey side and single storey rear extensions, raise the ridge height to the existing / extended dwelling including a loft conversion and rear box dormer, and external alterations.

2. Recommendation

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

3. Detail

- 3.1 The application seeks planning permission to construct single/ two storey side and single storey rear extensions, raise the ridge height to the existing/ extended dwelling including a loft conversion and rear box dormer, and external alterations.
- 3.2 The application site consists of a two storey detached dwelling with an open boundary to the side and front, accessed by a driveway to the front highway and a grassed area adjacent to the highway. The dwelling is located in a planned residential estate, on a corner plot. The immediate area is notably two-storey detached dwellings on open fronted plots, with driveway parking
- 3.3 Neighbouring to the north is No. 1 Willesden Green, which is situated at a distance of 16m across Mornington Crescent properties, which has a blank elevation facing this highway. To the rear, east, is no. 18 Mornington Crescent, which has an enclosed boundary treatment to the front highway, and no windows facing the site. No. 14 is the neighbouring dwelling to the south, and has two upper floor windows facing the site.
- 3.4 The benefits of the proposed works are that it would extend an existing residential dwelling, would provide improved facilities for the occupiers with the potential to provide for a multi-generational and lifetime home, it would not have a significant negative impact on neighbour amenity, and would have no significant impact on highway safety. The negatives would be that the

proposal would not be of an acceptable design or scale. The negatives are considered to outweigh the benefits of the proposal.

4. **Financial Implications**

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

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

5. **Legal Implications**

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

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

6. **Data Protection Compliance Implications**

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

7. **Background Papers**

Nil.

Appendix 1**1. Details of the application**

1.1 The proposal seeks planning permission to construct single / two storey side and single storey rear extensions, raise the ridge height to the resulting extended dwelling including a loft conversion and rear box dormer, and external alterations. The side extension would extend above the existing single storey element, beyond this there would be a two-storey side extension. To the front of the two storey side extension would be a single storey extension, with a lean-to roof continuing at the same height and in line with the existing single storey frontage, at an eaves height of 2.6m and an overall height of 3.9m. The first floor of the two storey side extension would be in line with the existing first floor and would have a feature pitched gable roof above, to match the existing. To the front elevation there would be a double height glazed feature to the front entrance, then a window replacing the existing double garages and a garage door to the extension. Also forming part of the proposal are alterations to the windows and elevational treatment to the front elevation. The two storey side extension would be level with the existing rear first floor elevation and would have a gable end roof. The side elevation would have a feature glazed gable window for the second floor, and two first floor windows. Facing the rear there would be a pair of French doors, and a first floor window. A flat roof dormer is proposed within the extended roof to the side extension.

1.2 The main roof would be altered, encompassing the original building and the side extension, having a side facing gable, a steeper pitch and a raised chimney stack. The height of the resulting building would be raised from 8m to 8.8m, which would be a 0.8m height increase. This would provide for living space within the loft area, with rooflights to the existing front and rear roof slopes. The rear dormer would have two windows and be set to the northern part of the roof slope.

1.3 The rear single storey extension would extend the full width of the existing rear elevation. It would have a depth of 4.1m and would include the removal of a partial width conservatory. Facing the rear, it would have bi-fold doors, a door and window. Both side elevations would be blank. It would have a flat roof at a height of 2.8m, with two roof lanterns above.

1.4 The property would increase from a four-bedroom house to six bedrooms. There would be internal layout changes.

1.5 Amended plans were submitted after the application was deferred at Planning committee, changes are limited to the omission of render to the forward facing gable frontage, and the retention of the timber frame, and window and rooflight changes. Neighbouring properties and previous commenters were re-consulted.

2. Site and surroundings

2.1 The application site consists of a two storey detached dwelling with an open boundary to the side and front, accessed by a driveway to the front highway and a grassed area adjacent to the highway. The dwelling is located in a planned residential estate, on a corner plot. The immediate area is notably two-storey detached dwellings on open fronted plots, with driveway parking.

2.2 Neighbouring to the north is no. 1 Willesden Green, which is situated at a distance of 22m across Mornington Crescent between dwellings, No. 1 has a blank elevation facing this highway. To the rear, east, is no. 18 Mornington Crescent, they have an enclosed boundary treatment to the front highway, and have no windows facing the site. No. 14 is the neighbouring dwelling to the south, and has two upper floor windows facing the site. Neighbouring properties are at a relatively similar level.

2.3 The site and immediate area are relatively flat. Whilst the estate is planned and dwellings are of a similar age and generally detached, there is a consistent difference between dwellings and plots, with buildings having a changing theme, style and height, and plots varying due to the size of the site, angle of buildings with greenery, buildings and boundary treatment varying towards the highway. This is also a consistent changing of materials, with partial similarities in materials neighbouring, but changing throughout the estate.

3 Relevant Planning History

No relevant planning history

Relevant Policies and Guidance

3.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**3.1.1 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 10: Design and Enhancing Local Identity

3.2 Part 2 Local Plan 2019:**3.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019.**

- Policy 17: Place-making, Design and Amenity

3.3 National Planning Policy Framework (NPPF) 2024:

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

4.4 Neighbourhood Plan:

Nuthall Area Designation (adopted) – The proposal site is located within the Mornington Estate Character Area, and has a consistent character which comprises of a more modern housing development which accesses Woodhouse Way from the Mornington Crescent loop road. Mornington is typified by detached two storey houses with off-road parking, small front gardens and private rear gardens, and community facilities with a school, pub, local retail centre and medical centre.

For Mornington it is expected that all new development will be designed, constructed and implemented to minimise creation of waste, maximise the use of recycled materials and assist in the collection, separation, sorting, recycling and recovery of waste.

Nuthall Policy:**Policy 5: Design and the Historic Environment****4 Consultations****4.1 Councillors & Parish/Town Councils:**

- Councillor P J Owen – Requested to call-in to Planning Committee.
- Councillor G S Hills – No comments received.
- Nuthall Parish Council – No comments received.

4.2 Five neighbours were consulted on the application, with seven responses received objecting to the proposal.

4.3 Amended plans were received, and eleven neighbours were consulted on the application, with six responses received objecting to the proposal.

4.4 Objections were raised for the following reasons:

- Boundary wall – There is no boundary wall included in the proposal.
- Sense of enclosure – Assessed within the assessment area of this report.
- Design – materials, scale and character - Assessed within the assessment area of this report.
- Parking and access - Assessed within the assessment area of this report.
- De-value property / economic benefit – included in other matters.
- HMO – owner doesn't live there and rents it out – included in other matters.

- Removal of trees – included in other matters
- Fear of crime – graffiti and vandalism – included in other matters.
- Environmental concerns – impact on biodiversity net gain requirements – included in other matters.
- Non-compliance with Local and / or National Policies – due to HMO
- Lack of community engagement from the applicant – included in other matters.
- Preserving the community – estate is a family friendly environment – due to HMO
- Loss of daylight / sunlight - Assessed within the assessment area of this report.
- Noise and smells – due to HMO
- Grounds for material and non-materials consideration on consultation form – included in other matters.
- Affordability - Concerns raised regarding the affordability of the development – included in other matters.
- Advertising displayed on neighbouring property – enforcement investigation raised
- Grounds for non-consideration of restrictive covenants, in relation to the construction of the original development of the housing estate and the use as a single private dwellinghouse – included in other matters.

4.5 After Committee deferral in October, amended plans were received and a further consultation has taken place.

5. Assessment

5.1 The main issues relate to whether the design and scale of the development would be acceptable; whether there would be an unacceptable impact on neighbour amenity; and highway safety (parking).

5.2 In terms of mass and scale, the extensions represent a disproportionate addition and would dominate the main dwelling. Whilst the first floor extension would be constructed on the existing footprint of the side garage, the raised roof, first floor extension and side extension combined would visually dominate the existing building and provide for an unacceptable footprint increase to the dwelling, particularly given the prominent side on position of the dwelling on a corner plot, contrary to the established character and scale of development in the immediate area. In addition, there would be no roof set down proposed to the side extension. The rear extension, if assessed on its own merits, would be an acceptable addition as it would be single storey, have a flat roof, and be beyond the existing rear elevation, and the rear garden is a relatively generous size to be able to accommodate a rear single storey extension of this size. Whilst the rear flat roof dormer adds to the bulk and scale of the side extension and may not be considered to dominate the resulting roof slope, the overall roof of the dwelling would be enlarged and as such would result in a disproportionate impact in terms of mass and scale.

5.3 The frontage has been designed to create a uniform look to this dwelling, with alterations to the existing frontage and matching roof slopes and front

dormers to the extended area. The rear extension has a contemporary look with roof lanterns on a flat roof. The proposal would have materials to match the existing dwelling. The use of these materials is considered acceptable and would be conditioned to match existing should the proposal be otherwise considered acceptable. Notwithstanding this, the appearance of the extended property is considered to be unacceptable within the street scene, as due to the increased width, it would provide an unbalanced and disproportionate appearance to the dwelling.

5.4 Overall, it is considered the proposal would have a significant impact in terms of design and upon the character and appearance of both the building and the street scene, and would represent a disproportionate addition in terms of scale and massing.

6. Amenity

6.1 The development is considered to have no significant impact on surrounding neighbours (including in terms of the sense of enclosure and loss of daylight/sunlight), as the rear extension would be single storey and would replace an existing conservatory along the boundary with no. 14. The raised roof height would be above the existing dwelling, with no increase in the footprint at first floor level to the rear where no. 14's side windows face, and the two storey extended part of the proposal would be to the opposite side of the site dwelling. In respect of number 18, the rear extension would be situated over 9m from the side of this neighbouring dwelling, and whilst there would be an increase in windows in the proposed rear elevations they would be facing to the north side elevation. The proposed dormer would generally face the frontage of no. 18's site and Mornington Crescent itself, with no. 18 having no upper floor windows facing the site. The proposal would include the addition of three upper floor windows facing north on Mornington Crescent, and whilst they would face towards no. 1 Willesden Green, this would be across the highway and this neighbouring dwelling has no side windows facing Mornington Crescent. To the front elevation, additional windows would be added but this would be to the north side of the front elevation and no further forwards than the existing dwelling and in general terms facing a cleared green area and Mornington Crescent.

6.2 Access

6.3 There are two off-road parking spaces and two garage spaces. To the front, access would be retained as existing, with adequate driveway space for parking, though the existing garage spaces would be converted to living space. The existing garage spaces each have an approx. internal width of 2.4m, the proposal would include a new wider garage with an internal width of 3.7m, though this would be a single garage space. To access the proposed garage there would be the loss of some green space and the extension of the driveway, this would allow for one additional off-road space to the front. Therefore, whilst there would be an increase from 4 to 6 bedrooms, off-road parking would be retained and parking is also unrestricted along this part of

the public highway. As such it is considered there would be no significant impact on access or highway safety.

6.4 Other Matters

- 6.5 Proposals for a boundary wall have not been shown on the plans or been included as part of the proposal.
- 6.6 In respect of consultation, the Local Planning Authority has carried out its statutory requirement for a neighbour consultation as all adjoining properties notified. The applicant is under no legal requirement to consult any third party as this is covered by the statutory requirements of the LPA.
- 6.7 The site is not within a Conservation Area, there are no TPO (Tree Protection Order) trees on the site and there are no planning conditions restricting tree removal, therefore works to trees on the site would not require permission from the Local Planning Authority. Any works carried out that would not accord with the Wildlife & Countryside Act 1981 would be outside the remit of a planning application and would be covered by other legislation.
- 6.8 Covenants – Whilst an extract has been provided following a consultation response of a covenant within the local area, this would be outside the remit of a planning application and would carry little weight in the determination of the application.
- 6.9 De-value property / economic benefit – Impact on private rights such as property value / saleability and the economic benefit of a proposal for the applicant are not material considerations that would carry any weight.
- 6.10 Material and non-material considerations in a consultation – There are a wide and varied range of subjects which may be material considerations, some may be given greater weight than others in the consideration of a specific planning application, this may be due to legislation and if the courts have determined when and where a consideration should be taken into account, such as the right to light. A non-material consideration would include, but not be limited to, a private matter, restrictive covenants or other legal matters which are not related to planning, or where they are covered by other legislation. This could include perceived ideals or the devaluation of property.
- 6.11 Fear of crime – graffiti and vandalism – No evidence has been provided to support this comment.
- 6.12 Affordability – Financial affordability is not a material consideration in a planning application.
- 6.13 The property is proposed to have six bedrooms. Concerns have been raised that the property would become a HMO (House in Multiple Occupation). The application as submitted does not include a change of use. Should the property be occupied in a way that takes it out of the C3 Use Class (dwellinghouse), such as a HMO, a planning application for a change of use

to a HMO (Use Class C4), where no more than six unrelated occupiers, would not need to be made, as this is allowed under Permitted Development Rights.

6.14 Environmental concerns – impact on biodiversity net gain requirements. The application is subject to the same procedures as per a householder planning application, and any constraints that the site may be subject to. In this case, there are no concerns. In relation to BNG, an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

7. Conclusion

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

Recommendation

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

1.	The proposed development, by virtue of the scale and massing of the development, would be out of keeping with the character of the building, the immediate area and the street scene, as it would result in a disproportionate addition, have an unbalanced appearance and would represent an over-intensive development. In addition, the inclusion of a rear dormer would have an unacceptable impact in terms of scale, massing and design. Accordingly, the proposed development would be contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014), Policy 17 of the Part 2 Local Plan (2019), and Policy 5 of the Nuthall Neighbourhood Plan (2018).
	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.

Map

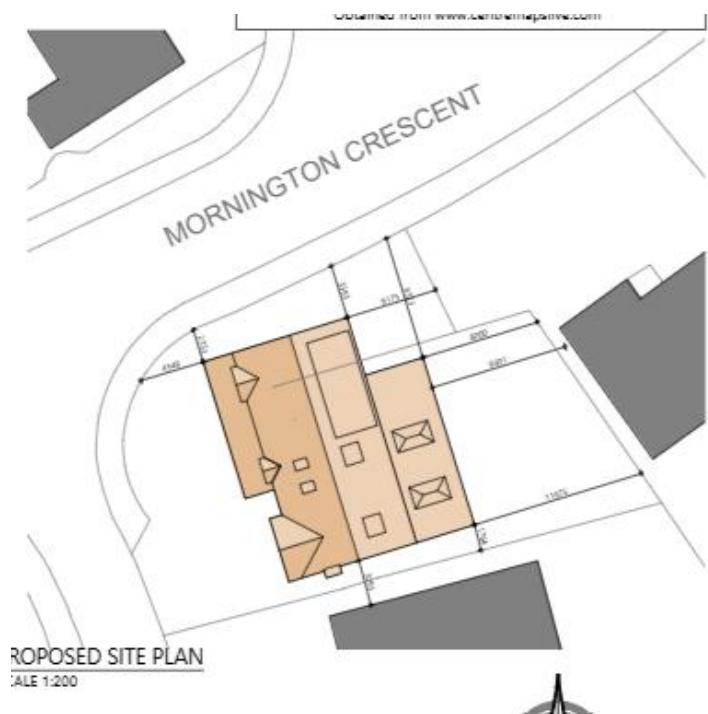


Plans

Site Location



Proposed Site Plan



Proposed Street Scene



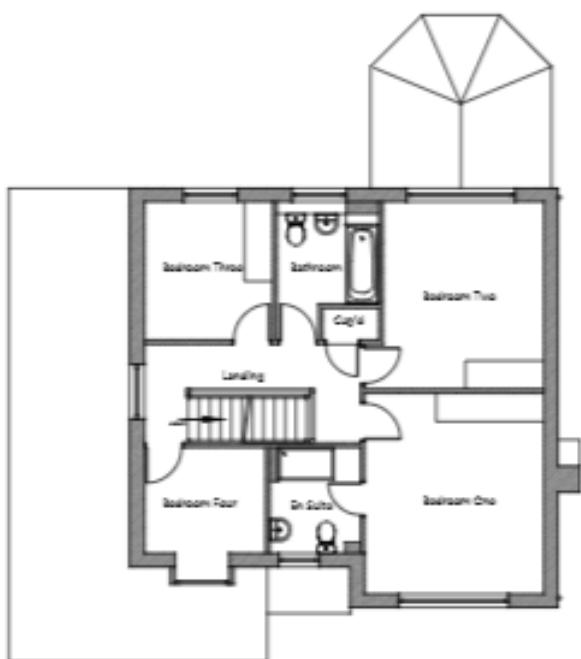
Existing Elevations



Proposed Elevations



Existing Floor Plans



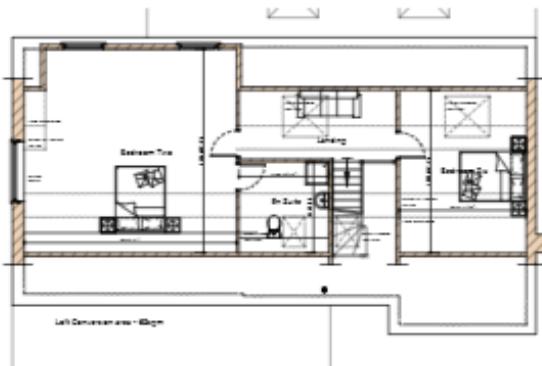
EXISTING FIRST FLOOR PLAN

SCALE 1:100



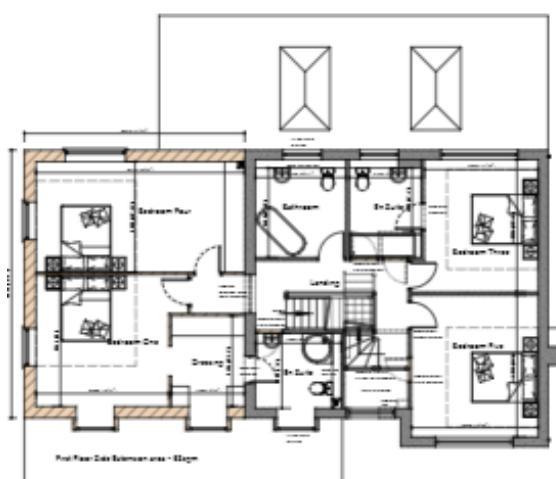
EXISTING GROUND FLOOR PLAN

SCALE 1:100



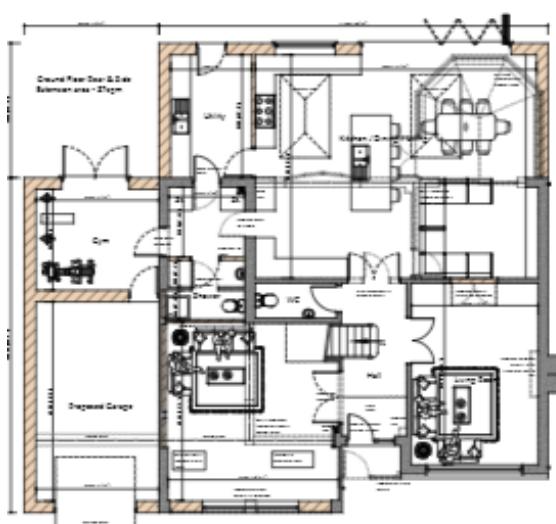
PROPOSED SECOND FLOOR PLAN

SCALE 1:100



PROPOSED FIRST FLOOR PLAN

SCALE 1:100



PROPOSED GROUND FLOOR PLAN

SCALE 1:100

Proposed Floor Plans

Report of the Chief Executive

Application number:	24/00395/FUL
Location:	16 Mornington Crescent, Nuthall
Proposal:	Construct single/ two storey side and single storey rear extensions, raise the ridge height to the existing/ extended dwelling including a loft conversion and rear box dormer, and external alterations

The application is brought to Committee at the request of Councillor P J Bales.

1. Purpose of the Report

1.1 The application seeks planning permission to construct single / two storey side and single storey rear extensions, raise the ridge height to the existing / extended dwelling including a loft conversion and rear box dormer, and external alterations.

2. Recommendation

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

3. Detail

3.1 The application seeks planning permission to construct single/ two storey side and single storey rear extensions, raise the ridge height to the existing/ extended dwelling including a loft conversion and rear box dormer, and external alterations.

3.2 The application site consists of a two storey detached dwelling with an open boundary to the side and front, accessed by a driveway to the front highway and a grassed area adjacent to the highway. The dwelling is located in a planned residential estate, on a corner plot. The immediate area is notably two-storey detached dwellings on open fronted plots, with driveway parking.

3.3 Neighbouring to the north is No. 1 Willesden Green, which is situated at a distance of 16m across Mornington Crescent properties, which has a blank elevation facing this highway. To the rear, east, is no. 18 Mornington Crescent, which has an enclosed boundary treatment to the front highway, and no windows facing the site. No. 14 is the neighbouring dwelling to the south, and has two upper floor windows facing the site.

3.4 The benefits of the proposed works are that it would extend an existing residential dwelling, would provide improved facilities for the occupiers with the potential to provide for a multi-generational and lifetime home, it would not have a significant negative impact on neighbour amenity, and would have no significant impact on highway safety. The negatives would be that the

proposal would not be of an acceptable design or scale. The negatives are considered to outweigh the benefits of the proposal.

4. Financial Implications

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

5. Legal Implications

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

6. Data Protection Compliance Implications

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

7. Background Papers:

None

Appendix

1. Details of the application

1.1 The proposal seeks planning permission to construct single / two storey side and single storey rear extensions, raise the ridge height to the resulting extended dwelling including a loft conversion and rear box dormer, and external alterations. The side extension would extend above the existing single storey element, beyond this there would be a two-storey side extension. To the front of the two storey side extension would be a single storey extension, with a lean-to roof continuing at the same height and in line with the existing single storey frontage, at an eaves height of 2.6m and an overall height of 3.9m. Above the first floor of the two storey side extension would be in line with the existing first floor and would have two dormer style windows at first floor level, to match the existing. Facing the front, including alterations to the existing elevations, there would be a render finish to the existing protruding gable frontage and sides proceeding above the ground floor window, a double height frontage to the front entrance, then windows replacing the existing double garages and a garage door to the extension. The two storey extension would be level with the existing rear first floor elevation and would have a gable end roof. The side elevation would have a feature glazed gable window for the second floor, and two first floor windows. Facing the rear there would be a pair of French doors, and a first floor window. A flat roof dormer is proposed within the extended roof to the side extension.

1.2 The main roof would be altered, encompassing the original building and the side extension, having a side facing gable, a steeper pitch and a raised chimney stack. The height of the resulting building would be raised from 8m to 8.8m, which would be a 0.8m height increase. This would provide for living space within the loft area, with four rooflights to the existing front roof slope, three rooflights to the existing rear roof slope, and a box dormer to the side extension roof, facing the rear. The dormer would have two windows and be set to the northern part of the roof slope.

1.3 The rear single storey extension would extend the full width of the existing rear elevation. It would have a depth of 4.1m and would include the removal of a partial width conservatory. Facing the rear, it would have bi-fold doors, a door and window. Both side elevations would be blank. It would have a flat roof at a height of 2.8m, with two roof lanterns above.

1.4 The property would increase from a four-bedroom house to six bedrooms. There would be internal layout changes.

1.5 Amended plans were submitted during the course of the application, with some changes made including the design of the front dormer, alterations and window changes / additions, but the principle of the development proposal remained the same. The description of the proposal was updated to provide more clarity on the works proposed. Neighbouring properties and previous commenters were re-consulted.

2. Site and surroundings

- 2.1 The application site consists of a two storey detached dwelling with an open boundary to the side and front, accessed by a driveway to the front highway and a grassed area adjacent to the highway. The dwelling is located in a planned residential estate, on a corner plot. The immediate area is notably two-storey detached dwellings on open fronted plots, with driveway parking.
- 2.2 Neighbouring to the north is no. 1 Willesden Green, which is situated at a distance of 22m across Mornington Crescent between dwellings, No. 1 has a blank elevation facing this highway. To the rear, east, is no. 18 Mornington Crescent, they have an enclosed boundary treatment to the front highway, and have no windows facing the site. No. 14 is the neighbouring dwelling to the south, and has two upper floor windows facing the site. Neighbouring properties are at a relatively similar level.
- 2.3 The site and immediate area are relatively flat. Whilst the estate is planned and dwellings are of a similar age and generally detached, there is a consistent difference between dwellings and plots, with buildings have a changing theme, style and height, and plots varying due to the size of the site, angle of buildings with greenery, buildings and boundary treatment varying towards the highway.

3 Relevant Planning History

- 3.1 No relevant planning history

4 Relevant Policies and Guidance

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

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 10: Design and Enhancing Local Identity

4.2 Part 2 Local Plan 2019:

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

- Policy 17: Place-making, Design and Amenity

4.3 National Planning Policy Framework (NPPF) 2023:

- Section 2 – Achieving Sustainable Development.

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

4.4 Neighbourhood Plan:

Nuthall Area Designation (adopted) – The proposal site is located within the Mornington Estate Character Area, and has a consistent character which comprises of a more modern housing development which accesses Woodhouse Way from the Mornington Crescent loop road. Mornington is typified by detached two storey houses with off-road parking, small front gardens and private rear gardens, and community facilities with a school, pub, local retail centre and medical centre.

For Mornington it is expected that all new development will be designed, constructed and implemented to minimise creation of waste, maximise the use of recycled materials and assist in the collection, separation, sorting, recycling and recovery of waste.

Nuthall Policy:

Policy 5: Design and the Historic Environment

5 Consultations

5.1 Councillors and Parish/Town Councils:

Councillor P J Owen – Requested to call-in to Planning Committee.

Councillor G S Hills – No comments received.

Nuthall Parish Council – No comments received

Five neighbours were consulted on the application, with seven responses received objecting to the proposal.

5.3 Amended plans were received, and eleven neighbours were consulted on the application, with six responses received objecting to the proposal.

5.4 Objections were raised for the following reasons:

- Boundary wall – There is no boundary wall included in the proposal.
- Sense of enclosure – Assessed within the assessment area of this report.
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- De-value property / economic benefit – included in other matters.
- HMO – owner doesn't live there and rents it out – included in other matters.
- Removal of trees – included in other matters

- Fear of crime – graffiti and vandalism – included in other matters.
- Environmental concerns – impact on biodiversity net gain requirements – included in other matters.
- Non-compliance with Local and / or National Policies – due to HMO
- Lack of community engagement from the applicant – included in other matters.
- Preserving the community – estate is a family friendly environment – due to HMO
- Loss of daylight / sunlight - Assessed within the assessment area of this report.
- Noise and smells – due to HMO
- Grounds for material and non-materials consideration on consultation form – included in other matters.
- Affordability - Concerns raised regarding the affordability of the development – included in other matters.
- Advertising displayed on neighbouring property – enforcement investigation raised
- Grounds for non-consideration of restrictive covenants, in relation to the construction of the original development of the housing estate and the use as a single private dwellinghouse – included in other matters.

6. Assessment

6.1 The main issues relate to whether the design and scale of the development would be acceptable; whether there would be an unacceptable impact on neighbour amenity; and highway safety (parking).

6.2 In terms of mass and scale, the extensions represent a disproportionate addition and would dominate the main dwelling. Whilst the first floor extension would be constructed on the existing footprint of the side garage, the scale of the raised roof, first floor extension and side extension combined would visually dominate the existing building and provide for an unacceptable footprint increase to the dwelling, contrary to the established character and scale of development in the immediate area. In addition, there would be no roof set down proposed to the side extension. The rear extension, if assessed on its own merits, would be an acceptable addition as it would be single storey, have a flat roof, and be beyond the existing rear elevation, and the rear garden is a relatively generous size to be able to accommodate a rear single storey extension of this size. Whilst the rear box dormer adds to the bulk and scale of the side extension and may not be considered to dominate the resulting roof slope, the overall roof of the dwelling would be enlarged and as such would result in a disproportionate impact in terms of mass and scale.

6.3 The frontage has been designed to create a uniform look to this dwelling, with alterations to the existing frontage and matching roof slopes and front dormers to the extended area. The rear extension has a contemporary look with roof lanterns on a flat roof. The proposal would have materials to match the existing dwelling, with a render finish to the existing protruding frontage

and sides. The use of these materials is considered acceptable and would be conditioned to match existing should the proposal be otherwise considered acceptable. Notwithstanding this, the appearance of the extended property is considered to be unacceptable within the street scene, as due to the increased width, it would provide an unbalanced and disproportionate appearance to the dwelling.

6.4 Overall, it is considered the proposal would have a significant impact in terms of design and upon the character and appearance of both the building and the street scene, and would represent a disproportionate addition in terms of scale and massing.

6.7 **Amenity**

6.8 The development is considered to have no significant impact on surrounding neighbours (including in terms of the sense of enclosure and loss of daylight/sunlight), as the rear extension would be single storey and would replace an existing conservatory along the boundary with no. 14. The raised roof height would be above the existing dwelling, with no increase in the footprint at first floor level to the rear where no. 14's side windows face, and the two storey extended part of the proposal would be to the opposite side of the site dwelling. In respect of number 18, the rear extension would be situated over 9m from the side of this neighbouring dwelling, and whilst there would be an increase in windows in the proposed rear elevations they would be facing to the north side elevation. The proposed dormer would generally face the frontage of no. 18's site and Mornington Crescent itself, with no. 18 having no upper floor windows facing the site. The proposal would include the addition of three upper floor windows facing north on Mornington Crescent, and whilst they would face towards no. 1 Willesden Green, this would be across the highway and this neighbouring dwelling has no side windows facing Mornington Crescent. To the front elevation, additional windows would be added but this would be to the north side of the front elevation and no further forwards than the existing dwelling and in general terms facing a cleared green area and Mornington Crescent.

6.9 **Access**

6.10 There are 2 off-road parking spaces and 2 garage spaces. To the front, access would be retained as existing, with adequate driveway space for parking, though the existing garage spaces would be converted to living space. The existing garage spaces each have an approx. internal width of 2.4m, the proposal would include a new wider garage with an internal width of 3.7m, though this would be a single garage space. To access the proposed garage there would be the loss of some green space and the extension of the driveway, this would allow for 1 additional off-road space to the front. Therefore, whilst there would be an increase from 4 to 6 bedrooms, off-road parking would be retained and parking is also unrestricted along this part of the public highway. As such it is considered there would be no significant impact on access or highway safety.

6.11 Other Matters

6.12 Proposals for a boundary wall have not been shown on the plans or been included as part of the proposal.

6.13 In respect of consultation, the Local Planning Authority has carried out its statutory requirement for a neighbour consultation as all adjoining properties notified. The applicant is under no legal requirement to consult any third party as this is covered by the statutory requirements of the LPA.

6.14 The site is not within a Conservation Area, there are no TPO (Tree Protection Order) trees on the site and there are no planning conditions restricting tree removal, therefore works would not require permission from the Local Planning Authority. Any works carried out that would not accord with the Wildlife and Countryside Act 1981 would be outside the remit of a planning application and would be covered by other legislation.

6.15 Covenants – Whilst an extract has been provided following a consultation response of a covenant within the local area, this would be outside the remit of a planning application and would carry little weight in the determination of the application.

6.16 De-value property / economic benefit – Impact on private rights such as property value / saleability and the economic benefit of a proposal for the applicant are not material considerations that would carry any weight.

6.17 Material and non-material considerations in a consultation – There are a wide and varied range of subjects which may be material considerations, some may be given greater weight than others in the consideration of a specific planning application, this may be due to legislation and if the courts have determined when and where a consideration should be taken into account, such as the right to light. A non-material consideration would include, but not be limited to, a private matter, restrictive covenants or other legal matters which are not related to planning, or where they are covered by other legislation. This could include perceived ideals or the devaluation of property.

6.18 Fear of crime – graffiti and vandalism – No evidence has been provided to support this comment.

6.19 Affordability – Financial affordability is not a material consideration in a planning application.

6.20 The property is proposed to have six bedrooms. Concerns have been raised that the property would become a HMO (House in Multiple Occupation). The application as submitted does not include a change of use. Should the property be occupied in a way that takes it out of the C3 Use Class (dwellinghouse), such as a HMO, a planning application for a change of use to a HMO (Use Class C4), where no more than six unrelated occupiers, would need to be made. For a smaller HMO, no more than three unrelated occupiers, this use would fall within Use Class C3 and therefore allowed under Permitted Development Rights.

6.21 Environmental concerns – impact on biodiversity net gain requirements. The application is subject to the same procedures as per a householder planning

application, and any constraints that the site may be subject to. In this case, there are no concerns. In relation to BNG, an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

7. Conclusion

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

Recommendation

The Committee is asked to RESOLVE that the Head of Planning and Economic Development be given delegated authority to refuse planning permission for the following reasons:

1.	<p>The proposal, by virtue of the scale and massing of the development, would be out of keeping with the character of the building, the immediate area and the street scene, as it would result in a disproportionate addition, have an unbalanced appearance and would represent an over-intensive development. In addition, the inclusion of a rear dormer would have an unacceptable impact in terms of scale, massing and design. Accordingly, the proposed development would be contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014), Policy 17 of the Part 2 Local Plan (2019), and Policy 5 of the Nuthall Neighbourhood Plan (2018).</p>
NOTES TO APPLICANT	
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>

Map



Report of the Chief Executive

Application number:	24/00375/FUL
Location:	121 and land to the rear of 123 Brookhill Street, Stapleford, Nottinghamshire NG9 7GU
Proposal:	Construction of 4 dwellings following the demolition of 121 Brookhill Street

Councillor J W McGrath has requested that the application is determined by the Committee due to concerns regarding highway safety.

1. Purpose of the Report

1.1 The application seeks to gain planning permission for the construction of four dwellings following the demolition of 121 Brookhill Street.

2. Recommendation

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

3. Detail

3.1 The application seeks full planning permission for the demolition of 121 Brookhill Street and the construction of a pair of semi-detached two storey dwellings fronting Brookhill Street and two single storey dwellings to the rear.

3.2 The main issues relate to the impact of the proposal on the character and appearance of the area, the impact on the living conditions of neighbouring properties and highway safety.

3.3 The proposed development would provide four new dwellings. The design includes a contemporary style which has been carefully considered to respect the character of the area. The layout, scale and appearance have been designed to protect the amenity of neighbouring properties and the future occupiers of the proposal. The proposal includes off street parking and has provided vehicle tracking to demonstrate two acceptable vehicle accesses. The proposal complies with the biodiversity statutory requirement and demonstrates 18.28% biodiversity net gain on site.

3.4 The benefits of the proposal are that it would provide additional general needs housing in a sustainable location, within the built up area of Stapleford. The design has addressed concerns that were raised during the previous application that was for five dwellings (22/00563/FUL). The proposed development aims to maintain a spacious character and includes a contemporary appearance. Acoustic fencing is proposed to reduce any noise impact from the comings and goings of the access serving two dwellings located in the rear of the site. All proposed plots include off street parking and turning facilities. Given the modest number of units proposed overall, it is considered that the proposed development would not result in an unacceptable impact on highway safety. The proposal would satisfy the

statutory 10% BNG requirement and precautionary working measures to protect existing wildlife during the construction period have been conditioned.

3.5 On balance, it is considered that any potential concerns would be outweighed by the benefits of the scheme, which is considered to be in accordance with the policies contained within the development plan. This is given significant weight.

4. Financial Implications

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

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with Section 106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

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

6 Data Protection Compliance Implications

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

7. Background Papers

Nil.

Appendix**1. Details of Application**

- 1.1 The application seeks full planning permission for the demolition of 121 Brookhill Street and the construction of a pair of semi-detached two storey dwellings fronting Brookhill Street and two single storey dwellings to the rear of the site.
- 1.2 The layout includes two separate accesses, a shared vehicle access serving the front units and a shared vehicle access between existing properties 123 and 125 Brookhill Street. The layout has been designed to maintain a spacious character between plots.
- 1.3 The proposal has been amended so as to soften the appearance of the two front units by removing the chimney stacks and first floor box bay windows. The overall appearance of the proposed dwellings using a contemporary style including a modern materials palette.
- 1.4 Plans have been further amended in response to comments received removing reference to car ports and pedestrian access from the rear units to the Queen Elizabeth park to the north has been removed. Furthermore, the height of the acoustic fencing has been reduced to 2m in height.

2. Location and Site Characteristics

- 2.1 The site is located within the main built up area of the borough within Stapleford. As such, it is considered that the principle of residential development is considered to be acceptable subject to any other material considerations.
- 2.2 The site consists of a bungalow with associated garden land and additional garden land to the rear of 123 Brookhill Street.

3. Relevant Planning History

Planning			
15/00635/OUT	Outline application to construct two dwellings - all matters except access are reserved	Refused	
15/00867/OUT	Outline application to construct one dwelling with some reserved matters reserved (revised scheme)	Approved	
17/00373/REM	Construct dwelling and garage (approval of	Refused	

	reserved matters relating to planning reference 15/00867/OUT)	
19/00146/REM	Construct one dwelling (approval of reserved matters relating to planning permission 15/00867/OUT)	Approved
22/00563/FUL	Construct 5 dwellings, following demolition of 121 Brookhill Street, including creation of access between 123 and 125 Brookhill Street	Refused
Development Monitoring		
Appeals		
23/00011/APLWR	Construct 5 dwellings, following demolition of 121 Brookhill Street, including creation of access between 123 and 125 Brookhill Street	DISMIS

4 Planning Policy

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

- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 16: Green Infrastructure, Parks and Open Space

4.2 **Part 2 Local Plan 2019:**

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

4.3 **National Planning Policy Framework 2024:**

- Part 5 – Delivering a sufficient supply of homes
- Part 9 – Promoting sustainable transport
- Part 12 – Achieving well designed places
- Part 15 - Conserving and enhancing the natural environment.

5. Consultee and Third Party Comments

5.1 Consultees

- **Cllr J W McGrath** - Stapleford South West Ward – Application called in to planning committee due to concerns regarding highway safety.
- **Broxtowe Tree Officer** - No objections, no TPOs in the application site. The hedge to the rear of the site is a shared boundary that Broxtowe Parks Team maintains.
- **Broxtowe Parks & Environment** – Access gates to Broxtowe managed parks should not be allowed. Further detailed landscaping plans should be provided including tree planting and biodiversity enhancements (bird / bat boxes).
- **Broxtowe Environmental Health** - No objections, subject to conditioning land contamination, construction hours and a construction / demolition method statement.
- **Broxtowe Waste** - Recommended bin dimensions and quantities provided.
- **NCC Highways** - No objections, subject to conditioning that proposed vehicle accesses are widened in accordance with the submitted plans and surfaced with a hard bound material and provision of surface water drainage.
- **NCC Rights of Way** - No objections, informative notes to applicant suggested in consideration for adjacent public footpath Stapleford Footpath 14.
- **Nottinghamshire Wildlife Trust** – No objections subject to conditioning a Landscape and Ecological Management Plan which contains precautionary working measures.

5.2 Neighbours

Resident comments - 8 objections received raising the following concerns:

- The proposal represents overdevelopment of the site and detracts from the spacious residential garden character of the area.
- The design of the proposed development is out of keeping with properties in this location.
- Garden sizes for rear units too small.
- Unacceptable loss of privacy for existing neighbouring properties.
- Loss of light affecting neighbouring properties.
- Noise impact on living conditions for neighbouring properties as a result of increased comings and goings.
- Highway safety impact in locality due to increased traffic.
- Lack of off street parking proposed and on street parking shortages in area.
- Unacceptable access width proposed.
- Lack of bin storage provided.
- Nearby public right of way should be enhanced, land adjacent should be used.
- The development is close to neighbouring park boundary.
- Increased pollution caused by the proposal.
- Proposal fails to meet the relevant fire escape building regulations.
- Inaccuracies in submitted drawings and supporting documents.
- Limited economic benefits.
- Lack of renewable energy technologies provided on site to support the proposal.
- Loss of security for neighbouring properties by the creation of extended private driveway.

Re-consultation (12/11/24 – 26/11/24) – 3 objections received: Concerns raised above were repeated, additional concerns included:

- Height of acoustic fencing 2.1m would be overbearing and restrict maintenance of neighbouring property boundaries.
- Loss of security caused by introduction of new single gate opening on to Queen Elizabeth park.
- No lighting provided to the rear of the site for future occupiers.
- Lack of drainage details provided.

6. Evaluation

6.1 Principle

6.2 The site is located within the main built up area of the borough within Stapleford. As such, it is considered that the principle of residential development is considered to be acceptable subject to any other material considerations.

6.3 The site consists of a bungalow with associated garden land and additional garden land to the rear of 123 Brookhill Street. It should be noted that part of the rear of the site, currently garden land, falls within 'playing pitches' land protected by Policy 28.b Green Infrastructure Assets of the Part 2 Local Plan.

6.4 Policy 28 states that proposals which are likely to lead to increased use of any of the Green Infrastructure Assets, as shown on the Policies Map, will be required to take reasonable opportunities to enhance the Green Infrastructure Assets. Permission will not be granted for development that results in any harm or loss to the Green Infrastructure Asset, unless the benefits of development are clearly shown to outweigh the harm.

6.5 This small area of land has historically been used as garden land and is fenced off outside of the adjacent Queen Elizabeth Park. As this area of land does not function as public open space, it is considered that the proposal would not result in any harm or loss of Queen Elizabeth Park. As such, it is considered the application would have limited impact with regard to Policy 28.

6.6 Design

6.7 The site comprises of 121 Brookhill Street which includes a bungalow and further garden land to the rear of 123 Brookhill Street with an existing driveway that runs between No. 123 and 125 Brookhill Street. Land levels reduce south to north towards the rear of gardens in this location. Properties along Brookhill Street include predominantly two storey dwellings featuring dual pitched or hipped roof designs with a mixture of red brick and render materials. The existing street scene along this section of Brookhill Street is spacious in terms of its layout, with the provision of dwellings situated with large plots with long rear private gardens.

6.8 Policy 10 – Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 states all new development should be designed to a) make a positive contribution to the public realm and sense of place. Development will be assessed in terms of its treatment of a) structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces, d) massing, scale and proportion, e) materials, architectural style and detailing.

6.9 Policy 17 – Place-making, Design and Amenity of the Part 2 Local Plan 2019 states that for all new development, permission will be granted for development which a) integrates into its surroundings; and c) creates a place with a locally-inspired or otherwise distinctive character.

6.10 Units 1 and 2 are a pair of semi-detached hipped roof two storey dwellings with flat roof single storey extensions to the rear. The design includes front box bay windows at ground floor level. The design of units 1 and 2 has been amended including the removal of the chimney stacks and first floor level box bay windows. The amended design has reduced the overall bulk and prominence of units 1 and 2. Proposed materials follow a contemporary approach using a mix of render and brickwork finishes.

6.11 The proposed layout includes two single storey dwellings to the rear which would be less visible from Brookhill Street. The proposed rear units would be set up to the rear boundary of the site, backing on to Queen Elizabeth Park. Existing planting located inside park land along the boundary of the site will remain, as a result this will help to lessen the prominence of the proposed development.

6.12 In summary, it is considered that the proposal has been designed to respect the spacious character in this location and includes a contemporary appearance. As such, it is considered that the proposal would not result in an adverse impact on the character and appearance of the area.

7. Amenity

7.2 The site is located within a predominantly residential area with residential properties to the east, south and west. To the north of the site includes Queen Elizabeth Park. It is noted that a public footpath runs along western boundary of the site leading to the park.

7.3 Due to the design and separation distances between the proposed two storey dwellings (units 1 and 2) and single storey dwellings (units 3 and 4) there are limited concerns with regards to potential overlooking. Rear garden areas serving units 3 and 4 have been positioned away from the two storey dwellings to reduce potential loss of privacy issues. Units 1 and 2 include 3 bedrooms and units 3 and 4 include 4 bedrooms. All proposed units would be in compliance with the Technical housing standards – nationally described space standard (2015) with regards to internal floor space and all plots include adequate private garden space. It is considered that all units would provide an acceptable level of outlook and daylight.

7.4 Furthermore, the proposed layout has been designed to limit any potential overlooking, overbearing or overshadowing impact on neighbouring properties. All proposed units are sufficiently separated from neighbouring properties and garden areas. It is considered that landscaping and boundary treatments can be conditioned to ensure proposed units have a sufficient level of privacy. Broxtowe Open Spaces and Parks team have advised no gates should open on to Queen Elizabeth Park to the rear of the site. In response, the submitted plans have been further amended to remove any reference to gates accessing Queen Elizabeth park from the rear units.

7.5 An existing driveway between properties 123 and 125 Brookhill Street is proposed to be used by units 3 and 4 to the rear of the site. The proposed access serving units 3 and 4 is located in close proximity to windows and doors that serve the front, side and rear elevations of 123 and 125 Brookhill Street. The proposed access is set up to the side boundaries of both neighbouring properties and leads around the rear of No. 123.

7.6 Historically, permission has been granted for one dwelling using this access (15/00867/OUT). Previously planning permission for 3 dwellings to the rear of the site was refused on the grounds of an unacceptable noise impact from comings and goings related to the use of the access (22/00563/FUL). In comparison, this application comprises of 2 dwellings, therefore a reduction in the overall number of comings and goings using this driveway. Acoustic fencing is proposed along the boundaries of the rear gardens of 123 and 125 Brookhill Street. A noise assessment has also been submitted that shows with acoustic fencing the impact of noise from comings and goings of vehicles would not result in a significant

impact to the living conditions of neighbouring properties. Concerns from neighbouring properties have been raised with regards to the height and long term boundary maintenance issues. The acoustic fencing has been reduced to 2m in height to reduce any potential overbearing impact. Furthermore, the applicant has provided confirmation from the noise consultant that the minor reduction in height of the acoustic fence would be negligible in significant noise impact on any neighbouring properties.

7.7 In light of the above, whilst there would be additional noise created by the proposal, it is considered that it has been mitigated in the interests of the amenity of neighbouring properties. As such, it is considered the proposed development would not result in an unacceptable impact on the living conditions of neighbouring properties.

7.8 Highway Safety and Parking

7.9 The application has been supported by a Transport Technical Note including vehicle tracking and visibility splay drawings. The proposal includes minor widening to the shared access between 123 and 125 Brookhill Street. Existing gate posts would be removed and the access would be widened to 5.1m in width. The existing access entrance that would serve units 3 and 4 is situated between the side boundaries of Nos 123 and 125. The Nottinghamshire County Council Highway Design Guide advises that the minimum access width for a single driveway should be 3.6m if bound by walls if serving a maximum 2 dwellings.

7.10 The front boundary treatment along Nos 123 and 125 would partly reduce pedestrian visibility in this location. However, it should be noted that this is an existing vehicle access. This proposal has been reduced in comparison to the previously refused scheme (22/00563/FUL) and only 2 dwellings would be served from this access. Considering planning permission was granted for 1 dwelling using this access previously, this proposal would amount a net increase of 1 dwelling using this access. Vehicle tracking drawings submitted show two vehicles passing each other using the shared access between 123 and 125 Brookhill Street. Furthermore, tracking of a fire tender entering and exiting the rear of the site have been provided.

7.11 The proposed access serving units 1 and 2 would be 5.8m in width including pedestrian visibility splays. NCC Highway Authority have reviewed the submitted transport details including vehicle tracking and have provided no objections subject to conditioning the implementation of the proposed access widening, dropped kerbs hard surfacing and surface water drainage provision. The layout provides 2 car parking spaces per dwelling and an additional two visitor spaces for accessing the rear units. Vehicle tracking has been provided showing acceptable turning space for each unit. Concerns have been raised regarding bin storage provision and its location. Storage facilities have been shown for units 3 and 4 over 10m away from the highway. As such, it is a reasonable expectation that on bin collection days, bins would be taken to the public highway temporarily during collection periods. The access serving units 3 and 4 is not wide enough to include a permanent bin store that would be adjacent the public highway. Given the low number of dwellings required to bring bins down the driveway to reach the

highway on collection days, there are no significant concerns with this approach.

7.12 In light of the above, it is considered that subject to the additional information provided in accordance with NCC advice, the proposal would not result in an unacceptable impact on highway safety. As such, the application would not warrant refusal on highway safety or parking grounds.

7.13 Biodiversity and Ecology

7.14 The application has been supported by an Ecological Appraisal, Biodiversity metric and tree survey. Nottinghamshire Wildlife Trust have provided no objections subject to precautionary working measures to be conditioned in the interests of protecting potential existing habitats on site. Further to this, a supervised roof strip should be conditioned and sensitive lighting strategy in the interests of protecting any potential bats during construction and for the lifetime of the development. The ecology report also includes enhancement measures including a bat roost tube and bird bricks / tubes.

7.15 The submitted tree survey identifies that no trees of significance would be affected on site. Nearby higher quality trees located on neighbouring land in Queen Elizabeth Park and within rear gardens of 119 and 125 Brookhill Street would be protected by use of ground protection measures. The Councils tree officer has advised that no trees to be removed on site would warrant protection of TPO. As such, it is considered that tree protection measures could be conditioned.

7.16 A small-sites metric Biodiversity Net Gain assessment has been completed to provide an assessment of post-development biodiversity value. The assessment of the development proposed for this site, would result in a net gain in calculated biodiversity units across this site area from 0.3936 units to 0.4656 units which is a gain of 0.0720 units (18%). The proposed biodiversity net gain scheme would deliver habitat enhancement on site. The applicant has included the use of green roofs to achieve 10% Biodiversity Net Gain. As such, it is considered that the application would comply with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

7.17 Other Matters

7.18 The site lies within Flood Zone 1, as such the site is at low risk to flooding. Land levels rise towards the north-eastern part of the site (the rear). There are no known historic surface water drainage issues affecting the site.

7.19 Concerns have been raised regarding the installation of acoustic fencing adjacent existing neighbouring property boundaries. It is considered that the long term maintenance of boundaries is a civil matter. The submitted proposed plans have been amended to remove any reference to 'carports'. Each plot includes off street parking.

7.20 Planning Balance

7.21 The proposal offers some benefits in the creation of general housing and small scale economic benefits associated with the construction period. The design includes a contemporary style which has been carefully considered to respect the character of the area. The proposal would provide satisfactory accommodation for future occupiers and satisfactory parking provision. The layout, scale and appearance have been designed so as to protect the amenity of neighbouring properties and the future occupiers of the proposal. The proposal complies with the biodiversity statutory requirement and demonstrates 18.28% biodiversity net gain on site.

8. Conclusion

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

Recommendation

The Committee is asked to RESOLVE that the Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:

(i) the following conditions:

1.	The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
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Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

2.	This permission shall be read in accordance with the following plans:
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- Proposed Site Plan 175/04/E**
- Proposed Ground Floor Plan 175/05/D**
- Proposed First Floor Plan 175/06/E**
- Proposed Second Floor Plan 175/07/D**
- Proposed Elevations – Merged 175/12/D**
(Received by the Local Planning Authority 10/12/24)
- Proposed Elevations – Units 1 and 2 175/10/E**
- Street Scene Rev B**
(Received by the Local Planning Authority 28/10/24)
- Site Location Plan 175/00**
- Existing Site Plan 175/01/B**

	<ul style="list-style-type: none"> • Existing North and South Elevations 175/02 • Existing East and West Elevations 175/03 <p>(Received by the Local Planning Authority 14/06/24)</p> <p>Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.</p>
3.	<p>No development above slab level shall commence until samples/details of the proposed external facing materials have been submitted to and agreed in writing by the Local Planning Authority and the development shall be constructed only in accordance with those details.</p> <p>Reason: To ensure the satisfactory appearance of the development in accordance with Policy 10 – Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</p>
4.	<p>a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</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 (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>Reason: In the interest of public health and safety in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
5.	<p>No development within the full planning permission phase hereby approved shall take place until a Construction / Demolition Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:</p> <p>a) The means of access for construction traffic; b) parking provision for site operatives and visitors; c) the loading and unloading of plant and materials; d) the storage of plant and materials used in construction / demolition the development;</p>

	<p>e) a scheme for the recycling/disposal of waste resulting from construction / demolition works; and</p> <p>f) details of dust and noise suppression to be used during the construction phase.</p> <p>g) a scheme for the identification and safe removal of asbestos containing material.</p> <p>The approved statement shall be adhered to throughout the construction period.</p> <p>Reason: To protect the amenity of neighbouring residents in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
6.	<p>Prior to the commencement of the development, a detailed Landscape and Ecological Management Plan shall be submitted to and approved and by the Local Planning Authority. The Landscape and Ecological Management Plan shall be in accordance with the enhancement measures and precautionary working measures contained within the submitted Ecological Appraisal (Dated 04/06/24 Version 2) and shall be implemented in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.</p> <p>In the interests of securing an environmental net gain in accordance with Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.</p>
7.	<p><u>Statutory Biodiversity – Deemed Condition</u></p> <p>Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021.</p> <p>The effect of the relevant paragraphs of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:</p> <ol style="list-style-type: none">a Biodiversity Gain Plan has been submitted to the planning authority, andthe planning authority has approved the plan. <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Broxtowe Borough Council.</p> <p>Key Requirements:</p>

A Biodiversity Gain Plan (BGP) must be submitted to the Local Planning Authority, in writing no earlier than the day after planning permission has been granted and should be in accordance with the Small Sites Metric and Addendum to Appendix 3 BNG Calculation received by the Local Planning Authority on 17 September 2024, both documents prepared by Christopher Barker dipHort CEnv ACIEEM Ecologist.

The biodiversity gain plan must include:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;**
- (b) the pre-development biodiversity value of the onsite habitat;**
- (c) the post-development biodiversity value of the onsite habitat;**
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;**
- (e) any biodiversity credits purchased for the development; and**
- (f) any such other matters as the Secretary of State may by regulations specify.**

When calculating the post-development biodiversity value of a habitat, the planning authority can only take into account an increase in biodiversity value post development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant

Template available here;

<https://www.gov.uk/government/publications/biodiversity-gain-plan>

The development shall not commence until a Habitat and Monitoring Management Plan (HMMP) has been submitted to ensure that the development meets all the requirements of the Biodiversity Gain Plan (BGP).

The Habitat Management and Monitoring Plan (the HMMP) must include:

- (a) a non-technical summary;**
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;**
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;**
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and**
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,**

Template available here;

	<p>https://publications.naturalengland.org.uk/publication/5813530037846016</p> <p>Notice in writing shall be given to the Council when the:</p> <p class="list-item-l1">(a) HMMP has been implemented; and</p> <p class="list-item-l1">(b) habitat creation and enhancement works as set out in the HMMP have been completed.</p> <p>No part of the development hereby approved shall be occupied until:</p> <p class="list-item-l1">(a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and</p> <p class="list-item-l1">(b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority</p> <p>The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.</p> <p>Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.</p> <p>Reason: To ensure the development delivers a biodiversity net gain on site in accordance with the relevant paragraphs of Schedule 7A of the Town and Country Planning Act 1990, Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019 and in accordance with the National Planning Policy Framework December 2023.</p>
8.	<p>Prior to the commencement of the development, a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:</p> <p class="list-item-l1">(a) numbers, types, sizes and positions of proposed trees and shrubs</p> <p class="list-item-l1">(b) proposed boundary treatments</p> <p class="list-item-l1">(c) proposed hard surfacing treatment</p> <p class="list-item-l1">(d) proposed lighting details</p> <p class="list-item-l1">(e) planting, seeding/turfing of other soft landscape areas</p> <p class="list-item-l1">(f) proposed retaining walls or similar structures</p> <p>The approved landscaping shall be carried out in accordance with the approved details not later than the first planting season following the substantial completion of the development or occupation of the building, 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.</p>

	<p>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 Policy 10 - Design and Enhancing Local Identity of the of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan (2019).</p>
9.	<p>The dwellings shall not be brought into use until both access points are laid out with the widths as shown on the revised plan entitled 'Proposed Site Plan', drawing no. 175/04/E.</p> <p>Reason: In the interests of highway safety in accordance with Policy 17 - Place-making and Design and Amenity of the Broxtowe Part 2 Local Plan (2019).</p>
10.	<p>The dwellings shall not be brought into use until both access points dropped vehicular footway crossing has been widened and is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.</p> <p>Reason: In the interests of highway safety in accordance with Policy 17 - Place-making and Design and Amenity of the Broxtowe Part 2 Local Plan (2019).</p>
11.	<p>The dwellings shall not be brought into use until both access drives are surfaced in a hard-bound material (not loose gravel). The surfaced drives shall then be maintained in such hard-bound material for the life of the development.</p> <p>Reason: In the interests of highway safety in accordance with Policy 17 - Place-making and Design and Amenity of the Broxtowe Part 2 Local Plan (2019).</p>
12.	<p>No part of the development hereby permitted shall be brought into use until the access driveways are constructed with provision to prevent the unregulated discharge of surface water from the driveway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.</p> <p>Reason: In the interests of highway safety in accordance with Policy 17 - Place-making and Design and Amenity of the Broxtowe Part 2 Local Plan (2019).</p>
13.	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.</p> <p>Reason: To protect nearby occupiers from excessive noise in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>

14.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking or re-enacting this Order, no extensions, enlargements, or roof alterations shall be carried out to the dwellings hereby approved which come within Class A, AA, B, C and E of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority by way of a formal planning permission.</p> <p>Reason: In the interests of preserving the spacious character of the site and protecting the privacy of neighbouring properties in accordance with the aims of Policy 17 - Place-making, Design and Amenity of the Part 2 Local Plan (2019).</p>
15.	<p>The development hereby approved shall be carried out in accordance with the recommendations contained within the submitted BS5837:2012 Tree Survey (Dated 16/05/24 Version 1).</p> <p>Reason: To ensure protection during construction works of trees and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area is not impaired, in order to comply with Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.</p>
16.	<p>Prior to the occupation of the hereby approved development the Jakoustic® 12K ENVIROFENCE timber acoustic barrier detailed in plan ref 175/04/E dated 22/03/24 must be installed. The barrier must thereafter be maintained and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.</p> <p>To protect nearby occupiers from excessive noise in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
	NOTES TO APPLICANT
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
2.	<p>As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.</p>

3.	<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>
4.	<p>There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.</p> <p>If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles. It is noted that the existing concrete fence is to remain.</p> <p>If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.</p> <p>Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.</p> <p>No materials or contractors vehicles should be stored/parked on the path prevent access to or along the path at any time (unless a temporary closure of the path has been applied for and granted).</p> <p>The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line line ensuing that it is cut back so as not to interfere with right of way.</p> <p>Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption. licences@viaem.co.uk</p> <p>If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit. http://www.nottinghamshire.gov.uk/transport/licences-andpermits/skip-permit and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic</p>

Site Location Plan

- Site
- Byway open to all traffic
- Bridleway
- Footpath
- Open Spaces
- Playing Pitches
- Informal Open Space

Policy 28.1b

Policy 28.1c

Proposed Site Plan



Proposed Ground Floor Plan



Proposed First Floor Plan



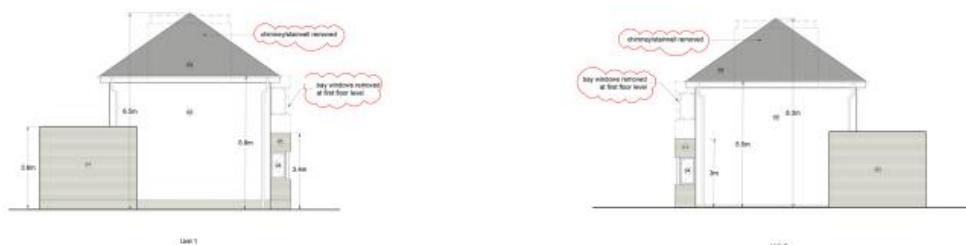
Proposed Elevations Units 1 and 2



01 - SOUTH ELEVATION

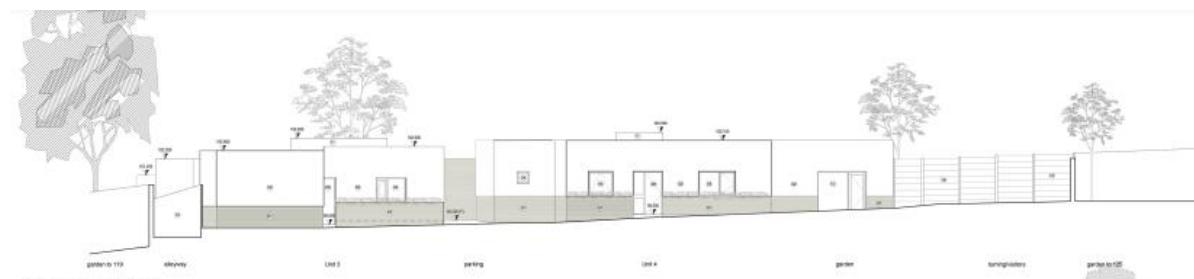


Unit 3

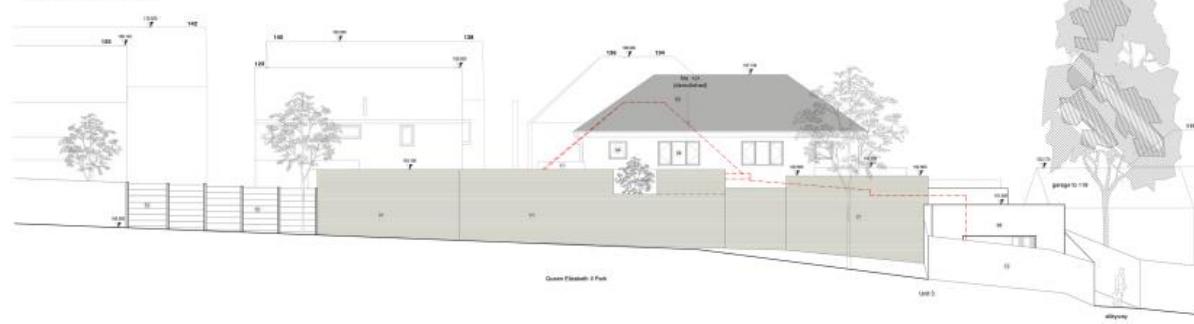


03 - WEST ELEVATION

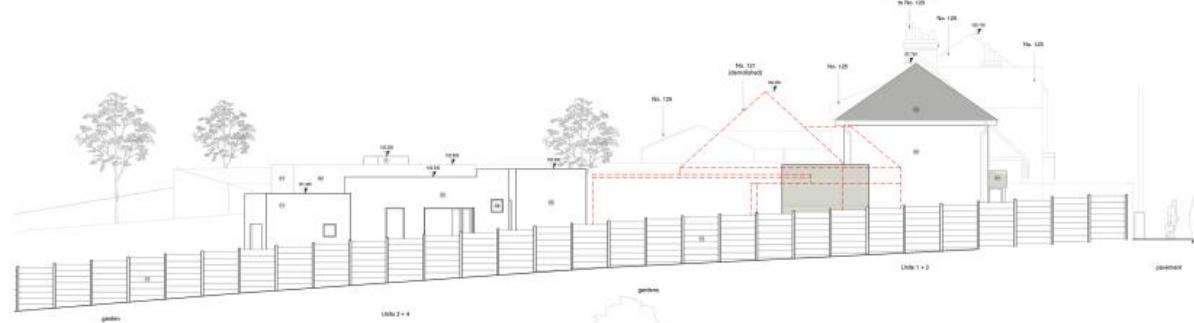
04 - EAST ELEVATION

Proposed Elevations Units 3 and 4

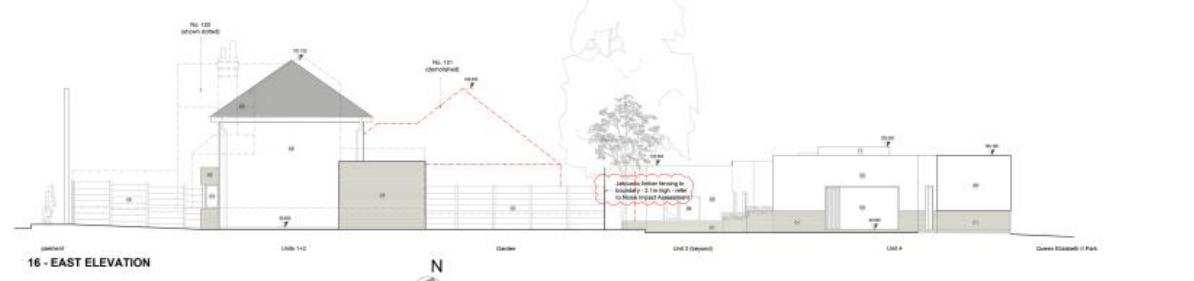
13 - SOUTH ELEVATION



14 - NORTH ELEVATION



15 - WEST ELEVATION



16 - EAST ELEVATION

N

Report of the Chief Executive

Application Number:	23/00095/FUL
Location:	Former Dyeworks Site, Bailey Street, Stapleford, Nottinghamshire
Proposal:	Change of use of land to open storage and siting of storage and skips (Class B8) including access point off West End Street and egress point on Bailey Street

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

1. Purpose of Report

The application seeks permission to change the use of the land to open storage and to site nine storage containers and skips (Class B8). Access and egress will be provided by two points, West End Street and Bailey Street.

2. Recommendation

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

3. Detail

- 3.1 An application was granted permission to change the use of the southern part of this site from Class B2 to a storage and distribution use (Class B8) for a temporary period of three years (ref: 19/00779/FUL granted in May 2020). The agreed delivery and collection hours by commercial vehicles to the site was between 08:00 – 17:00 hours Monday to Friday, 08:00 – 13:00 hours on Saturday and closed on Sundays and bank holidays. The only access point to this part of the site was via West End Street. Planning permission is sought indefinitely and not on a temporary basis.
- 3.2 This application includes land to the north which is within ownership of the applicant. The proposal is for the full site to operate under Class B8 for the purpose of storage. The same delivery times by commercial vehicles is proposed as highlighted above. As the wider site includes another access point, the proposal is for vehicles to access the site from West End Street and leave via Bailey Street.
- 3.3 Planning permission was previously granted for seven industrial units and an office block (ref: 13/00609/FUL). Although this permission was lawfully implemented (see history section), the land is now included within the designated safeguarding zone for HS2 meaning it is highly unlikely that these units will be constructed. The land is largely vacant apart from a two storey flat roof building, some building materials, storage containers and skips on site.
- 3.4 The main issues relate to whether the principle of the change of use would be acceptable, the proximity with a railway line and the HS2 safeguarding zone, flood risk and highway safety and whether there will be an unacceptable impact on neighbour amenity.

3.5 It is considered that the application is acceptable in these regards and the Committee is asked to resolve that planning permission be granted subject to conditions outlined in the **Appendix**.

4. **Financial Implications**

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

5. **Legal Implications**

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

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

6. **Data Protection Compliance Implications**

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

7. **Background Papers**

Nil.

1 Details of the Application

1.1 The application seeks permission to change the use of the land to open storage and to site storage containers and skips (Class B8). Access and egress will be provided by two points, Bailey Street and West End Street.

1.2 The proposed differences between the previous application (19/00779/FUL) and this application are as follows:

- Curtilage of site increased to the north
- Access and egress proposed via two access points, West End Street and Bailey Street
- Retention and relocation of nine storage containers (out of Flood Zone 3 and into Flood Zone 2), all remaining storage containers removed
- Retention of two skips to keep site tidy, all remaining skips removed



Proposed Site Location Plan 23/00095/FUL Previous Site Location Plan 19/00779/FUL

1.3 The intention is for the site to continue to be rented out to businesses to store portable cabins and portaloos (but not for these to be repaired, maintained or cleaned on site), building materials (but nothing perishable) and a maximum of nine steel containers and two skips. The portable buildings will not be stacked on site.

1.4 The proposed delivery and collection hours by commercial vehicles to the site are 08:00 – 17:00 hours Monday to Friday, 08:00 – 13:00 hours on Saturday and

closed on Sundays and bank holidays.

2 Location and Site Characteristics

2.1 The site is predominantly open and covered by hardscaping. It is separated into two sites by a 2m high metal palisade fence and the intention is for this to be removed to open up the site into one. The existing site to the south currently operates in Class B8 use and the site to the north currently operates as industry storage and is occupied by several skips and metal storage containers.

2.2 Prior to the change of use to Class B8, the site was historically used as a dye works and the Palace Cinema (now demolished) fronted onto Derby Road.

2.3 To the west of the site there is the railway line and to the south is Derby Road. It is noted that nos. 242, 244, 248, 250, 252, & 254 Derby Road to the south east of the site are vacant buildings which were previously occupied for residential/commercial uses. An application is pending consideration for 11 apartments, external alterations and rear extensions to these buildings (ref: 18/00288/FUL). The decision has not been issued due to the site lying within the HS2 safeguarding zone and an ongoing hold has been put on issuing the decision by the Department for Transport.

2.4 The northern part of the site lies within Flood Zone 3 (high probability of flooding). The central part of the site lies within Flood Zone 2 (medium probability of flooding) and the southern part of the site lies within Flood Zone 1 (low probability of flooding).

2.5 The application site falls within land that is currently safeguarded for construction and/or operation of HS2 Phase 2b (Crewe to Manchester and Birmingham to Leeds).

3 Relevant Planning History

3.1

Planning		
96/00246/FUL	Retain portacabin	PERC
12/00009/OUT	Demolish commercial units and construct 15 dwellings	PERC
13/00609/FUL	Construct 7 industrial units (Class B2), an office block, 2 bin stores and a new access to Derby Road	PERC

	17/00523/CLUE	Confirm that the planning permission had been implemented for 13/00609/FUL.	PERC
4.	19/00779/FUL	Change the use of the land from former dyeworks (Class B2) to storage and distribution (Class B8) for a temporary period of 3 years.	PERC

Development Plan Policy

4.1 National Planning Policy

National Planning Policy Framework 2024:

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 11- Making Effective Use of Land.

4.2 Local Plan Policies

4.2.1 Part 1 Broxtowe Aligned Core Strategy 2014:

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 10: Design and Enhancing Local Identity
- Policy 15: Transport Infrastructure Priorities.

4.2.2 Part 2 Local Plan 2019:

- Policy 1: Flood Risk
- Policy 9: Retention of Good Quality Existing Employment Sites
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions.

5. Consultee and Third Party Comments

5.1 Consultees

- **Council's Environmental Health Officer:** Historically the site has been subject to complaints relating to nuisances from site operations affecting the immediate residents, these include dust from material processing, smoke from bonfires and general activity noise.

No objection subject to the premises only operating between: 07:30 – 18:00

Monday to Saturday and at no time on Sundays, bank holidays and other public holidays. Deliveries by commercial vehicles should not be made outside of these hours.

Conditions have been advised in respect of a maximum of 20 structures on site at any time, no waste materials including any trade, commercial or domestic waste to be stored, no bonfires or controlled burning permitted, no maintenance, refurbishment or structures or vehicles permitted and no processing of construction waste/material permitted.

- **Nottinghamshire County Council as Highways Authority:** Initial Response: The proposal is to use the land for storage and siting of containers, which will continue from a previous planning application 19/00779/FUL. The applicant has stated on this application and the previous application that there will be 10 vehicle movements per day, which is considered low. As such, there are no highway concerns to the proposal.

Second Response: Our previous comments indicated the site would be used to accommodate storage containers which we envisaged would generate low levels of traffic by vehicles weighing up to a maximum of 7.5 tonnes. However, we have since been made aware that lorries weighing up to 32 tonnes are being used to access/egress the site, and are concerned about the ability of these vehicles being able to turn in and out of West End Street/Bailey Street, and whether sufficient width is available along the carriageway for drivers to reach their destination.

The on-street parking situation along West End Street takes place on both sides of the carriageway which can make it difficult for traffic to pass, particularly those in larger vehicles. If the larger size vehicles are being utilised then the access arrangement to the site should be fit for purpose. We would expect the distance between parked vehicles to measure 2.5m for the HGV with an additional allowance for wing mirrors and a margin of error. Details of the carriageway dimensions should be provided for assessment.

The geometry of West End Street and Bailey Street at its junctions with Derby Road has not been designed for HGV use. Turning manoeuvres in these locations are likely to result in vehicles over-riding the footway and put additional strain on the structural integrity of a nearby pedestrian crossing. The condition of West End Street also appears to be worsening which may be attributable to larger heavier vehicles.

The larger vehicles also require both lanes to exit a junction. This could increase the likelihood of shunt type collisions on Derby Road when drivers entering West End Street or Bailey Street are forced to stop unexpectedly so that the HGV can exit.

Although traffic movements are supposed to take place with vehicles arriving from West End Street and then leave via Bailey Street, a site inspection has identified some vehicles using West End Street only.

Swept path analysis should be provided to demonstrate the way in which turning manoeuvres made by 32 tonnes lorries will take place on Derby Road at its junctions with West End Street and Bailey Street without over-running

the footway. The tracking should then extend along West End Street where it must be shown the vehicle can pass without colliding with other stationary vehicles which must be positioned in the same manner as the existing on-street situation i.e. slightly off-set from the kerb.

We recommend the application is deferred to enable the applicant to address our concerns.

Third Response (after receiving Swept Path Analysis): The right turn into West End Street shows the overhang of the vehicle encroaching across the footway when tightly hugging the kerb. The manoeuvre requires the lorry to utilise the lane of oncoming traffic on Derby Road which isn't ideal but is probably no different to a refuse wagon. With this in mind, it wouldn't change matters if the full width of the carriageway on Derby Road was utilised to gain a wider "swing in" which is likely to result in the footway being avoided.

The tracking also relies on parked cars being stationed in the manner shown on the drawing. Drivers tend to park their vehicles away from the kerb to avoid damaging the wheels and so the available corridor width may be smaller than is shown, thereby increasing the likelihood of conflicts. Not aware if there have been any damages, only incidents are reported to the police along this length, but if there have it would suggest there is a problem.

Although manoeuvres along West End Street are technically possible, we do not have sufficient evidence to support a recommendation of refusal. As an alternative, it may be worthwhile exploring the possibility of the site being served from Bailey Street only, where access is more suitable.

- **Network Rail:** no objection.
- **HS2 Ltd:** Initial response: raise no objection in a further 3-year temporary permission but recommend an advisory in respect of the land being compulsorily purchased for the construction of the Phase 2b line.

Final response: Confirmed that following the Prime Minister's 4 October 2023 announcement and commitments set out in the accompanying Network North Command Paper, the land in question is unlikely to be retained when HS2 Phase 2b safeguarding directions are formally amended in Summer 2024. As such HS2 Ltd raises no objections in planning terms to permanent consent being granted for the change of use and in event the Council are minded to grant consent it is only requested that the following standard informative is included on the decision notice for awareness:

The applicant is advised that the application site falls within land that is currently safeguarded for construction and/or operation of HS2 Phase 2b (Crewe to Manchester and Birmingham to Leeds). Although the Government have announced the cancellation of this section of high-speed rail line, Safeguarding Directions are still in place. However, in line with the commitments made in the accompanying Network North Command Paper, safeguarding is to be amended for HS2 Phase 2b by summer 2024 to allow for any safeguarding needed for Network North schemes. As such, the applicant is advised to closely follow ongoing progress of the Network North programme

for any updates at: <https://www.gov.uk/government/publications/network-north>.

- **Environment Agency:** Initial response: Object due to insufficient Flood Risk Assessment. The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:
 - consider how a range of flooding events (including extreme events) will affect people and the development
 - consider how people and the development will be kept safe from the identified flood hazards, specifically by stating the finished floor levels in meters above ordnance datum and any flood resilience measures.
 - Demonstrate that there will be no increase in flood risk to third parties as a result of any loss in floodplain capacity.
 - consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event
 - take the impacts of climate change into account

There is no assessment of the impact of climate change using appropriate climate change allowances, specifically the 1%AEP plus 29% climate change allowance. To overcome the objection, the applicant should submit a revised FRA which addresses the points highlighted above.

Second Response: We have reviewed the submitted flood risk assessment (FRA) and the additional email dated 11/03/2024. We would request that a sequential approach be taken to the location of all the proposed containers and that they be positioned in an area with the lowest flood risk i.e. the area of Flood Zone 2 within the site boundary. Should the applicant locate all the containers in Flood Zone 2 this would remove the requirement for floodplain compensation. However, if the applicant is minded to retain the 7 existing containers within Flood Zone 3 and the additional 2 new containers in Flood Zone 2, compensation for those in Flood Zone 3 would need to be provided for the 1% AEP event plus 29% climate change. The site lies within the floodplain of the River Erewash and in close proximity to a residential area and therefore the displacement of flood water must be considered within the FRA. Therefore, in the absence of an acceptable FRA we object to this application and recommend that planning permission is refused.

Advise conditions in respect of the submission of a remediation strategy to deal with contamination risks, the submission of a verification report to show any remediation works have been completed and the halting of development if unidentified contamination is found and the need to submit a scheme for surface water disposal.

Final response: Following the submission of a satisfactorily revised site layout we withdraw our previous fluvial flood risk objection. The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is

included.

The development shall be carried out in accordance with the submitted Proposed Site Block Plan (Proposed plans; drawing no.

PG/MF/2010/012/101 Rev B; Dated Jan 2023; Uploaded May 2024; Complied by Paul Gaughan Building Consultants) and the following mitigation measures it details:

- All 9 storage containers to be sited wholly within Flood Zone 2

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.

5.2 Neighbours

- 65 neighbours were consulted and the following responses were received:
 - Noise and disturbance from traffic, vehicles and gates to site
 - Increase in traffic and air pollution,
 - Increase in commercial vehicles
 - Limited resident parking on road
 - Difficult to navigate wheelchairs along road
 - Road in need of repair and not suitable for large commercial vehicles
 - Unsure of how access/egress will be managed
 - Hours of site being accessed is regularly breached
 - Limited access on roads and blocking of driveways
 - Properties consulted when some people do not currently live there due to flooding
 - All properties on Wellington Street should be consulted
 - Egress route via Baily Street may block cars leaving Wellington Street via Bailey street as this is the only access onto Derby Road
 - Potential for vermin from skips
 - Numerous skips on site
 - Littering
 - Land being used for storage of waste which is a health hazard
 - Land is being sublet by owner
 - Waste on street from vehicle owners and from site
 - Already experience health and safety issues from site
 - Loss of daylight/light and sense of enclosure from containers.

6 Evaluation

6.1 Principle

Policy 15 of the Aligned Core Strategy refers to any development allowing for adequate provision for the construction of the HS2 route and the NPPF refers to the need for any significant impacts from the development on the transport network being able to be mitigated to an acceptable degree. The application is to continue the change of use of the land for storage indefinitely. HS2 Ltd has acknowledged this leg of the HS2 line is likely to not be developed and therefore there is no objection to an indefinite permission being granted.

The main considerations relate to whether the principle of the development is acceptable, with particular regard to the impact on the HS2 safeguarded zone, if there will be an unacceptable loss of amenity to any neighbours, if the development is acceptable in terms of flood risk and if there will be any unacceptable highways impact as a result of the development.

Planning permission (reference 13/00609/FUL) was previously granted to construct 7 Industrial Units (Class B2) light industry, an office block, 2 bin stores and a new access to Derby Road. This permission has been implemented and therefore could be constructed in full. As part of this application, HS2 Ltd at the time did not object as a decision regarding the route had not yet been finalised. However, they did highlight that the site may in future be required by HS2 Ltd to construct and/or operate the railway. A previous application (reference 18/00308/FUL) was refused due to HS2 Ltd objecting as a substantial part of the site is now established as being located within land subject to the Safeguarding Directions for Phase 2b of HS2. However, as mentioned above, it is extremely unlikely the Phase 2b line will be built out and HS2 has raised no objection to this application for storage being granted indefinitely.

It should also be acknowledged that the site is identified as a viable employment site for Class B employment uses within Policy 9 the Part 2 Local Plan (2019).

Given the extant planning permission which proposed a more intensive use of the site, it is considered the principle of the site being continued for storage indefinitely is acceptable. Furthermore, conditioning the delivery and collection by commercial vehicles between the hours of 08:00 – 17:00 Monday to Friday, 08:00 – 13:00 on Saturday and no deliveries/collections on Sundays and bank holidays would remain and is considered to be acceptable and would control the number of movements associated with the site within a reasonable timeframe.

As HS2, Network Rail, Environmental Health, the Highways Authority and the Environment Agency (subject to the repositioning of the storage containers) have not objected to the application, it is considered the principle of the change of use for the land to be used as storage is acceptable.

7 Assessment

It is evident from the responses received the main concerns are in relation to the operational hours of the site, the noise and disturbance created from vehicles travelling up and down West End Street and Bailey Street, potential damage to the road and potential access issues.

The previous planning permission (13/00609/FUL) to construct 7 industrial units (Class B2 – light industry) light industry, an office block, 2 bin stores and a new access to Derby Road has been implemented and therefore could be implemented at any time following the site being potentially removed from the HS2 safeguarding zone following the cancellation of phase 2b. Therefore, the principle of a significantly more intensive scheme has already been established. Although the access from West End Street would have been made redundant, the noise and disturbance created from nine industrial units with associated parking (close to residential properties) would likely be greater than the noise and disturbance created from using the land for storage.

The site has been in operation for three years and it is acknowledged there are concerns in regards to how it has functioned. For example, objections have been received that deliveries by commercial vehicles are occurring outside the hours stated within Condition 3 of 23/00095/FUL. Whilst there have been complaints made regarding the operating hours of this site, the Council can only act on the information and evidence provided and within the realms of the planning act. Therefore, should any breach of conditions occur, clear substantial evidence should be provided to the Council in order to progress with enforcement action.

During the course of the application, the site was visited numerous times. The site is still subdivided into two parts with an access serving each part by Bailey Street and West End Street. The Bailey Street site was occupied by several empty stacked skips and containers. The West End Street site was occupied by one skip that was full with building waste, an empty skip, a container and what appeared to be a small industrial fridge. Both sites were relatively empty apart from the aforementioned above. Should the application receive indefinite permission, the site would be limited to a total of two skips to manage the storage of waste materials on site and nine containers only, with all other remaining containers and skips removed within three months. By including this condition, it would mean the Council would allow the site to be kept relatively tidy but also control the functionality of the site, that it is just for storage purposes only. It is considered this is a reasonable condition to meet the needs of the site whilst not significantly compromising the amenity of surrounding neighbours.

The supporting statement outlines that the amount of trips associated with the site will likely continue to be 10 a day. The Highways Authority has raised no objection and consider the amount of trips. Whilst the number of trips could fluctuate given the site will be larger, it will still only be used for storage and will have an access and egress point meaning the vehicles accessing and leaving the site will be split between two roads.

The Highways Authority initially raised no concerns with the application which followed the same advice as the previous temporary permission; however, a further response was received raising concerns about the size of commercial vehicles accessing the site and that a swept path analysis should be provided to demonstrate that turning maneuvers can take place by 32 tonne lorries. It was advised that the application was deferred.

A swept path analysis was provided by the agent and following its assessment by the Highways Authority, they determined that whilst there still could be mitigating factors to compromise vehicles turning, there was insufficient evidence to support a recommendation for refusal. It was advised by the Highways Authority that the access/egress should be served by Bailey Street only; however, the agent declined this request on behalf of the applicant. Therefore, the access/egress as proposed from both West End Street and Bailey Street is considered to be acceptable in line with the Highways Authority's comments.

Whilst it is acknowledged the site will be increasing in size, it will now have an access and egress point. Therefore, it is likely for the residents of West End Street, the number of commercial vehicles entering the site will be halved as they will be exiting Bailey Street. Whilst it is acknowledged this will impact on the amenity of the occupants of Bailey Street, it is considered that even at a maximum of 10 trips per day, this is not significant enough to cause a detrimental level of noise and disturbance that it would warrant refusal.

It is considered the impact of this change of use application will not be detrimental to the amenity of the future occupants of the 11 apartments to the south east of the site should this scheme receive permission and implemented.

Environmental Health has raised no objection to the application and advised several conditions. They have stated that they have received complaints in regards to relating to nuisances from site operations affecting the immediate residents, these include dust from material processing, smoke from bonfires and general activity noise.

The site will remain conditioned to prevent deliveries and collections by commercial vehicles outside of the following hours: 08:00 - 17:00 hours Monday to Friday, 08:00 - 13:00 hours on Saturday and at no time on Sundays, bank holidays and other public holidays. By granting indefinite planning permission, the site will continue to have restrictive hours for commercial vehicles and therefore can be controlled if there are breaches.

Environmental Health has requested that the premises shall only operate between the hours of 07:30 – 18:00 Monday to Saturday and at no time on Sundays, bank holidays and other public holidays. However, it is considered this condition stated within is unreasonable and difficult to enforce upon. A condition that the site cannot operate outside of these hours means it cannot be accessed for any other reason which may be a requirement of the site.

Conditions in respect of preventing bonfires, noise and dust are matters that are dealt with directly via Environmental Health legislation and therefore it is considered unwarranted to include them as conditions within the recommendation.

Environmental Health has requested that the number of structures should not exceed 20 on site. However, a condition in respect of two skips and nine containers will be included which is considered sufficient and reasonable to allow storage to be kept in a tidy manner.

8 Flood Risk

The northern part of the site lies within Flood Zone 3 (high probability of flooding). The central part of the site lies within Flood Zone 2 (medium probability of flooding) and the southern part of the site lies within Flood Zone 1 (low probability of flooding).

A Flood Risk Assessment (FRA) was submitted with the application; however, the Environment Agency objected on the basis that the FRA was insufficient to meet the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance.

Further information was submitted to the EA and the EA responded that if the “*...a sequential approach be taken to the location of all the proposed containers and that they be positioned in an area with the lowest flood risk i.e. the area of Flood Zone 2 within the site boundary...this would remove the requirement for floodplain compensation.*” The agent submitted plans to relocate the storage containers into Flood Zone 2, therefore, this is compliant with the advice set out by the EA.

The EA has requested conditions in respect of the submission of a remediation strategy to deal with contamination risks, the submission of a verification report to show any remediation works have been completed and the halting of development if unidentified contamination is found and the need to submit a scheme for surface water disposal. However, the agent provided a Phase 1 Geo-Environmental Assessment to identify the level of contamination risk in relation to the sites history and proposal for it to continue as a storage site. The report concluded there was a moderate risk of contamination on site but given there is not a significant change in use of the site to the existing use the risk of contamination if reduced. The EA accepted the findings of the report and advised a condition that the development is carried out in accordance with the proposed plans.

No employees will be based on the site but any staff associated with the site will be provided with a flood management plan. The applicant will sign up to the Environment Agency Flood ‘early warning system.’

To conclude, it is considered that the change of use of the site is acceptable in terms of flood risk, given the fact this is for storage and distribution, no employees will work on site and those associated with the site will be made aware of flooding risks by the site owner.

9 Other

Whilst it is accepted there is some level of noise and disturbance from traffic and vehicles, this will likely decrease with an additional access point to the site. Furthermore, the controlled hours of the site that it can be accessed by commercial vehicles ensures that disturbances are largely kept within a reasonable time frame.

Whilst it is acknowledged that residents of West End Street utilise the road for parking, the Highways Authority has not objected to the site on highway safety grounds. The Highways Authority has accepted the Swept Path Analysis evidences that maneuvering of larger vehicles can take place on West End Street. The Highways Authority has not raised any concerns with the access point from Bailey Street.

It is understood that Wellington Street's only access onto Derby Road is via Bailey Street in which the site will utilise which may cause some disruption to cars travelling up and down this road. However, the Highways Authority has not raised any objection to this arrangement and having an access/egress point to the site will mean the traffic of vehicles is split via two roads reducing the overall movements of the site between two points. Whilst it is understood there may at times be some periods of waiting vehicles, it is considered this is not at the detriment of highway safety to refuse the application.

If vermin are identified on site, this should be reported to Environmental Health as this is not a material planning consideration.

Littering is an offence and should be reported to the police and is not a material planning consideration.

Whether the land is sublet or used by the owner has no bearing on the acceptability of the application.

There will be a condition that the containers cannot be stacked therefore ensuring they do not cause a significant impact on the amenity of any adjoining neighbours to the site.

Damage to cars from commercial vehicles is a matter that should be addressed directly with the site owner.

Any breach of the conditions should be reported to the Local Planning Authority.

Environmental Health has no raised any concerns in respect of air pollution or the site being a health hazard with the use of the site as storage.

As the storage containers are not directly adjacent to any neighbouring gardens and will not be stacked, it is considered they will have minimal impact on the amenity of any surrounding neighbours.

The inclusion of two skips ensures the site can be maintained and cleared appropriately.

The site plan clearly states that the site will be accessed via West End Street and exited from Bailey Street.

If the land is being sublet by the owner has no bearing on the principle of if this application is acceptable and is not a material planning consideration.

The statutory obligation of the Local Planning Authority is to inform neighbours directly adjacent to the site of the application which has been fulfilled.

10 Planning Balance

10.1 The benefits of the proposal are that it would provide the applicant with a continued use of the site whilst reducing the delivery and collection hours by commercial vehicles from the previous permission (13/00609/FUL). Whilst it is acknowledged there is some impact on the neighbouring properties, it is considered this will not be detrimental given the controlled hours and low number of vehicle movements associated with the use. Therefore, on balance, it is considered the change of use is considered to be acceptable and should be approved.

11 Conclusion

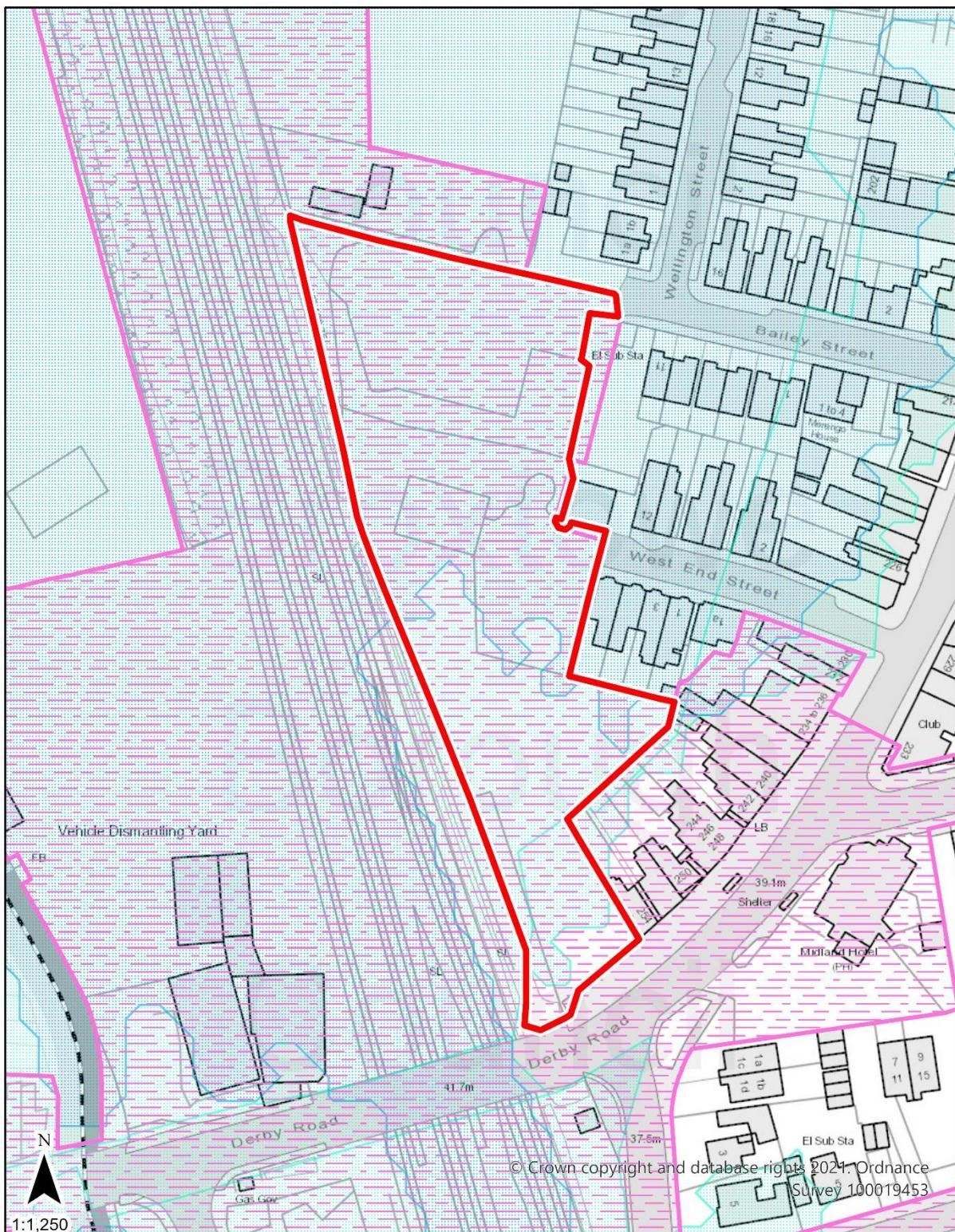
11.1 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality Duty and comments raised in the representations received, the development is acceptable and that there are no circumstances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

Recommendation

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

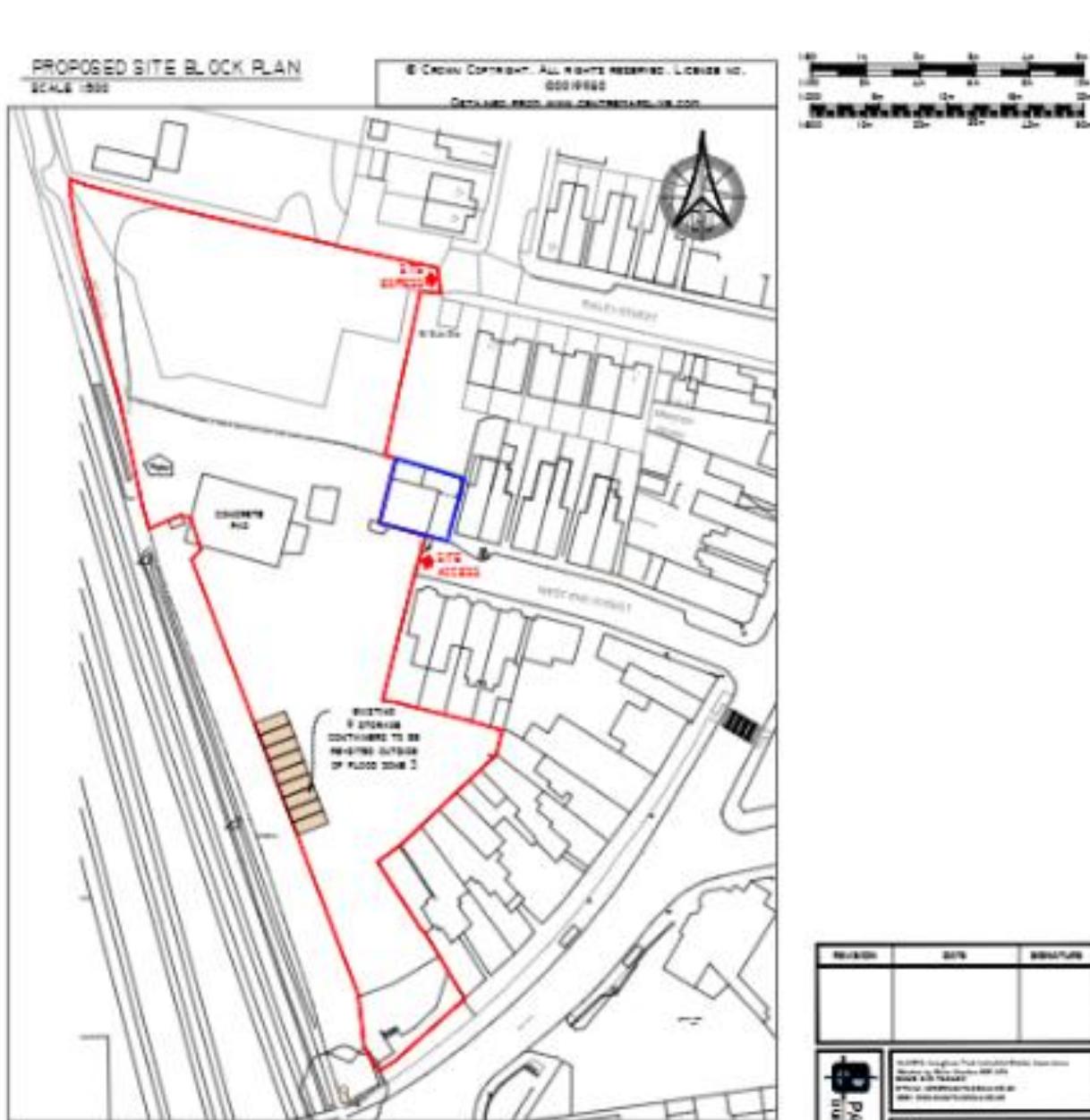
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250) received by the Local Planning Authority on 2 February 2023 and drawing reference: PG/MF/2010/012/101 Rev B received by the Local Planning Authority on 30 May 2024.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>Within 30 days of the date of this planning permission there should be no more than two skips at any one time located on site.</p> <p><i>Reason: To ensure the site can be kept orderly and tidy and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
4.	<p>All remaining storage containers located on site that are not included on the agreed plan ref: PG/MF/2010/012/101 Rev B should be removed within 90 days of the date of this permission.</p> <p><i>Reason: To ensure the site has only the agreed number of containers and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>

5.	<p>Storage containers must not be stacked on site at any time.</p> <p><i>Reason: In the interests of visual amenity and impact on neighbouring properties amenity and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
6.	<p>Deliveries and collections by commercial vehicles shall only be made to or from the site between 08:00 - 17:00 hours Monday to Friday, 08:00 - 13:00 hours on Saturday and at no time on Sundays, bank holidays and other public holidays.</p> <p><i>Reason: To protect the immediate residents from excessive operational noise and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</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>The site owner should register to receive flood warnings and inform those associated with the site.</p>

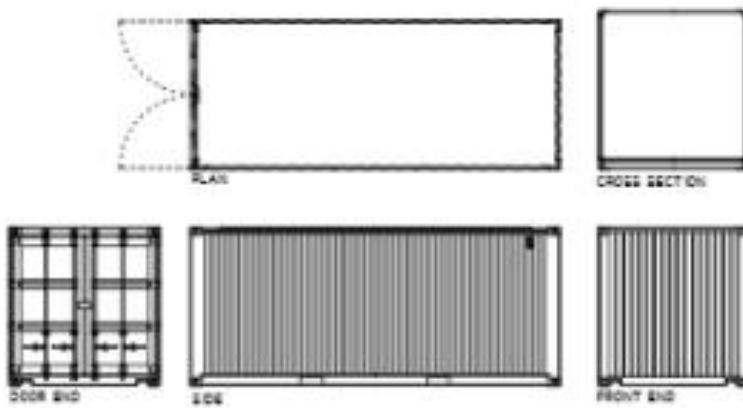
Map**Legend**

- Site Outline
- HS2 Safeguarding Zone
- Flood Zone 3
- Flood Zone 2

Plans (not to scale)



PROPOSED CONTAINER
SCALE '58



Report of the Chief Executive

APPLICATION NUMBER:	24/00784/FUL
LOCATION:	108 Long Lane, Attenborough, NG9 6BW
PROPOSAL:	Change of use from 6 bed HMO (Use Class C4) to 7 bed HMO (Sui Generis).

The application is brought to the Committee at request of Councillor P A Smith.

1. Purpose of the Report

The application seeks planning permission for a change of use from a 6 Bed HMO (Class C4) to a 7 Bed HMO (Sui Generis).

2. Recommendation

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

3. Detail

The application site is a two storey semi-detached dwelling, with the principle access route of Long Lane to the north and rear garden to the south.

The site received permission for a two storey side extension under reference 23/00800/FUL.

The site was also granted a certificate of lawfulness for the change from a residential (C3) to a small HMO (6 persons) under reference 24/00562/CLUP. The change was considered to fall under permitted development as the site is outside of the Beeston Article 4 area.

The main issues relate to whether the change of use from a 6 bed HMO (Use Class C4) to a 7 bed HMO (Sui Generis Use) would negatively impact parking, whether the use is out of keeping with the street scene and whether there will be insufficient communal space for the residents.

4. Financial Implications

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

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

5. Legal Implications

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

6 **Data Protection Compliance Implications**

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

7. **Background Papers**

Nil.

Appendix**1. Details of the application**

- 1.1 The application seeks permission from a change of use from a 6 bed HMO (C4) to 7 bed HMO (Sui Generis).
- 1.2 The proposal would see the existing living room, located at the front ground floor of the dwelling, being turned into an additional bedroom. The proposed bedroom will have an en-suite.

2. Site and surroundings

- 2.1 The application site is a two storey semi-detached dwelling, with Long Lane to the north and rear garden and the train line to the south.
- 2.2 The dwellinghouse consists of red brick and white render, with the two storey side extension being red brick to match the existing dwelling, with the roof set lower and the principle elevation also being set back from the original dwelling.
- 2.3 Adjacent to the west is number 106 Long Lane and to the east is number 110 Long Lane. Facing the site from the north is number 113 Long Lane.

3. Relevant Planning History**3.1**

04/00636/FUL	Rear conservatory	PERC
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22/00795/FUL	Construct detached dwelling, including demolition of garage	REF
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23/00800/FUL	Construct two storey side extension.	PERC
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24/00448/CLUP	Certificate of Lawfulness for proposed change of use from a dwellinghouse (Use Class C3) to a small HMO (Use Class C4) providing 6 bedrooms and installation of 4no. windows to the side elevation.	REF
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24/00562/CLUP	Change of use from a dwellinghouse (Use Class C3) to a small HMO (Use Class C4) providing 6 bedrooms and installation of 4no. windows to the side elevation.	APPROV
24/00710/VOC	Variation of condition 2 of planning permission 23/00800/FUL to amend approved plans	PERC

4. Relevant Policies and Guidance

4.1 **Broxtowe Aligned Core Strategy 2014:**

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

- Policy 1: Climate Change
- Policy 8: Housing size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019**

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

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

4.3 **National Planning Policy Framework (NPPF) 2024**

- Section 5: Delivering a sufficient supply of homes.
- Section 12: Achieving Well-designed places.

4.4 **National Design Guide 2021**

- Section Homes and buildings: Healthy, comfortable and safe internal and external environment.

5. Consultations

5.1 3 neighbours were consulted on the application. 3 objections were received. These were on the basis of the HMO being out of keeping with the surrounding area, poor transport links, parking, highway safety, noise/disturbance and visual impact.

- Councillor H Faccio – no comment
- Councillor T J Marsh – no comment

- Councillor P A Smith – Attenborough and Chilwell East Ward – requested application goes to Committee.
- **Environment - Bins** – The current bin provision caters for 6 bed; this must be reviewed to ensure there is sufficient space available for additional waste. They must ensure that the bin storage caters for any additional bins, bin store must be accessible in order for bin team to safely manoeuvre the bins to the refuse vehicles.
- **Private Sector Housing** – No objection
- NCC Highways – No objection.
- Environment Agency – Objected to the proposal. In the absence of an acceptable flood risk assessment we object to this application and recommend refusal. The submitted FRA does not comply with the requirements for site specific flood risk assessment and fails to consider how:
 - People will be kept safe from identified flood hazards
 - Consider how a range of flood events will affect people and property
 - Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme events.

In order to overcome the objection, the applicant should submit a revised FRA which addresses the points highlighted above. This has been requested from applicant.

6. Assessment

6.1 Principle

6.1.1 The main issue for consideration is whether an increase from 6 persons to 7 would cause issues with parking, be an inappropriate feature within the street scene and whether the communal space will be sufficient for the residents, following the change from the living room into an additional bedroom.

6.2 Design

6.2.1 Policy 10 (d and e) states that massing, scale, proportion, materials and architectural style will be considerations when assessing development.

6.2.2 There will be no external alterations to the dwellinghouse, the change will be internal and will see the existing living room changed into a seventh bedroom.

6.2.3 It is considered that the proposed design will be acceptable, as the massing and scale of the house will not change.

6.3 Amenity

- 6.3.1 Policy 10 (f) states that the impact of a development on neighbour amenity will be a consideration. Policy 17 (4d) states that development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.
- 6.3.2 It is considered that the amenity impact, particularly that of loss of light, privacy or overlooking, should be minimal from the change from 6 to 7 persons, to any of the neighbouring properties. This is because there are no new windows proposed and the massing and scale will not change. It is unlikely that the amenity impact from one additional person will be detrimental.

6.4 Access and Highway Safety

- 6.4.1 Highways have raised no objections to the proposal.
- 6.4.2 There will be 4 parking spaces available on the site, two to the front of the principle elevation and 2 to the side. The existing garage will be used as a bike store, with 7 bike storage spaces available.
- 6.4.3 The applicant states in the transport note received that the site is an approximate 12-minute walk from Attenborough Train Station.
- 6.4.4 The applicant undertook two parking surveys, one on a Thursday at 20:00 and 00:00 and Saturday at 08:00, 12:00 and 17:00 hours. The figures for Long Lane, which calculated there being 56 spaces available on the Thursday and 57 on the Saturday – was calculated using the length of the road divided by the average car length.
- 6.4.5 This means that if all 7 occupants drive, 3 will be required to park on Long Lane. It is considered that there is sufficient space and availability for parking on the street without detriment to highway safety.

7. Planning Balance

- 7.1 Whilst acknowledging that the proposal will see an additional occupant at the site, it is considered that the design, amenity, access and principle of the proposal are acceptable.

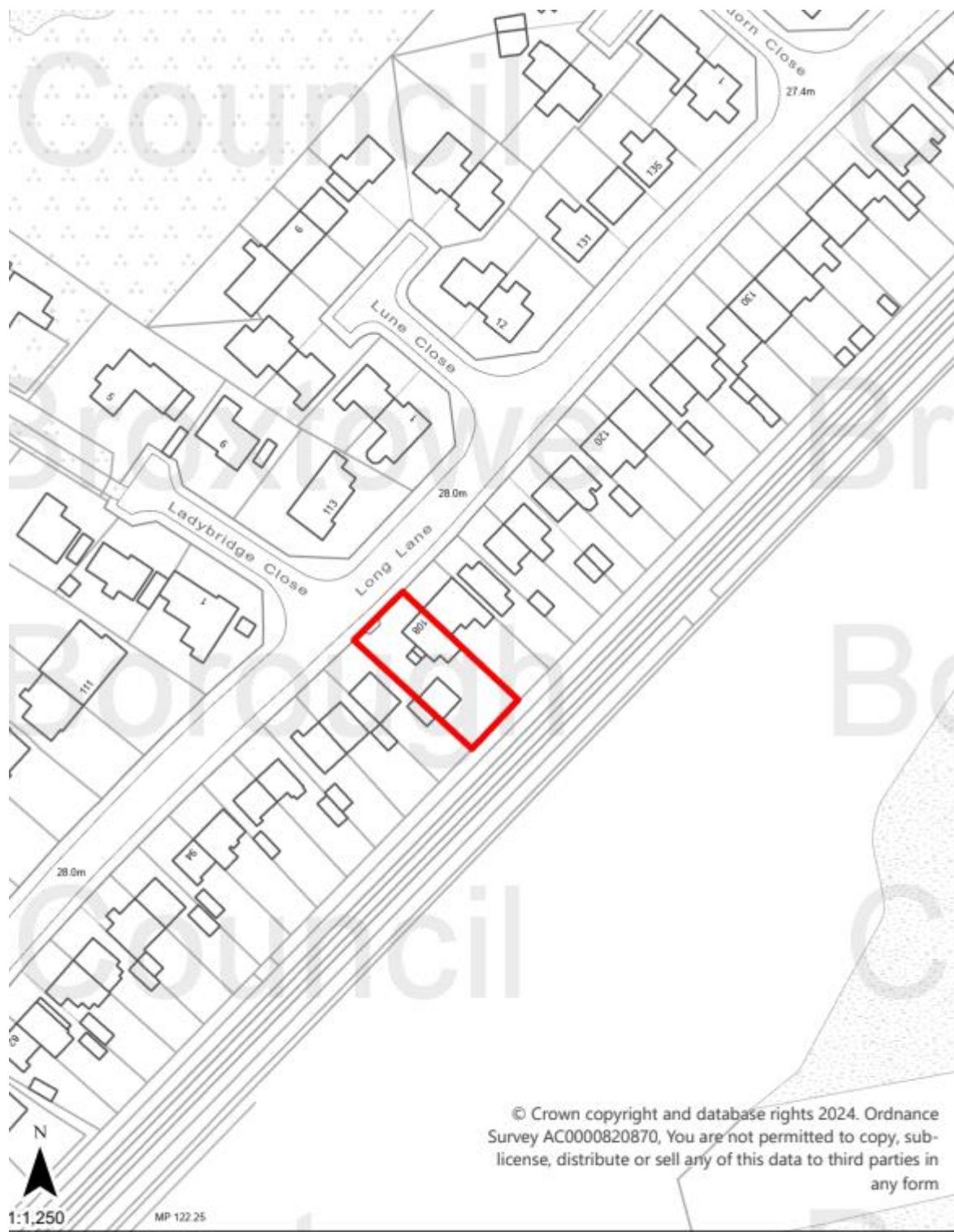
8. Conclusion

It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality and comments raised in representations received,

the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the appendix.	
1.	The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission. <i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The proposed change of use from a C4 HMO to 7-bed HMO (sui generis) shall be carried out in accordance with the Site Location Plan (1:1250), Block Plan (1:500), Proposed Floor Plans ref: 240302(PL)03 and Proposed Elevations ref: 240302(PL)05 received by the Local Planning Authority on 22 November 2024. <i>Reason: For the avoidance of doubt.</i>
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.

Map



Legend

 Site

Plans (not to scale)



1 Front Elevation (Along Long Lane)
Scale: 1:100

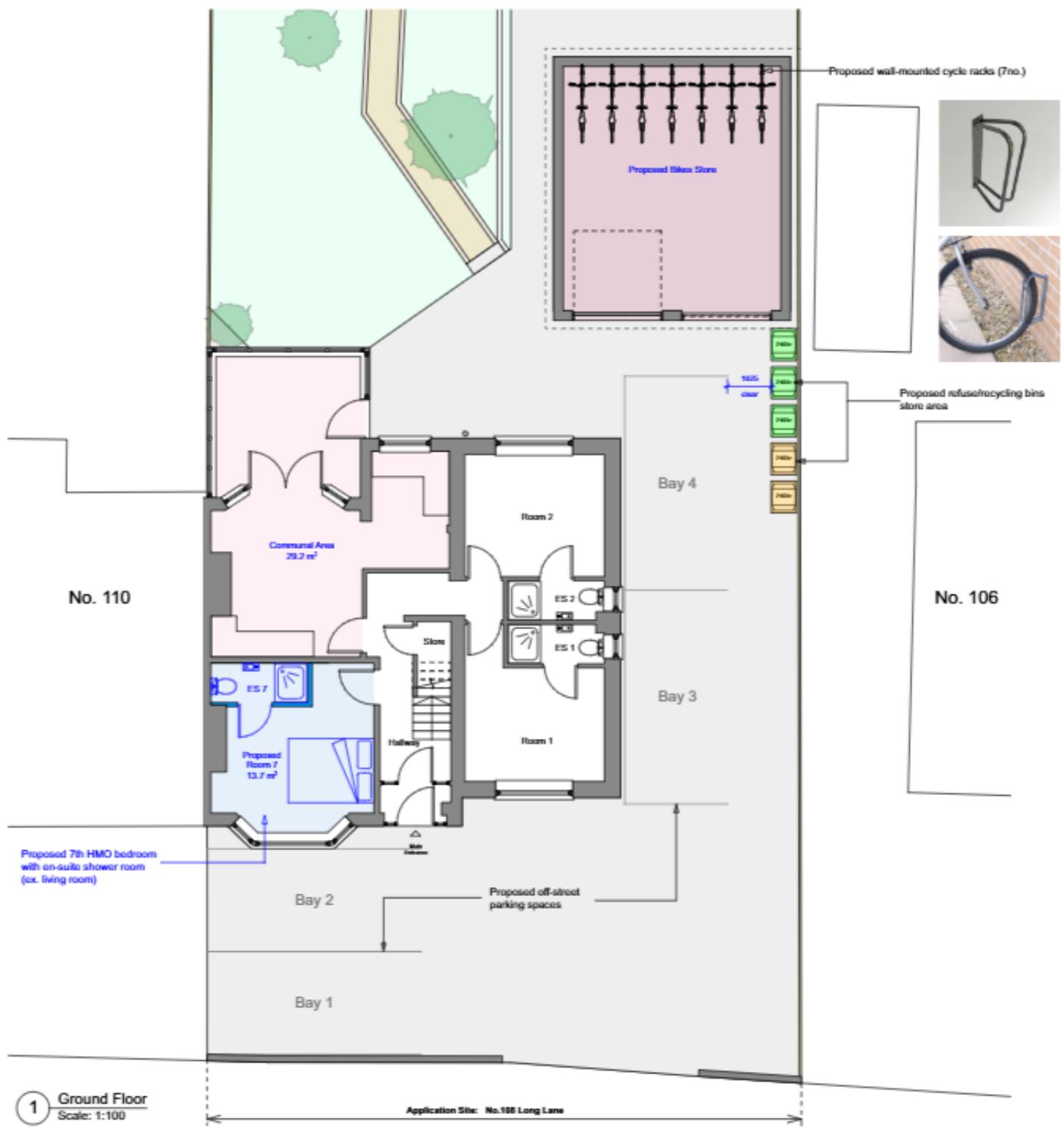


3 Side Elevation
Scale: 1:100

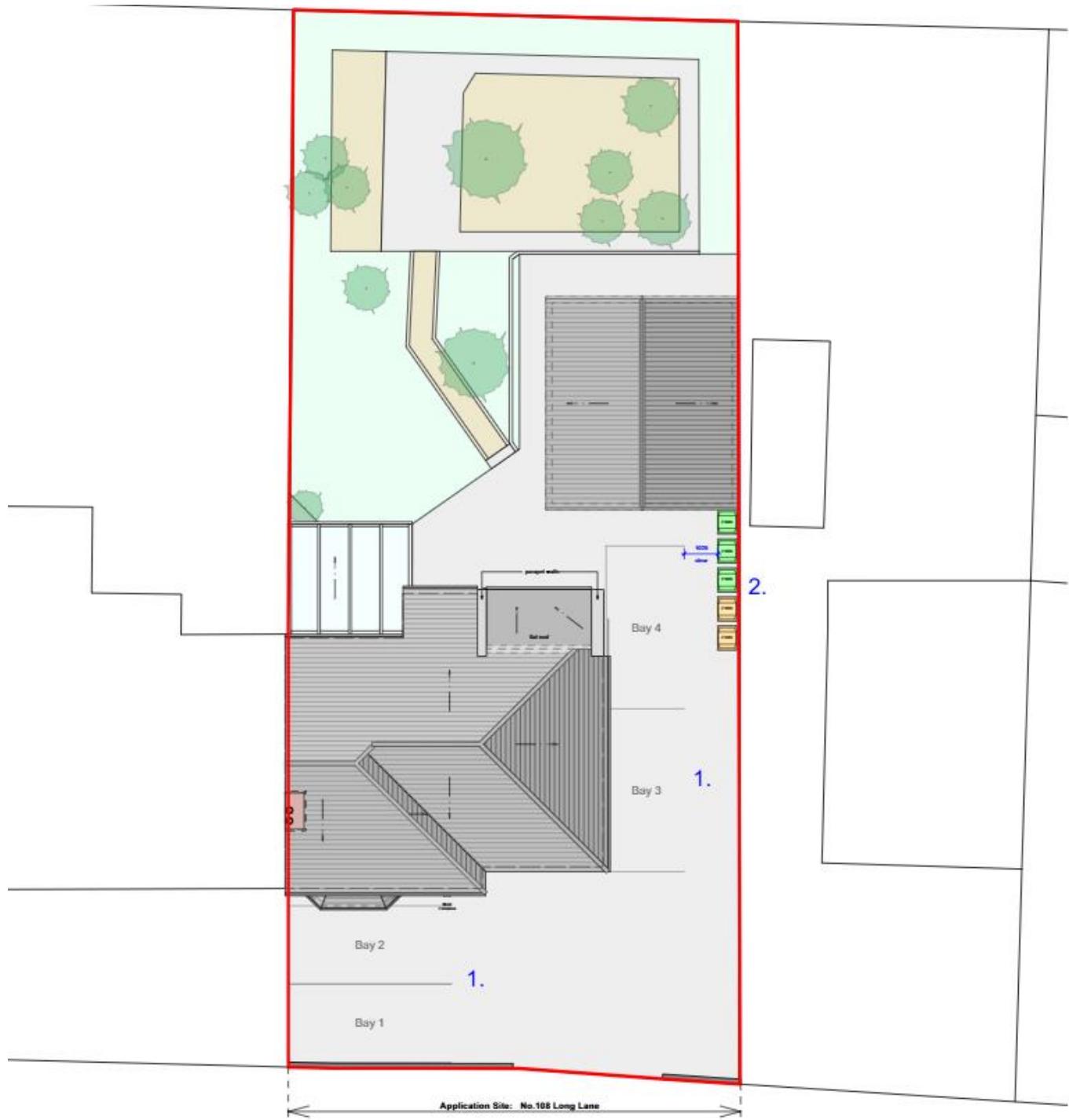


2 Rear Elevation
Scale: 1:100

Proposed Elevations.



Ground floor as proposed.



Proposed site layout plan.

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Report of the Chief Executive

Application number:	24/00545/REG3
Location:	Brinsley Colliery Headstocks, Brinsley Picnic Site Mansfield Road Brinsley Nottinghamshire
Proposal:	Reconstruction of the full wooden structure for the Brinsley Colliery Headstocks and construct new metal estate fencing around the site perimeter.

This proposal has been brought before Committee as the Council is the applicant.

1. Purpose of the Report

The application seeks to gain planning permission for the reconstruction of Brinsley Headstocks and fencing to the perimeter of the site.

2. Recommendation

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

3. Detail

The application seeks full planning permission for the erection of replacement headstocks. The proposal will be a direct like for like replacement of the previously demolished structures. Also included within the application is the erection of new boundary fencing measuring 1.2m in height.

The towers will measure 11m in height and be 7.4m in width. The overall structures will cover an area of around 35m in length.

4. Financial Implications

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

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

5. Legal Implications

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

6 Data Protection Compliance Implications

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

7. Background Papers

Nil.

1. Details of Application**1.1**

The application seeks full planning permission for the erection of replacement headstocks. The proposal will be a direct like for like replacement of the previously demolished structures. Also included within the application is the erection of new boundary fencing measuring 1.2m in height.

1.2

The towers will measure 11m in height and be 7.4m in width. The overall structures will cover an area of around 35m in length.

2**Location and Site Characteristics****2.1**

The site consists of an area of open grassland situated within a wooded site.

2.2

The site is located within the Greenbelt and also within a Local Wildlife site and Local Nature Reserve.

3**Relevant Planning History****3.1****Planning**

89/00872/CCR	RELOCATE BRINSLEY COLLIERY HEADSTOCKS ON PICNIC SITE	PERC
18/00332/ADV	Erect flag pole	PERC
19/00358/FUL	Site shipping container	PERC

4**Development Plan Policy****4.1**

National Planning Policy

National Planning Policy Framework 2024

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making.
- Section 12 - Achieving well-designed and beautiful places
- Section 13 - Protecting Greenbelt Land
- Section 16 - Conserving and enhancing the Historic Environment

4.2 Local Planning Policies

4.2.1

Part 1 Broxtowe Aligned Core Strategy 2014: and

Part 2 Local Plan 2019:

- Part 1 Policy 3 - The Green Belt
- Part 1 Policy 10 - Design and Enhancing Local Identity
- Part 1 Policy 11 – The Historic Environment
- Part 1 Policy 16 – Green Infrastructure, Parks and Open Space
- Part 1 Policy 17 – Biodiversity
- Part 2 Policy 8 Development in the Greenbelt
- Part 2 Policy 17 - Place-making, Design and Amenity
- Part 2 Policy 23 - Proposals affecting Designated and Non-Designated Heritage Assets
- Part 2 Policy 27 - Local Green Space
- Part 2 Policy 31 - Biodiversity Assets

5

Consultee and Third Party Comments

5.1

Consultees

- Conservation Officer (Toby Ebbs) – Once erected the towers will need to be re-designated as local heritage assets
- Cllr E Williamson - Brinsley Ward – No Comment Received
- Brinsley Parish Council – No Objection and supports the application.

5.2

Neighbours

- No neighbours were consulted on the application.

6

Evaluation

6.1 Principle

The principle of a like for like replacement headstocks to replace the previously demolished headstocks within a grassed woodland in this location is deemed acceptable in regard to the existing character of the surrounding area.

6.2 Design

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

6.2.1

The proposed structures of the headstocks are a direct like for like replacement with the previously removed towers with the original heads gears being reinstated within the new towers. The towers and supporting infrastructure will be constructed of hardwood timber beams with metal fencing to the platforms. Given the skeletal nature of the proposal along with the natural construction materials and the fact that this is a like for like replacement with the previously removed towers, it is considered that the proposed towers will have no additional negative impact on the surrounding area especially given its location within a Local Nature Reserve and a Local Wildlife Area.

6.2.2

The site is currently enclosed by a timber fence at an average height of 1m. the proposal seeks permission for the replacement of this fence with a new black metal fencing at a height of 1.2m. The proposed is of thinner construction and with its black finish will provide a more acceptable appearance in this location and with the thinner design will blend easier into the backdrop.

6.3**Amenity**

Policy 10 of the Aligned Core Strategy states that the impact of a development on neighbour amenity will be a consideration. Policy 17 of the Part 2 Local Plan 2019 states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

Given the location of the proposal and its relationship and separation distances to the nearest neighbouring properties it is considered that the proposal will have no impact on the amenity of the neighbouring properties.

6.4**Biodiversity Net Gain**

The proposal is subject to a BNG provision which in this case is being proposed on site. The proposal is to re seed the entire site with a modified grassland. This will create a 67% increase in the onsite habitat units. BNG requires a 10% increase in the Biodiversity of the site and so the proposed 67% increase is substantially over the required. A condition will be added to ensure the required

Biodiversity Gain Plan and Habitat Management and Monitoring Plan are submitted to ensure the BNG is carried out and maintained onsite for the next 30 years.

6.5

Greenbelt

Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of massing, scale and proportion, materials and the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan 2019 states that development should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene. Policy 8 of the Part 2 Local Plan 2019 states that Applications for development in the Green Belt will be determined in accordance with the NPPF, as supplemented by the following Broxtowe-specific points. 1. Proposals for diversification of the rural economy will be supported provided that they comply with the relevant paragraphs of the NPPF.

6.5.1

Paragraph 152 of the NPPF (2024) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the NPPF (2024) states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF (2024) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;

- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

6.5.2

Development in the Greenbelt is considered as inappropriate development unless very special circumstances can be proven. In this case the proposal is a direct like for like replacement for the previous headstocks and although the structures are large in terms of their scale, the skeletal structure along with the natural materials used in the construction of the towers, the openness of the Greenbelt will be maintained.

6.5.3

In conclusion it is considered that the proposal would be appropriate development within the Greenbelt and although very special circumstances do not exist the facts raised above are considered sufficient to allow the approval of the structures.

6.6

Heritage

Policy 11 of the Aligned Core Strategy states that development will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their assets and significance.

Policy 23 of the Part 2 Local Plan 2019 states that proposals will be supported where heritage assets and their settings are conserved or enhanced in line with their significance.

6.6.1

The original headstocks were Local Listed Heritage Asset. Once the previous structures were removed then the listing with it was also lost. Sections of the previous headstocks will be reused within the new structures and so the heritage officer was consulted on the application who confirmed that once completed, the Local Listing will need to be re scheduled onto the new structures.

7

Conclusion

7.1

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

8

Recommendation

8.1

It is recommended that planning permission be Granted subject to the following conditions stated below.

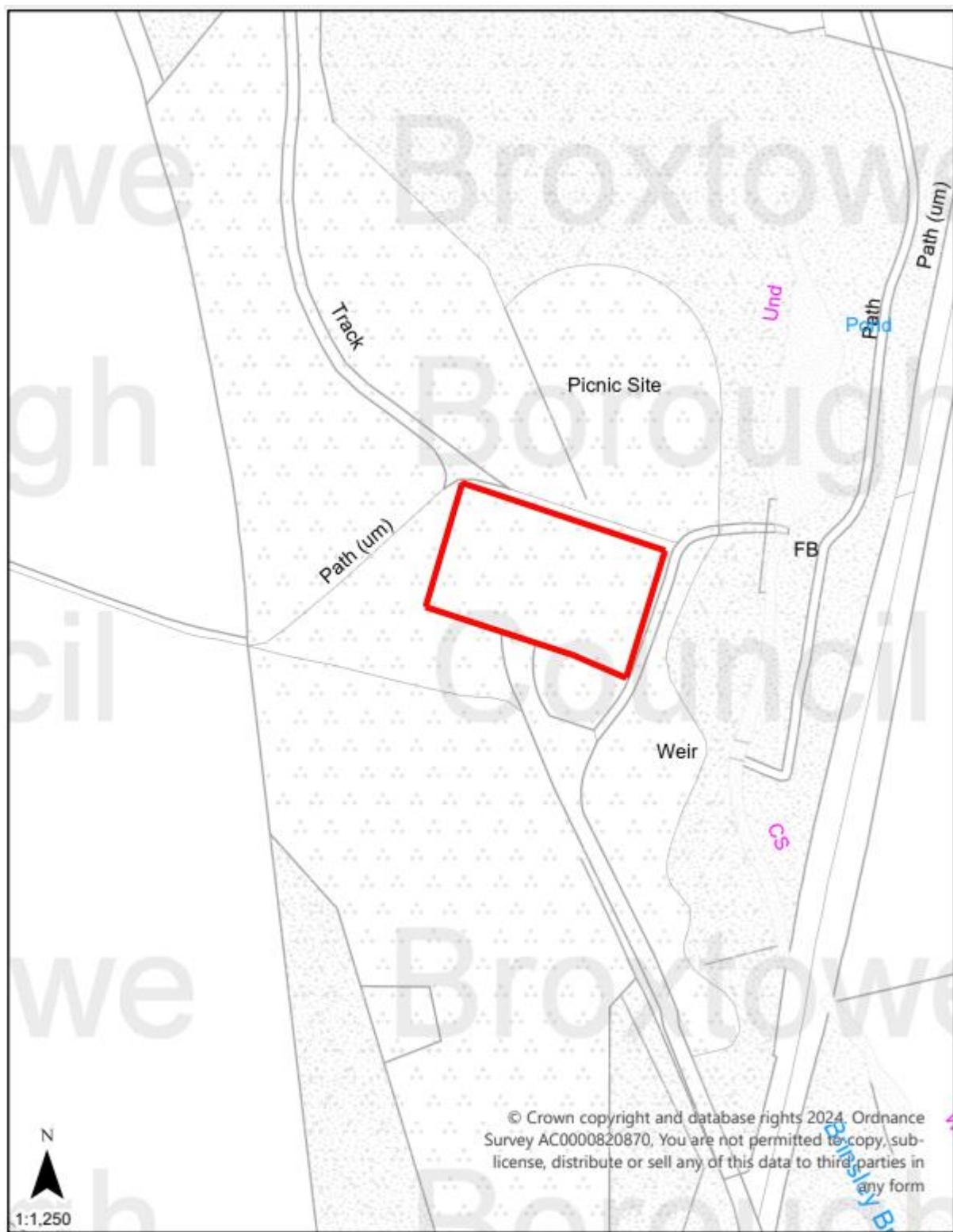
<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:	
1.	The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission. <i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The development hereby permitted shall be carried out in accordance with the following plans received by the Local Planning Authority on 15 August 2024: <ul style="list-style-type: none">• Site Location Plan,• Proposed Site Plan (Drawing Reference CW24.021),• Proposed Trestle elevations (Drawing Reference CW24.021),• Proposed Side Elevation (Drawing Reference CW24.021),,• Proposed Front Elevations Plan (Drawing Reference CW24.021),, And in accordance with the following plans received by the Local Planning Authority on 20 August 2024: <ul style="list-style-type: none">• Proposed Fencing Elevations (Drawing Number: CW24.021),• Proposed Boundary Plan (Drawing Number: CW24.021).

	<i>Reason: For the avoidance of doubt</i>
3.	<p>The Headstock towers and fencing shall be constructed using materials as specified in the application form and approved drawings received by the Local Planning Authority on 30 March 2023, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>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).</p>
4.	<p>Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021.</p> <p>The effect of the relevant paragraphs of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:</p> <ul style="list-style-type: none"> a. a Biodiversity Gain Plan has been submitted to the planning authority, and b. the planning authority has approved the plan. <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Broxtowe Borough Council.</p> <p>Key Requirements:</p> <p>A Biodiversity Gain Plan (BGP) must be submitted to the Local Planning Authority, in writing no earlier than the day after planning permission has been granted and should be in accordance with the Small Sites Metric and Biodiversity Net Gain Supplementary Note received by the Local Planning Authority on 6 October 2024, both documents dated 4 October 2024 and prepared by Dave Haslem MSc. Ecologist.</p> <p>The biodiversity gain plan must include:</p> <ul style="list-style-type: none"> (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat; (b) the pre-development biodiversity value of the onsite habitat; (c) the post-development biodiversity value of the onsite habitat; (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development; (e) any biodiversity credits purchased for the development; and (f) any such other matters as the Secretary of State may by regulations specify.

	<p>When calculating the post-development biodiversity value of a habitat, the planning authority can only take into account an increase in biodiversity value post development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant</p> <p>Template available here; https://www.gov.uk/government/publications/biodiversity-gain-plan</p> <p>The development shall not commence until a Habitat and Monitoring Management Plan (HMMP) has been submitted to ensure that the development meets all the requirements of the Biodiversity Gain Plan (BGP).</p> <p>The Habitat Management and Monitoring Plan (the HMMP) must include:</p> <ul style="list-style-type: none">-<ul style="list-style-type: none">(a) a non-technical summary;(b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];(c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;(d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and(e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, <p>Template available here; https://publications.naturalengland.org.uk/publication/5813530037846016</p> <p>Notice in writing shall be given to the Council when the:</p> <ul style="list-style-type: none">(a) [HMMP] has been implemented; and(b) habitat creation and enhancement works as set out in the [HMMP] have been completed. <p>No part of the development hereby approved shall be in operation until:</p> <ul style="list-style-type: none">(a) the habitat creation and enhancement works set out in the approved [HMMP] have been completed; and(b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority <p>The created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP].</p>
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	<p>Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved [HMMP].</p> <p>Reason: To ensure the development delivers a biodiversity net gain on site in accordance with the relevant paragraphs of Schedule 7A of the Town and Country Planning Act 1990, <i>and Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 31 of the Aligned Core Strategy (2014), and Policy GI 3 of the Awsworth Neighbourhood Plan</i>, and in accordance with the National Planning Policy Framework December 2023.</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>

Location Plan



Location Plan

Site Address: **Brinsley Picnic Site, Mansfield Road, Brinsley, NG16 5AE**



Date Produced: 15-Aug-2024

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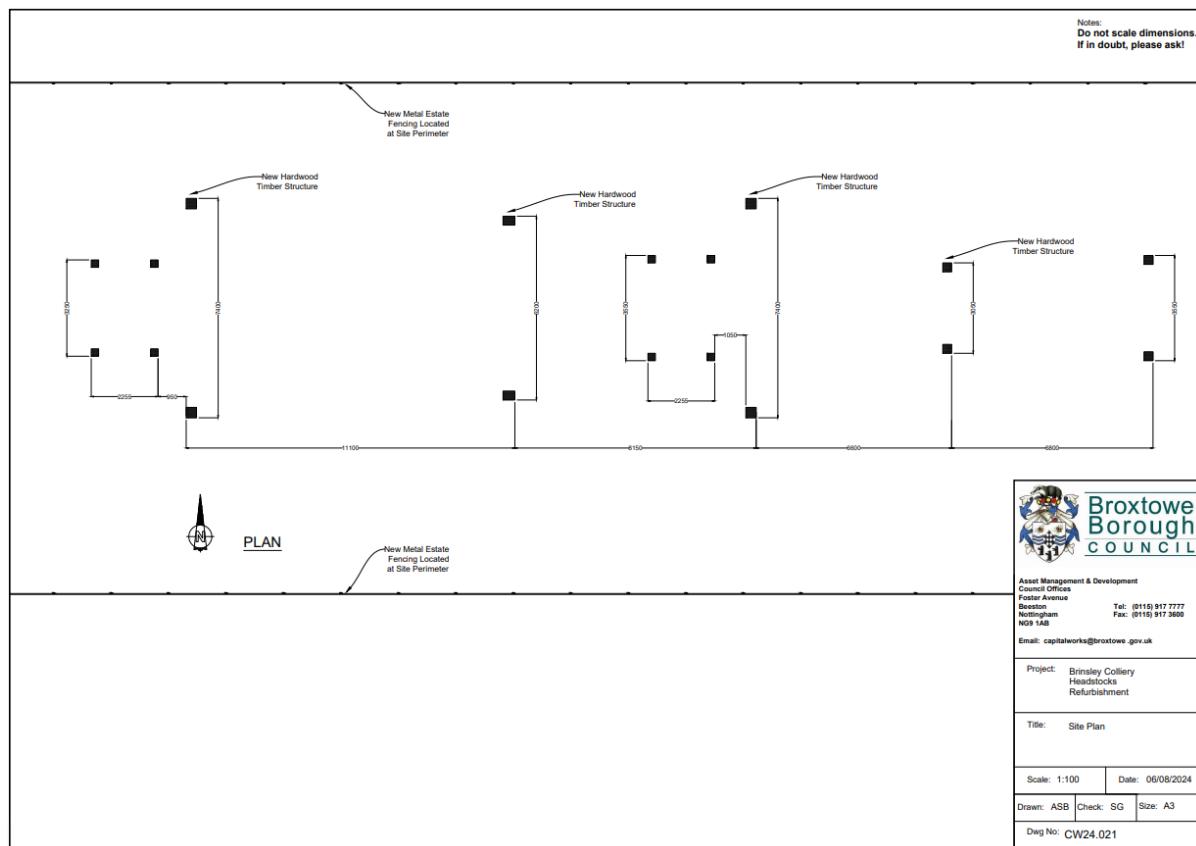


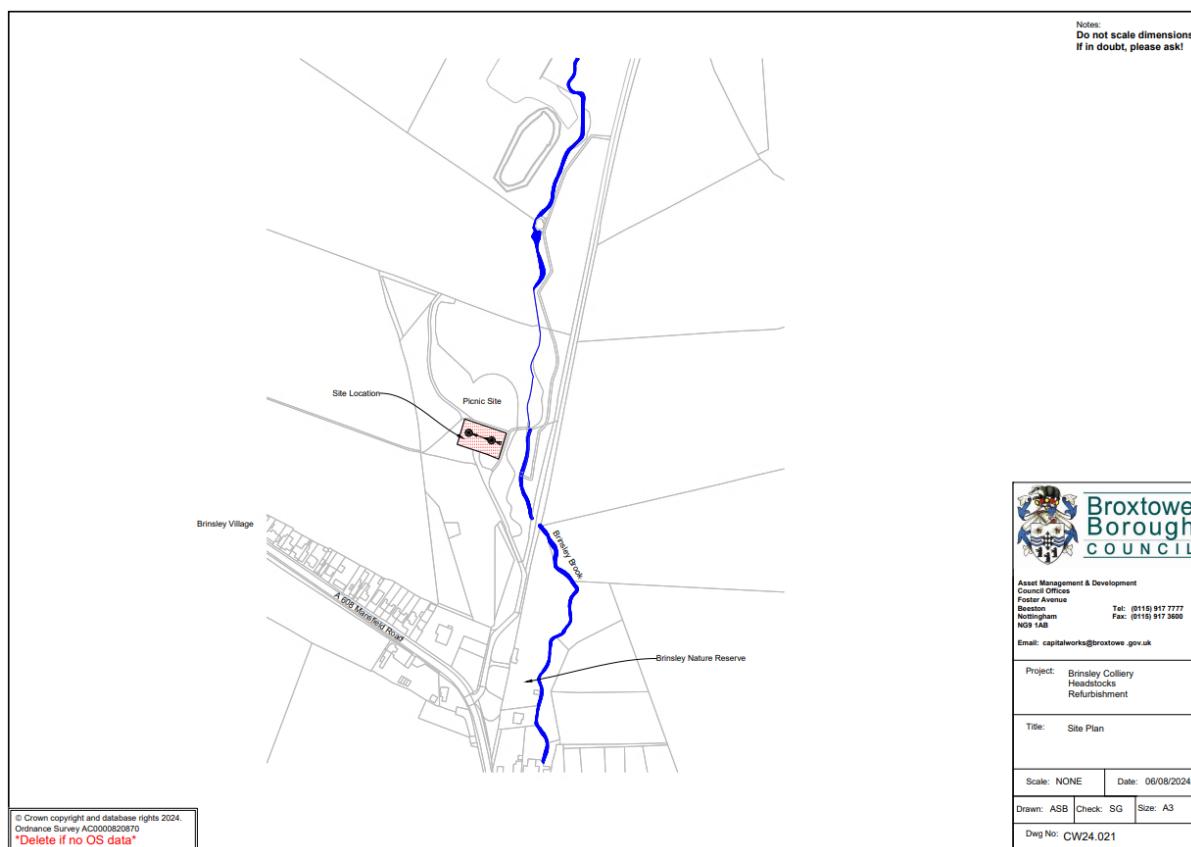
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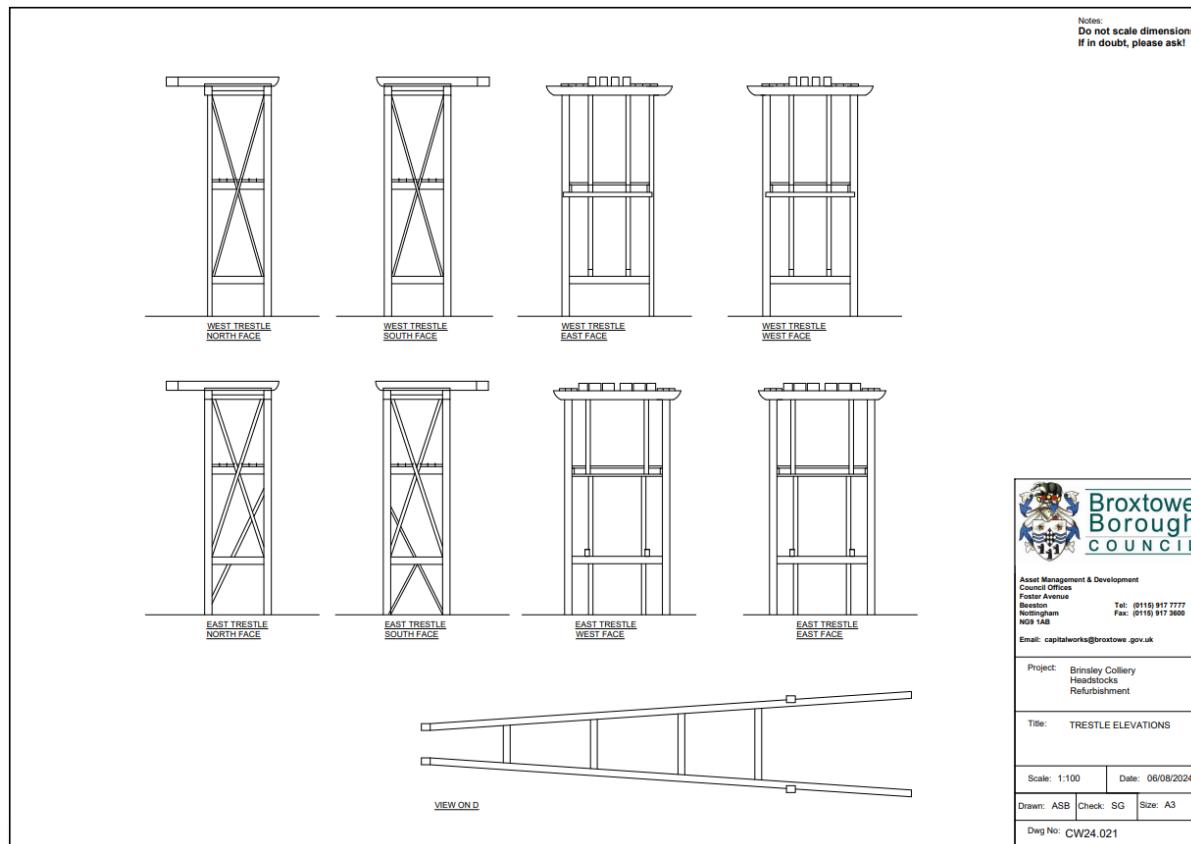
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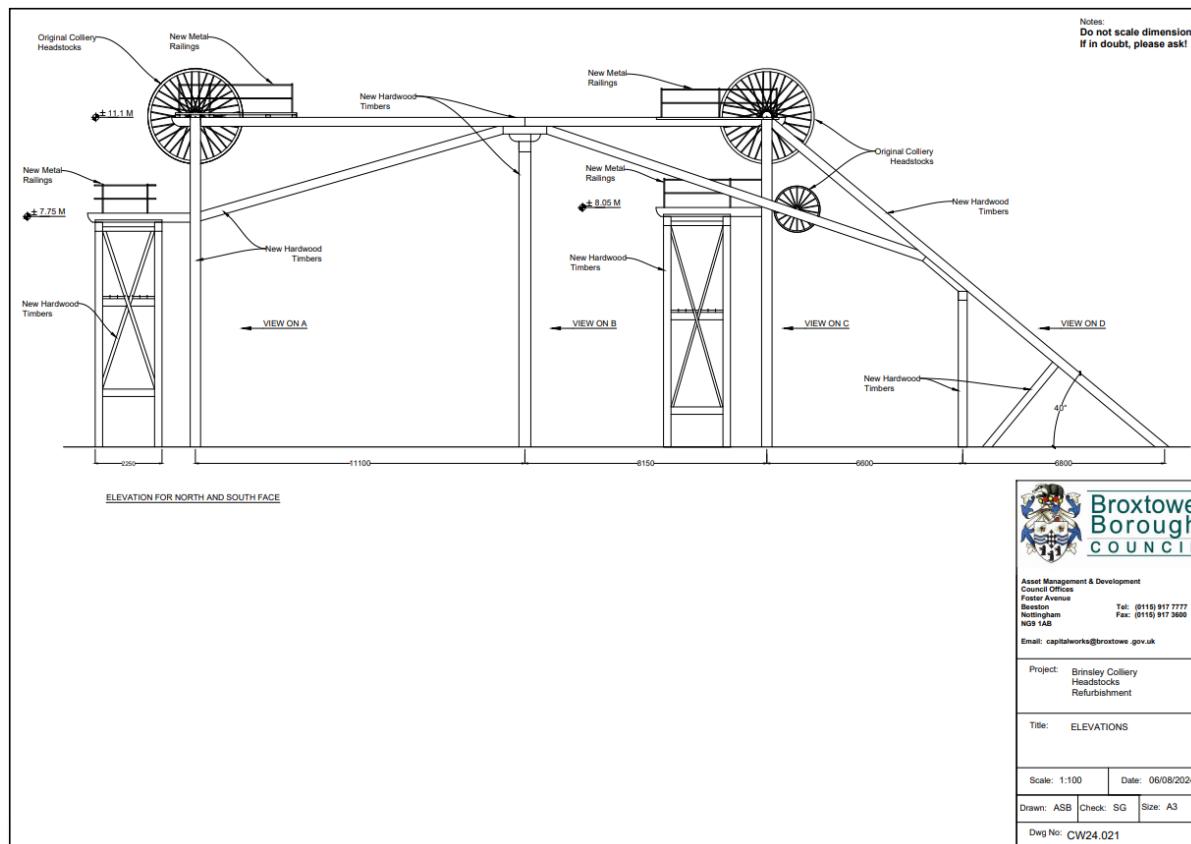
Project: Brinsley Colliery Headstocks Refurbishment

Title: TRESTLE ELEVATIONS

Scale: 1:100 Date: 06/08/2024

Drawn: ASB Check: SG Size: A3

Dwg No: CW24.021



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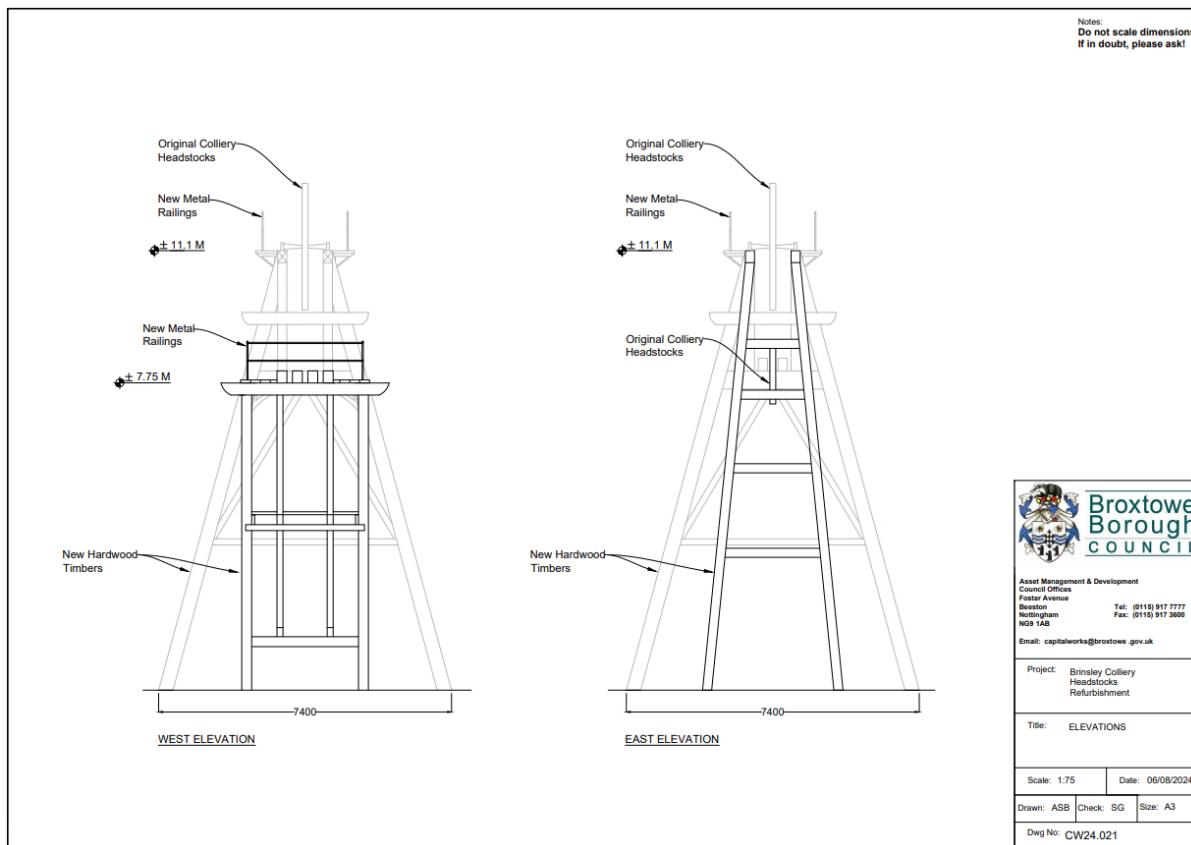
Project: Brinsley Colliery Headstocks Refurbishment

Title: ELEVATIONS

Scale: 1:100 Date: 06/08/2024

Drawn: ASB Check: SG Size: A3

Dwg No: CW24.021



Report of the Chief Executive

Application number:	21/00838/FUL
Location:	St Johns School of Mission Office Building, Peache Way, Bramcote, Nottingham, NG9 3DS
Proposal:	Convert existing building to create 25 1, 2 and 3 bedroom apartments and external alterations

The application is brought before the Committee to consider the offer of contributions contrary to policy due to unviability.

1. Purpose of the Report

The application seeks approval for the conversion of an existing building to create of 25 dwelling units, with external alterations to the building.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to conditions outlined in the Appendix.

3. Detail

The proposal would extend and convert a former educational building that was sold out of a wider site, on which a partially-implemented permission exists for 40 dwellings.

The proposal inserts steps into a listed wall, and is connected to and within the setting of a listed building, so special regard must be had to preserving the building, its setting and features of special architectural or historic interest. The application has been amended to safeguard privacy and effect elevational changes requested by Nottinghamshire County Council Historic Buildings.

The application was submitted before biodiversity net gain requirements and will result in a small loss, which is a dis benefit, to implement the landscape strategy, which is a benefit. A Drainage Strategy allows for stormwater detention on site.

A bat survey found no active roosts in the building, but activity in the wider site, so that external lighting will be controlled.

Financial Viability Assessment indicates the proposal would not be viable if affordable housing or contributions were required.

The benefits of above-standard and accessible housing in a needed format within the Main Built-up Area (MBA), improvements to the appearance of the Conservation Area (CA) and setting of the listed building and access improvements outweigh a small loss of biodiversity and listed wall, and a lack affordable housing or contributions and so permission should be granted.

4. Financial Implications

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

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

5. Legal Implications

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

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

6 Data Protection Compliance Implications

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

7. Background Papers

Nil.

Appendix**1. Details of Application**

1.1 The proposed development would extend and convert this former theological college education building, re-using the existing parking area to the south of the building for residents. Five top floor apartments will be created in what was roof space, which was to (and to some extent still will) be formed by converting the dual-pitched roof to a flat roof, effectively raising the eaves. Two further duplex apartments will be created in an extension to the northern end of the building. The remaining 18 apartments will be created by converting existing floor space. The proposal is in a building that was sold out of a wider site on which a partially-implemented permission exists for 40 dwellings. Combined with that, a total of 65 dwellings would result.

1.2 The proposed development includes inserting stairs into a listed ha-ha wall. Because of this and the fact that the subject building is connected to and within the setting of a listed building, there is an accompanying application for listed building consent (LBC) and special regard must be had to preserving the building, its setting and features of special architectural or historic interest.

1.3 The application included an Energy and Sustainability Statement, a Heritage Design and Access Statement (HDAS), Tree survey, Transport Statement and Building for life Statement. A Foul Sewage Assessment was later added, along with a Preliminary Ecological Assessment and a Drainage Statement. The application was amended in August 2022 following objections in respect of overlooking from the northernmost upper floor apartment balcony and windows towards the nearest house and its garden at 4 Home Croft. This amendment removed a balcony on the northern elevation, added a privacy screen at the northern end of the eastern balcony and obscure glazing in all north-facing upper-floor windows. It also incorporated elevational amendments requested by Nottinghamshire County Council Historic Buildings.

1.4 The application was added to in September 2022 with a preliminary ecological assessment, which assessed the building as having 'low' potential for roosting bats. Nottinghamshire Wildlife Trust on re-consultation requested a minimum of one bat activity survey. The application was further amended at the end of January 2023 with an indicative landscape strategy and biodiversity net gain calculation to ensure future occupiers would have access to some amenity space and to assess the impact on biodiversity. The strategy showed land between the building and Chilwell Lane landscaped for use by residents. This was necessary as their future ability to access the wider grounds of the former college was unclear.

1.5 A further biodiversity net gain calculation was submitted in January 2024 and a payment to off-set the impact of the landscape strategy was agreed in May 2024. It identified that 0.844 habitat units were required to meet the

biodiversity target in force at the time of submission. Were this to be off-set with national statutory credits, it would equate to an off-site contribution of £35,280, which Parks and Open Spaces can spend nearby on a re-wilding project to re-create the same habitat as that lost.

- 1.6 Correspondence in June 2023 with a local surveyor established that local registered providers or the Borough Council would purchase the calculated 2.1 units of affordable housing.
- 1.7 A bat survey was also completed in June 2023 and reported no active roosts in the building, but foraging in the southern half of the site and commuting throughout. NWT requested in September 2022 that the recommendations made within the original report of September 2021 should be implemented in full, via a condition of planning consent, should permission be granted. Conditions restricting the installation of external lighting to only that approved by the Borough Council will be imposed to prevent any impact on bat commuting routes, requiring excavations to be closed overnight and mammal ladders installed, and precluding tree, building or hedgerow removal without a recent nesting bird survey are all reasonable to impose.
- 1.8 Finally, a Financial Viability Assessment was submitted in November 2024, which indicated that the proposed development would not be viable if developer contributions were required.

2 Location and Site Characteristics

- 2.1 This 0.4-hectare broadly-rectangular site is located in Bramcote, within its Conservation Area (CA), and was part of the former St John's College. Its western 135-metre-long frontage is to Chilwell Lane, its northern 35-metre-wide frontage is to Peache Way, across which is a bungalow and a double garage on Home Croft. The site is occupied by a two-storey blockwork building containing seminar rooms and other facilities. A fire in May 2024 destroyed much of its roof and part of the first floor. The site slopes down from the north to south, reflecting the surrounding topography, which comprises the southern slope of Burnt Hill. A gravel car park to the south of the building is accessed from Chilwell Lane.
- 2.2 A country house, known as The Grove, formed the core of the college to the east of the subject building and is linked to it by a covered walkway. It was built around 1810 and listed in grade II on 14 April 1987. It is two-storey in Georgian style with stucco walls and a hipped slate roof. A portico in its west elevation contained the main entrance, but was replaced by a sash window when the subject building, together with other blockwork buildings to the east of the house, was added to accommodate the theological college. The south elevation overlooks a terraced lawn and ha-ha, beyond which was parkland, recently developed for houses, one of which is 3.5 m from the application site, 9.0 m from the car park and 7.3 m from the proposed bin store.

2.3 The Bramcote CA was designated on 1 March 1973 and comprises the historic core of the village to the north, the area around Burnt Hill, The Grove and its grounds. The CA Appraisal identifies the blockwork buildings as making a negative contribution. The rest have recently been demolished, leaving only the subject building. Chilwell Lane bounds the CA to the west, with open fields beyond in the Green Belt. The now-developed parkland forms the southern boundary of the CA, 120 m south-east of the site, with a secondary school beyond.

3 Relevant Planning History

3.1 The Grove was converted into a theological college between 1969 and 1971, prior to listing, and many of its former outbuildings were demolished to make way for the blockwork buildings. Since then, permissions and listed building consent (LBC) for small extensions to those buildings and consents for minor internal alterations have been granted.

3.2 Permission was granted under reference 16/00467/FUL on 19 September 2017 for the erection of 40 dwellings, comprising houses and apartments. Eight houses and all 15 apartments would be on land released by the demolition of the blockwork buildings to the east of The Grove that contained institutional residential accommodation. The Grove and the building subject of this application would be retained and become a non-residential rather than residential institution.

This permission was subject to conditions relating to archaeology, landscaping, bat survey prior to demolitions, site investigation, parking, drainage and permitted development rights removal, and to obligations requiring developer contributions and an open space scheme. Fifteen houses have so far been built and the blockwork residential buildings have been demolished.

3.3 A further application reference 22/00043/FUL to construct 25 rather than 15 apartments on the site of demolished institutional residential blocks was made on 12 January 2022 and withdrawn on 19 March 2024. A further application, this time to vary permission reference 24/00343/VOC with the same number but a different design of apartments and different cross-sections was made on 29 May 2024 and is pending consideration.

3.4 Planning and LBC applications references 18/00858/FUL and 18/00859/LBC to convert the house into four apartments was refused on 4 March 2020. Retrospective permission reference 20/00115/FUL to change the use of residential blocks to houses in multiple occupation was granted on 5 May 2020. The relevant blocks have now been demolished.

3.5 Development monitoring is outstanding on the wider site in respect of conditions 6 and 7 of permission reference 16/00467/FUL and the planning agreement related to it that created obligations, specifically in relation to

failure to agree an open space scheme before commencement and remaining sums due to be triggered by occupation of future units.

4 Development Plan Policy

4.1 Broxtowe Aligned Core Strategy (CS) 2014

The Council adopted the CS on 17 September 2014. Policies 1 (Climate Change), 2 (Spatial Strategy), 8 (Housing Size, Mix and Choice), 10 (Design and Enhancing Local Identity), 11 (The Historic Environment), 12 (Local Services and Healthy Lifestyles), 14 (Managing Travel Demand), 16 (Green Infrastructure, Parks and Open Space), 17 (Biodiversity), 18 (Infrastructure) and 19 (Developer Contributions) are relevant.

4.2 Part 2 Local Plan (P2LP) 2019

The Council adopted the P2LP on 16 October 2019. Policies 1 (Flood Risk), 15 (Housing Size, Mix and Choice), 17 (Place-making, Design and Amenity), 19 (Pollution...), 20 (Air Quality), 23 (Designated Heritage Assets), 28 (Green Infrastructure Assets), 30 (Landscape), 31 (Biodiversity Assets), 32 (Developer Contributions) are relevant.

4.3 National Planning Policy Framework 2024

The NPPF was revised in December 2024. Parts 5 (Delivering a sufficient supply of homes), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), 11 (Making effective use of land), 12 (Achieving well-designed and beautiful places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment) are relevant.

5 Consultee and Third Party Comments

5.1 Consultees

- Historic England – suggested consult own adviser and no comment on amendments.
- Broxtowe Borough Council Waste and Recycling – specified number and size of bins.
- Broxtowe Borough Council Environmental Health – no objection subject to conditions restricting construction hours and requiring pre-commencement noise assessment and construction method statement.
- Broxtowe Borough Council Housing – the 2.1 units of affordable housing should comprise 1.4 affordable or social rent and 0.7 low cost ownership.

- Broxtowe Borough Council Parks and Open Space – initially stated that contributions would be required and that there was no landscape plan. Subsequently did not comment on added landscape plan or dispute calculation of £40,858.
- Broxtowe Borough Council Conservation – no comments following amendments sought by Nottinghamshire County Council Historic Buildings.
- Nottinghamshire County Council Historic Buildings – affects grade II listed building (LB) ref. 1248244 (The Grove) and in CA. No description or analysis of setting, character or impacts, but proposal will convert building from a negative to positive contribution. Need to see proposal in context of LB. Site visit in June 2022 led to elevations amended in line with suggestions.
- Nottinghamshire County Council Highways – no objections subject to conditions on management of parking spaces and implementation of site access improvements.
- Nottinghamshire County Council Flood Risk Management – initially declined to comment due to scale but later objected due to lack of surface water drainage information.
- Nottinghamshire County Council Planning – initially sought a secondary education contribution of £97,004 and a post 16 contribution of £24,251. Subsequently sought secondary contribution of £121,080 and no post-16. Noted that improvements to nearby bus stops were due to be funded by the development of the wider site.
- Nottinghamshire Police – no objection, recommends adhere to Secured by Design.
- Nottinghamshire Wildlife Trust – confirm ecology survey undertaken at appropriate time of year and up to date, but concerned about competence of ecologist. Note tree removals, request bat survey, suggest net gain possible if habitats created and trees replaced, request condition to implement recommendations of September 2021 report.
- NHS Nottingham and Nottinghamshire – initially sought a £18,423.75 contribution to GP practices based on incorrect number of units, now seeks £11,953.12
- Cadent – no response
- Environment Agency – no response
- Severn Trent Water – noted no surface water proposals and requested drainage plans to accord with surface water disposal hierarchy.

5.2 Neighbours

- Four neighbours were initially consulted on the application with one response stating that the proposal would effect a visual improvement, but concerned about balconies overlooking a garden, cumulative impact of residential permissions, lack of visitor parking and EVCPs

- A site notice was posted and seven responses were received concerned about impact on the CA, traffic and parking on unadopted road, insufficient parking, construction access and pedestrian access, some stating the building was redundant and so had no baseline traffic demand and that day nursery trips had not been surveyed, preferring access from Baxter Green, stating that the development would be too large, but some also that it would be a visual improvement.

6 Evaluation

6.1 Principle

Permissions for a sports pavilion, garage extensions, a temporary lecture theatre, an extension to a chapel, a car park, a workshop extension and a covered link in 1970s and 80s related to the educational use of the subject building as part of a theological college, which was its lawful use.

Permission 16/00467/FUL for the erection of 40 dwellings following demolition of accommodation blocks to the east of The Grove has been partially implemented. That permission included the re-use of the subject building for non-residential institutional purposes. However, such use was not made of the building, which was instead sold out of the wider site. The proposal, combined with full implementation of the original scheme, would result in a total of 65 dwellings.

The planning application does not address the need for institutional floor space and, as there is currently no specific use, for example, for cultural purposes, there is no policy on its loss. Re-use for residential complies in principle with NPPF paragraph 124 and, as the site is in the Main Built-up Area (MBA), also with the settlement hierarchy in CS Policy 2. The proposal would contribute to both the 6,150 dwellings that CS Policy 2 requires in Broxtowe Borough from 2011 to 2028 and the 3,800 in the part of the MBA that lies within the Borough. Indeed, across the whole Borough, only 3,098 had been built against the 4,550 required by April 2024. The proposal would provide three 3-bedroom, 19no. 2-bedroom and three 1-bedroom flats, which broadly accords with identified need in the area, with flats suitable for older people particularly needed.

6.2 Heritage and Design

Whilst NCC Historic Buildings requested further heritage information, this was not forthcoming. However, the scheme was amended in accordance with their requests and is now acceptable. The proposal would significantly enhance all of the elevations of the building, opening up a regular fenestration pattern and rendering the existing brickwork in a light grey colour. Amendments to the window style reference the listed building and amendments to the cladding introduce warmer colours with bronze replacing grey zinc. As such, it would improve the setting of the listed

building and change a building that detracts the CA into one that contributes positively.

The insertion of steps into the ha-ha wall is an intervention limited in scale to that necessary to enable easy access to the parking area and as such would not impact its interpretation as part of the original development and laying out of the formal gardens of the listed building. The proposal will therefore comply with P2LP Policy 23 in each of these respects.

6.3 Amenity

The application did not refer to the existing planning agreement in respect of the whole site or to its implications for the provision of or access to open space for the public generally or residents of this site specifically. This remains unclear until an open space scheme is agreed as required under obligations triggered on commencement of 16/00467/FUL. Evidence has been provided that the development would be unviable if a contribution sought by Broxtowe Borough Council Parks and Open Space of £40,858 to local parks were required. This is accepted and the need is now also mitigated by amendments that would landscape the area between the building and Chilwell Lane to provide external amenity space to which residents will have access.

The floor areas of each flat exceed the nationally-described space standards. Nine have Juliet balconies, eight have direct access to a terrace and 10 have balconies, two of which are duplex flats that also have either terrace access or a Juliet balcony. A shared basement amenity space and amendments to provide a landscaped area between the building and Chilwell Lane will add to amenity space available to residents. Whilst bin and bicycle stores are some way away, this reduces clutter in the setting of the listed building and ensures bins are within 10 metres of the collection point. The stores are adequate for expected cycle parking and waste.

Thirteen flats share an access point and whilst a condition may not be proportionate, an informative relating to the Secured by Design standard will ensure designers and specifiers have access to appropriate advice relating to security, particularly of shared areas. Whilst the building is close to a busy road and some bedrooms are planned above or below kitchens or living areas, the risk of noise resulting in disturbance can be managed by a condition to require the implementation of recommendations of an approved noise assessment. The proposal thus complies with P2LP Policy 17 on design and amenity and with P2LP Policy 19 on noise.

6.4 Ecology

No bats were found within the roof on survey and subsequent fire damage reduces the likelihood of a roost since. Nonetheless, bats were observed flying through the site and its surroundings, so a condition to control the

design of any external lighting is reasonable and necessary to ensure that the habitat available to bats is not harmed or reduced.

Whilst the application pre-dated the introduction of mandatory biodiversity net gain, a baseline assessment was made and a matrix supplied in light of the proposed external landscape works. This resulted in a loss of 0.844 units and a need to contribute £35,280 for off-site improvements to a suitable receptor site identified by the Parks and Open Spaces team. Evidence has been provided that the development would be unviable if contributions were required, which is accepted in this case, particularly in light of the application pre-dating the statutory requirement.

6.5 Access and Parking

Much of the subject floor space exists and generated trips previously, albeit at a different density. The proposal would improve an existing car park and access from Chilwell Lane to provide 27 spaces including three disabled. A further two general spaces will be accessed from Peache Way. This is less than the Nottinghamshire County Council residential standard but Highways has not objected subject to an implementation condition, which can be adapted to require details of EVCP provision and management of access, permits and visitor parking.

Clever use of topography means that nine flats are completely accessible from adjacent ground level and two more are visitable without using stairs. Bus stops outside the site on Chilwell Lane are served hourly by the no.18 Stapleford to Beeston service, Bramcote Lane tram stop is a 13-minute walk away and Beeston town centre is a 6-minute cycle away on the adjacent bridleway, so sustainable travel options are available. The County Council initially sought £40,800 to improve local bus stops, but these improvements will be funded by the development of the wider site.

Concerns raised by a resident of Sunnyside Road in Chilwell, whose child attended a day nursery that occupied one of the now-demolished buildings to the east of The Grove are to a degree now moot, but construction traffic will anyway be managed via a plan required by condition. Concerns raised by an agent at Edmonton Court in West Bridgford on behalf of unknown local residents seem to relate to a now-withdrawn application 22/00043/FUL to densify that part of 16/00467/FUL that remained unbuilt, but related to additional use of Peache Way for access. In this case, all but two parking spaces will be accessed via Chilwell Lane.

6.6 Drainage and surface water run-off

Due to the limited site area and lack of rights to connect into the sustainable drainage system for the wider site, a Drainage Strategy has been agreed that would incorporate a detention tank underneath the car park and a condition can be imposed to require its installation and maintenance.

6.7 Affordable Housing

As the proposal is for more than 10 dwellings in the 'Beeston' sub-market area, P2LP Policy 15 requires 30% of the dwellings to be affordable. However, to support the re-use of brownfield land, NPPF Section 5 requires affordable housing to be reduced in proportion to the amount of vacant floor space re-used. In this case, only seven dwellings on the top floor and in the extended part of the building will be on new floor space, 30% of which would be 2.1 dwellings. Furthermore, evidence has been provided that the development would be unviable if this were required, which is accepted in this case, particularly in light of the marginal loss that would result.

6.8 Trees

The Landscape Strategy includes the removal of a limited number of lower quality trees in order both to admit light into windows in the west elevation of the converted building and to ensure there will be a usable area of outdoor amenity space for future residents. The site's location within a CA means that additional removal of trees would need to be notified.

6.9 Other Matters

The proposal will increase demand on health and education facilities. NHS Nottingham and Nottinghamshire seeks £11,953.12 towards increasing GP surgery capacity and Nottinghamshire County Council seeks £121,080 towards increasing secondary school capacity. Combined with the wider scheme, the proposal exceeds 50 dwellings, so contributions to community facilities would also be sought.

However, evidence has been provided that the development would be unviable were contributions to be required. Indeed, viability assessment found it marginal without contributions, such that this is accepted in this case. The notional loss of education contributions is mitigated by this form and location of development being more attractive to older households with fewer schoolchildren.

7 Planning Balance and Conclusion

7.1 The building is vacant and the value of its institutional use is limited, so re-use for above-standard residential in a needed format within the MBA is a significant benefit. Failure to deliver 2.1 units of affordable housing is a limited disbenefit.

The proposal enhances the appearance of the building, transforming it from one that detracts from the CA and from the setting of the listed building into one that contributes positively. This is a significant benefit. The insertion of steps into the ha-ha wall is a limited intervention that would not impact interpretation of the listed building and any inherent harm from which is outweighed by the public benefits of improved access to the residential re-use.

Uncertainty around access to open space on the wider site and lack of contributions to local parks are mitigated by external amenity space in the form of balconies and some landscaped grounds. Overall, this is neutral in the balance. Landscaping of external areas for amenity space will result in a net biodiversity loss of 0.844 units, which is a disbenefit.

Parking is below standard, but manageable by a condition to mitigate impacts, which will also be limited due to good access to non-car travel options. Together with improvements to the access, this is neutral in the balance. 36% of the flats are accessible from adjacent ground level and more are visitable. This exceeds the policy requirement of 10% and is therefore a benefit.

Increased demand on health, community and education facilities that will not be off-set by contributions represents a disbenefit that is mitigated by the scale of contribution sought by the NHS and by the form of residential development, which is more likely to be attractive to older households with few or no school age children.

In conclusion, the benefits of above-standard and accessible residential in a needed format within the MBA, improvements to the appearance of the CA and setting of the listed building and improvements to the site access outweigh a small loss of biodiversity, of a small length of ha-ha to introduce steps, and a lack of affordable housing or contributions and so permission should be granted.

8 Recommendation

8.1 It is recommended that planning permission be granted subject to the following conditions.

Recommendation

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

1.	The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
2.	The development hereby permitted shall be carried out in accordance with the following: Received by the Local Planning Authority on 17 February 2022 <ul style="list-style-type: none">• Drawing 1038 007 A Proposed Roof Plan Layout• Drawing F21198 Proposed Site Access Layout & Visibility Assessment (within Transport Statement) Received by the Local Planning Authority on 21 February 2022

	<ul style="list-style-type: none">• Drawing 1038 008 A Proposed Bin and Cycle Store <p>Received by the Local Planning Authority on 1 August 2022</p> <ul style="list-style-type: none">• Drawing 1038 003 A Proposed Floor Plans• Drawing 1038 004 A Proposed Elevations• Drawing 1038 005 A Existing and Proposed Site Block Plan• Drawing 1038 006 B Proposed Site Plan Layout• Drawing 1038 009 A Existing and Proposed Listed Wall Plan• Drawing 1038 013 Proposed Material Board <p>Received by the Local Planning Authority on 1 December 2023</p> <ul style="list-style-type: none">• Drawing 600924-HEX-00-XX-D-C-9200 P01 Drainage Strategy (within Drainage Statement) <p>Received by the Local Planning Authority on 6 June 2024</p> <ul style="list-style-type: none">• Drawing 22.1695.002C Landscape Strategy <p>Received by the Local Planning Authority on 10 December 2024</p> <p>Drawing 22.1695.001D Landscape Strategy.</p>
3.	<p>No external lighting shall be installed unless its specification and an assessment of areas illuminated has been submitted to and approved in writing by the local planning authority.</p>
4.	<p>No removal of hedgerows, trees, or scrub shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period.</p>
5.	<p>No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect mammals including badger and hedgehog, from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:</p> <ul style="list-style-type: none">a) The creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day;b) Open pipework greater than 150 mm outside diameter must be capped off at the end of each working day;c) Fuel and other harmful substances must be kept all in a locked area and spillages treated with spill kits;

	<p>d) If any fresh sett digging is observed notifying an ecologist immediately and leaving a 20m buffer around the area until an assessment can be made.</p> <p>e) To minimise the effect of the proposals on existing habitats, storage of materials and machinery should be on hardstanding and must avoid the root protection zone of trees. Any trees that will be unaffected should be adequately protected during the construction works, in line with BS5837:2012.</p>
6.	All windows in the north-west elevation on drawing number 1038 004 revisions A must be obscure glazed to Pilkington Level 5 and must be retained or replaced as such during the lifetime of the development.
7.	Occupation of the development hereby permitted shall not take place until the off-street parking areas shown on drawing number 1038 006 Revision B have been provided and details of the provision and management of access, electric vehicle charging points and parking permits (including arrangements for visitors) has been submitted to and approved in writing by the local planning authority. The parking and turning areas shall be maintained and operated in accordance with the approved details, and shall not be used for any purpose other than the parking and turning of vehicles during the lifetime of the development.
8.	Occupation of the development hereby permitted shall not take place until the site access shown on Transport Statement drawing number F21198/01 has been provided together with provision to prevent the discharge of surface water from the parking area to the public highway. The provision to prevent the discharge of surface water shall be retained for the lifetime of the development.
9.	No development shall commence until details of a noise assessment have been submitted to and approved in writing by the Council. The report shall include details of noise attenuation measures required to meet the standard for internal noise levels defined in the current BS8233:2014 (including glazing and ventilation details). The dwelling hereby permitted shall not be occupied until the noise mitigation measures have been provided in accordance with the approved details and shall thereafter be retained for the lifetime of the development.
10.	No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.
11.	No development shall commence until a Construction / Demolition Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:

	<p>a) The means of access for construction traffic; b) parking provision for site operatives and visitors; c) the loading and unloading of plant and materials; d) the storage of plant and materials used in construction and demolition; e) a scheme for the recycling and disposal of construction and demolition waste f) details of dust and noise suppression to be used during construction. g) the identification, isolation and removal of any asbestos containing materials.</p> <p>The approved statement shall be adhered to during demolition and construction.</p>
12.	Occupation of the proposed development shall not take place until the Drainage Strategy has been implemented in accordance with drawing number 600924-HEX-00-XX-D-C-9200 revision P01.
13.	All hard and soft landscape works shall be carried out in accordance with details set out in drawings 22.1695.001 D received on 10 December 2024 and 22.1695.002 C received on 6 June 2024. The works shall be implemented prior to the occupation of development and thereafter maintained in accordance with a management strategy, which must have been submitted to and approved in writing by the local planning authority.
	Reasons:
1.	To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2.	For the avoidance of doubt.
3.	To limit impacts to protected species, in accordance with Policy 17 of the Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Local Plan (2019).
4.	To limit impacts to protected species, in accordance with Policy 17 of the Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Local Plan (2019).
5.	To limit impacts to protected species, in accordance with Policy 17 of the Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Local Plan (2019).
6.	To maintain a satisfactory degree of amenity for neighbours and new occupiers, in accordance with Policy 17 of the Broxtowe Local Plan (2019).

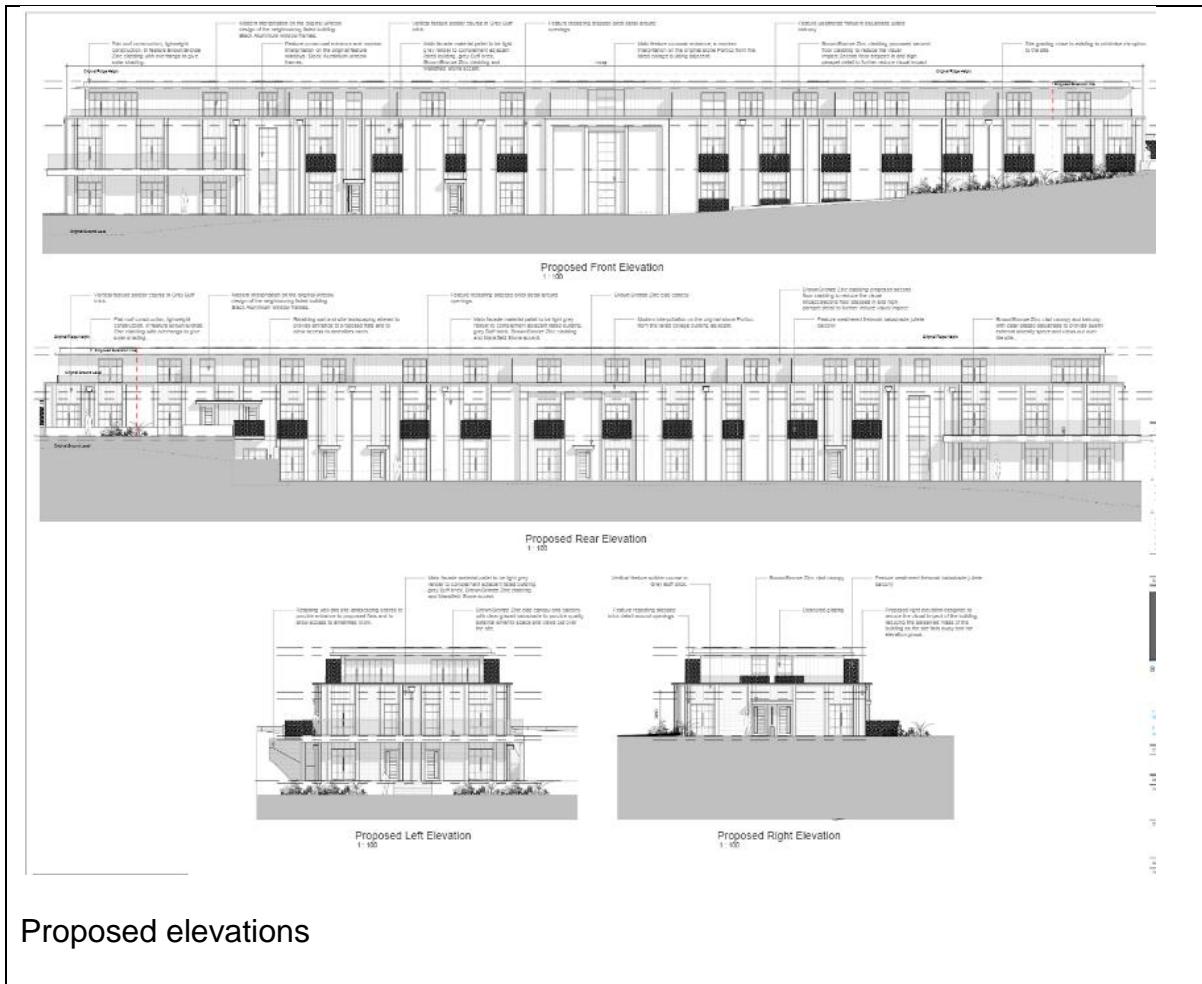
7.	In the interests of highway safety and to ensure sufficient, well-integrated parking and charging infrastructure, in accordance with Policies 17 and 20 of the Broxtowe Local Plan (2019).
8.	In the interests of highway safety and to ensure a safe and convenient access, in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019).
9.	To protect occupiers from excessive noise, in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).
10.	To protect nearby occupants from excessive construction noise and vibration, in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).
11.	To protect the amenity of neighbouring residents, in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).
12.	To ensure the site is sustainably drained, in accordance with Policy 1 of the Aligned Core Strategy (2014) and Policy 1 of the Part 2 Local Plan (2019).
13.	To ensure the site provides adequate external storage and amenity space and a satisfactory degree of amenity in accordance with Broxtowe Aligned Core Strategy (2014) Policy 10 and with Broxtowe Part 2 Local Plan (2019) Policy 17.
	NOTES TO APPLICANT

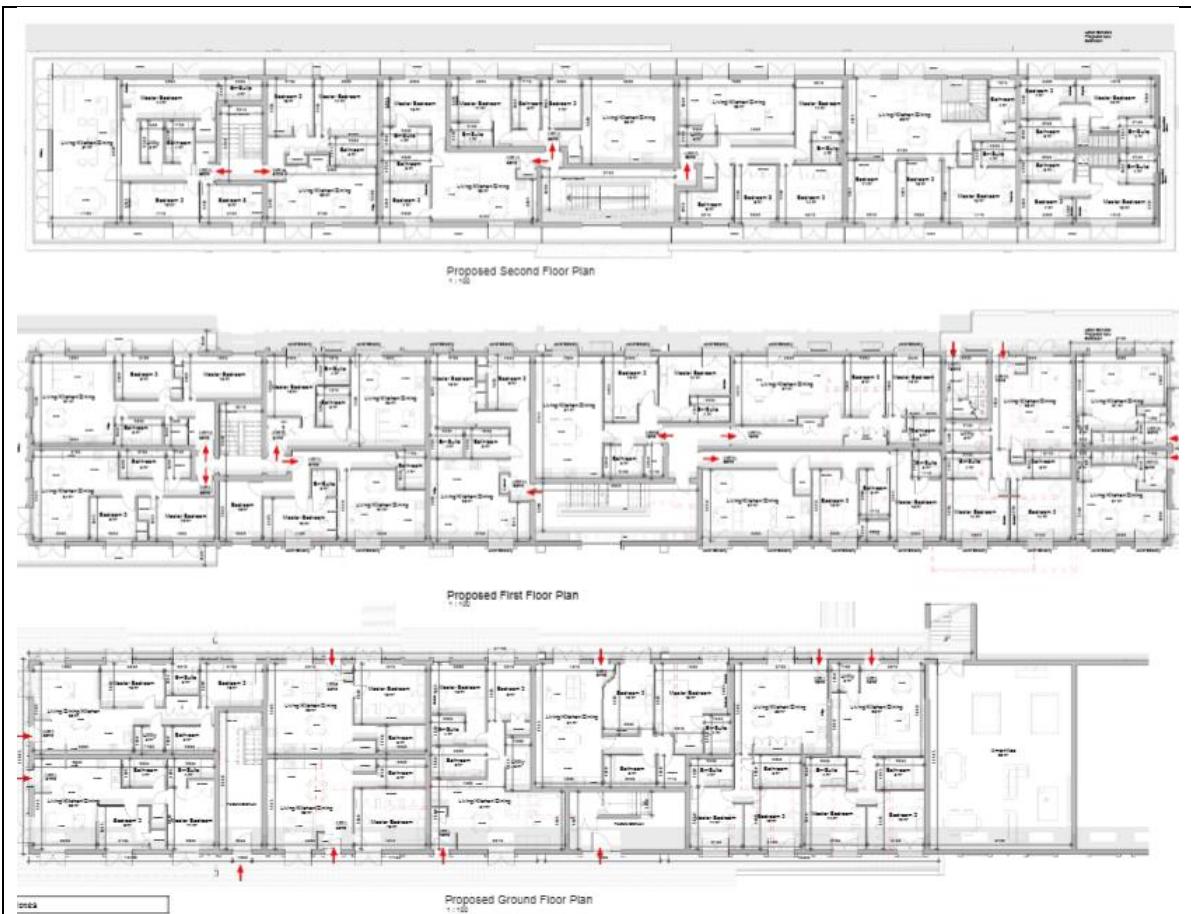
1.	<p>The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.</p> <p>Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</p> <p>Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.</p> <p>If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>
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Map

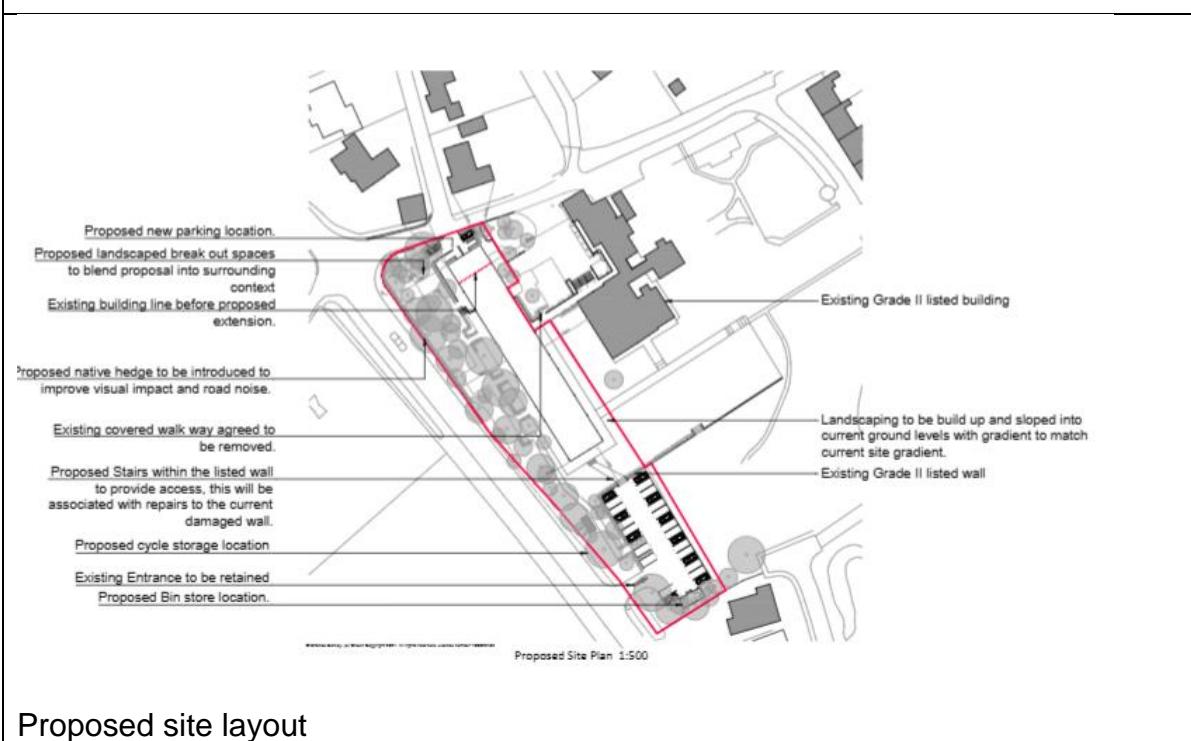
- Site
- Group TPO
- Single TPO
- Conservation Area
- Listed Building

Plans





Proposed floor plans



Proposed site layout

Report of the Chief Executive

Application number:	21/00839/LBC
Location:	St Johns School of Mission Office Building, Peache Way, Bramcote, Nottingham, NG9 3DS
Proposal:	Proposed alterations to Grade II listed wall, including steps for pedestrian access

The application is determined by the Committee because it accompanies a planning application being determined by the Committee (reference 21/00838/LBC).

1. Purpose of the Report

The application seeks listed building consent for alterations to a Grade II listed wall including steps for pedestrian access.

2. Recommendation

The Committee is asked to RESOLVE that listed building consent (LBC) be granted subject to conditions outlined in the Appendix.

3. Detail

The proposal would insert steps into a short section of listed ha-ha wall in order to allow access from a parking area to proposed apartments. The conversion that would result in the apartments improves the setting of the listed building and the Bramcote Conservation Area (CA).

4. Financial Implications

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

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

5. Legal Implications

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

6 Data Protection Compliance Implications

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

7. Background Papers:

Nil.

Appendix**1. Details of Application**

- 1.1 The proposal inserts steps into a listed wall, and is related to development within the setting of a listed building, so special regard must be had to preserving the building, its setting and features of special architectural or historic interest.
- 1.2 After amendment to effect elevational changes requested by Nottinghamshire County Council Historic Buildings, the conversion would improve the setting of the listed building and the conservation area.

2 Location and Site Characteristics

- 2.1 The site is located within Bramcote Conservation Area, was part of the former St John's College and contains a two-storey blockwork building. A fire in May 2024 destroyed much of its roof and part of the first floor. A gravel car park to the south of the building is accessed from Chilwell Lane.
- 2.2 A country house, known as The Grove, formed the core of the college to the east of the blockwork building and is linked to it by a covered walkway. It was built around 1810 and listed in grade II on 14 April 1987. It is two-storey in Georgian style with stucco walls and a hipped slate roof. A portico in its west elevation contained the main entrance, but was replaced by a sash window when the subject building, together with other blockwork buildings to the east of the house, was added to accommodate the theological college. The south elevation overlooks a terraced lawn and ha-ha wall, beyond which was parkland.
- 2.3 The Conservation Area was designated on 1 March 1973. Its Appraisal identifies the blockwork building as making a negative contribution. The now-developed parkland to the south forms the southern boundary of the CA.

3 Relevant Planning History

- 3.1 The Grove was converted into a theological college between 1969 and 1971, prior to listing, and many of its former outbuildings were demolished to make way for the blockwork buildings. Since then, permissions and listed building consent (LBC) for small extensions to those buildings and consents for minor internal alterations have been granted.
- 3.2 The Grove was converted into a theological college between 1969 and 1971, prior to listing, and many of its former outbuildings were demolished to make way for the blockwork buildings. Since then, permissions and LBCs for small extensions and minor internal alterations have been granted.
- 3.3 Permission was granted under reference 16/00467/FUL on 19 September 2017 for the erection of 40 dwellings on the wider site that comprised The Grove and its

parkland grounds. The Grove and the building proposed to be converted would have been retained and become a non-residential institution.

4 Development Plan Policy

4.1 National Planning Policy

National Planning Policy Framework 2024

The NPPF was revised in December 2024. Parts 5 (Delivering a sufficient supply of homes), 11 (Making effective use of land), 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment) are relevant.

4.2 Local Planning Policies

4.2.1 Part 1 Broxtowe Aligned Core Strategy 2014: and Part 2 Local Plan 2019:

The Council adopted the CS on 17 September 2014. Policies 10 (Design and Enhancing Local Identity) and 11 (The Historic Environment) are relevant.

The Council adopted the P2LP on 16 October 2019. Policies 17 (Place-making, Design and Amenity) and 23 (Designated Heritage Assets) are relevant.

5 Consultee and Third Party Comments

5.1 Consultees

- Historic England – suggested consult own adviser and no comment on amendments.
- Broxtowe Borough Council Conservation – no comments following amendments sought by Nottinghamshire County Council Historic Buildings.
- Nottinghamshire County Council Historic Buildings – affects grade II listed building (LB) ref. 1248244 (The Grove) and in CA. No description or analysis of setting, character or impacts, but proposal will convert building from a negative to positive contribution. Need to see proposal in context of LB. Site visit in June 2022 led to elevations amended in line with suggestions.

5.2 Neighbours

- 4 neighbours were initially consulted on the application with one response stating that the proposal would effect a visual improvement.

- A site notice was posted and seven responses were received concerned about impact on the CA, some stating it would be a visual improvement.

6 Evaluation

6.1 The insertion of steps into the ha-ha wall is an intervention limited in scale to that necessary to enable easy access to the parking area and as such would not impact its interpretation as part of the original development and laying out of the formal gardens of the listed building. The proposal will therefore comply with P2LP Policy 23 in each of these respects.

7 Conclusion

7.1 The proposal will result in less than substantial harm to the significance of the listed building, which will be outweighed by the public benefit of better access for future residents of the conversion scheme, which itself will enhance the setting of the listed building considerably. It therefore complies with NPPF paragraph 215.

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

8 Recommendation

8.1 It is recommended that listed building consent be granted subject to the following conditions.

Recommendation

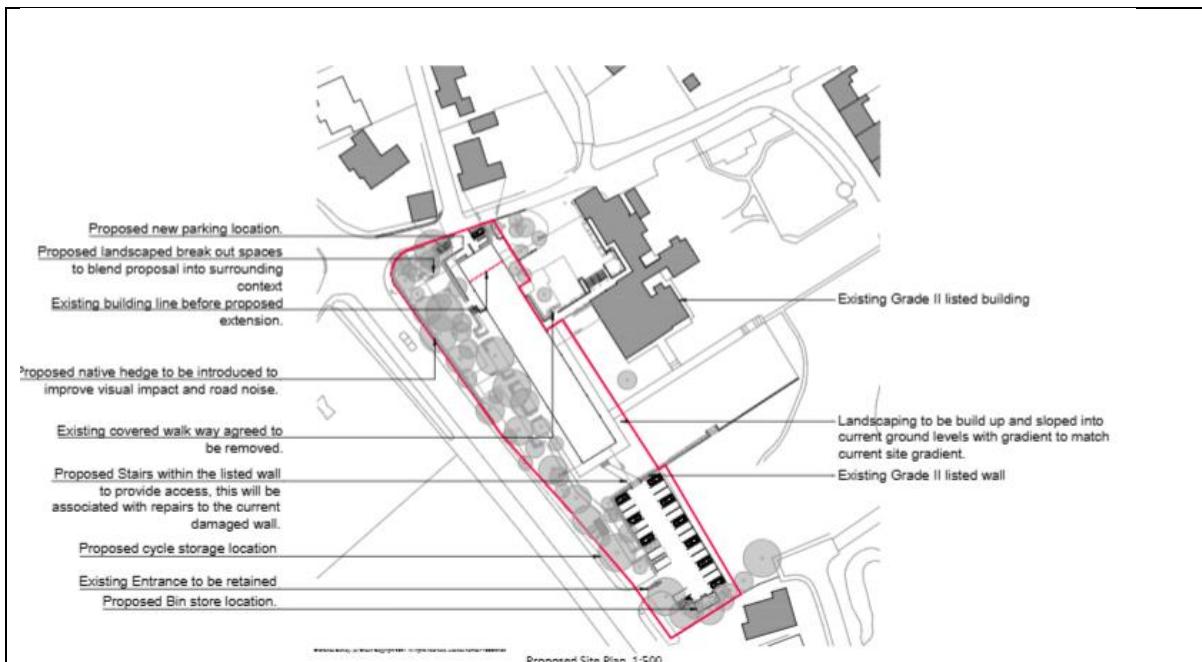
The Committee is asked to RESOLVE that listed building consent (LBC) be granted subject to the following conditions.

1.	The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which this consent is granted.
2.	The development hereby permitted shall be carried out in accordance with the following: Received by the Local Planning Authority on 1 August 2022

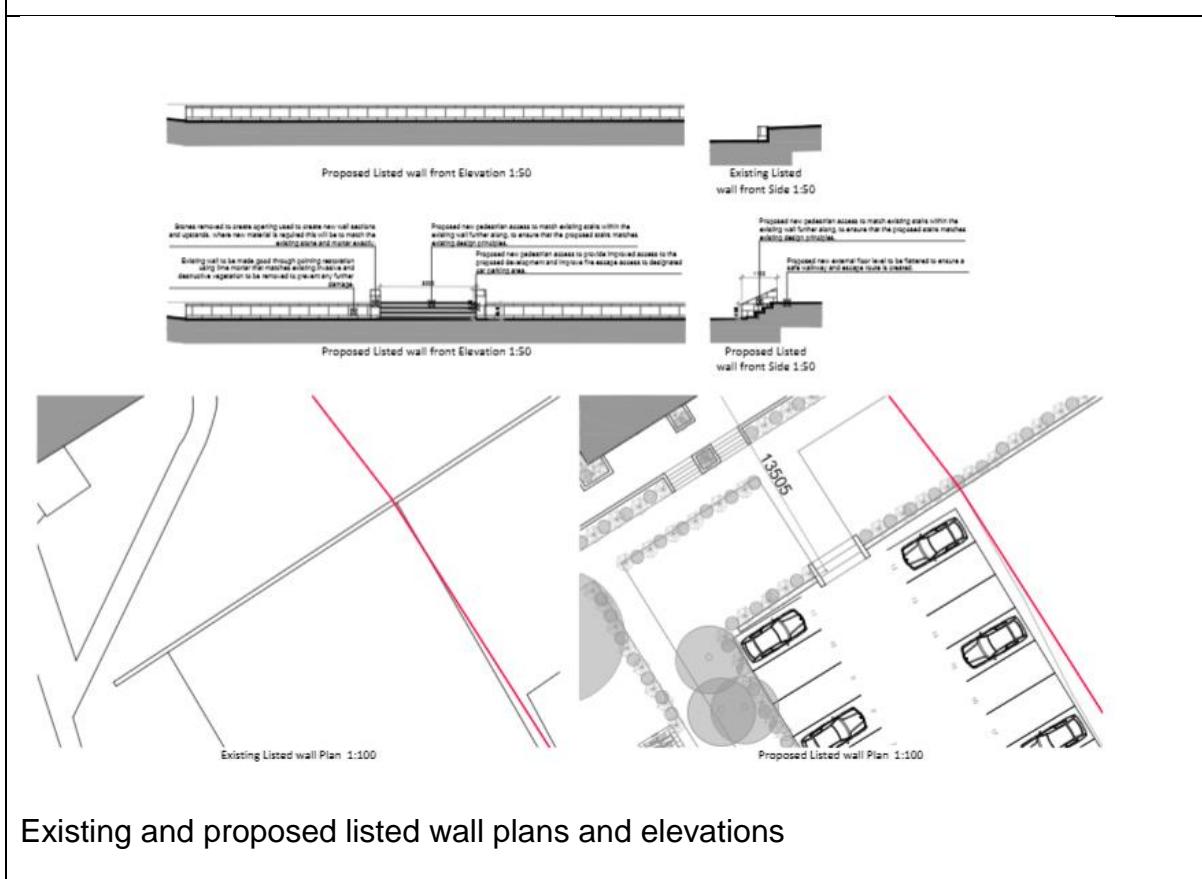
	<ul style="list-style-type: none">• Drawing 1038 005 A Existing and Proposed Site Block Plan• Drawing 1038 006 B Proposed Site Plan Layout• Drawing 1038 009 A Existing and Proposed Listed Wall Plan <p>Received by the Local Planning Authority on 6 June 2024</p> <ul style="list-style-type: none">• Drawing 22.1695.002C Landscape Strategy <p>Received by the Local Planning Authority on 10 December 2024</p> <ul style="list-style-type: none">• Drawing 22.1695.001D Landscape Strategy.
3.	No building operations shall be carried out until samples 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.
	Reasons:
1.	To comply with section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990
2.	For the avoidance of doubt and to define the consent
3.	To ensure that the proposals would conserve and enhance the character and appearance of the heritage asset by virtue of materials and quality of detail in accordance with Policy 23 of the Broxtowe Part 2 Local Plan (2019).
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.

Map

- Site
- Group TPO
- Single TPO
- Conservation Area
- Listed Building

Plans

Proposed site layout



Existing and proposed listed wall plans and elevations

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Report of the Chief Executive

APPLICATION NUMBER:	24/00534/FUL
LOCATION:	Boundary Cottage, Main Street, Strelley Nottinghamshire NG8 6PD
PROPOSAL:	Construct single storey front extension

The application has been called-in to Planning Committee by Councillor P J Owen.

1. Purpose of the Report

1.1 The application seeks planning permission to construct a single storey front extension.

2. Recommendation

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

3. Detail

The application seeks planning permission to construct a single storey front extension.

The application site consists of a semi-detached dwelling formed with red bricks and red plain tiles, it is attached to the rear of the neighbouring dwelling. There is a detached garage to the front, across from the front garden and facing the driveway. To the southern side there is a double gable roofed single storey extension and two storey extension.

Fountain Cottage is the attached neighbour to the north, its garden is to the rear of the site dwelling, with the sites garden situated to the southern side and front. Beyond the southern boundary there are open fields. The site is not entirely flat. The site is situated within the Strelley Conservation Area, and Boundary Cottage is protected property as part of the Strelley Article 4 direction. The site is also within the Green Belt. Connected to neighbouring Fountain Cottage.

The benefits of the development are that it would not harm the Conservation Area, and be an acceptable structure within this Article 4 area. It would have an acceptable design, would not have a significant negative impact on neighbour amenity and would partially be in accordance with the policies contained within the development plan. The negative impacts due to the cumulative nature of the proposal, are the inappropriateness of the development in the Green Belt, its impact upon the openness in this location and the applicant has not demonstrated exceptional circumstances which would allow for development over and above the allowed 30%.

4. Financial Implications

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

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

5. Legal Implications

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

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

6 Data Protection Compliance Implications

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

7. Background Papers:

Nil.

Appendix**1. Details of the application**

1.1 The proposal is to construct a single storey front extension. It would be a partial infill constructed to the south of the existing front door, and connected to an existing double/ single storey extension. It would extend to the same depth and with a similar lean-to roof design as the existing extension, with the connecting eaves at a height of 2.6m. Fenestration including to the existing extension, facing the front there would be two sets of double doors, and on both roof slopes of existing there would be a rooflight. The space including existing would provide an open plan kitchen/ dining, with a utility room created to the back of the hallway.

2. Site and surroundings

2.1 The application site consists of a semi-detached dwelling formed with red bricks and red plain tiles, and is attached to the rear of the neighbouring dwelling. There is a detached garage to the front, across from the front garden and facing the driveway. To the southern side there is a double gable roofed single storey extension and two storey extension.

2.2 Fountain Cottage is the attached neighbour to the north, its garden is to the rear of the site dwelling, with the sites garden situated to the southern side and front. Beyond the southern boundary there are open fields. The site is not entirely flat, having bumps in places.

2.3 The site is situated within the Strelley Conservation Area, and Boundary Cottage is protected property as part of the Strelley Article 4 direction. The site is also within the Green Belt. Connected to neighbouring Fountain Cottage.

3 Relevant Planning History

3.1 There have been previous planning applications at this property with the associated works carried out, as follows:

- 83/00057/FUL Construct extension to form kitchen
- 94/00524/FUL Construct detached garage and ground floor and first floor rear extension
- 01/00824/FUL Construct single storey rear kitchen extension
- 08/00292/FUL Construct single storey side/rear extension
- 23/00305/CAT Works to trees

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 3: The Green Belt
- Policy 10: Design and Enhancing Local Identity
- Policy 11: The 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 8: Development in the Green Belt
- Policy 17: Place-making, Design and Amenity
- Policy 23: Proposals Affecting Designated and Non-Designated Heritage Assets

4.3 National Planning Policy Framework (NPPF) 2024:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.
- Section 13 – Protecting Green Belt Land
- Section 16: Conserving and enhancing the historic environment

5 Consultations

5.1 3 neighbours were consulted on the application, and a site notice placed, with 1 response received with no objections.

5.2 Councillors & Parish/Town Councils:

- Councillor P J Owen – No comments received.
- Councillor G S Hills – No comments received.

5.3 Conservation Officer - The works relate to a front extension in Strelley Village which is under an Article 4 Direction. The works will be modestly scaled. Ordinarily a change to a front elevation in a Conservation Area with Article 4 is not supported. However, there has already been alteration to this element of the facade and the works will not be unduly prominent when viewed from the conservation area. Recommend a condition is placed which requires the new facing materials (doors / windows) to be as follows:

- all new doors / windows must be either timber or aluminium / steel. No uPVC is acceptable
- all new doors / windows must be flush fitted and cannot incorporate visible trickle vents

- 5.4 The agent has submitted example of proposed doors and windows with the use of wooden effect upvc windows and doors, and is happy for these details to be secured pre-commencement.
- 5.5 **Conservation Officer** provided further comment - Happy to accept timber effect uPVC - but the sample brochure provided shows both highly inappropriate and appropriate solutions. The profile in the brochure which is stated as 'rebated sash' is stormproofing and would not be acceptable. The doors provided are multiple options - can they be clear in stating which doors they are seeking from the brochure - and it is important to ensure the specification is not stormproofed.
- 5.6 Comment forwarded to agent – agent provided confirmation of doors and windows proposed by applicant - Ultimate Heritage with Flush Sash windows in white wood grain, with horizontal bars to match the other windows, the doors to the extension will be two sets of French doors to match the windows.
- 5.7 **Conservation Officer** provided further comment – no further objections, happy for condition to include specific items within brochure.

6. Assessment

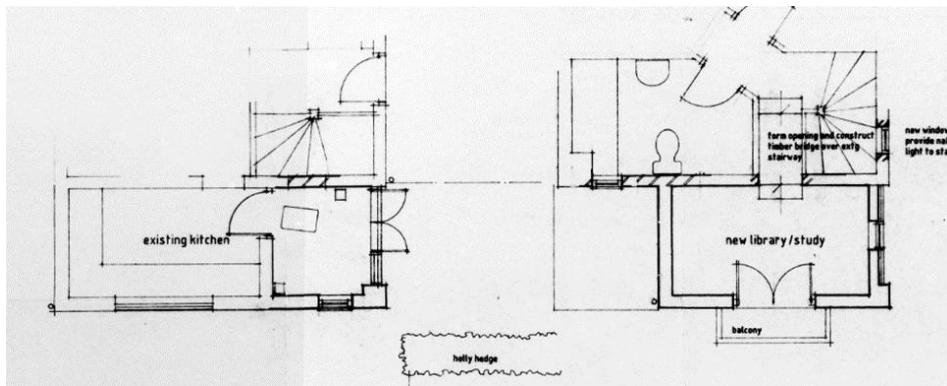
Principle of Development

- 6.1 There are constraints which need to be taken into account, these being the designation of the site within a Conservation Area (with listed buildings and locally listed buildings within the immediate vicinity), that the site is within the Green Belt and that Boundary Cottage is a designated property within the Strelley Article 4 area.
- 6.2 The application site is washed over by Green Belt, and therefore the principle of development is subject to whether or not it complies with local and national Green Belt policy. In accordance with the Broxtowe Part 2 Local Plan (2019) Policy 8, development in the Green Belt will be determined in accordance with the NPPF. Part 13 – Protecting Green Belt Land of the National Planning Policy Framework 2024 (NPPF), Paragraph 154 of the NPPF identifies the extension or alteration of a building as appropriate development in the Green Belt, provided that it does not result in disproportionate additions over and above the size of the original building. Therefore, the principle of development is considered acceptable.
- 6.3 Policy 8 of the P2LP states that additions which result in a total increase of more than 30% of the volume of the original building will be regarded as disproportionate.
- 6.3 The main issues for consideration are whether or not the principle of development is acceptable in the Green Belt, the design and appearance of the proposal, and its impact on neighbouring amenity.

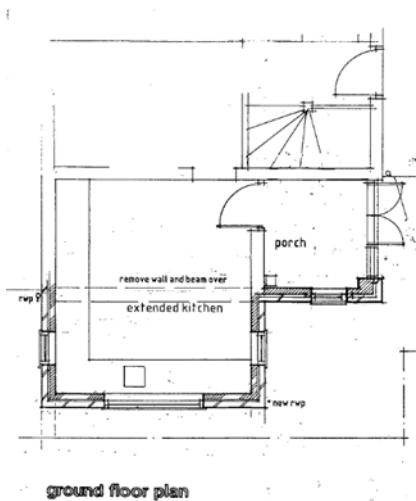
Design and the Green Belt

6.4 As shown below, the subject dwelling has previously been extended in accordance with planning approvals, referenced:

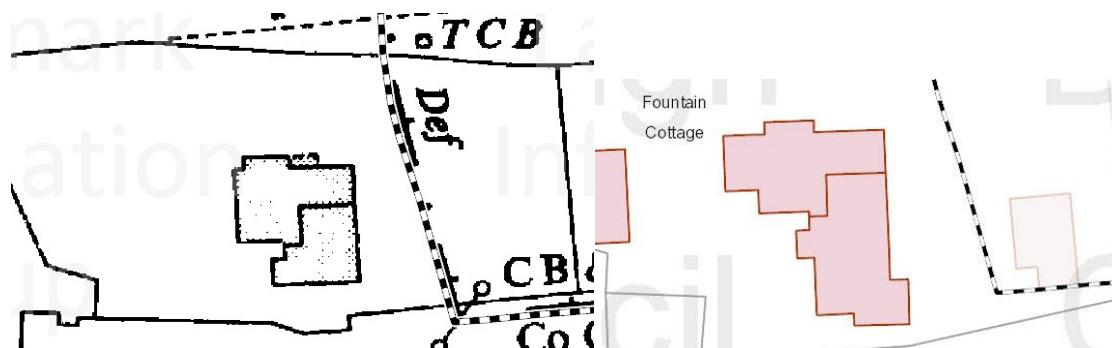
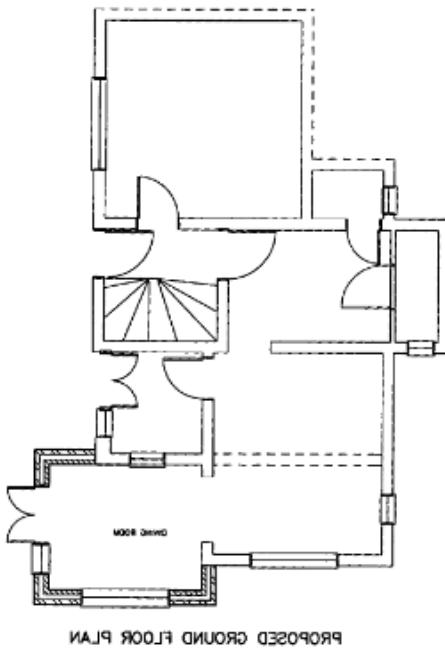
94/00524/FUL



01/00824/FUL



08/00292/FUL - In the appraisal volumes of extensions noted as below 50%, at 46.86%



1950 and to date, extended area equals an increase in footprint of 39.1 sq meters.

- 6.5 The dwelling as it existed on 1 July 1948, had a volume of 276.455m³ as noted on the appraisal for planning ref. 08/00292/FUL. The previous increase was 129.556m³, representing 46.86% (this was assessed against Broxtowe Local Plan 2004 Policy E8, which allowed up to a 50% increase). The current proposal has a volume of 6.43m³, which, together with the previous increase, equates to 49.19 % of the volume of the original dwelling.
- 6.6 Consequently, this far exceeds the 30% allowance. Therefore, it is considered the proposal will add to the cumulative impact, be inappropriate development, be contrary to Policy 8 and have a significant impact upon the openness and character of the Green Belt.

Conservation Area and Article 4 Designation

- 6.7 The front extension is an infill, connected to a previously constructed extension at a similar height to the single storey part, with a similar roof design and depth. It does not extend the full length of the front and is therefore clearly

subservient to the existing building which is situated to the rear of its connected semi, therefore visually it has limited sight from the public highway, facing what would be the main garden area and driveway.

- 6.8 The Conservation Officer has raised no objection to the development as it is considered that the works will be modestly scaled, though a pre-commencement condition has been requested in relation to windows and doors to be confirmed before development. Therefore, with the condition attached it is considered that the development will have no significant impact on the Conservation Area or nearby listed buildings.
- 6.9 Materials would be red facing brick and clay rosemary tiles to match existing, these materials are considered acceptable and bricks and tiles will be conditioned to match existing. Therefore, it is considered that the extension would be of a suitable design and not have a harmful impact on the street scene. With conditions attached the development would not impact have a significant impact on Boundary Cottages designation within the Article 4 area.

Amenity

- 6.10 The proposal is considered to have no significant impact on the surrounding neighbours as it would be situated partially to the front of the existing dwelling, away from its attached neighbour, no visible from the rear of the dwelling and no further forward than the existing dwelling.

7. Conclusion

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

Recommendation

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

1.	The proposal constitutes inappropriate development within the Green Belt as the proposed extension represents a disproportionate addition to the size of the original building. There are insufficient very special circumstances demonstrated to clearly outweigh the harm resulting from the inappropriateness of the proposed development and the significant harm upon openness. Accordingly, the proposal is contrary to Policy 8 of the Part 2 Local Plan and Section 13: Protecting Green Belt Land of the National Planning Policy
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	Framework (NPPF) 2023 and there are no other material considerations that justify treating this proposal as an exception.
	NOTES TO APPLICANT
1.	Whilst it has not been possible to achieve a positive outcome due to the fundamental concern regarding impact on the Green Belt, the Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.

If Approved

8.1 A condition in relation to materials, and window and doors specifications will need to be included.

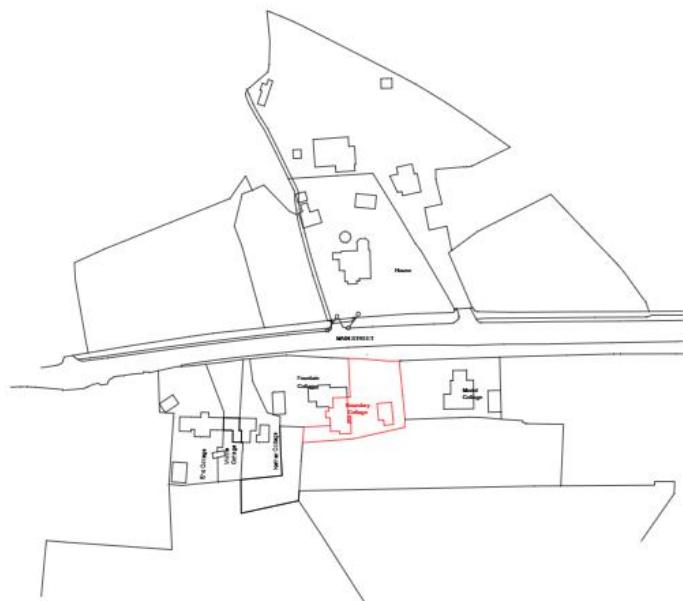
Map



Printed through Business Maps

Plans

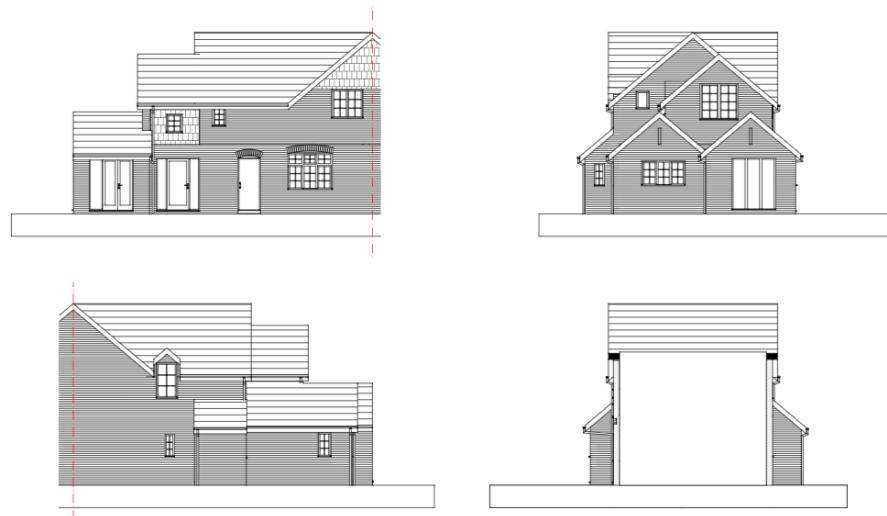
Site Location



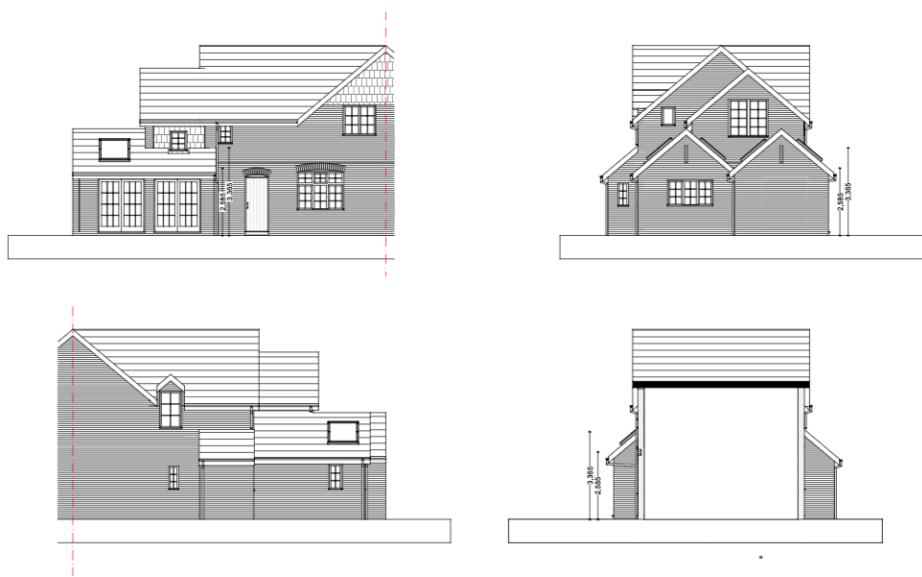
Proposed Site Plan



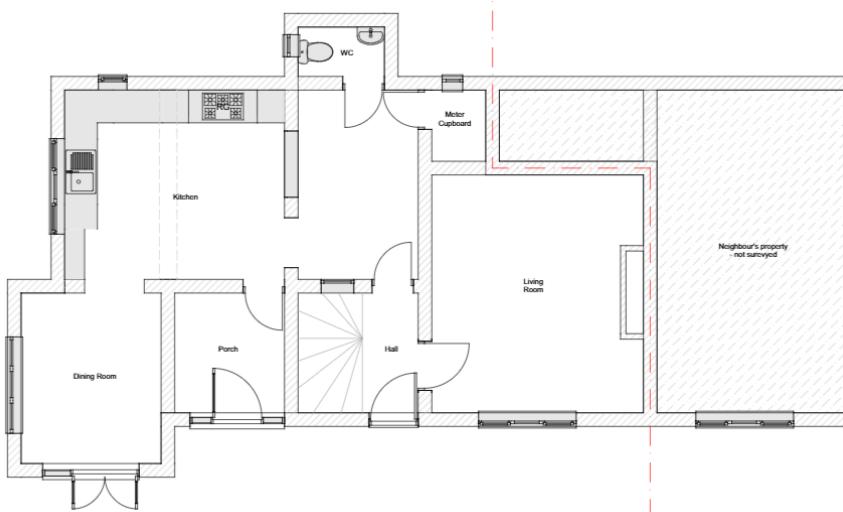
Existing Elevations

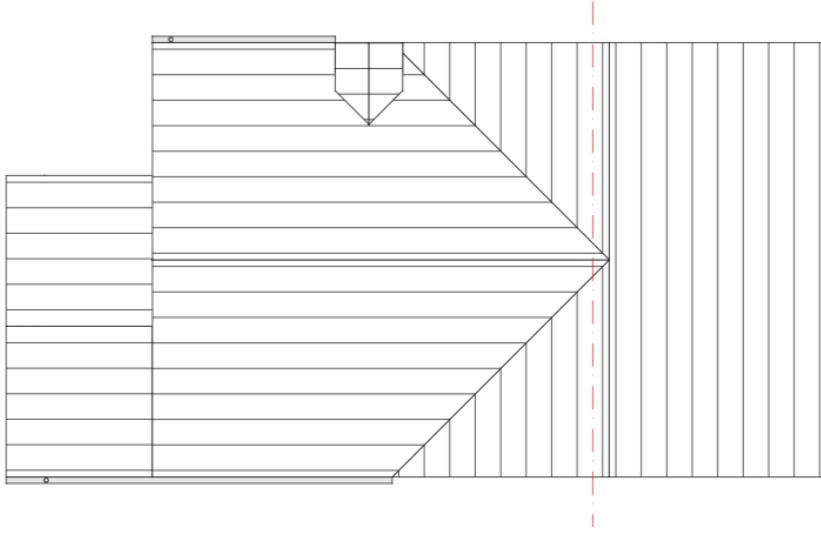
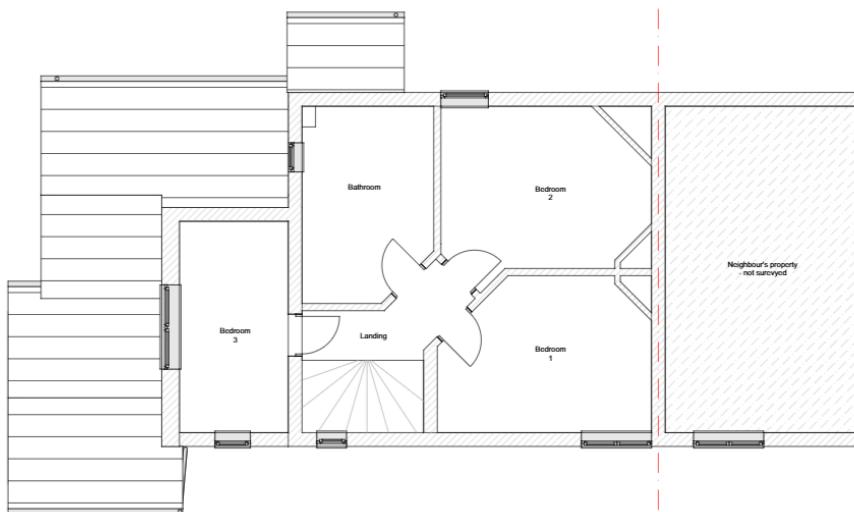


Proposed Elevations

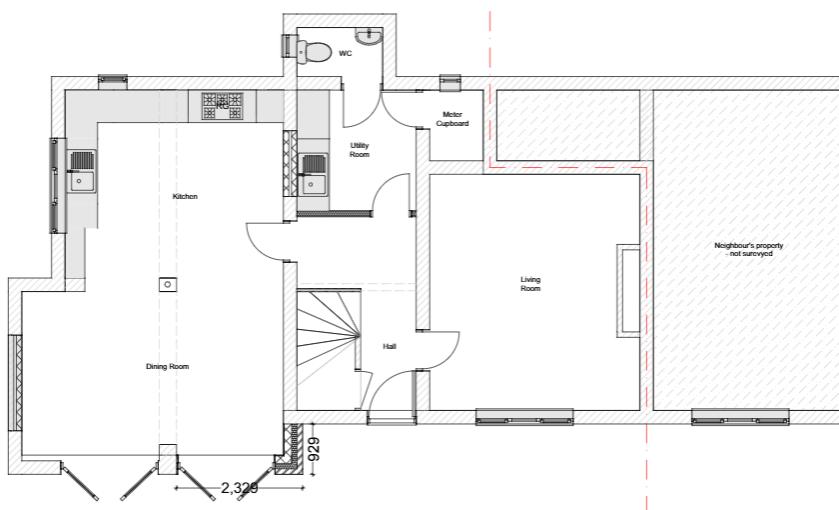


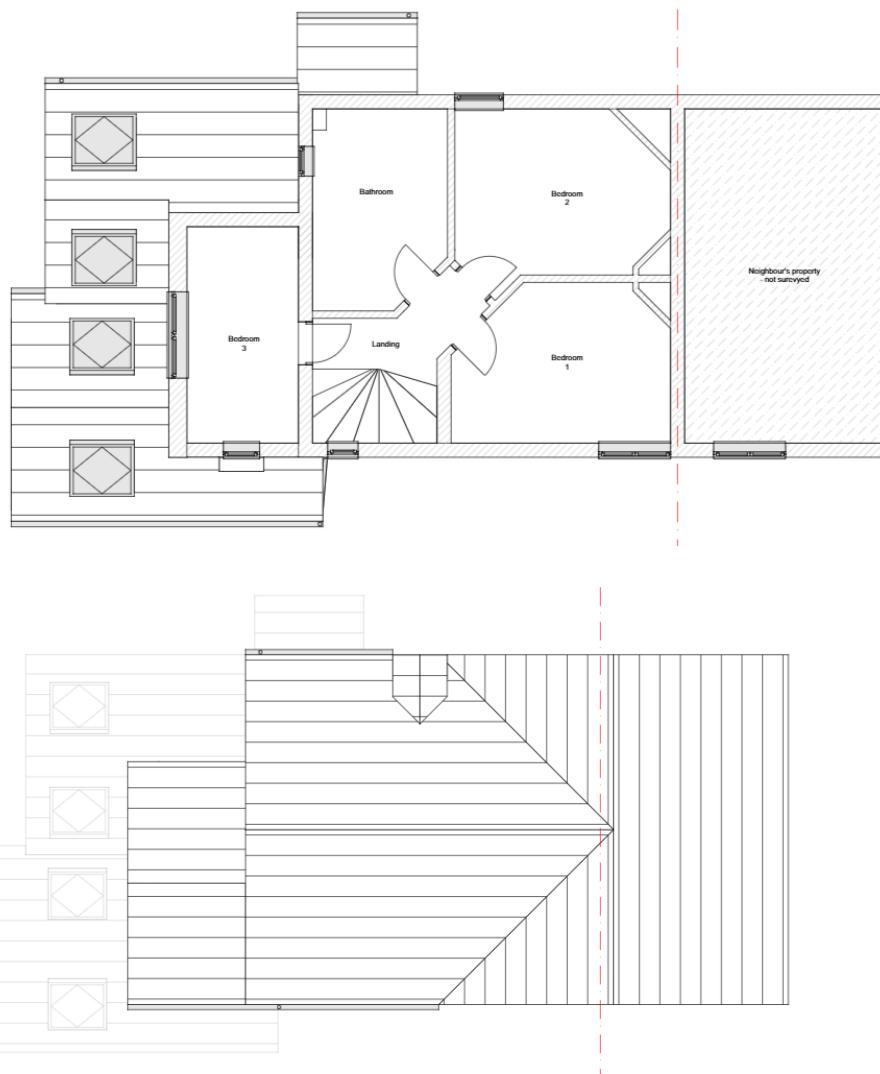
Existing Floor & Roof Plans





Proposed Floor & Roof Plans





Agenda Item 6.1

BROXTOWE BOROUGH COUNCIL DEVELOPMENT CONTROL – PLANNING & COMMUNITY DEVELOPMENT

**PLANNING APPLICATIONS DEALT WITH FROM
17 November 2024 TO 14 December 2024**

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

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

ATTENBOROUGH & CHILWELL EAST WARD

Applicant	:	Mr & Mrs Sirl	24/00494/FUL
Site Address	:	134 Cator Lane Chilwell Nottinghamshire NG9 4BB	
Proposal	:	Construct single storey rear and side extension following demolition of existing conservatory and single storey extension. Application of external wall insulation and installation of PV solar panels.	
Decision	:	Conditional Permission	
Applicant	:	Mr Roderick Hepburn	24/00571/FUL
Site Address	:	39 Hallams Lane Chilwell Nottinghamshire NG9 5FH	
Proposal	:	Retain fence in conservation area	
Decision	:	Conditional Permission	
Applicant	:	Ms Davies and Mr Aguiar	24/00600/FUL
Site Address	:	35 Brookland Drive Chilwell Nottinghamshire NG9 4BD	
Proposal	:	Construct detached dwelling	
Decision	:	Conditional Permission	
Applicant	:	Mr And Mrs Moore	24/00606/FUL
Site Address	:	9 Hallams Lane Chilwell Nottinghamshire NG9 5FH	
Proposal	:	Create additional floor over existing garage and new garage door to existing garage	
Decision	:	Conditional Permission	
Applicant	:	Mr And Mrs Moore	24/00607/FUL
Site Address	:	9 Hallams Lane Chilwell Nottinghamshire NG9 5FH	
Proposal	:	Construct extensions and alterations	
Decision	:	Conditional Permission	
Applicant	:	Ms Emma Cornfield	24/00677/FUL
Site Address	:	57 Crofton Road Attenborough Nottinghamshire NG9 5HW	
Proposal	:	Construct two storey side extension and single storey rear extension	
Decision	:	Conditional Permission	
Applicant	:	Mr Adam Elmasri Hollywell Property Investments Limited	24/00710/VOC
Site Address	:	108 Long Lane Attenborough Nottinghamshire NG9 6BW	
Proposal	:	Variation of condition 2 of planning permission 23/00800/FUL to amend approved plans	
Decision	:	Conditional Permission	
Applicant	:	Mr Leon Vaccari A S Watson	24/00714/ADV
Site Address	:	Unit 4 Chilwell Retail Park Barton Lane Attenborough Nottinghamshire NG9 6DS	
Proposal	:	Installation of fascia signage and illumination to shopfront. Addition of signage to existing totem display units	
Decision	:	Conditional Permission	
Applicant	:	Dr Peyman Agahi	24/00717/FUL
Site Address	:	421 High Road Chilwell Nottinghamshire NG9 5EA	
Proposal	:	Construct single storey side and rear extensions	
Decision	:	Conditional Permission	

AWSWORTH, COSSALL & TROWELL WARD

Applicant	:	Parish Clerk Awsworth Parish Council	24/00522/FUL
Site Address	:	Clubhouse Recreation Ground Attewell Road Awsworth Nottinghamshire	
Proposal	:	Alterations and extensions to existing clubhouse	
Decision	:	Conditional Permission	
Applicant	:	Bernadette Morris	24/00528/FUL
Site Address	:	30 Wychwood Drive Trowell Nottinghamshire NG9 3RB	
Proposal	:	Construct single storey side/rear extension	
Decision	:	Conditional Permission	
Applicant	:	draper	24/00598/FUL
Site Address	:	66 Awsworth Lane Cossall Nottinghamshire NG16 2RZ	
Proposal	:	Construct new conservatory and single storey rear infill extension	
Decision	:	Conditional Permission	

BEESTON CENTRAL WARD

Applicant	:	Operation and Warehouse Manager Chris Hui MRZ Logistics UK LTD	24/00414/ADV
Site Address	:	MRZ Logistics UK Ltd 4 Padge Road Boulevard Industrial Park Beeston Nottinghamshire NG9 2JR	
Proposal	:	Retain signs	
Decision	:	Conditional Permission	
Applicant	:	Mr J Jiaying	24/00583/FUL
Site Address	:	35 King Street Beeston Nottinghamshire NG9 2DL	
Proposal	:	Construct single storey rear extension and replacement roof to existing conservatory	
Decision	:	Conditional Permission	
Applicant	:	Mrs Bilquees Akbar	24/00642/FUL
Site Address	:	60 Queens Road East Beeston Nottinghamshire NG9 2GS	
Proposal	:	Construct two storey and single storey extensions to the rear	
Decision	:	Conditional Permission	
Applicant	:	Ground Control 618340	24/00704/TPOW
Site Address	:	Tesco Petrol Filling Station Middle Street Beeston Nottinghamshire	
Proposal	:	Copper Beech - prune and uplift crown	
Decision	:	Conditional Permission	

BEESTON NORTH WARD

Applicant	:	Tom Donnelly	24/00633/FUL
Site Address	:	111 Marlborough Road Beeston Nottinghamshire NG9 2HN	
Proposal	:	Tarmac Driveway and widening of existing dropped kerb access	
Decision	:	Conditional Permission	
Applicant	:	Mr Simon Shepherd	24/00697/FUL
Site Address	:	3 Marlborough Road Beeston Nottinghamshire NG9 2HG	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Nightingale	24/00706/FUL
Site Address	:	31 Muriel Road Beeston Nottinghamshire NG9 2HH	
Proposal	:	Construct two storey side extension, hip to gable roof extension, and flat roof dormer to rear	
Decision	:	Conditional Permission	

BEESTON RYLANDS WARD

Applicant	:	Ricky Guerriro Crouch Recovery	24/00297/FUL
Site Address	:	Scimitar House 297/ Beeston Nottinghamshire NG9 1PF	
Proposal	:	Retention of surfacing to yard and parking areas, vehicle wash pits, boundary fencing, detached building and car racks.	
		Re-use of existing surface water drainage and interceptors. Formation of visitor parking to frontage and construct vehicular access.	
Decision	:	Conditional Permission	
Applicant	:	Mr Tom Hooper Nottingham Developments Ltd	24/00603/VOC
Site Address	:	Site Of Former Church Dovecote Lane Beeston Nottinghamshire	
Proposal	:	Variation of condition 2 of 22/00160/FUL to amend design and roof	
Decision	:	Conditional Permission	
Applicant	:	Mr Phillips	24/00698/DOC
Site Address	:	15 - 17 Meadow Road Beeston Nottinghamshire	
Proposal	:	Discharge of conditions 3 & 10 of planning permission 22/00188/FUL	
		Landscape Plan & Bat Report	
Decision	:	Partial Discharged	
Applicant	:	Mr Phillips Meadow Road Ltd	24/00715/NMA
Site Address	:	Beeston Lodge Nursing Home 15 - 17 Meadow Road Beeston Nottinghamshire	
Proposal	:	Non-material amendment to 22/00188/FUL to provide balconies to 2Nr flats on the first floor.	
Decision	:	Refusal	
Applicant	:	Mr John Clark	24/00766/NMA
Site Address	:	2 Redwood Crescent Beeston Nottinghamshire NG9 1JF	
Proposal	:	Non-material amendment to 24/00587/FUL for revision of window and door locations	
Decision	:	Unconditional Permission	

BEESTON WEST WARD

Applicant	:	Mr Danny Slade	24/00248/FUL
Site Address	:	11 Grove Avenue Chilwell Nottinghamshire NG9 4ED	
Proposal	:	Raise height of roof and construct two storey side extension with dormers to front and rear to facilitate formation of living accommodation to first floor	
Decision	:	Conditional Permission	
Applicant	:	Mr Vincent Dale	24/00500/FUL
Site Address	:	14 Park Road Chilwell Nottinghamshire NG9 4DA	
Proposal	:	Demolition of wall to create off road parking.	
Decision	:	Refusal	
Applicant	:	Mr P Tomlinson Abbey Road Properties (Beeston) Limited	24/00584/FUL
Site Address	:	DPS Ltd 62 Abbey Road Beeston Nottinghamshire NG9 2QF	
Proposal	:	Reconstruct and extend detached storage unit with offices above and change the use of the rear garden of 33 Muriel Road	
Decision	:	Conditional Permission	
Applicant	:	. Cassidy Group (Beeston) Limited	24/00619/VOC
Site Address	:	Station Road (Central) Car Park Station Road Beeston Nottinghamshire	
Proposal	:	Variation of conditions 2, 3, 4, 5, 6, 7, 20 and 21 of 22/00125/FUL to reduce the height of the east block from 8 to 6 storeys and confirm approved details	
Decision	:	Conditional Permission	

Applicant	: Tarr	24/00691/DOC
Site Address	: 6 Grange Avenue Beeston Nottinghamshire NG9 1GJ	
Proposal	: Discharge of condition 3 of planning permission 23/00590/FUL Extensions -Facing Brick walls - Imperial Brick Company ?Weathered Cheshire Pre War 73mm Roof tile- Sandtoft 20-20 clay tile (colour - Flanders) Garden Shed - Timber spruce cladding to walls Dark Grey / black EPDM membrane to roof.	
Decision	: Partial Discharged	
Applicant	: Mrs M Yianni	24/00682/CAT
Site Address	: 27 Grove Avenue Chilwell Nottinghamshire NG9 4ED	
Proposal	: Remove overgrown Christmas tree in front garden	
Decision	: Conditional Permission	
Applicant	: Mrs J Miberry	24/00728/FUL
Site Address	: 29 Bramcote Road Beeston Nottinghamshire NG9 1AJ	
Proposal	: Construct replacement porch to front elevation	
Decision	: Conditional Permission	
Applicant	: Hannah Terry The Planning Inspectorate	24/00685/STAT
Site Address	: Overhead Lines Chesterfield To Willington	
Proposal	: Proposed Chesterfield to Willington Overhead line - EIA Scoping Regulation 11 Notification and Consultation	
Decision	: No Objection	
Applicant	: Mr P Tomlinson	24/00737/FUL
Site Address	: 2 Vicarage Street Beeston Nottinghamshire NG9 1BW	
Proposal	: Construct timber framed carport to rear and install sliding gate to Vicarage Street elevation	
Decision	: Conditional Permission	

BRAMCOTE WARD

Applicant	: Mr & Mrs Counsell	24/00579/FUL
Site Address	: 5 Hall Gardens Bramcote Nottinghamshire NG9 3LR	
Proposal	: Demolish and rebuild existing outbuilding and dog kennel	
Decision	: Conditional Permission	
Applicant	: Mr & Mrs Nick Darhan	24/00588/FUL
Site Address	: 14 Baxter Green Bramcote Nottinghamshire NG9 3TB	
Proposal	: Construct new garden room	
Decision	: Conditional Permission	
Applicant	: Mr Femi Folorunso	24/00657/TPOW
Site Address	: 102 Cow Lane Bramcote Nottinghamshire NG9 3BB	
Proposal	: T1 to T4 - Prune 4 x Silver Birch T5 - Prune 1 x Purple Beech	
Decision	: Conditional Permission	
Applicant	: Sam (Coe) and Joanne (Wilkins) Coe and Wilkins	24/00703/FUL
Site Address	: 97 Beeston Fields Drive Bramcote Nottinghamshire NG9 3TD	
Proposal	: Conversion of existing garage, first floor side extension, attached garage, porch and provision of render/cladding to external elevations	
Decision	: Conditional Permission	
Applicant	: Mr Matthew Sanders	24/00720/FUL
Site Address	: 3 The Jardines Bramcote Nottinghamshire NG9 3BH	
Proposal	: Construct extension linking garage to dwelling. Construct single storey front extensions. Demolish conservatory. Alterations to window openings. Installation of solar panels to roof. Install front boundary gate (revised scheme)	
Decision	: Conditional Permission	

BRINSLEY WARD

Applicant	:	Mr A Cardy	24/00627/VOC
Site Address	:	50 Church Walk Brinsley Nottinghamshire NG16 5AT	
Proposal	:	Variation of condition 2 of planning permission 24/00302/FUL to substitute plan 'Proposed floor plan and elevations' 12.7.24 for 'Proposed floor plan and elevations' 23.9.24	
Decision	:	Conditional Permission	

CHILWELL WEST WARD

Applicant	:	Mr & Mrs Keith & Carol Pentelow	24/00580/FUL
Site Address	:	49 Field Lane Chilwell Nottinghamshire NG9 5FF	
Proposal	:	Construct single storey rear extension and alterations to main dwelling including external wall insulation, render, new roof and window materials	
Decision	:	Conditional Permission	
Applicant	:	Ms M Cafferkey National Grid	24/00781/STAT
Site Address	:	Land Off Chilwell Lane Bramcote Nottinghamshire	
Proposal	:	Proposed Electricity Substation	
Decision	:	No Objection	

EASTWOOD HALL WARD

Applicant	:	Morgan	24/00653/FUL
Site Address	:	The Piggery 5 Cockerhouse Road Eastwood Nottinghamshire NG16 3DX	
Proposal	:	Installation of 2no. roof lights to rear of Grade 2 listed property	
Decision	:	Conditional Permission	

Applicant	:	Morgan	24/00654/LBC
Site Address	:	The Piggery 5 Cockerhouse Road Eastwood Nottinghamshire NG16 3DX	
Proposal	:	Listed Building Consent for installation of 2no. roof lights to rear of Grade II listed property	
Decision	:	Conditional Permission	

EASTWOOD ST MARY'S WARD

Applicant	:	Dr Amjad Ali Churchview Dental Practice	24/00549/ADV
Site Address	:	Church View Dental Practice 22 Church Street Eastwood Nottinghamshire NG16 3HS	
Proposal	:	Practice signage on the front doors	
Decision	:	Conditional Permission	

GREASLEY WARD

Applicant	:	Mr Alex Wells Langridge Homes Limited	24/00151/VOC
Site Address	:	Land Off Acorn Avenue Giltbrook Nottinghamshire	
Proposal	:	Variation of condition 2 of planning permission 15/00010/FUL for replacement house type of T20 on plot 260	
Decision	:	Conditional Permission	

Applicant	:	Mark Stones Stones Sankey Developments Ltd	24/00521/VOC
Site Address	:	Land South Of 50 Pinfold Road Newthorpe Nottinghamshire	
Proposal	:	Variation of condition 10 of application reference 22/00767/FUL pertaining to bin storage and collection arrangements	
Decision	:	Conditional Permission	

Applicant	:	Miss Karen Edwardson	24/00556/FUL
Site Address	:	20 The Pastures Giltbrook Nottinghamshire NG16 2UT	
Proposal	:	Erect fence with gravel boards and posts	
Decision	:	Conditional Permission	

Applicant	Mr Keith Hallam	24/00636/FUL
Site Address	5 Commons Close Newthorpe Nottinghamshire NG16 2BU	
Proposal	Construct single storey side/rear extension	
Decision	Conditional Permission	

Applicant	Mrs Sally Bellamy	24/00727/P3MPA
Site Address	Field At Grid Reference 447090 349660 Willey Lane Newthorpe Nottinghamshire	
Proposal	Prior Notification under Class R - change of use from agricultural buildings to flexible commercial use	
Decision	Refusal	

KIMBERLEY WARD

Applicant	Mr Daniel Warner	24/00696/FUL
Site Address	92 Eastwood Road Kimberley Nottinghamshire NG16 2HF	
Proposal	Change of use from single dwelling to mixed use of two flats and ground floor commercial including external alterations to side/rear elevation	
Decision	Conditional Permission	

Applicant	Mr Greg Watson NCHA Ltd	24/00791/DOC
Site Address	23, 25, 29 & 31 Truman Street Kimberley Nottinghamshire NG16 2HA	
Proposal	Discharge of condition 3 of planning permission 24/00574/FUL - render materials Wetherby render colour chart and the detail drawings for window heads and cills. We propose that all the render window heads and cill effects render are in - "0500N"- white.	
	The other colours we suggest for each house are a mix of:	
	No 23- Green- 2005Y10R	
	No.25- Beige/yellow- 0804Y10R	
	No.29- Blue- 25028	
	No.31- Light grey- 2000N	
Decision	Partial Discharged	

NUTHALL EAST & STRELLEY WARD

Applicant	- Wildstone Estates Limited	24/00668/ADV
Site Address	St Marys Filling Station Nottingham Road Nuthall Nottinghamshire NG8 6AX	
Proposal	Install illuminated advertising display unit	
Decision	Conditional Permission	

STAPLEFORD SOUTH EAST WARD

Applicant	Mr & Mrs Vara	24/00713/FUL
Site Address	184 Nottingham Road Stapleford Nottinghamshire NG9 8BJ	
Proposal	Construct two storey front, side and rear extensions, including increase in height of, and alterations to, the roof	
Decision	Conditional Permission	

Applicant	Mr M Lynch Geda	24/00683/DOC
Site Address	Pavilion Hickings Lane Recreation Ground Hickings Lane Stapleford Nottinghamshire	
Proposal	Discharge of condition 15 of 23/00051/REG3	
Decision	Partial Discharged	

STAPLEFORD SOUTH WEST WARD

Applicant	Mr M Lynch	24/00643/DOC
Site Address	Land At 131 And 133 Derby Road Stapleford Nottinghamshire NG9 7AS	
Proposal	Discharge of conditions 4, 6, 7 and 9 of application reference 23/00046/REG3	
Decision	Partial Discharged	

Applicant	Reka Szarvas	24/00745/FUL
Site Address	76 Wellspring Dale Stapleford Nottinghamshire NG9 7EU	
Proposal	Demolish existing garage and construct new garage/garden room along boundary	
Decision	Refusal	

TOTON & CHILWELL MEADOWS WARD

Applicant	:	Mr & Mrs Ellis	24/00589/FUL
Site Address	:	89 Seaburn Road Toton Nottinghamshire NG9 6HJ	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	
Applicant	:	- Salvation Army Trading Company Ltd	24/00648/ADV
Site Address	:	Former Lidl Store West Point Shopping Centre Ranson Road Chilwell Nottinghamshire NG9 6DX	
Proposal	:	Install illuminated and non-illuminated fascia signage and free standing sign	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Andrew Berry	24/00757/FUL
Site Address	:	4 Darley Avenue Toton Nottinghamshire NG9 6JP	
Proposal	:	Construct double garage following demolition of existing single garage	
Decision	:	Conditional Permission	

WATNALL & NUTHALL WEST WARD

Applicant	:	Mr Ian Taylor	24/00626/CLU
Site Address	:	Vergewood Kimberley Road Nuthall Nottinghamshire NG16 1DD	
Proposal	:	Certificate of lawfulness for proposed outbuilding to include office, gym, shower, and entertaining space.	
Decision	:	Approval - CLU	
Applicant	:	Mr Thomas Maltby	24/00647/FUL
Site Address	:	127 Newdigate Road Watnall Nottinghamshire NG16 1HN	
Proposal	:	Construct two storey front and side extensions; single storey side and rear extension; increase height of roof; roof alterations including flat roof dormer to resulting rear roof and pitched roof dormers to front roof elevation	
Decision	:	Conditional Permission	
Applicant	:	Mr Jack Stocks	24/00680/FUL
Site Address	:	12 Kirtley Close Watnall Nottinghamshire NG16 1FX	
Proposal	:	Convert integral garage to living accommodation, replace garage door with window	
Decision	:	Conditional Permission	
Applicant	:	Mrs Avis Garrett	24/00708/TPOW
Site Address	:	1 Holden Crescent Nuthall Nottinghamshire NG16 1BW	
Proposal	:	Works to reduce height to large old sycamore Tree	
Decision	:	Conditional Permission	