

4. NOTIFICATION OF LOBBYING

5. DEVELOPMENT CONTROL

5.1 21/00810/ROC (Pages 19 - 80)

Variation of condition 37 of planning reference 20/00116/FUL (hybrid application comprising: full application for 132 dwellings, associated infrastructure, flood attenuation works, play area and open space. outline application for up to 200 dwellings, local centre (retail and professional services, restaurants / cafes, drinking establishments, hot food takeaways- classes a1-a5), associated infrastructure, open space and flood attenuation works with means of access included (all other matters reserved) to vary house types and layout

Field Farm, Ilkeston Road, Stapleford, Nottinghamshire, NG9 8JJ

5.2 21/00575/FUL (Pages 81 - 108)

Construct four storey building to accommodate retirement apartments including communal facilities, access, car parking and landscaping

Land Between Ellis Grove and Wilmot Lane, Ellis Grove, Beeston, Nottinghamshire

5.3 21/00758/FUL (Pages 109 - 126)

Change of use to 84 bed student accommodation (Class C4 HMO including an additional floor)

Broadgate House, Broadgate, Beeston, NG9 2HF

5.4 21/00371/FUL (Pages 127 - 134)

Construct two storey with balcony, single storey extensions, extension to existing annex and garden room

Gilt Hill Farm, Gilt Hill, Kimberley, Nottingham, NG16 2GZ

5.5 21/00895/FUL (Pages 135 - 146)

Construct first floor rear extension and front and rear dormer windows (revised scheme)

42 Sandy Lane, Bramcote, Nottinghamshire, NG9 3GS

5.6 21/00704/FUL (Pages 147 - 158)

Construction of two storey and first floor rear extension
12 Rochester Court, Nuthall, Nottinghamshire, NG6 8WL

5.7 21/00807/FUL (Pages 159 - 168)

Retain raised patio and fencing and erect canopy
48 Wadsworth Road, Stapleford, Nottinghamshire, NG9 8BD

6. INFORMATION ITEMS

6.1 Delegated Decisions (Pages 169 - 176)

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PLANNING COMMITTEE

WEDNESDAY, 5 JANUARY 2022

Present: Councillor D K Watts, Chair

Councillors: J W McGrath (Vice-Chair)
D Bagshaw
L A Ball BEM
R I Jackson
G Marshall
P J Owen
S Paterson
D D Pringle
R S Robinson
R D Willimott
T Hallam (Substitute for D Grindell)

Apologies for absence were received from Councillors D Grindell and M Handley.

44 DECLARATIONS OF INTEREST

There were no declarations of interest.

45 MINUTES

The minutes of the meeting on 1 December 2021 were confirmed and signed as a correct record.

46 NOTIFICATION OF LOBBYING

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

47 DEVELOPMENT CONTROL

47.1 21/00810/ROC

Variation of condition 37 of planning reference 20/00116/FUL (hybrid application comprising: full application for 132 dwellings, associated infrastructure, flood attenuation works, play area and open space. Outline application for up to 200 dwellings, local centre (retail and professional services, restaurants/cafes, drinking establishments, hot food takeaways- classes a1-a5), associated infrastructure, open space and flood attenuation works with means of access included (all other matters reserved) to vary house types and layout
Field Farm, Ilkeston Road, Stapleford, Nottinghamshire, NG9 8JJ

Councillor R D MacRae had requested this application be determined by Planning Committee.

The Committee noted that there had been a number of changes to conditions as documented in the late items.

Councillor R D MacRae, Ward Member, addressed the Committee prior to the general debate.

Debate was focused on concerns regarding the lack of dispersal of social housing through the development and the proposed planting of trees on the site. There was also concern about the design of the properties, the playground and flooding.

It was proposed by Councillor R I Jackson and seconded by Councillor D K Watts that the application be deferred to allow the developer to address the Committee's concerns. On being put to the meeting the motion was carried.

RESOLVED that the application be deferred.

Reason

Consideration should be given to the distribution of the social housing on the site and the proposed landscaping, in particular the positioning of trees.

47.2 21/00575/FUL

Construct four storey building to accommodate retirement apartments including communal facilities, access, car parking and landscaping
Land Between Ellis Grove and Wilmot Lane, Ellis Grove, Beeston, Nottinghamshire

The application was brought to the Committee because proposed developer section 106 (S106) contributions would not be policy compliant.

There were no late items pertaining to the application.

Stuart Goodwill, applicant, addressed the Committee prior to the general debate.

There were a number of concerns regarding the reduced amount of s106 monies that had been proposed by the developer, but it was noted that these had been agreed by an independent consultant through a viability assessment. The debate progressed on to whether or not the number of car parking spaces proposed as part of the development was sufficient.

The Committee discussed how the £230,000 S106 monies should be allocated. There was general agreement that more information was required to make this part of the decision. It was proposed by Councillor D K Watts and seconded by Councillor J W McGrath that the allocation of the £230,000 section 106 monies be deferred to a future meeting of the Committee for further consideration. On being put to the Committee the motion was passed.

RESOLVED that the allocation RESOLVED that the application be granted subject to the following conditions:

RESOLVED that the allocation of the £230,000 section 106 monies be deferred to a future meeting of the Committee for further consideration.

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

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

- 2. The development hereby permitted shall be carried out in accordance with the Site Location Plan and drawings numbered JBA 21-164 SK02, 30047BS PL003 and 30047BS PL012 received by the Local Planning Authority on 01.07.21, and drawings numbered 30047BS PL002, PL004 rev A, PL005 rev A, PL006 rev A, PL007 rev A, PL008 rev A, PL009 rev A, PL010 rev A, PL011 rev A, PL016 and PL017, received by the Local Planning Authority on 27.07.21.**

Reason: For the avoidance of doubt.

- 3. No development hereby approved shall take place until a Construction / Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include:
The means of access for construction traffic;
Parking provision for site operatives and visitors;
The loading and unloading of plant and materials;
The storage of plant and materials used in construction / demolition of the development;
A scheme for the recycling / disposal of waste resulting from construction / demolition works; and
Details of dust and noise suppression to be used during the construction phase.**

The approved statement shall be adhered to throughout the construction period.

Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).

- 4. No development hereby approved shall take place until details of any necessary piling or other penetrative foundation design have been submitted to and approved in writing by the Local Planning Authority, and shall include details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be implemented in accordance with the approved details.**

Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).

5. No development hereby approved shall take place until a detailed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposals of the preferred options, and a timetable of works and site management procedures. The agreed remediation scheme shall be implemented in accordance with the approved timetable of works.

Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).

6. No (part of the building hereby approved shall be first occupied or otherwise brought into use) ~~above ground works shall take place~~ until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:
 - (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development
 - (b) numbers, types, sizes and positions of proposed trees and shrubs
 - (c) proposed boundary treatments
 - (d) proposed hard surfacing treatment
 - (e) proposed lighting details
 - (f) planting, seeding/turfing of other soft landscape areas

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

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

7. No part of the building hereby approved shall be first occupied or otherwise brought into use until:

All necessary remedial measures have been completed in accordance with details approved in writing by the Local Planning Authority; and
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.

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 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.

Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).

8. No part of the building hereby approved shall be first occupied or

otherwise brought into use until the mobility scooter store has been provided in accordance with the approved details.

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).

9. No part of the development hereby permitted shall be brought into use until parking and turning areas as shown for indicative purposes on drawing 30047BS - PL 002 have been provided. The parking and turning areas shall be maintained in accordance with the approved details and shall not be used for any purpose other than the parking and turning of vehicles.

Reason: In the interest of highway safety in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

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

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

11. No construction or site preparation work in association with the development hereby approved 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.

Reason: In the interests of public health and safety and in accordance with Policy 19 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.
2. 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.
3. The development makes it necessary to undertake vehicular access works

within Wilmot Lane which is unadopted highway. As suggested the access to the development should be a dropped and tapered kerb arrangement measuring 5 metres wide and the existing pedestrian crossing is to be removed in this location.

4. **Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.**

47.3 21/00871/FUL

Construct 3 storey building comprising 9 student apartments (Use Class C4) (Revised scheme)

The Raven Group, Ellis Grove, Beeston, NG9 1EP

The application was brought to the Committee because it was a revised from a similar scheme that the Committee refused permission for on 1 September 2021.

The Committee noted that a late item in the form of an additional objection regarding the number of parking spaces had been received.

There were no public speakers on the application.

It was noted that any windows that overlooked existing properties were to be obscurely glazed as per the conditions.

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

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

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

2. **The development hereby permitted shall be carried out in accordance with drawing number 456 002 rev L and drawing number 456 004 rev G received by the Local Planning Authority on 15.10.21, and drawing number 456 003 rev F (includes site location plan) received by the Local Planning Authority on 10.12.21.**

Reason: For the avoidance of doubt.

3. **Prior to the commencement of development, an investigative survey of the site shall first have been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and / or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.**

b) No building to be erected pursuant to this permission shall be first occupied or brought into use until:

i) all the necessary remedial measures have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and

ii) it has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified, unless an alternative has first been approved in writing by the Local Planning Authority.

The approved measures shall be retained for the lifetime of the development.

Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).

- 4. Prior to the commencement of development, details of a report, prepared in accordance with the provisions of the current BS4142 shall first have been submitted to and approved in writing by the Local Planning Authority. Predictions shall be contained in the report which sets out: a large scale plan of the proposed development; noise sources and measurement/prediction points marked on a plan; a list of noise sources; a list of assumed noise emission levels; details of noise mitigation measures; description of noise calculation procedures; noise levels at a representative sample of noise sensitive locations; a comparison of noise level with appropriate criteria. Where criteria are exceeded at any location the applicant should explain why that excess is immaterial or what further mitigation will be undertaken to ensure that criteria will be met. The development shall thereafter be constructed in accordance with the approved details and retained for the lifetime of the development.**

Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).

- 5. Prior to the commencement of development, details of a Construction / Demolition Method Statement shall first have been submitted to and approved in writing by the Local Planning Authority. The statement shall include:**

The means of access for construction traffic;

Parking provision for site operatives and visitors;

The loading and unloading of plant and materials;

The storage of plant and materials used in construction / demolition of the development;

A scheme for the recycling/disposal of waste resulting from construction / demolition works; and

Details of dust and noise suppression to be used during the construction phase.

The details as approved shall be adhered to throughout the construction / demolition period.

Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).

6. No above ground works shall be carried out until details of the manufacturer, type and colour of the bricks, cladding, window and door frames and external guttering to be used in facing elevations have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.

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

7. No above ground works shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:
 - (a) numbers, types, sizes and positions of any proposed trees and shrubs
 - (b) proposed boundary treatments
 - (c) proposed hard surfacing treatment
 - (d) planting, seeding/turfing of other soft landscape areas

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

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

8. Prior to the installation of any external lighting associated with the development, details, which need to include and Artificial Lighting Assessment (including design, size and illuminance) in line with the current guidance from the Institute of Lighting Professionals Lighting Guide reference 01/20 guidance note for the reduction of intrusive light, shall first have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details.

Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).

9. No part of the development hereby permitted shall be brought into first use until the parking and turning areas as approved have been provided. These areas shall thereafter not be used for any other purpose and shall be retained for the lifetime of the development.

Reason: In the interests of highway safety in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core

Strategy (2014).

10. No part of the development hereby permitted shall be brought into first use until the areas to the frontage have been surfaced in a suitable hard bound material (not loose aggregate) and constructed with provision to prevent the discharge of third party surface water to the public highway, and retained as such for the lifetime of the development.

Reason: In the interests of highway safety in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

11. No part of the development hereby permitted shall be brought into first use until a 2m wide footway as shown indicatively on drawing 002 revision L has been provided along the site frontage.

Reason: In the interests of highway safety in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

12. No construction or site preparation works in association with this permission shall be undertaken outside the hours of 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Bank Holidays.

Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).

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

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

14. The windows on the south west elevation at first and second floor level shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and non-opening unless the parts of the windows that can be opened are more than 1.7m above the floor of the room in which it is installed and retained in this form for the lifetime of the development.

Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

47.4 21/00775/FUL

Construct new dwelling
The Forge, Trowell, Nottinghamshire

This application has been called to Planning Committee by Councillor M Radulovic MBE.

There were no late items to be considered with regards to the application.

Daniel Hayes, applicant, addressed the Committee prior to the general debate.

The debate focussed on the impact of the proposed development on the openness and amenity of the Green Belt. There was also a discussion about very special circumstances.

RESOLVED that the application 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.

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

2. The development hereby permitted shall be carried out in accordance with the site location plan and proposed block plan CF/DH/21/36/01 Rev C and proposed ground floor plan and elevations CF/DH/21/6/02 Rev C received by the Local Planning Authority 11 October 2021.

Reasons: For the avoidance of doubt.

3. No building operations shall be carried out until details of the manufacturer, type and colour of the brick and tiles to be used 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: To ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

4. (a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.

(b)No building to be erected pursuant to this permission shall be first occupied or brought into use until:

i) all the necessary remedial measures have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and

ii) it has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified, unless an alternative has first been approved in writing by the Local Planning Authority.

Reasons: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan (2019).

5. 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, roof alterations or outbuildings shall be carried out to the new dwelling hereby approved which come within Class A, B, C, D or 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.

Reasons: To retain a sense of spaciousness in the area to ensure future occupiers have a satisfactory degree of amenity, in accordance with the aims of Policies 17 and 23 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 11 of the Aligned Core Strategy (2014).

6. Prior to the commencement of development, details of a report, prepared in accordance with the provisions of the current BS4142 shall first have been submitted to and approved in writing by the Local Planning Authority. Predictions shall be contained in the report which sets out: a large scale plan of the proposed development; noise sources and measurement/prediction points marked on a plan; a list of noise sources; a list of assumed noise emission levels; details of noise mitigation measures; description of noise calculation procedures; noise levels at a representative sample of noise sensitive locations; a comparison of noise level with appropriate criteria. Where criteria are exceeded at any location the applicant should explain why that excess is immaterial or what further mitigation will be undertaken to ensure that criteria will be met. The development shall thereafter be constructed in accordance with the approved details and retained for the lifetime of the development.

Reasons: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).

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

- (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development
- (b) numbers, types, sizes and positions of proposed trees and shrubs
- (c) proposed boundary treatments
- (d) proposed hard surfacing treatment
- (e) proposed lighting details
- (f) planting, seeding/turfing of other soft landscape areas

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

Reasons: No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014)

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

Reasons: No such details were submitted and in accordance with the aims of Policy 17 of the Broxtowe Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

NOTES TO APPLICANT

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2. Contractors should limit noise works between 08.00 and 18.00 hours Monday to Friday and 13.00 hours on Saturdays and no noisy works on Sunday/Bank Holidays
3. Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.

48 INFORMATION ITEMS

48.1 APPEAL DECISIONS

The Committee noted the report.

48.2 DELEGATED DECISIONS

The Committee noted the Delegated Decisions.

49 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that under Section 100A of the Local Government Act 1972 the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act.

50 19/00755/HIGH

RESOLVED that the remedial works be undertaken by the Council's contractors at the Council's cost.

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Report of the Chief Executive

APPLICATION NUMBER:	21/00810/ROC
LOCATION:	Field Farm, Ilkeston Road, Stapleford, Nottinghamshire, NG9 8JJ
PROPOSAL:	Variation of condition 37 of planning reference 20/00116/FUL (hybrid application comprising: full application for 132 dwellings, associated infrastructure, flood attenuation works, play area and open space. Outline application for up to 200 dwellings, local centre (retail and professional services, restaurants/cafes, drinking establishments, hot food takeaways-classes a1-a5), associated infrastructure, open space and flood attenuation works with means of access included (all other matters reserved) to vary house types and layout

1 Executive Summary

- 1.1 This application was first brought before Planning Committee on 5 January 2022 with a recommendation for approval (original report attached as appendix 2). Members deferred making a decision on the application due to concerns regarding the positioning of affordable units and landscaping, specifically trees in relation to their proximity to Ilkeston Road.
- 1.2 The agent has considered the issues raised by the Planning Committee and has made the following changes:
- Affordable units have been split into two areas of the scheme.
 - Additional trees to the south of the site and positioned so they are outside of the shadow of existing trees (outside of the red line on Ilkeston Road).
- 1.3 The applicant has amended the plans in line with the comments raised by Members and therefore it is considered the scheme is acceptable.
- 1.4 The Committee is therefore asked to resolve that planning permission be granted subject to the conditions outlined in appendix 1.

APPENDIX 1

2. Details of the Application

2.1 The main concerns related to the affordable housing units being positioned altogether and the location of the trees. The plan below shows the changes to the positioning of the affordable units and trees next to Ilkeston Road in comparison to the originally proposed scheme.



Site Layout Plan (originally proposed January committee)



Site Layout Plan (newly proposed)

2.2 The trees along Ilkeston Road that are outside of the red line plan (on plan above circled red) are not within the control of the developer and could be potentially

removed by Nottinghamshire County Council as Highways Authority, and a S278 agreement has already been signed. Therefore, concerns were raised that with the potential loss of these trees, additional trees should be planted which are shown by the middle arrow on the plan above. These trees will be planted outside the shadow of the existing trees along Ilkeston Road, to enable better growth potential for these trees and retain existing coverage, if the highways trees are ultimately removed. Consequently, the proposed units immediately to the north of these trees have been realigned and moved back slightly to enable this. The planning authority has asked for additional trees to be planted alongside Ilkeston Road and in the south west corner of the site, but due to an existing water easement in this location, this is not possible.

2.3 Originally the affordable units (24) were in a one group to the south west of the site.

The updated plans split the distribution of affordable units as requested by Members at the last committee. The offer now consists of 18 affordable units in the south west corner of the site which is almost identical to the approved offer in the Westerman scheme (this offer was 17 units).

2.4 A further 8 affordable units have been located in the opposite south eastern corner of the site. This now results in 26 units of affordable accommodation overall with 22 units being social rent and the remaining 4 units being shared ownership. The affordable unit offer is compliant with the terms of the S106 which Members should note aligns with allowing affordable clusters of up to 30 units to be provided. Officers are satisfied with this arrangement, and indeed it is questionable if any smaller group of affordable housing (than the 8 proposed here) would actually be a viable option for management by a Registered Social Provider.

3 Conclusion

3.1 To conclude, the benefits of the proposal would mean the design can be altered to reflect that of Peveril Homes. The principle of the development has already been established through the original and hybrid applications on the site and the proposed amendments relate solely to the layout, design and landscaping, all of which are considered to be acceptable changes, with no objections from any consultees. It is considered the proposal is acceptable for the reasons set out above.

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 prior completion of an agreement under section 106A of the Town & Country Planning Act 1990

(ii) the following conditions:

1.	<u>Conditions in respect of outline element</u>
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	<p>The development hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
<p>2.</p>	<p>No development shall commence until a phasing plan for the whole outline site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan.</p> <p><i>Reason: To secure an orderly form of development.</i></p>
<p>3.</p>	<p>No phase of development, including site clearance, shall be commenced until detailed drawings and particulars showing the following for that respective phase have been submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> (a) the layout, scale, and external appearance of all buildings; (b) the means of access and parking provision within the site; (c) cross sections through the site showing the finished floor levels of the new buildings in relation to adjacent land and buildings (notwithstanding the levels shown for part of the site on 17031-PL15C Finish floor level site layout of application 20/00116/FUL). These details shall be related to a known datum point; (d) landscaping. <p>The development shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF, Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>4.</p>	<p>No development, including site clearance, shall be commenced in respect of any phase until a landscaping scheme for that respective phase of development has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall include the following details:</p> <ul style="list-style-type: none"> (a) trees, hedges and shrubs to be retained and measures for

	<p>their protection during the course of development. No development in the respective phase of development shall commence until the agreed protection measures are in place;</p> <ul style="list-style-type: none"> (b) numbers, types, sizes and positions of proposed trees and shrubs; (c) proposed hard surfacing treatment including the public rights of way crossing the site and the proposed path through the TPO woodland; (d) planting, seeding/turfing of other soft landscape areas; (e) lighting details and (f) a timetable for implementation of the scheme. <p>The approved schemes shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of ecology and railway safety and in accordance with the aims of the NPPF, Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>5.</p>	<p>No development, including site clearance, in respect of any individual phase shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall be adhered to throughout the construction period. The CMS shall provide for:</p> <ul style="list-style-type: none"> (a) site access for construction vehicles (b) the parking of vehicles of site operatives and visitors (c) loading and unloading of plant and materials (d) storage of plant and materials used in constructing the development (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate (f) wheel washing facilities (g) measures to control the emission of dust and dirt during construction. <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are</i></p>

	<p><i>satisfactory in the interests of highway safety, to minimise disturbance to neighbour amenity and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
6.	<p>No development, including site clearance, in respect of any individual phase shall commence until bat and breeding bird surveys, including any proposed mitigation measures, have been completed and submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures shall be carried out in accordance with the agreed details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory in the interests of safeguarding bats and breeding birds, in accordance with the aims of the NPPF and Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
7.	<p>No development shall be commenced in respect of any individual phase until detailed drawings and particulars in relation to the respective phase showing parking and turning facilities, site road layout including access widths, gradients, surfacing, street lighting, visibility splays, drainage, any bridge over Boundary Brook, and a timetable for their provision have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences in the interests of highway safety to ensure satisfactory access and parking arrangements are provided on the site and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
8.	<p>No development shall commence until a scheme for protecting the proposed dwellings from noise and vibration from the railway lines adjacent to the site has been submitted to and agreed in writing by the Local Planning Authority. Any works which form part of the scheme approved by the Authority shall be completed before any affected dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before</i></p>

	<p><i>development commences to ensure that the details are satisfactory, to protect residents from excessive transport noise and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>9.</p>	<p>No development shall be commenced in respect of any individual phase until details of appropriate gas prevention measures have been submitted to and approved in writing by the Local Planning Authority.</p> <p>No building to be completed pursuant to this permission shall be occupied or brought into use until:</p> <ul style="list-style-type: none"> i) all appropriate measures for that building 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 for that building have been implemented in full. <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>10.</p>	<p>No development above slab level shall be commenced in respect of any individual phase until a surface water drainage scheme for the respective phase, based on the Flood Risk Assessment and Drainage Strategy (dated 31 January 2020 and submitted with application ref: 20/00116/FUL), has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage schemes should include the following:</p> <ul style="list-style-type: none"> (a) detailed design (plans, network details, calculations) in support of any surface water drainage scheme, including details of any attenuation system, the outfall arrangements, pipe diameters and any flow rate limiters; (b) Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods; (c) horizontal and longitudinal cross sections through any proposed swales/attenuation ponds; (d) a timetable for implementation; and (e) details of the responsibility for the future maintenance and

	<p>management of the surface water drainage systems. The respective schemes shall be implemented in accordance with the details to be agreed under</p> <p>(f) and thereafter maintained in accordance with the agreed details for the lifetime of the development.</p> <p><i>Reason: To prevent an increase in flood risk, to improve and protect water quality, to improve habitat and amenity and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and the NPPF.</i></p>
<p>11.</p>	<p>No development shall take place within 100m of the railway until a Construction Method Statement (CMS) for works in this area has been submitted to and agreed in writing by the Local Planning Authority. The CMS shall be implemented in accordance with the agreed details.</p> <p><i>Reason: To safeguard the operations of the railway and in accordance with the aims of the NPPF.</i></p>
<p>12.</p>	<p>No dwelling shall be occupied until details of the site boundary treatments and curtilage boundary treatments, including Armco or similar barriers adjacent the railway, for that respective phase of development have been submitted to and approved in writing by the Local Planning Authority: no dwelling shall be occupied until its own boundary treatment has been erected in accordance with the agreed details. No development on a subsequent phase shall commence until the approved site boundary treatment for the preceding phase has been completed in accordance with the agreed details.</p> <p><i>Reason: In the interests of residential amenity, railway safety and the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>13.</p>	<p>Nothing shall be stored or placed in any area fenced in accordance with condition 5 (a) and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.</p> <p><i>Reason: To ensure the retained trees, including the TPO woodland, are not adversely affected and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
<p>14.</p>	<p>The local centre shall not be open to customers except between the hours of 07:00-22:00 on any day.</p>

	<p><i>Reason: To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
15.	<p>No deliveries or collections by commercial vehicles (excluding the delivery of newspapers, milk and sandwiches) shall be made to/from the local centre except between the hours of 07:00 - 22:00 on any day.</p> <p><i>Reason: To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
16.	<p>No fixed plant, machinery or equipment shall be installed within the site of the local centre until a noise report, including details of the acoustic specification of such fixed plant, machinery or equipment, has been submitted to and agreed in writing by the Local Planning Authority. The plant/machinery/equipment shall be installed in accordance with the agreed details and thereafter maintained in the agreed form for the lifetime of the development. The rating level resulting from the use of any plant, machinery or equipment at the local centre shall not exceed the existing background level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest residential dwelling.</p> <p><i>Reason: To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
17.	<p>No ventilation and filtration equipment shall be installed at the local centre unless details have first been submitted to and approved in writing by the Local Planning Authority. Any equipment shall be in full working order prior to the commencement of the respective use. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues.</p> <p><i>Reason: To suppress and disperse odour created from food preparation operations, in order to protect nearby residents from excessive odour, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
18.	<p>The hereby permitted local centre shall have a total floorspace</p>

	<p>not exceeding 500 square metres.</p> <p><i>Reason: In accordance with the terms of the application and to ensure it does not harm the vitality and viability of nearby centres, in accordance with the aims of Policy 13 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>19.</p>	<p>No single user shall occupy the local centre unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety, to restrict the possibility of articulated vehicles using the residential roads and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>20.</p>	<p><u>Conditions in respect of full element</u></p> <p>The approved development shall be undertaken in accordance with the requirements of conditions 21, 22, 23, 24, 25, 28, 32, 38, 39, 40, 42 and 44 of permission ref: 20/00116/FUL and in accordance with the details approved pursuant to them unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>21.</p>	<p>No works, including site clearance, shall take place on Boundary Brook unless and until water vole and reptile surveys have been carried out, submitted to and agreed in writing by the Local Planning Authority. Any works to the brook shall be in accordance with any recommended mitigation measures identified in the surveys.</p> <p><i>Reason: In the interests of ensuring due regard is given to the potential presence of water vole and reptiles in the brook and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
<p>22.</p>	<p>No development above slab level shall commence until the surface water drainage scheme has been undertaken in accordance with the following drainage details received by the Local Planning Authority on 18.8.20:</p> <ul style="list-style-type: none"> • Technical specifications for Hydro-Brake flow control FFSN-BSP-ZZ-X-DR-C (dated 7.8.20 and 8.7.20) • Phase 2 on site drainage layout (FFSN-BSP-ZZ-XX-DR-C0140 Rev P01) • Microdrainage calculations (dated 6.8.20)

	<p>• SUDS maintenance data sheet (reference 20156/SUDS/POND). The scheme shall be maintained and managed in accordance with the maintenance data sheet for the lifetime of the development.</p> <p><i>Reason: To prevent an increase in flood risk, to improve and protect water quality, to improve habitat and amenity, to protect the brook from pollution and in accordance with the aims of the NPPF, Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of the Part 2 Local Plan (2019).</i></p>
<p>23.</p>	<p>No retaining wall on any plot shall be installed until details, including section drawings where necessary, have first been submitted to and agreed in writing by the Local Planning Authority.</p> <p>No dwelling shall be first occupied until the boundary treatment for the respective plot has been installed in accordance with the approved Boundary Treatment plan and any agreed retaining wall details. No development on the outline phase shall commence until the retaining wall beside the brook, site perimeter and open space/play area boundary treatments have been installed in accordance with the approved plans.</p> <p><i>Reason: In the interests of residential amenity and the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>24.</p>	<p>No building to be completed pursuant to this permission shall be occupied or brought into use until:</p> <p>i) all appropriate measures for that building have been completed in accordance with details in the Geodyne report 'Remediation Method Statement' (ref D29176 V1.1, dated June 2017); and</p> <p>ii) it has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures for that building have been implemented in full.</p> <p><i>Reason: In the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>25.</p>	<p>The glazing and ventilation for the dwellings adjacent to Ilkeston Road shall be installed in accordance with the specification details in the Environmental Noise Assessment report (ref. FFSN-BSP-ZZXX-RP-C-001-P01), dated February 2020 (aligned with application ref: 20/00116/FUL) and thereafter maintained in accordance with the agreed details.</p>

	<p><i>Reason: To protect future occupiers from excessive road traffic noise and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
26.	<p>Electric vehicle charging points shall be installed on the dwellings as indicated on the approved plans prior to the first occupation of such dwellings and thereafter retained and maintained for the lifetime of the development.</p> <p><i>Reason: To ensure environmental measures are incorporated within the scheme, in accordance with the aims of Policy 1 of the Aligned Core Strategy (2014).</i></p>
27.	<p>Prior to the first occupation of the 32nd dwelling constructed on the site:</p> <p>i) the eastern site access on Ilkeston Road and associated back-to-back ghost island right turn lanes and pedestrian crossing points shall be completed in accordance with the approved plans;</p> <p><i>Reason: In the interests of highway safety to ensure satisfactory access for the proposed residents, to mitigate the impact of the development on the highway network and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 14 of the Broxtowe Aligned Core Strategy (2014).</i></p>
28.	<p>No dwelling shall be first occupied until its respective driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary, and drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety to ensure satisfactory parking for the proposed residents and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
29.	<p><u>Conditions in respect of whole scheme</u></p> <p>The development hereby permitted shall be carried out in accordance with drawings numbered:</p> <p>Received by the Local Planning Authority on 14 April 2021:</p>

	<ul style="list-style-type: none"> • 1905/19/21B <p>Received by the Local Planning Authority on 19 April 2021:</p> <ul style="list-style-type: none"> • 1905/19/26 <p>Received by the Local Planning Authority on 28 September 2021:</p> <ul style="list-style-type: none"> • P104 Rev C • P106 • BL-01-EL • BL-01-PL • BL-02-EL • BL-02-PL • BL-03-EL • GT-01-PL • GT-02-PL • GT-03-PL • GT-04-PL • GT-05-PL • HT-Aa-EL Rev A • HT-Aa-PL Rev A • HT-A-EL Rev A • HT-A-PL Rev A • HT-C-EL • HT-C-PL • HT-D-EL • HT-D-PL • HT-E-EL Rev A • HT-E-PL Rev A • HT-F-PL • HT-H-EL Rev A • HT-H-PL Rev A • HT-I-EL • HT-I-PL • HT-K-EL Rev A • HT-K-PL Rev A • HT-L-EL • HT-L-PL • HT-O-EL Rev A • HT-O-PL Rev A • HT-P-PL • HT-Q-EL • HT-Q-PL • HT-R-PL • HT-S-PL Rev A • HT-S-PL • HT-T-EL • HT-T-PL
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	<ul style="list-style-type: none"> • HT-U-EL Rev A • HT-U-PL Rev A • HT-V-EL Rev A • HT-V-PL Rev A • HT-W-EL • HT-W-PL • HT-X-EL • HT-X-PL • HT-Y-PL • HT-Z-EL • HT-Z-PL • FFSN-BSP-ZZ-XX-DR-C-0300 Rev P01 • P300 • P102 <p>Received by the Local Planning Authority on 12 November 2021:</p> <ul style="list-style-type: none"> • HT-B-EL Rev B • HT-B-PL Rev B <p>Received by the Local Planning Authority on 16 November 2021:</p> <ul style="list-style-type: none"> • BL-03-PL Rev A • HT-S-EL Rev B • HT-R-EL Rev A • HT-P-EL Rev A <p>Received by the Local Planning Authority on 18 November 2021:</p> <ul style="list-style-type: none"> • HT-F-EL Rev A • HT-Y-EL Rev A <p>Received by the Local Planning Authority on 16 December 2021:</p> <ul style="list-style-type: none"> • P103 Rev D • P104 Rev D • P105 Rev E • FFSN-BSP-ZZ-XX-DR-C-0215 Rev P02 <p>Received by the Local Planning Authority on 12 January 2022:</p> <ul style="list-style-type: none"> • P100 Rev M • 01 Rev E <p><i>Reason: for the avoidance of doubt.</i></p>
<p>30.</p>	<p>No above ground works shall be commenced in respect of any phase until a landscaping scheme for that respective phase of development has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall include the</p>

	<p>following details:</p> <p>(a) trees, hedges and shrubs to be retained and measures for their protection during the course of development. No development in the respective phase of development shall commence until the agreed protection measures are in place;</p> <p>(b) numbers, types, sizes and positions of proposed trees and shrubs;</p> <p>(c) proposed hard surfacing treatment including the public rights of way crossing the site and the proposed path through the TPO woodland;</p> <p>(d) planting, seeding/turfing of other soft landscape areas;</p> <p>(e) lighting details and</p> <p>(f) a timetable for implementation of the scheme.</p> <p>The approved schemes shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of ecology and railway safety and in accordance with the aims of the NPPF, Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>31.</p>	<p>No works on any phase of development shall take place on any path proposed by Boundary Brook unless and until a management plan for the trees/vegetation beside the brook has been submitted to and agreed in writing by the Local Planning Authority. Any works to the vegetation shall be in accordance with the approved details.</p> <p><i>Reason: In the interests of ensuring the trees beside the brook are appropriately managed in the interests of safeguarding habitat and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
<p>32.</p>	<p>The development hereby permitted shall be carried out in accordance with the recommendations of the Flood Risk Assessment & Drainage Strategy dated 31 January 2020 and the</p>

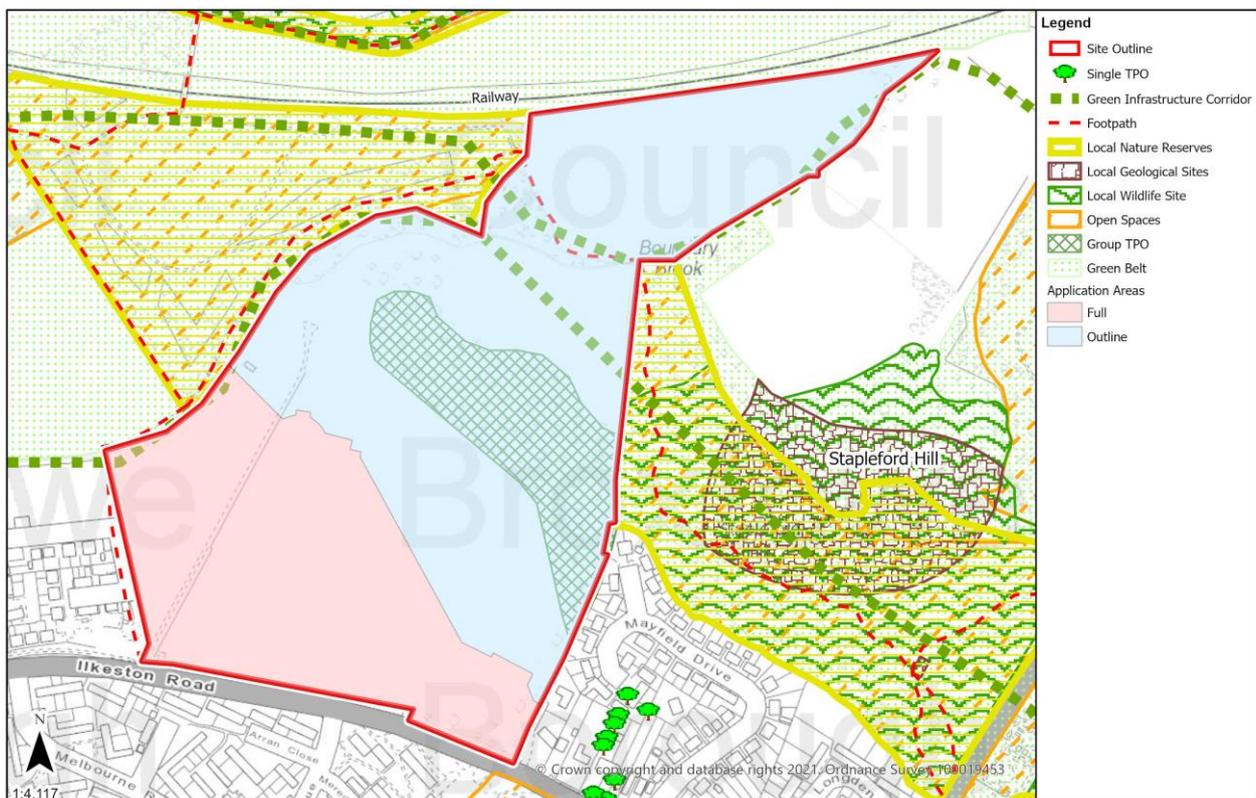
	<p>finished floor levels of any dwellings located in the area at risk from surface water flooding, as shown on Figure 2.1 (page 5), shall be raised 150mm above existing ground levels.</p> <p><i>Reason: To ensure mitigation takes place to reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of the Broxtowe Local Plan (2019).</i></p>
<p>33.</p>	<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 Saturday and at no time on Sundays or Bank Holidays.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and vibration, in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>34.</p>	<p>The approved landscaping for each phase of development shall be carried out not later than the first planting season following the substantial completion of each respective phase or first occupation of the building(s) within the respective phase, whichever is the sooner, and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality, to ensure the landscaping takes place in a timely fashion and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>35.</p>	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall take place until a remediation strategy detailing how this unsuspected contamination is to be dealt with has been submitted to and agreed in writing by the Local Planning Authority. Any required remediation shall be undertaken in accordance with the agreed details and it shall be certified to the satisfaction of the local planning authority that the additional 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: To ensure any unknown contamination encountered during development is appropriately dealt with to prevent pollution of the environment and to render the site free from risk</i></p>

	<i>to human health and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</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.
2.	This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
3.	In order to carry out off-site works, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. The applicant is advised to contact the County Council Highways team for details on hdc.south@nottscc.gov.uk
4.	<p>The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.</p> <p>a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.</p>
5.	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.
6.	The Highway Authority considers it prudent that as part of the proposed off-site highway works, a Traffic Regulation Order is undertaken to provide a safer highway environment. The Order can be made on behalf of the developer by Via East Midlands at the expense of the developer. This is a separate legal process and the Applicant should contact the Highway Improvements Team on 0115 804 2100 for details.
7.	Any highway trees damaged/removed as a consequence of the offsite works along Ilkeston Road will need to be replaced. You are therefore required to contact Via East Midlands Forestry Officer on 0115 804 2100 to establish where the replacement trees should be located, and to determine their species.
8.	Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.
9.	In relation to Condition 5, the local planning authority expects landscape buffers to be detailed beside Boundary Brook and Stapleford Hill Woodland and additional scrub planting beside the railway.
10.	The 'no build zone' associated with the high wall should be taken into account with reserved matters layouts.
11.	Severn Trent Water advise that there may be sewers on site that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals.
12.	The applicant is advised to contact Network Rail prior to commencing any works on land adjacent to the railway line, email: assetprotectionline@networkrail.co.uk
13.	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.
14.	Whilst the description of the application refers to the local centre being for uses within Classes A1-A5, due to changes to the Town and Country Planning (Use Classes Order), which came into effect on 1 September 2020, the use of the centre will be for those within Class E, drinking establishments and hot food takeaways (sui generis) and will thereafter be limited to the permitted changes within these Classes.

Map



Photos



Site frontage from Ilkeston Road
Towards TPO woodland and Stapleford Hill
Towards Ilkeston Road from site





Boundary Brook
woodland



Path towards north west TPO

Plans (not to scale)



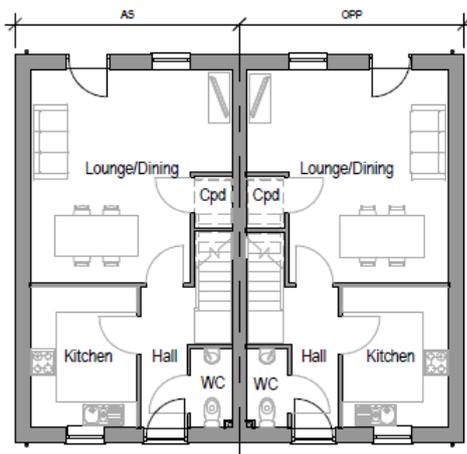
Site layout plan



Proposed street scenes
Plans (not to scale)



Front Elevation
1 : 100



Ground Floor Plan
1 : 100



3D View

Roliston house type



Front Elevation
1 : 100

Plans (not to scale)



Ground Floor Plan
1: 100



3D View

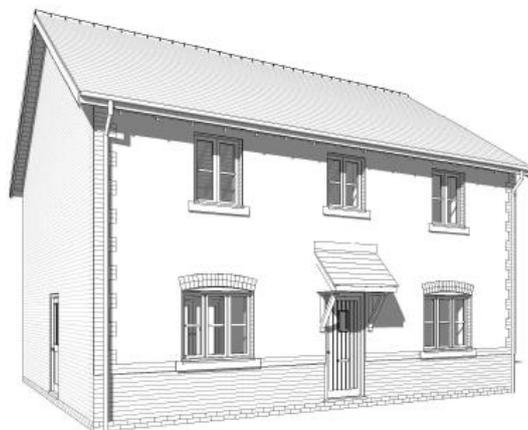
Denby house type



Front Elevation



Ground Floor
1: 100



3D View

Appleby house type

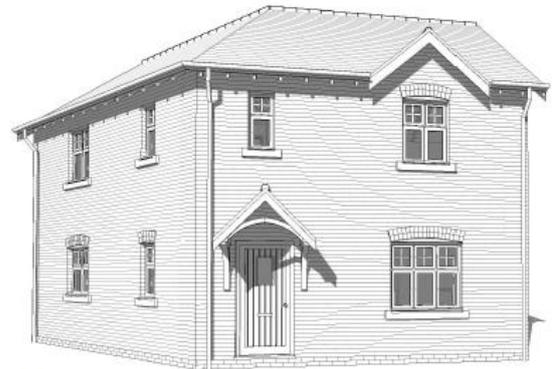
Plans (not to scale)



Front Elevation
1 : 100



Ground Floor Plan
1 : 100



3D View

Staunton house type

Plans (not to scale)



Sectional plans

Report of the Chief Executive

APPLICATION NUMBER:	21/00810/ROC
LOCATION:	Field Farm, Ilkeston Road, Stapleford, Nottinghamshire, NG9 8JJ
PROPOSAL:	Variation of condition 37 of planning reference 20/00116/FUL (hybrid application comprising: full application for 132 dwellings, associated infrastructure, flood attenuation works, play area and open space. Outline application for up to 200 dwellings, local centre (retail and professional services, restaurants/cafes, drinking establishments, hot food takeaways-classes a1-a5), associated infrastructure, open space and flood attenuation works with means of access included (all other matters reserved) to vary house types and layout

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

1 Executive Summary

- 1.1 This is a major planning application which seeks to vary condition 37 of 20/00116/FUL which relates to the house types, layout and landscaping of the scheme for the full part of the application. No changes are proposed to the outline element of the scheme and therefore this will not be considered within this application.
- 1.2 The site has changed in ownership from Westerman Homes Ltd to Peveril Homes following the completion of Phase 1 (15/00841/REM). Therefore, the changes will reflect the change in ownership between the two companies.
- 1.3 The main issues relate to whether the new house types reflect an acceptable design, if the new layout is an acceptable on design and highway grounds and if there are any other matters that need addressing in relation to these two matters.
- 1.4 To conclude, the benefits of the proposal would mean the design can be altered to reflect that of Peveril Homes. The principle of the development has already been established through the original and hybrid applications on the site and the proposed amendments relate solely to the layout, design and landscaping within the site boundary.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

APPENDIX

1 Details of the Application

1.1 The proposed amendments to the house types are considered to not result in substantial changes to the previous house types. Due to the changes in house types, minor amendments have also been made to layout and minor amendments have been made to the south layout of the site as shown below. Amendments have also been made to the landscaping. The main road layout will stay as agreed in the previous application but smaller amendments have been made to side roads and parking spaces have been amended.

21/00810/ROC scheme (Red arrows show the change in road layout)



20/00116/FUL Hybrid scheme

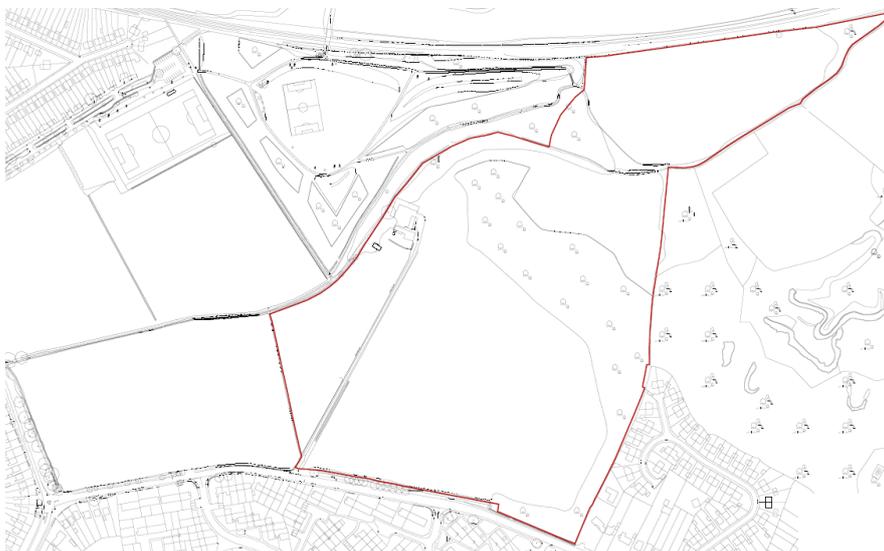


2 Site and surroundings

2.1 The larger site was allocated as a Sustainable Urban Extension (SUE) housing site for 450 dwellings in the Aligned Core Strategy (2014).



Extract taken from the Aligned Core Strategy (2014)



Site Location Plan (includes the whole site relating to 20/00116/FUL)

2.2 The site has an irregular shape with the full application site having an area of 5.59 hectares and the outline site, an area of 10.92 hectares. Ilkeston Road, with an adjoining hedgerow, forms the southern site boundary and a proposed public right of way forms the western site boundary with the immediately adjacent phase 1 development site. Boundary Brook, with vegetated banks, is located to the north of the full application site and to the north west of the outline site. A railway embankment adjoins the northern boundary of the outline site. There are sporadic trees adjacent the railway line and denser tree cover beside the south eastern and eastern boundaries of the outline site. A TPO woodland extends into the outline site from the eastern boundary adjacent to the northern section of Mayfield Drive towards Boundary Brook. Apart from this TPO woodland, the site is arable fields. The site is in Flood Zone 1.

2.3 Land slopes down across the site from the south and east towards the Boundary Brook, with steeper falls on the eastern side of the site. The north eastern part of the site rises up from the brook towards the northern site boundary with the railway located on an embankment between 2-5m higher than the adjacent part of the site. Ilkeston Road is located at a higher level than the site.

- 2.4 The site is located 1.6 kilometres north of Stapleford town centre. There is a bus stop to the south of the site on Ilkeston Road serving the number 18 route to Stapleford and Nottingham (every hour during the working day). A bus stop on Pasture Road to the south west of the site serves the my15 route running between Ilkeston and East Midlands Airport (every 15 minutes during the working day). The number 21 route running between Ilkeston and Nottingham (every hour during the working day) is served by a bus stop of Trowell Road to the west of the site.
- 2.5 Stapleford Hill Local Wildlife Site, Local Nature Reserve (LNR), Local Green Space (Prominent Area for Special Protection) and informal open space is located to the east of the site, with the Nottingham-Sheffield railway line to the north of the site and the Nottingham Canal LNR beyond which includes Swancar Bridge, a Grade II listed building. The canal is part of a Green Infrastructure Corridor and two such corridors run broadly east-west across the northern part of the application site. Pit Lane recreation ground (a nature reserve and informal open space), car park, football pitch and allotment gardens lie to the north and north west of the site, with housing on Trowell Grove beyond to the north west. Residential properties adjoin part of the eastern boundary on Mayfield Drive and Ilkeston Road, and opposite the southern site boundary on Ilkeston Road. The land beyond the northern site boundary (situated within the Green Belt) rises up towards the north and the land beyond the eastern site boundary rises up to the high point of Stapleford Hill, which is largely covered by woodland. Pit Lane recreation ground, which is predominantly open grassland with trees to the eastern side, is generally located at a higher level than the majority of the application site. Mayfield Drive rises from south to north to the east of the site.
- 2.6 There is a field adjacent to the north eastern section of the site which forms part of a housing site to the rear of Bramcote Crematorium, land west of Coventry Lane, which is allocated for 240 dwellings (outline application for smaller part of this allocated site received permission at Planning Committee in November 2020 subject to a Section 106 agreement which has yet to be signed). A mixture of dwelling types form the development in the immediate area including three storey flat blocks, detached, semi-detached and terraced housing and bungalows.

3 Relevant Planning History

- 3.1 Outline planning permission for up to up to 450 dwellings (with all matters reserved except for access) was granted on 4 November 2014 (reference 11/00758/OUT) in relation to the larger site. This followed a committee resolution to grant permission in April 2013. The Secretary of State then confirmed that the application would not be called-in for determination following the adoption of the Broxtowe Aligned Core Strategy in September 2014 which removed the site from the Green Belt.
- 3.2 A scheme for development of 450 dwellings on the larger site was considered by a Design Review Panel in September 2015. This panel comprised experts from the built environment sector, chaired by an architect, who provided impartial advice on the scheme presented. A site visit was undertaken by the panel and then a discussion was held by the panel with the Council and the developer. After the panel session was held, a letter containing the comments and recommendations of the panel was provided.

3.3 In April 2016, the reserved matters application for Phase 1 (15/00841/REM) was refused approval based on poor overall design quality and failure to create a distinctive place but was subsequently allowed on appeal (February 2017). This phase of development is currently being built out.

3.4 In July 2016, it was determined prior approval was not required to demolish the farmhouse and barn on the site (16/00422/DEM). These two buildings have since been demolished.

4 Relevant Policies and Guidance

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

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

- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 19: Developer Contributions

4.2 **Part 2 Local Plan 2019**

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

- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 32: Developer Contributions
-

4.3 **National Planning Policy Framework (NPPF) 2021:**

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving Well-designed Places

5 Consultations

5.1 **Council’s Environmental Health Officer:** no objection.

5.2 **Council’s Business and Projects Manager (Environment):** the boundary fence detail for the open space needs to mirror that used on phase 1. The trip tail needs to be wooden bollards with a metal rail.

5.3 **Council’s Housing Strategy and Development Officer:** no further comments to advise on this application.

5.4 **Council’s Waste and Recycling Officer:** raise no objection and advise on bin requirements.

5.5 **Council’s Tree Officer:** no objection.

- 5.6 **Nottinghamshire County Council as Highways Authority:** raise no objection.
- 5.7 **Nottinghamshire County Council as Lead Local Flood Authority (LLFA):** no objection.
- 5.8 **Nottinghamshire County Council Planning Policy:** no further comments to advise on this application.
- 5.9 **NHS Nottingham City Clinical Commissioning Group (CCG):** request a financial contribution of £173,400.00.
- 5.10 **NET:** no objection.
- 5.11 **Network Rail:** no objection.
- 5.12 **Highways England:** no objection.
- 5.13 **Nottinghamshire Wildlife Trust:** new Landscape Concept Plan shows there are some alterations in the landscaping. For example, on the original concept plan, the hedgerow in the north-west corner is mapped as a 'native hedgerow', whereas the new plan shows this hedgerow as a 'single-species hedgerow'. There also appears to be less tree planting on the new plans.

Concerned that the amended plans may result in a decrease in biodiversity value and therefore recommend that all landscaping/ planting plans are altered to mirror those of the original designs.

- 5.14 **Policy Architectural Liaison Officer:** no further comments to advise on this application.
- 5.15 **The Coal Authority:** no observations.
- 5.16 Severn Trent Water Ltd, the Environment Agency and NCC Rights of Way were all consulted but did not provide any comments.
- 5.17 47 neighbours were consulted on the application, 6 objections and 5 observations were received. Three site notices were displayed. The comments are summarised as follows:
 - Design amendments should not be an attempt to reduce quality and longevity of building design
 - All materials and design should be of a high quality and energy efficiency to ensure it is as sustainable as possible
 - Concerns that less scrupulous developers may rush build and compromise building regulations that impact on climate crisis
 - All planning applications should be accompanied by a comprehensive Energy Statement which includes details on energy use and energy generation
 - The burden of improving efficiency & reducing energy costs should not be placed on the future tenants/residents
 - Colour of roof tiles should be considered

- More trees planted to provide buffer with existing woodland and to help with drainage
- Not enough parking as first phase shows cars parked on paths
- Ensure that healthy trees and hedgerows are not removed
- Request for a footpath link from the boundary path road near plot 94 across Boundary Brook to the paths of Pit Lane Recreation Area public park to be included
- Removal of trees along Ilkeston Road is not supported
- No requirement to remove trees or hedgerows
- Application should be refused as land is used for recreational purposes
- Do not require commercial or retail services on site when other services are within one mile of site.

6 Assessment

6.1 The main issues are considered to be the change in house types, the layout and landscaping.

6.2 **Principle**

6.2.1 The principle of development has already been established and this application proposes a variation of condition 37 of 20/00116/FUL which relates solely to the drawing conditions. The main changes proposed relate to house types, layout and landscaping. All changes are considered to be relatively minor considering the scale of the scheme. Furthermore, the changes proposed are considered to be acceptable which will be addressed in further detail below.

6.2.2 To conclude, this is a variation of condition application to condition 37 and therefore only relates to drawing conditions. The principle of development has already been established and no changes are proposed to the outline scheme, only the full element. The principle of the proposed amendments are therefore considered to be acceptable.

6.3 **Design and Layout**

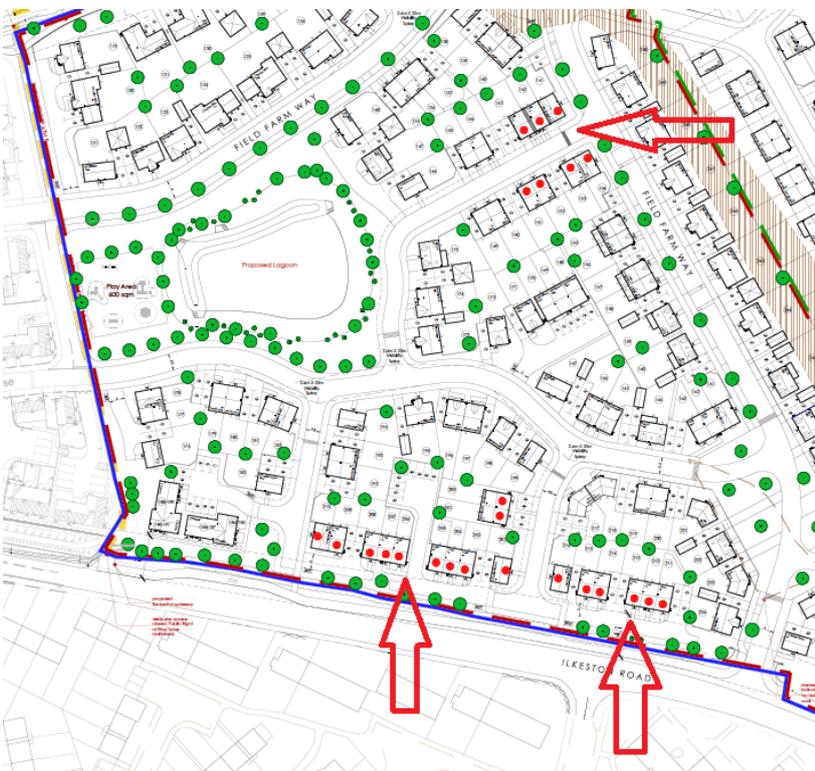
6.3.1 The same number of affordable houses will be provided under this scheme (24), but their positioning has changed which is shown below by the plots labelled with dots and shown by the arrows for clarity. 10 per cent of the dwellings will be M4 (2) of Building Regulations compliant, in accordance with the requirements of Policy 15 of the P2LP. This means they will be accessible and adaptable dwellings. It is considered an appropriate mix of dwellings types has been proposed for Phase 2.

6.3.2 Whilst the position of the affordable housing has been amended, the Council's Housing Strategy and Development Officer has raised no objection to this and it is therefore considered to be acceptable.

21/00810/ROC (dots/arrows showing affordable housing position)



20/00116/FUL (dots/arrows showing affordable housing position)



6.3.3 The proposed dwellings will be a mix of two and three storey houses with either two, three, four and five bedroom houses and either detached or semi-detached. The style will largely reflect a traditional style with a mix of different roof styles such as gable, hipped and cat slide. An example of four house types are shown below.



Front Elevation

1:100

House type: Willesley (detached)



Front Elevation

House type: Bardon (detached)



Front Elevation

1:100

House type: Milford (semi-detached)



Front Elevation

1:100

House type: Brassington (semi-detached)

6.3.4 The proposed pallet of materials will be a mixture of red/brown bricks, cream render and grey/anthracite/terracotta/red tiles depending on the design of the proposed dwelling. It is considered the proposed materials reflect an acceptable design and tie in with the proposed traditional style.

6.3.5 It is considered all the proposed house types reflect an acceptable level of design, are an acceptable height, scale and massing. It is considered they correspond to each other with a similar style but provide enough variation to create visual interest within the street scene with differing styles and materials.

6.3.6 The proposed layout will largely stay the same as the approved layout in the previous application, 20/00116/FUL; however the main amendments relate to the south west of the site (as shown by the diagrams in section 1.1). The affordable housing will be positioned in this corner and the layout has been amended from courtyard style parking at the rear of gardens to parking at the front of properties. It is considered this is a more practical approach as home owners are more likely

to park near the front of their properties, it also provides natural surveillance over vehicles and improves the relationship with rear gardens that they do not overlook a car park.

- 6.3.7 It is considered the amount of parking provided with the new house types and amended layout is acceptable and no concerns have been raised by the Highway Authority.
- 6.3.8 In regards to the change in landscaping, there are marginally less trees in rear gardens of properties due to the maintenance difficulties for future occupiers. It is considered the landscaping proposed is acceptable and no objection has been raised by the Council's Business and Projects Manager. The hedge has been amended back to a native hedgerow on request from the Nottinghamshire Wildlife Trust. Further details of landscaping will be required via the landscaping condition (condition 5).
- 6.3.9 To conclude, it is considered the proposed house types reflect an acceptable design and are appropriate in the context of the site and wider area. Only small amendments have been made to the layout in the south west corner of the site and it is considered a more practical approach for parking for future occupiers of these dwellings. It is considered the changes to the landscaping are relatively minor and a sufficient number of trees are still proposed.

6.4 Amenity

- 6.4.1 The site adjoins the phase 1 scheme (15/00841/REM) and it is considered the separation distance between the two schemes has already been established as being acceptable. Whilst the house types have changed, it is still considered the separation distances are acceptable and the layout itself has not significantly changed to what was previously agreed. It is considered the impact on the occupiers of phase one is acceptable.
- 6.4.2 Due to separation distance and buffer of vegetation, it is considered the properties to the south and south east of the site will not have an adverse impact on the amenity of the occupants along Ilkeston Road or Mayfield Drive.
- 6.4.3 The proposed dwellings are all considered to be of an acceptable size with an acceptable outlook from windows. All the houses will have front and rear gardens and there will be adequate landscaping surrounding properties. Due to the levels difference across the Phase 2 site, some plots will be located at a higher level than other plots, with the largest difference being in the region of 3.5m. Sections have been submitted to show that retaining walls will be used and details of these and boundary treatments will be conditioned to ensure appropriate levels of amenity are achieved for the proposed residents.

6.5 Financial Contributions

- 6.5.1 The level of financial contributions have been deliberated and decided during the determination of earlier applications and some of these contributions have already been paid, consequently these will not be revisited with this application. However, whilst this application essentially just updates the house types as this is a new

application, an addendum in line with the previous S106 will be sought to ensure that all the outstanding payments that were previously agreed are paid appropriately.

6.5.2 To clarify, the agreed contributions are as follows:

Affordable housing: 25% level of affordable housing (combination of on-site provision (80% rented and 20% shared ownership) and financial contributions).

Open Space maintenance contribution: A total open space maintenance contribution of £432,768.48 is required.

Integrated Transport Contributions: The integrated transport contribution of a maximum of £412,500.00 remain unchanged from the previous agreement, as does the off-site highway contribution (£343,000.00) towards improvement works to the junction of the Ilkeston Road/Hickings Lane roundabout. £142,334.02 has been paid to date.

Education: A contribution towards infant education provision of £485,000.00 and a Secondary Contribution of £624,987.00 are required.

6.5.3 To conclude, there are no changes to the financial contributions proposed as a result of this application and an addendum to the original S106 will be made to ensure that the contributions that are outstanding, are paid. This will be agreed with the Councils legal department and the agent's solicitor.

6.6 Other Matters

6.6.1 Although the proposed amendments relate to only the full element of the previous hybrid scheme (20/00116/FUL), the conditions will be repeated for the whole scheme. A number of conditions have been discharged which means they will be changed to compliance conditions to ensure they are carried out in accordance with the agreed, submitted details.

6.6.2 Whilst the Severn Trent Water Ltd, the Environment Agency and NCC Rights of Way were all consulted but did not provide any comments, it is considered the application is still acceptable to be determined based on the amendments relating to design, layout and landscaping only.

6.6.3 As this is an application to vary a condition that was considered under the previous validation requirements, and the principle of development is already established, it is considered unreasonable to request an Energy Statement as part of this application.

6.6.4 The trees outside of the red line plan to the south of the site along Ilkeston Road are owned by Nottinghamshire County Council as Highways Authority.

6.6.5 The principle of development, including the commercial and retain units on site, have already been established as acceptable.

6.6.6 This scheme proposes a path on the southern side of Boundary Brook but does not continue into the outline scheme which was previously proposed by the Westerman scheme. The approved scheme does not include an additional crossing over the brook to link with Phase 2 as the loss of biodiversity and trees would outweigh the benefits of having it. The distance between existing crossing and proposed crossing would have been 100m. The existing crossing over the brook will remain. It is considered the retention of the existing crossing over the brook is acceptable.



21/00810/ROC (footpath stops at side of cul-de-sac)



20/00116/FUL (footpath continues beyond cul-de-sac)

7 Planning Balance

7.1 The benefits of the proposal would mean the design can be altered to reflect that of Peveril Homes and would be in accordance with policies contained within the

development plan. Whilst it is acknowledged there will be some impact on the landscaping this is outweighed by the benefits of the scheme e.g. the more practical layout of the parking for the affordable housing and acceptable design. On balance, it is considered the amendments are acceptable and the application should be approved.

8 Conclusion

8.1 To conclude, the benefits of the proposal would mean the design can be altered to reflect that of Peveril Homes. The principle of the development has already been established through the original and hybrid applications on the site and the proposed amendments relate solely to the layout, design and landscaping, all of which are considered to be acceptable changes, with no objections from any consultees. It is considered the proposal is acceptable for the reasons set out above.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that the Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:</p> <p style="padding-left: 40px;">(i) the prior completion of an agreement under section 106A of the Town & Country Planning Act 1990</p> <p style="padding-left: 40px;">(ii) the following conditions:</p>	
1.	<p><u>Conditions in respect of outline element</u></p> <p>The development hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
3.	<p>No development shall commence until a phasing plan for the whole outline site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan.</p> <p><i>Reason: To secure an orderly form of development.</i></p>

<p>4.</p>	<p>No phase of development, including site clearance, shall be commenced until detailed drawings and particulars showing the following for that respective phase have been submitted to and approved in writing by the Local Planning Authority:</p> <p>(a) the layout, scale, and external appearance of all buildings; (b) the means of access and parking provision within the site; (c) cross sections through the site showing the finished floor levels of the new buildings in relation to adjacent land and buildings (notwithstanding the levels shown for part of the site on 17031-PL15C Finish floor level site layout of application 20/00116/FUL). These details shall be related to a known datum point; (d) landscaping.</p> <p>The development shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF, Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>5.</p>	<p>No development, including site clearance, shall be commenced in respect of any phase until a landscaping scheme for that respective phase of development has been submitted to and approved in writing by the Local Planning Authority. Each 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. No development in the respective phase of development shall commence until the agreed protection measures are in place; (b) numbers, types, sizes and positions of proposed trees and shrubs; (c) proposed hard surfacing treatment including the public rights of way crossing the site and the proposed path through the TPO woodland; (d) planting, seeding/turfing of other soft landscape areas; (e) lighting details and (f) a timetable for implementation of the scheme.</p> <p>The approved schemes shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before</i></p>

	<p><i>development commences to ensure that the details are satisfactory, in the interests of ecology and railway safety and in accordance with the aims of the NPPF, Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>No development, including site clearance, in respect of any individual phase shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall be adhered to throughout the construction period. The CMS shall provide for:</p> <ul style="list-style-type: none"> (a) site access for construction vehicles (b) the parking of vehicles of site operatives and visitors (c) loading and unloading of plant and materials (d) storage of plant and materials used in constructing the development (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate (f) wheel washing facilities (g) measures to control the emission of dust and dirt during construction. <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory in the interests of highway safety, to minimise disturbance to neighbour amenity and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>7.</p>	<p>No development, including site clearance, in respect of any individual phase shall commence until bat and breeding bird surveys, including any proposed mitigation measures, have been completed and submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures shall be carried out in accordance with the agreed details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory in the interests of safeguarding bats and breeding</i></p>

	<p><i>birds, in accordance with the aims of the NPPF and Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>8.</p>	<p>No development shall be commenced in respect of any individual phase until detailed drawings and particulars in relation to the respective phase showing parking and turning facilities, site road layout including access widths, gradients, surfacing, street lighting, visibility splays, drainage, any bridge over Boundary Brook, and a timetable for their provision have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences in the interests of highway safety to ensure satisfactory access and parking arrangements are provided on the site and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>9.</p>	<p>No development shall commence until a scheme for protecting the proposed dwellings from noise and vibration from the railway lines adjacent to the site has been submitted to and agreed in writing by the Local Planning Authority. Any works which form part of the scheme approved by the Authority shall be completed before any affected dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, to protect residents from excessive transport noise and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>10.</p>	<p>No development shall be commenced in respect of any individual phase until details of appropriate gas prevention measures have been submitted to and approved in writing by the Local Planning Authority.</p> <p>No building to be completed pursuant to this permission shall be occupied or brought into use until:</p> <ul style="list-style-type: none"> i) all appropriate measures for that building have been completed in accordance with details approved in writing by the local planning authority; and

	<p>ii) it has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures for that building have been implemented in full.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>11.</p>	<p>No development above slab level shall be commenced in respect of any individual phase until a surface water drainage scheme for the respective phase, based on the Flood Risk Assessment and Drainage Strategy (dated 31 January 2020 and submitted with application ref: 20/00116/FUL), has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage schemes should include the following:</p> <p>(a) detailed design (plans, network details, calculations) in support of any surface water drainage scheme, including details of any attenuation system, the outfall arrangements, pipe diameters and any flow rate limiters;</p> <p>(b) Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;</p> <p>(c) horizontal and longitudinal cross sections through any proposed swales/attenuation ponds;</p> <p>(d) a timetable for implementation; and</p> <p>(e) details of the responsibility for the future maintenance and management of the surface water drainage systems. The respective schemes shall be implemented in accordance with the details to be agreed under</p> <p>(d) and thereafter maintained in accordance with the agreed details for the lifetime of the development.</p> <p><i>Reason: To prevent an increase in flood risk, to improve and protect water quality, to improve habitat and amenity and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and the NPPF.</i></p>
<p>12.</p>	<p>No development shall take place within 100m of the railway until a Construction Method Statement (CMS) for works in this area has been submitted to and agreed in writing by the Local Planning Authority. The CMS shall be implemented in accordance with the</p>

	<p>agreed details.</p> <p><i>Reason: To safeguard the operations of the railway and in accordance with the aims of the NPPF.</i></p>
13.	<p>No dwelling shall be occupied until details of the site boundary treatments and curtilage boundary treatments, including Armco or similar barriers adjacent the railway, for that respective phase of development have been submitted to and approved in writing by the Local Planning Authority: no dwelling shall be occupied until its own boundary treatment has been erected in accordance with the agreed details. No development on a subsequent phase shall commence until the approved site boundary treatment for the preceding phase has been completed in accordance with the agreed details.</p> <p><i>Reason: In the interests of residential amenity, railway safety and the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
14.	<p>Nothing shall be stored or placed in any area fenced in accordance with condition 5 (a) and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.</p> <p><i>Reason: To ensure the retained trees, including the TPO woodland, are not adversely affected and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
15.	<p>The local centre shall not be open to customers except between the hours of 07:00-22:00 on any day.</p> <p><i>Reason: To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
16.	<p>No deliveries or collections by commercial vehicles (excluding the delivery of newspapers, milk and sandwiches) shall be made to/from the local centre except between the hours of 07:00 - 22:00 on any day.</p> <p><i>Reason: To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
17.	<p>No fixed plant, machinery or equipment shall be installed within the site of the local centre until a noise report, including details of the acoustic specification of such fixed plant, machinery or</p>

	<p>equipment, has been submitted to and agreed in writing by the Local Planning Authority. The plant/machinery/equipment shall be installed in accordance with the agreed details and thereafter maintained in the agreed form for the lifetime of the development. The rating level resulting from the use of any plant, machinery or equipment at the local centre shall not exceed the existing background level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest residential dwelling.</p> <p><i>Reason: To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>18.</p>	<p>No ventilation and filtration equipment shall be installed at the local centre unless details have first been submitted to and approved in writing by the Local Planning Authority. Any equipment shall be in full working order prior to the commencement of the respective use. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues.</p> <p><i>Reason: To suppress and disperse odour created from food preparation operations, in order to protect nearby residents from excessive odour, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>19.</p>	<p>The hereby permitted local centre shall have a total floorspace not exceeding 500 square metres.</p> <p><i>Reason: In accordance with the terms of the application and to ensure it does not harm the vitality and viability of nearby centres, in accordance with the aims of Policy 13 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>20.</p>	<p>No single user shall occupy the local centre unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety, to restrict the possibility of articulated vehicles using the residential roads and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>

<p>21.</p>	<p><u>Conditions in respect of full element</u></p> <p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
<p>22.</p>	<p>The approved development shall be undertaken in accordance with the requirements of conditions 22, 23, 24, 25, 27, 28, 32, 38, 39, 42 and 44 of permission ref: 20/00116/FUL and in accordance with the details approved pursuant to them unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>23.</p>	<p>No development above slab level shall commence until the surface water drainage scheme has been undertaken in accordance with the following drainage details received by the Local Planning Authority on 18.8.20:</p> <ul style="list-style-type: none"> • Technical specifications for Hydro-Brake flow control FFSN-BSP-ZZ-X-DR-C (dated 7.8.20 and 8.7.20) • Phase 2 on site drainage layout (FFSN-BSP-ZZ-XX-DR-C0140 Rev P01) • Microdrainage calculations (dated 6.8.20) • SUDS maintenance data sheet (reference 20156/SUDS/POND). The scheme shall be maintained and managed in accordance with the maintenance data sheet for the lifetime of the development. <p><i>Reason: To prevent an increase in flood risk, to improve and protect water quality, to improve habitat and amenity, to protect the brook from pollution and in accordance with the aims of the NPPF, Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of the Part 2 Local Plan (2019).</i></p>
<p>24.</p>	<p>No retaining wall on any plot or beside the brook shall be installed until details, including section drawings where necessary, have first been submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be first occupied until the boundary treatment for the respective plot has been installed in accordance with the approved Boundary Treatment plan and any agreed retaining wall details. No development on Phase 3 shall commence until the retaining wall beside the brook, site perimeter and open space/play area boundary treatments have been installed in accordance with the approved plans.</p> <p><i>Reason: In the interests of residential amenity and the appearance of the area and in accordance with the aims of Policy 17 of the</i></p>

	<i>Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
25.	<p>No building to be completed pursuant to this permission shall be occupied or brought into use until:</p> <p>i) all appropriate measures for that building have been completed in accordance with details in the Geodyne report ‘Remediation Method Statement’ (ref D29176 V1.1, dated June 2017); and</p> <p>ii) it has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures for that building have been implemented in full.</p> <p><i>Reason: In the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
26.	<p>The glazing and ventilation for the dwellings adjacent to Ilkeston Road shall be installed in accordance with the specification details in the Environmental Noise Assessment report (ref. FFSN-BSP-ZZXX-RP-C-001-P01), dated February 2020 (aligned with application ref: 20/00116/FUL) and thereafter maintained in accordance with the agreed details.</p> <p><i>Reason: To protect future occupiers from excessive road traffic noise and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
27.	<p>Electric vehicle charging points shall be installed on the dwellings as indicated on the approved plans prior to the first occupation of such dwellings and thereafter retained and maintained for the lifetime of the development.</p> <p><i>Reason: To ensure environmental measures are incorporated within the scheme, in accordance with the aims of Policy 1 of the Aligned Core Strategy (2014).</i></p>
28.	<p>Prior to the first occupation of any dwelling constructed on the site:</p> <ul style="list-style-type: none"> i) the eastern site access on Ilkeston Road and associated back-to-back ghost island right turn lanes and pedestrian crossing points shall be completed in accordance with the approved plans; ii) the shared cycleway/footpath to Coventry Lane shall be completed as detailed in Appendix H of the Transport Assessment (dated 27 March 2020 submitted as part of application ref: 20/00116/FUL), or such other details as may first be agreed in writing by the Local Planning Authority. Reason: In the interests of highway safety to ensure satisfactory access for the proposed residents, to

	<p>mitigate the impact of the development on the highway network and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 14 of the Broxtowe Aligned Core Strategy (2014).</p> <p><i>Reason: In the interests of highway safety to ensure satisfactory access for the proposed residents, to mitigate the impact of the development on the highway network and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 14 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>29.</p>	<p>No dwelling shall be first occupied until its respective driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary, and drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety to ensure satisfactory parking for the proposed residents and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>30.</p>	<p><u>Conditions in respect of whole scheme</u></p> <p>The development hereby permitted shall be carried out in accordance with drawings numbered:</p> <p>Received by the Local Planning Authority on 28 September 2021:</p> <ul style="list-style-type: none"> • P104 Rev C • P106 • BL-01-EL • BL-01-PL • BL-02-EL • BL-02-PL • BL-03-EL • GT-01-PL • GT-02-PL • GT-03-PL • GT-04-PL • GT-05-PL • HT-Aa-EL Rev A • HT-Aa-PL Rev A • HT-A-EL Rev A • HT-A-PL Rev A • HT-C-EL • HT-C-PL

- HT-D-EL
- HT-D-PL
- HT-E-EL Rev A
- HT-E-PL Rev A
- HT-F-PL
- HT-H-EL Rev A
- HT-H-PL Rev A
- HT-I-EL
- HT-I-PL
- HT-K-EL Rev A
- HT-K-PL Rev A
- HT-L-EL
- HT-L-PL
- HT-O-EL Rev A
- HT-O-PL Rev A
- HT-P-PL
- HT-Q-EL
- HT-Q-PL
- HT-R-PL
- HT-S-PL Rev A
- HT-S-PL
- HT-T-EL
- HT-T-PL
- HT-U-EL Rev A
- HT-U-PL Rev A
- HT-V-EL Rev A
- HT-V-PL Rev A
- HT-W-EL
- HT-W-PL
- HT-X-EL
- HT-X-PL
- HT-Y-PL
- HT-Z-EL
- HT-Z-PL
- FFSN-BSP-ZZ-XX-DR-C-0300 Rev P01
- P300
- P102

Received by the Local Planning Authority on 12 November 2021:

- HT-B-EL Rev B
- HT-B-PL Rev B

Received by the Local Planning Authority on 16 November 2021:

- BL-03-PL Rev A
- HT-S-EL Rev B
- HT-R-EL Rev A
- HT-P-EL Rev A

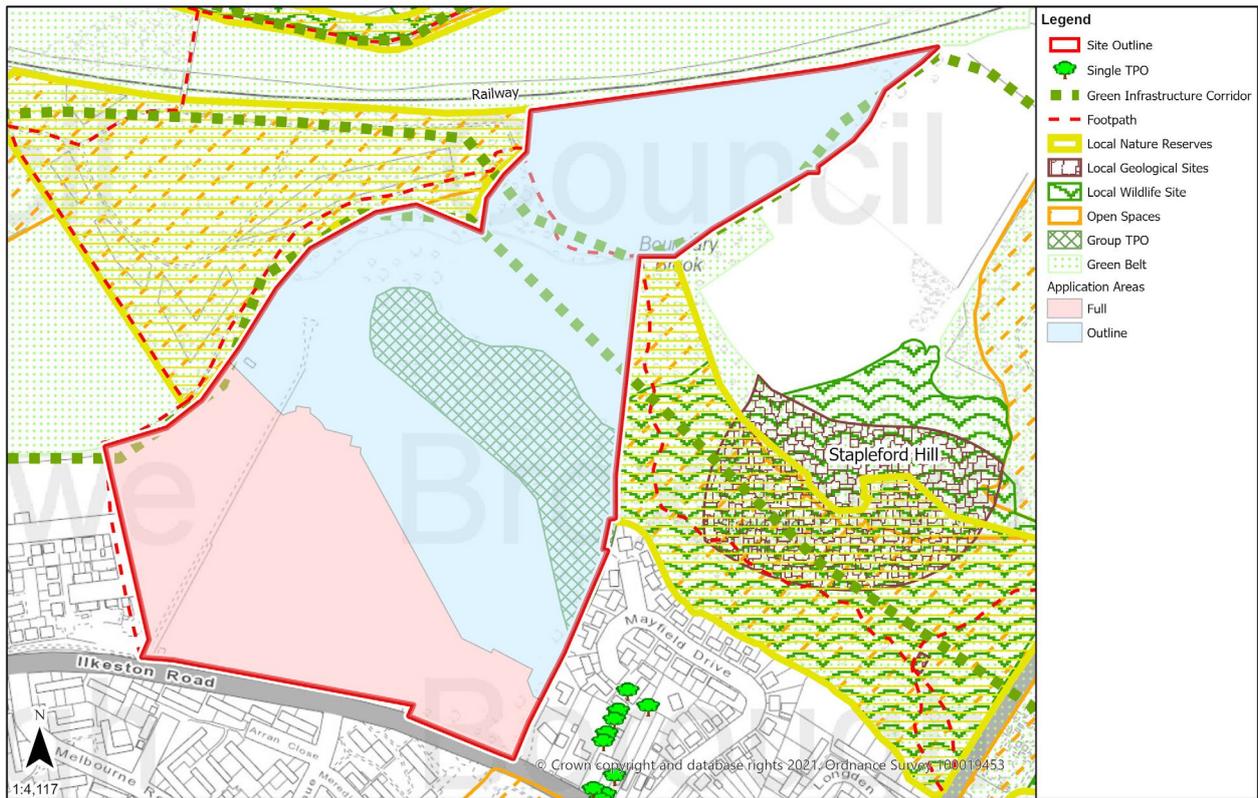
	<p>Received by the Local Planning Authority on 18 November 2021:</p> <ul style="list-style-type: none"> • HT-F-EL Rev A • HT-Y-EL Rev A <p>Received by the Local Planning Authority on 16 December 2021:</p> <ul style="list-style-type: none"> • 01 Rev C • P103 Rev D • P104 Rev D • P105 Rev E • P100 Rev L • FFSN-BSP-ZZ-XX-DR-C-0215 Rev P02
<p>31.</p>	<p>No works, including site clearance, shall take place on Boundary Brook unless and until water vole and reptile surveys have been carried out, submitted to and agreed in writing by the Local Planning Authority. Any works to the brook shall be in accordance with any recommended mitigation measures identified in the surveys.</p> <p><i>Reason: In the interests of ensuring due regard is given to the potential presence of water vole and reptiles in the brook and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
<p>32.</p>	<p>No works on any phase of development shall take place on any path proposed by Boundary Brook unless and until a management plan for the trees/vegetation beside the brook has been submitted to and agreed in writing by the Local Planning Authority. Any works to the vegetation shall be in accordance with the approved details.</p> <p><i>Reason: In the interests of ensuring the trees beside the brook are appropriately managed in the interests of safeguarding habitat and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
<p>33.</p>	<p>The development hereby permitted shall be carried out in accordance with the recommendations of the Flood Risk Assessment & Drainage Strategy dated 31 January 2020 and the finished floor levels of any dwellings located in the area at risk from surface water flooding, as shown on Figure 2.1 (page 5), shall be raised 150mm above existing ground levels.</p> <p><i>Reason: To ensure mitigation takes place to reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of the Broxtowe Local Plan (2019).</i></p>

<p>34.</p>	<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 Saturday and at no time on Sundays or Bank Holidays.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and vibration, in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>35.</p>	<p>The approved landscaping for each phase of development shall be carried out not later than the first planting season following the substantial completion of each respective phase or first occupation of the building(s) within the respective phase, whichever is the sooner, and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality, to ensure the landscaping takes place in a timely fashion and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>36.</p>	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall take place until a remediation strategy detailing how this unsuspected contamination is to be dealt with has been submitted to and agreed in writing by the Local Planning Authority. Any required remediation shall be undertaken in accordance with the agreed details and it shall be certified to the satisfaction of the local planning authority that the additional 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: To ensure any unknown contamination encountered during development is appropriately dealt with to prevent pollution of the environment and to render the site free from risk to human health and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
	<p>NOTES TO APPLICANT</p>
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
<p>2.</p>	<p>This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning</p>

	Act 1990, and reference should be made thereto.
3.	In order to carry out off-site works, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. The applicant is advised to contact the County Council Highways team for details on hdc.south@nottsc.gov.uk
4.	<p>The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.</p> <p>a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.</p>
5.	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.
6.	The Highway Authority considers it prudent that as part of the proposed off-site highway works, a Traffic Regulation Order is undertaken to provide a safer highway environment. The Order can be made on behalf of the developer by Via East Midlands at the expense of the developer. This is a separate legal process and the

	Applicant should contact the Highway Improvements Team on 0115 804 2100 for details.
7.	Any highway trees damaged/removed as a consequence of the offsite works along Ilkeston Road will need to be replaced. You are therefore required to contact Via East Midlands Forestry Officer on 0115 804 2100 to establish where the replacement trees should be located, and to determine their species.
8.	Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.
9.	In relation to Condition 5, the local planning authority expects landscape buffers to be detailed beside Boundary Brook and Stapleford Hill Woodland and additional scrub planting beside the railway.
10.	The 'no build zone' associated with the high wall should be taken into account with reserved matters layouts.
11.	Severn Trent Water advise that there may be sewers on site that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals.
12.	The applicant is advised to contact Network Rail prior to commencing any works on land adjacent to the railway line, email: assetprotectionline@networkrail.co.uk
13.	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.
14.	Whilst the description of the application refers to the local centre being for uses within Classes A1-A5, due to changes to the Town and Country Planning (Use Classes Order), which came into effect on 1 September 2020, the use of the centre will be for those within Class E, drinking establishments and hot food takeaways (sui generis) and will thereafter be limited to the permitted changes within these Classes.

Map



Photos



Site frontage from Ilkeston Road
Towards TPO woodland and Stapleford Hill

Towards Ilkeston Road from site





Boundary Brook



Path towards north west TPO woodland

Plans (not to scale)



Site layout plan

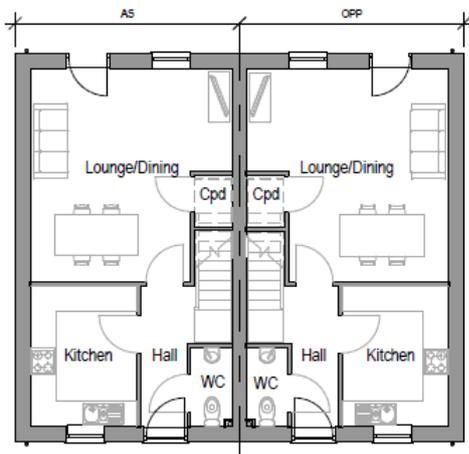


Proposed street scenes

Plans (not to scale)



Front Elevation
1 : 100



Ground Floor Plan
1 : 100



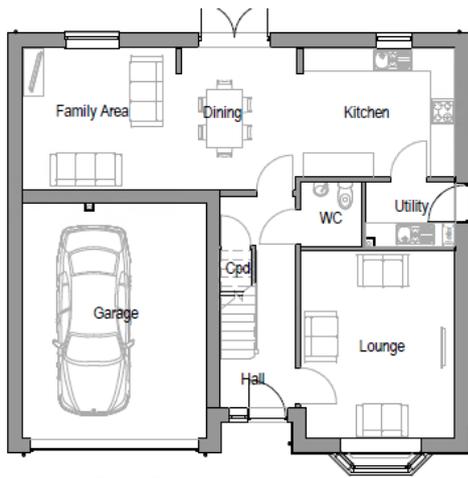
3D View

Roliston house type



Front Elevation
1 : 100

Plans (not to scale)



Ground Floor Plan
1: 100

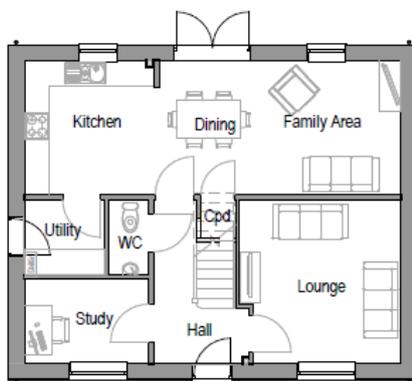


3D View

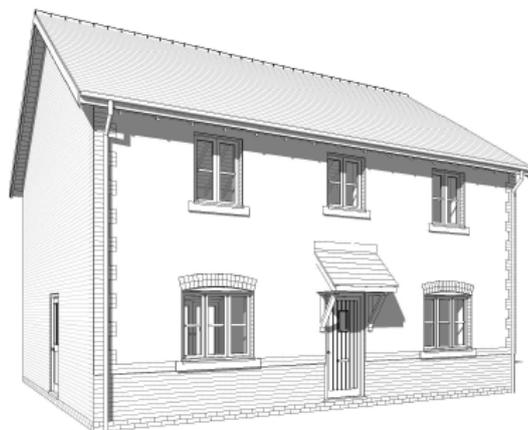
Denby house type



Front Elevation



Ground Floor
1: 100



3D View

Appleby house type

Plans (not to scale)



Front Elevation
1 : 100



Ground Floor Plan
1 : 100



3D View

Staunton house type

Plans (not to scale)



Sectional plans

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Report of the Chief Executive

APPLICATION NUMBER:	21/00575/FUL
LOCATION:	Land Between Ellis Grove and Wilmot Lane, Ellis Grove, Beeston, Nottinghamshire
PROPOSAL:	Construct four storey building to accommodate retirement apartments including communal facilities, access, car parking and landscaping

The application is brought to the Committee following a resolution to grant conditional planning permission subject to both the prior signing of a Section 106 Agreement, and to give consideration of where the financial contributions are to be allocated and to the proportion of those contributions to each identified need.

1 Executive Summary

- 1.1 The application seeks full planning permission to construct a four storey building to accommodate retirement apartments including communal facilities, means of access, car parking and landscaping.
- 1.2 Committee resolved at the meeting on 5 January 2022 to grant conditional planning permission but requested that evidence be submitted so as to determine which of the three areas (Public Open Space, Affordable Housing, and Nottm Notts CCG (Primary Health Care)) that the financial contributions should be allocated to, and what proportion.
- 1.3 The Committee is asked to resolve the allocation of funds as set out in the report below which is subject to the planning permission granted at the Committee meeting on 05 January 2022.

APPENDIX 1

1.4 Developer Contributions

- 1.4.1 As the proposed scheme would be classed as a major development, developer contributions would be sought and secured through a Section 106 Agreement. The following financial contributions were requested: £28,719.38 from Nottingham and Nottinghamshire CCG to go towards enhancing capacity / infrastructure within existing local practices (The Manor Surgery, The Oaks Medical Centre, The Valley Surgery); and £79,612.89 toward off site provision or enhancement of public open space (specifically footpath, access and infrastructure works) at Dovecote Lane, Hetley Pearson and Cator Lane recreation grounds. It would also be expected that the development contributes the equivalent of 20% affordable housing in lieu of provision within the site, which would be £450,000. In total, the financial contributions sought would overall equate to £558,332.27
- 1.4.2 The developer submitted a Financial Viability Assessment as part of the planning application this was accepted at Planning Committee on 05 January 2022. As such, the Committee are asked to consider whether the £230,000 be paid toward off-site provision or enhancement of public open space, Nottingham and Notts CCG toward enhancing capacity / infrastructure at nearby local practices, and for an off-site contribution toward affordable housing, or to one or a combination of these.
- 1.4.3 Following January Committee, where clarification was asked for in terms of where the greater need is for each of the three 'recipients'. The three recipients were asked to further justify their requests and have responded as follows:
- Housing –Head of Housing, has responded stating that there is a high demand for housing in the borough, particularly in Beeston, where the cost of private rent is higher than in other parts of the borough. As at 11 January 2022, there are 1485 applicants on the Council's waiting list for affordable housing in Beeston. 332 of these applicants are in priority bands 1 and 2. 578 of the applicants are families.
 - Open Space –Parks and Green Spaces Manager, has responded stating that all three sites (Dovecote Lane, Hetley Pearson and Cator Lane) would benefit from footpath and access improvements and that given the nature of the development (i.e. retirement living) it is felt that this type of work would be appropriate and would encourage outdoor access and physical activity. The works cannot be met from the current capital programme.
 - CCG – There has been no further comment from the CCG on this matter, however the initial comments, as outlined in the original committee report, state that the contribution would be invested in enhancing capacity/infrastructure within existing local practices (these being: The Manor Surgery, The Oaks Medical Centre and The Valley Surgery). The justification is that all practices in the local area are working at capacity and therefore in order to make the development acceptable from a health perspective, the infrastructure will need to be developed in order to accommodate the increased population.

1.4.4 It has been identified that there is sufficient justification for contributions to be provided to each of the areas and as such it is suggested that the contributions be allocated as follows:

- Nottingham and Notts CCG - £28,719.38 (Full Amount requested)
- Public Open Space - £79,612.89 (Full amount requested)

This then leaves, from the £230,000.00 being offered, a figure of £121,667.73 which it is suggested should then be allocated to:

- Affordable Housing (off site provision) - £121,667.73 (approximately £330,000 less than the amount requested)

1.4.5 To split the monies three ways equally would result in an overpayment of the CCG Contribution. It is also noted that the proposal, which is for retirement living, would, in itself, potentially release family housing in other parts of the borough as a result of occupants downsizing, which could be seen as a benefit to the housing stock.

2 Planning Balance

2.1 The benefits of the proposal are the provision of targeted accommodation in a highly sustainable location, the provision of jobs (short term during construction and long terms once the building has been constructed and occupied), the re-use of a currently vacant brownfield site, and financial contributions toward the enhancement of primary healthcare facilities and to public open space in the immediate area, and a financial contribution to the provision of off-site affordable housing.

2.2 The negative impacts are the potential harm to amenity through noise and disturbance during construction phase however it is considered to be limited by the use of planning conditions.

2.3 On balance, the harm to amenity is considered to be outweighed by the benefits of the scheme.

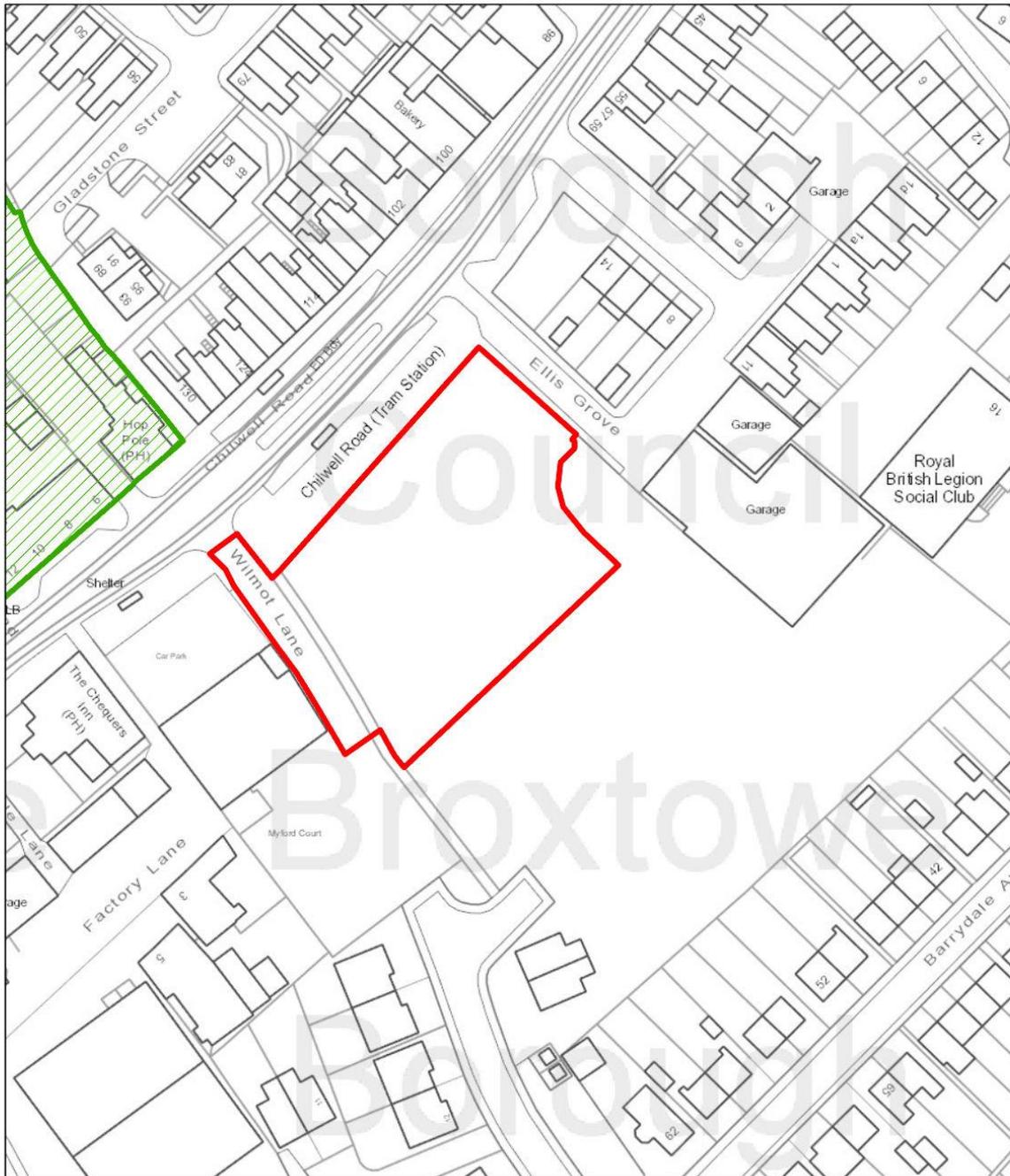
3 Conclusion

3.1 The proposed development will provide targeted accommodation in a sustainable location and the design of the development is considered to be acceptable. There are no highway safety concerns, subject to conditions. Potential harm to neighbour amenity is considered to be significantly and demonstrably outweighed by the benefits of the scheme in terms of provision of targeted accommodation, the sustainable location of the site and the re-use of a previously developed site. The financial contribution being proposed by the developer would cover both the CCG and Public Open Space contribution requests in full, with a lesser amount to Affordable Housing.

Recommendation

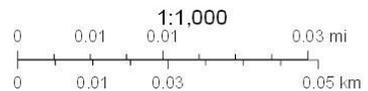
The Committee is asked to RESOLVE the allocation of the contribution figure of £230,000 which is subject of the s.106 Agreement for the previous grant of planning permission.

Land Between Wilmot Lane and Ellis Grove Beeston



11/9/2021, 11:32:05 AM

-  Conservation Area
-  Site



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Photographs



View across the site from Wilmot Lane to Ellis Grove



Wilmot Lane – view toward Lacemaker Road, convenience store to the right



Shops and tram stop to the north west of the site



Ellis Grove

Plans (not to scale)



Proposed site plan



Elevation to Chilwell Road- North West



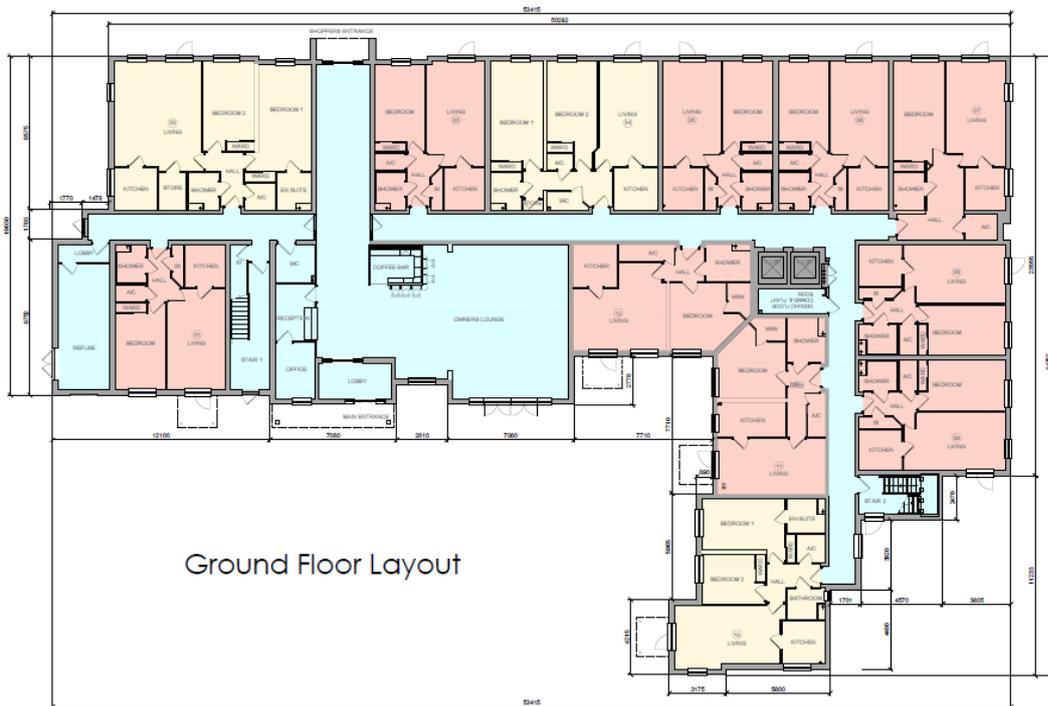
Elevation to Ellis Grove- North East



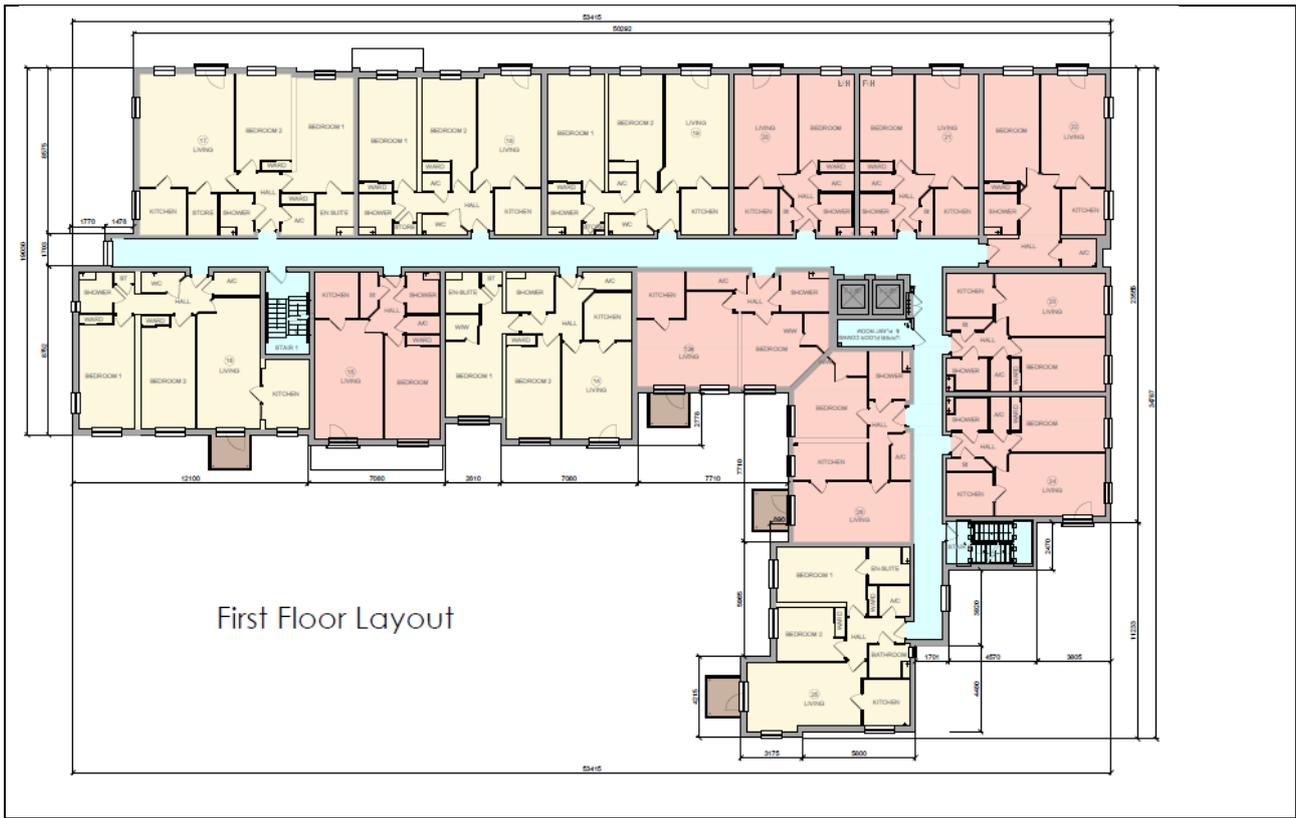
Elevation to Landscaped Garden- South East



Elevation to Wilmot Lane- South West



Ground Floor Layout



First Floor Layout



Second Floor Layout

Report of the Chief Executive

APPLICATION NUMBER:	21/00575/FUL
LOCATION:	Land Between Ellis Grove and Wilmot Lane, Ellis Grove, Beeston, Nottinghamshire
PROPOSAL:	Construct four storey building to accommodate retirement apartments including communal facilities, access, car parking and landscaping

The application is brought to the Committee due to the viability of the development in respect of developer contributions and as such would not be policy compliant.

1 Executive Summary

- 1.1 The application seeks full planning permission to construct a four storey building to accommodate retirement apartments including communal facilities, means of access, car parking and landscaping.
- 1.2 The site was formerly part of the Myfords site and has been cleared of all buildings. There is no current access to this part of the site, however it is understood that as part of the larger Myfords site access would have been from Wilmot Lane, to the south west of the site.
- 1.3 The main issues relate to whether the principle of residential development would be acceptable, whether the development would be acceptable without payment of any developer contributions, whether there would be an unacceptable impact on neighbour amenity, and whether there would be harm to highway safety.
- 1.4 The benefits of the proposal are that it would provide specialist accommodation with communal facilities, which would have the potential to free family sized accommodation elsewhere in the borough and surrounds, to the benefit of the wider population. The scheme would be located in a highly sustainable location, close to shops along the Chilwell High Road local centre, and close to Beeston Town Centre, which gives convenient access to facilities such as health provision. The site is on a well-served public transport route, having both the tram stop immediately adjacent to the site and with bus stops close by. The site would also see the development of previously developed land. The principle of development would be in accordance with the policies contained within the development plan, with the exception of the developer contributions. There would be an increase in vehicular activity as a result of the development of the site, but this would be outweighed by the benefits of the scheme.
- 1.5 The committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix, and to the prior signing of a Section 106 Agreement.

APPENDIX 1

1 Details of the Application

- 1.1 The application seeks planning permission for the construction of a four storey building to accommodate retirement apartments including communal facilities, means of access, car parking and landscaping. The four storey building would be built close to the north west boundary (to Chilwell Road) and would have a flat roof, with the fourth floor being inset from the lower storeys, and being of a contrasting grey brick. The lower floors would be of red brick with panels of a darker brick added for interest, with a main entrance area on the front elevation framed by render.
- 1.2 Vehicular access to the site would be via Wilmot Lane, to the south west, and would lead to a 19 space parking area. A landscaped amenity area and mobility scooter outbuilding would also be provided to the rear of the building.
- 1.3 Internally, the building would provide a communal lounge and coffee bar to the ground floor along with a reception area and associated offices. An internal bin store area is also provided on this floor. 10 apartments are shown on the ground floor plan, with 14 to the first and second floors, and 13 to the third floor (51 apartments shown in total). These are to be a mix of one and two bedroom apartments. The third floor also accommodates one studio apartment for the use of guests. All floors would be served by both stairs and lifts. All apartments are proposed to be for market housing.
- 1.4 Part of the site falls within the Chilwell High Road Centre of Neighbourhood Importance boundary.

2 Site and surroundings

- 2.1 The site is a piece of previously developed land (formerly part of Myfords) which fronts Chilwell Road, to the north west, having the tram stop immediately to the front. Ellis Grove is to the north east and this section of Ellis Grove, where it is adjacent to the site, has the rear gardens of 8 to 14 (evens) backing on to Ellis Grove. To the south west of the site is Wilmot Lane. This road has been widened and improved as it now serves the development to the south west of Wilmot Lane, which is a retail shop to the ground floor with apartments above, and parking associated with that development, which is to the rear of that building. Wilmot Lane also gives pedestrian access via a right of way to newly built dwellings along the south east section of Wilmot Lane. There is no direct vehicular access through to that section from Chilwell Road.
- 2.2 To the north west of the site, on the opposite side of Chilwell Road, there are a number of shops and other commercial uses such as the Hop Pole PH, which fall within the Chilwell High Road Centre of Neighbourhood Importance. To the south east of the site is a separate piece of land, which also formerly part of the Myfords site, which has recently been granted conditional planning permission for a residential care home which would be a three storey flat roofed brick building. Reference 21/00184/FUL.

3 Relevant Planning History

- 3.1 In 2013, outline planning permission was granted for the re-development of the entire Myfords site, which encompassed the current application site, as well as land to the south east and south west, extending south towards Robinet Road. The application proposed a mix of uses including retail, leisure and residential, the latter including both C3 and C2 uses. Reference 13/00003/OUT.
- 3.2 In 2018, planning permission was granted for the development of the application site and included the site to the south east for the construction of a 75 bed care facility; 30 supported living apartments; bistro; gym/spa; hairdressers and associated infrastructure. Reference 18/00268/FUL. This permission was later amended to remove a condition relating to occupancy. Reference 20/00299/ROC.
- 3.3 In June of this year, planning permission was granted for the development of the area to the south of this application site for the construction of 66 bed care home and associated external works. This effectively split the site area approved under 18/00268/FUL and 20/00299/ROC into two parts. Access to this development would be via Ellis Grove. Reference 21/00184/FUL.

4 Relevant Policies and Guidance

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

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 6: Role of Town and Local Centres
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019:**

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

- Policy 14: Centre of Neighbourhood Importance (Chilwell Road / High Road)
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, design and amenity

4.3 **National Planning Policy Framework (NPPF) 2021:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 5 – Delivering a sufficient supply of homes.
- Section 7 – ensuring the vitality of town centres.
- Section 12 – Achieving well-designed places.

5 Consultations

- 5.1 **County Council as Highway Authority:** Recognises that the site is in a very sustainable location given its proximity to bus and tram facilities and adjacent to a convenience store and easy walking / cycling distance to Beeston Town Centre. Vehicular access arrangements to the site are considered acceptable. Parking is adequate as comparable to similar establishments throughout the country. Additionally, parking is controlled within the vicinity and there are pay to park car parks in the area. Recommend a condition to require the parking and turning areas to be provided prior to occupation and thereafter maintained and for no other use for the lifetime of the development. Note to Applicant in respect of access to the development being a dropped and tapered kerb.
- 5.2 **Council's Waste and Recycling Officer:** Sets out requirements for amount / size of communal bins, and that a safe route be provided for the collection of the bins.
- 5.3 **Council's Environmental Health Officer:** No objections to conclusion of noise report; recommend condition in regard to piling / penetrative foundation design and to a condition in respect of construction hours; condition requiring details of Construction / demolition Method Statement; details of external lighting scheme; details of a remediation scheme (contamination) and a Note to Applicant in respect of burning of waste.
- 5.4 **Council's Housing Services Officer:** Would look to achieve 30% affordable housing in sites in Beeston, however as this is a retirement housing scheme, the 'first homes' element of the affordable housing would not be expected, and as such, for this site, the requirement would be 20% affordable / social rented housing. This would normally be expected on site, however given the history of the site and the high density scheme proposed, an off-site contribution would be considered in lieu of on-site provision. This would equate to £45,000 per unit, which, based on the proposal providing 51 apartments, would be 20% of 51, therefore 10 units x £45,000 equalling £450,000.
- 5.5 **Council's Private Sector Housing Officer:** No comments
- 5.6 **Council's Parks and Green Spaces Officer:** Landscaping proposal and design philosophy is sound. Would like to see a detailed landscaping scheme. This would be secured by condition. A financial contribution for off-site provision or enhancement of public open space would be required, which based on current figures would be £79,612.89, comprising £45,083.92 for capital provision and £34,528.97 for Maintenance and which would be used for footpath, access, and infrastructure works at Dovecote Lane, Hetley Pearson and Cator Lane recreation grounds.
- 5.7 33 properties either adjoining or opposite the site were consulted and a site notice was displayed. A site notice was posted and a press notice published. Five responses were received, with the following comments:
One letter of objection – properties on Ellis Grove (8, 10, 12 and 14) would be overlooked resulting in loss of privacy, and will also be a loss of light and sunlight especially during winter months. Height of building would create sense of enclosure.

Two letters of support – Schemes like this are essential given that we are all living longer. Older people still want independence but find large family homes too much to look after. They can live in a community of likeminded people and the location could not be better suited, being close to public transport, shops and town centre. The site is brown-field and has the potential to support local businesses as the residents have more disposable income. The site is currently an eyesore and would be enhanced by both the building and landscaped gardens, which in turn would help biodiversity. The application would be beneficial to the local area. The development would create a sense of community, and would provide accommodation suitable for the aging population, addressing the imbalance of other developments which are aimed at students and family homes.

One letter with observations – 19 parking spaces seems too few. There is a need for a pelican crossing on Chilwell Road to assist all residents including care home residents. Lack of clarity on respect of pedestrian access from Wilmot Lane to Lacemaker Road. Can the development share access with the care home off Ellis Grove as Wilmot Lane is used by pedestrians and there may be a conflict. Good to see the inclusion of PV panels to the roof, can green walls be considered too so as to break up the brick work.

One letter of no objection – although requests that a condition is imposed in regard to limiting hours of construction so as to safeguard residential amenity.

6 Assessment

6.1 The main issues for consideration relate to whether the principle of residential development would be acceptable, whether the development would be acceptable without payment of any developer contributions, whether there would be an unacceptable impact on neighbour amenity, and whether there would be harm to highway safety.

6.2 **Principle**

6.2.1 Given the planning history of the site, where permission has formerly been granted for a similar scheme under 18/00268/FUL and 20/00299/ROC, the principle of residential development for retirement apartments is acceptable and whilst the site is located within the Chilwell Road CONI, would not result in a detriment to the vitality and viability of the centre given that the site was formerly in use as industrial therefore no loss of town centre uses, and that the residential development would contribute to the viability of the centre by virtue of the tenancy, where residents would be more likely to shop local.

6.3 **Developer Contributions**

6.3.1 As the proposed scheme would be classed as a major development, developer contributions would be sought and secured through a Section 106 Agreement. The following financial contributions were requested: £28,719.38 from Nottingham and Nottinghamshire CCG to go towards enhancing capacity / infrastructure within existing local practices (The Manor Surgery, The Oaks Medical Centre, The Valley Surgery); and £79,612.89 toward off site provision or enhancement of public open space (specifically footpath, access and infrastructure works) at Dovecote Lane, Hetley Pearson and Cator Lane recreation grounds. It would also be expected that the development contributes the equivalent of 20% affordable housing in lieu of

provision within the site, which would be £450,000. In total, the financial contributions sought would overall equate to £558,332.27

6.3.2 The developer submitted a Financial Viability Assessment as part of the planning application. This assessment concluded that there is no financial headroom available for any planning obligations, including on-site affordable housing provision, after accounting for the anticipated gross sales receipts and all reasonable aspects of the outlay necessary. It was stated that this is due to the difference in the Benchmark Land Value and the Residual Land Value resulting in a deficit, given that the sales receipt would only be for the apartments, with all other communal areas and facilities on site not producing a receipt. The Financial Viability Assessment has been independently reviewed by an external assessor and concludes that the development can provide a contribution of £230,000 to be allocated as developer contributions, however whilst the developer initially contested this and states that a maximum of £164,928 is the figure that the developer's viability adviser feels is the actual amount as they are unable to agree with the independent assessors' findings, for expediency, they have agreed to pay the £230,000 that the independent advisor suggests but does advise that if the Council refuses the application on that basis, then an appeal would be submitted which would include an application for costs. As such, the committee are asked to consider whether planning permission be granted subject to the receipt of £230,000 to be paid toward off-site provision or enhancement of public open space, Nottingham and Notts CCG toward enhancing capacity / infrastructure at nearby local practices, and for an off-site contribution toward affordable housing, or to one or a combination of these.

6.4 **Design and Layout**

6.4.1 The design of the building in terms of elevational treatment is acceptable as the contrasting brick panels and the fenestration has resulted in an attractive frontage to both Chilwell Road, the principal elevation, which is repeated to the other three elevations. The scale and massing of the building, at four storeys, reflects that of both the newly completed building to the west (co-op and apartments above) and the recently granted permission for the care home to the rear of the site. The height of the building also acts as a transition between the building to the west and to the more domestic properties to the east. Details of materials would be secured by condition.

6.4.2 The layout of the site, which sees the building position to the front of Chilwell Road and parking area (accessed from Wilmot Lane) and landscaped gardens to the rear, makes good use of the constraints of the site by presenting a strong frontage to the road, and a quieter area for the benefit of residents to the rear.

6.4.3 The layout also ensures adequate gaps can be maintained between the proposed building and neighbouring buildings in order to avoid a cramped development and create a sense of space.

6.4.4 Waste and recycling storage would be provided internally with access served from Wilmot Lane.

6.5 **Amenity**

- 6.5.1 Whilst there are windows in the east elevation of the 'co-op' building, these are understood to serve a communal area (stairwell) and as such it is considered that this, along with the presence of Wilmot Lane between, would not result in a significant impact on neighbour amenity for the residents of the apartments on the upper floors.
- 6.5.2 There is a good separation distance from the shops and upper floors of the properties to the north west, on the opposite side of Chilwell Road, and as such it is considered that the proposal would not result in a significant impact on neighbour amenity for the occupiers of these properties.
- 6.5.3 There would be a minimum distance of 27m between the rear elevation of the properties to the north east, on Ellis Grove, and the proposed north east elevation of the proposed building. Whilst the building would be four storey in height, the fourth floor is set back from the levels below and there is a road between which separates the site from the properties on Ellis Grove. It is considered that the proposal would not result in a significant impact on neighbour amenity for the occupiers of these properties.
- 6.5.4 In respect of the recently approved care home to the south east of the site, there would be a separation distance of a minimum of 15.5m between the two closest points. These facing elevations would not have main windows facing each other and as such it is considered that this distance would not result in a loss of amenity for either set of residents. The maximum distance between the buildings principal elevations would be 35m.

6.6 Access

- 6.6.1 With access being proposed to be served from Wilmot Road, this would ensure minimal impact in terms of conflict with traffic arising from the apartments to the west and the retail store under. The care home to the south east would be served and accessed from Ellis Grove. A shared access onto Ellis Grove would result in an unacceptable level of traffic onto Ellis Grove, which is a small narrow side road. The level of off-street parking (19 spaces) is considered to be acceptable given the site's location close to a well-served public transport route and proximity to a wide range of local facilities such as shopping, retail, health and leisure, and as such reliance on a private motor vehicle would be minimal. Aside from providing a dropped kerb access to the development, there are no proposals to alter the pavement to the side of Wilmot Lane, which gives pedestrian access down to Lacemaker Road.

6.7 Other Matters

- 6.7.1 The Highway Authority have not identified a need for a pelican crossing or similar on Chilwell Road. The LPA would need to demonstrate that a crossing would need to be provided and need to be directly relevant to the proposal. As the crossing is suggested to be able to serve the wider community including the residents of the care home, it would be unreasonable to expect the developer to deliver any improvements to the road network.

- 6.7.2 A Health Impact Assessment has been submitted and this concludes that the development would generally have a positive impact on health.
- 6.7.3 A Building for Life Assessment has also been submitted. This concludes that the development would make a positive contribution to the area and street scene, would be of good design and layout, provide adequate space for storage and for waste, be accessible to all users and be in a sustainable location.
- 6.7.4 The building would have photo-voltaic panels to the roof, hidden from view, and would also incorporate water reduction measures, low energy lighting, fabric first approach to the build, mobility scooter charging points and an ecologically friendly landscaped garden. These measures satisfactorily contribute to the overall sustainability of the development.

7 Planning Balance

- 7.1 The benefits of the proposal are the provision of targeted accommodation in a highly sustainable location, the provision of jobs (short term during construction and long terms once the building has been constructed and occupied) and the re-use of a currently vacant brownfield site.
- 7.2 The negative impacts are the potential harm to amenity through noise and disturbance during construction phase however it is considered to be limited by the use of planning conditions.
- 7.3 On balance, the harm to amenity is considered to be outweighed by the benefits of the scheme.

8 Conclusion

- 8.1 The proposed development will provide targeted accommodation in a sustainable location and the design of the development is considered to be acceptable. There are no highway safety concerns, subject to conditions. Potential harm to neighbour amenity is considered to be significantly and demonstrably outweighed by the benefits of the scheme in terms of provision of targeted accommodation, the sustainable location of the site and the re-use of a previously developed site.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions and to the prior signing of a Section 106 Agreement, based on a contribution figure of £230,000:	
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>

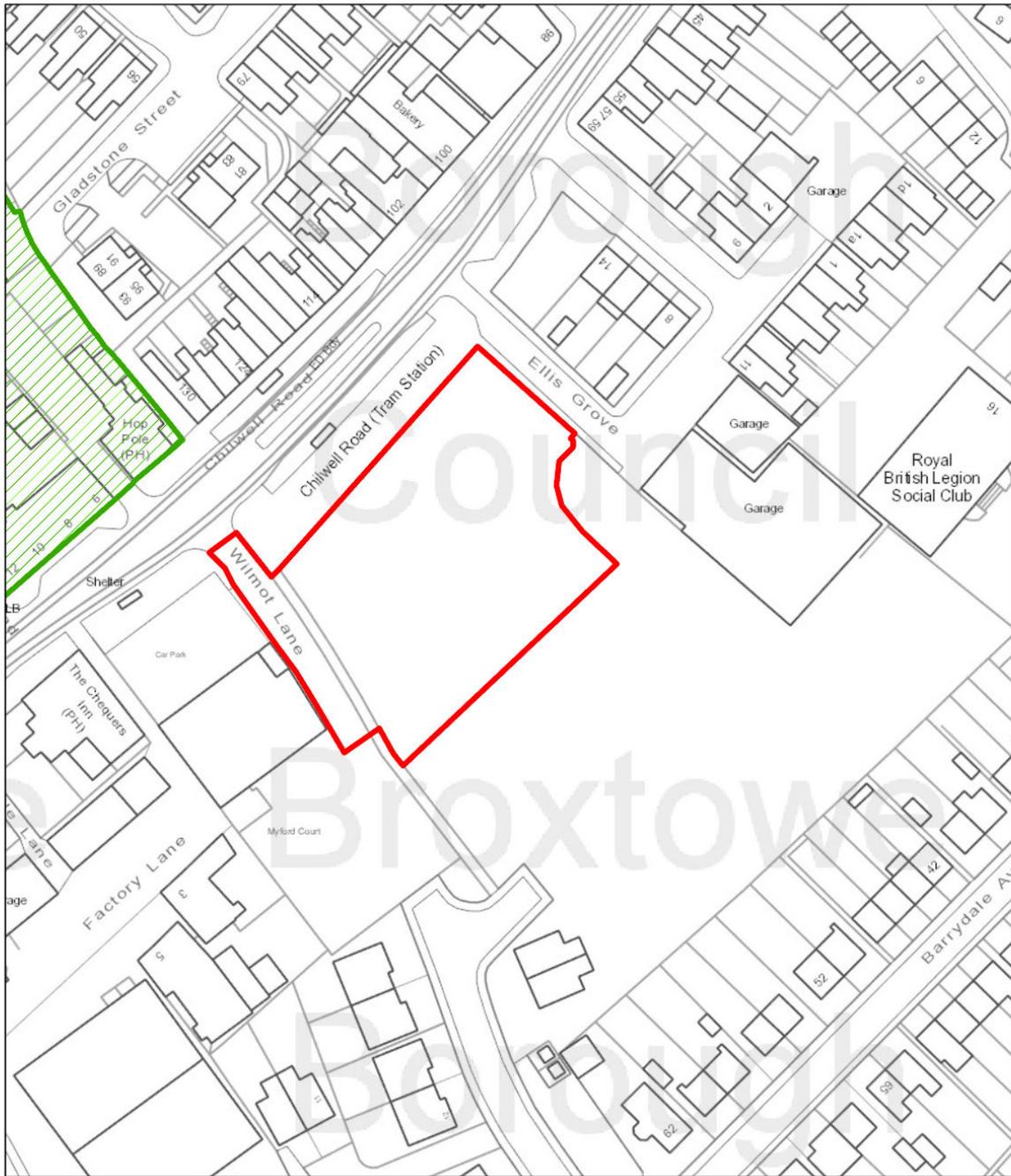
<p>2.</p>	<p>The development hereby permitted shall be carried out in accordance with the Site Location Plan and drawings numbered JBA 21-164 SK02, 30047BS PL003 and 30047BS PL012 received by the Local Planning Authority on 01.07.21, and drawings numbered 30047BS PL002, PL004 rev A, PL005 rev A, PL006 rev A, PL007 rev A, PL008 rev A, PL009 rev A, PL010 rev A, PL011 rev A, PL016 and PL017, received by the Local Planning Authority on 27.07.21.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>3.</p>	<p>No development hereby approved shall take place until a Construction / Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include:</p> <ul style="list-style-type: none"> 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 of the development; e) A scheme for the recycling / disposal of waste resulting from construction / demolition works; and f) Details of dust and noise suppression to be used during the construction phase. <p>The approved statement shall be adhered to throughout the construction period.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>4.</p>	<p>No development hereby approved shall take place until details of any necessary piling or other penetrative foundation design have been submitted to and approved in writing by the Local Planning Authority, and shall include details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be implemented in accordance with the approved details.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>5.</p>	<p>No development hereby approved shall take place until a detailed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposals of the preferred options, and a timetable of works and site management</p>

	<p>procedures. The agreed remediation scheme shall be implemented in accordance with the approved timetable of works.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>6.</p>	<p>No (part of the building hereby approved shall be first occupied or otherwise brought into use) 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> <ul style="list-style-type: none"> (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development (b) numbers, types, sizes and positions of proposed trees and shrubs (c) proposed boundary treatments (d) proposed hard surfacing treatment (e) proposed lighting details (f) planting, seeding/turfing of other soft landscape areas <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>7.</p>	<p>No part of the building hereby approved shall be first occupied or otherwise brought into use until:</p> <ul style="list-style-type: none"> a) All necessary remedial measures have been completed in accordance with details approved in writing by the Local Planning Authority; and b) 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>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 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.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>

8.	<p>No part of the building hereby approved shall be first occupied or otherwise brought into use until the mobility scooter store has been provided 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 Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
9.	<p>No part of the development hereby permitted shall be brought into use until parking and turning areas as shown for indicative purposes on drawing 30047BS - PL 002 have been provided. The parking and turning areas shall be maintained in accordance with the approved details and shall not be used for any purpose other than the parking and turning of vehicles.</p> <p><i>Reason: In the interest of highway safety in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
10.	<p>The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
11.	<p>No construction or site preparation work in association with the development hereby approved 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 Part 2 Local Plan (2019).</i></p>
	<p>NOTES TO APPLICANT</p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
2.	<p>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</p>

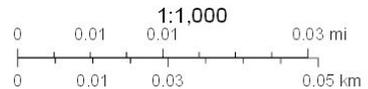
	<p>can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.</p>
3.	<p>The development makes it necessary to undertake vehicular access works within Wilmot Lane which is unadopted highway. As suggested the access to the development should be a dropped and tapered kerb arrangement measuring 5 metres wide and the existing pedestrian crossing is to be removed in this location.</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>

Land Between Wilmot Lane and Ellis Grove Beeston



11/9/2021, 11:32:05 AM

-  Conservation Area
-  Site



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Photographs



View across the site from Wilmot Lane to Ellis Grove



Wilmot Lane – view toward Lacemaker Road, convenience store to the right



Shops and tram stop to the north west of the site



Ellis Grove

Plans (not to scale)



Proposed site plan



Elevation to Chilwell Road- North West



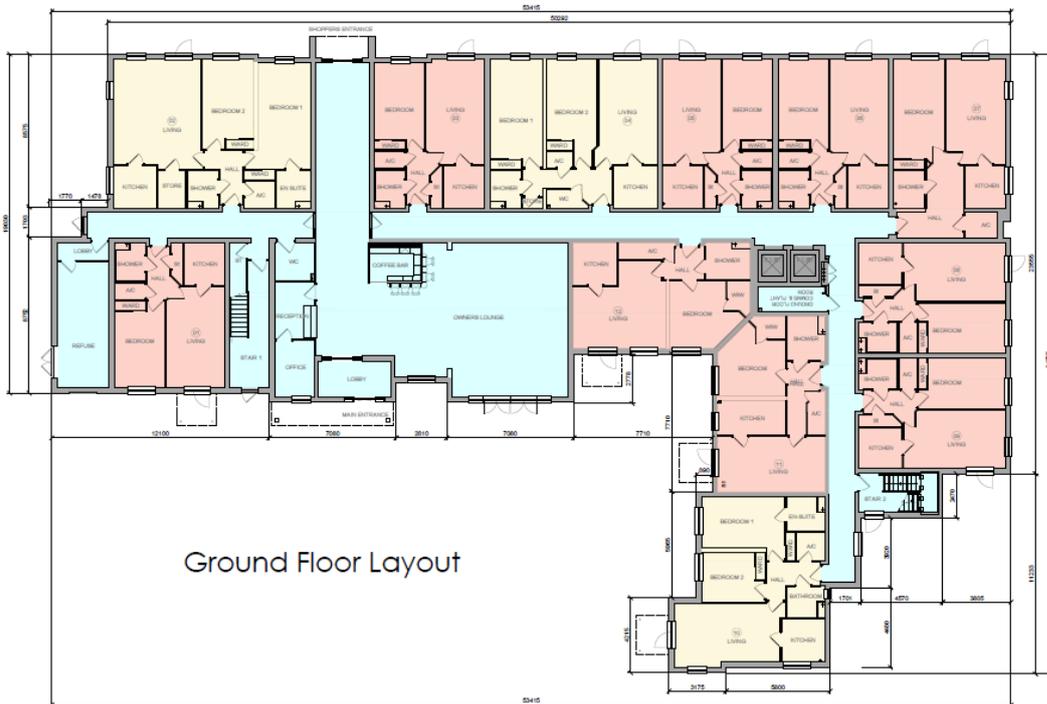
Elevation to Ellis Grove- North East



Elevation to Landscaped Garden- South East



Elevation to Wilmot Lane- South West





Report of the Chief Executive

APPLICATION NUMBER:	21/00758/FUL
LOCATION:	Broadgate House, Broadgate, Beeston NG9 2HF
PROPOSAL:	Change of use to 84 bed student accommodation (Class C4 HMO including an additional floor)

The application is brought to the Committee at request of Councillor P Lally and Councillor L A Lally on the grounds of the impact of on the character and appearance of the area and neighbour amenity.

1 Executive Summary

- 1.1 The application seeks full planning permission for the conversion and extension of Broadgate House into an 84 bed student accommodation (Use Class C4) comprising of 17 cluster flats and 9 studio flats (26 dwellings in total). The application provides off-street car parking, cycle and bin store areas.
- 1.2 The site includes a part-vacant three storey detached office building located on a corner site at the junction of Humber Road and Broadgate. The site is situated within a mixed commercial and residential area.
- 1.3 The main issues relate to whether the proposed use as residential (Use Class C4) is acceptable; whether the design is acceptable; whether there would be unacceptable impact on neighbour amenity and whether the proposal would have an unacceptable impact on highway safety.
- 1.4. The benefits of the scheme are that the proposal would provide purpose built student accommodation and would in turn allow for less pressure on C3 dwellings to be occupied as a C4 use; it would be in a sustainable location with good access to public transport and to facilities such as retail, leisure, health and education, reducing reliance on private vehicles; and would provide a good standard of living for the future occupiers. The development would be in accordance with the policies contained within the development plan. This is given significant weight.
- 1.5 The committee is asked to resolve that planning permission be granted to the conditions outlined in the appendix.

APPENDIX

1 Details of the Application

- 1.1 The application seeks full planning consent for the change of use of Broadgate House to an 84 bed student bed accommodation (Class C4 HMO). The application also proposes an additional floor for accommodation creating a 4th floor. Furthermore, the proposal includes the refurbishment of the existing building including external alterations.

2 Site and surroundings

- 2.1 The site includes a three storey detached building (with lower ground floor) located on a corner plot at the junction of Humber Road and Broadgate. The existing building is part-vacant and in use as offices. The main pedestrian access is from the front (Broadgate elevation) and there is an enclosed parking area below the ground floor, accessed from Humber Road.
- 2.2 To the north-east of the site, is Gainsborough Court, a group of two storey maisonettes. These are side on to the application site. To the south east of the site is 1 Humber Road, a semi-detached two and three storey dwelling which is also side on to the site. To the south-west of the site and on the opposite side of Humber Road, is 4 and 4a Humber Road, two detached dwellings, which face the site. These are set back from the public highway. To the south-west of the site is 158 High Road, a two storey property which has been converted to residential at first floor level.
- 2.3 To the north-west of the site, on the opposite side of Broadgate, there is a car sales business, and adjacent to this site, two more retail units with residential above.
- 2.4 The character of the area to the south-west of the site is mixed, being predominately retail as High Road leads in the town centre. The character of the area changes to predominately residential further north east of the site.
- 2.5 The site falls outside of the Beeston Town Centre boundary, which is to the south west, along High Road.

3 Relevant Planning History

- 3.1 In 2020, prior approval was granted for a change of use from offices to 26 dwellings under Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The application comprised of 26 self-contained flats spread over three floors. This included a mix of one and two bedroom flats. The lower ground floor being retained as a parking area / bin store area (20/00595/P3JPA).

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

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

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

4.2 Part 2 Local Plan 2019:

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

- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity

4.3 National Planning Policy Framework (NPPF) 2021:

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting Sustainable Transport
- Section 12 – Achieving well-designed places

5 Consultations

5.1 **County Council Highway Authority:** First set of comments: request the existing/proposed roller shutter to the car parking area to be set back 6.0m to allow the car to stand clear and not overhang onto the adopted highway. 24 parking spaces will be retained, together with cycle spaces.

5.2 **County Council Highway Authority:** Second set of comments, no objection subject to conditions. NCC Highways have reviewed the revised plan entitled 'Proposed lower GF Plan', drawing no. A-20082-20-001_P2. 18 Car parking spaces are proposed within the revised parking plan in accordance with up to date parking standards. Conditions proposed include the roller shutter door, cycle storage and vehicle parking bays being implemented.

5.3 **County Council Lead Local Flood Authority:** No comments to make on this application.

5.4 **Council's Environmental Health Officer:** No objection subject to conditions. Broxtowe environmental health have reviewed the submitted Noise Impact Assessment. Details of the fenestration glazing specifications shall be submitted to and approved by the Local Planning Authority. Furthermore, a Demolition and Construction Method Statement has been conditioned.

5.5 **NET (trams):** No objection.

5.6 **Nottinghamshire Police:** Raises no objection. Security deterrents should be implemented within the design. As such, a Secure by Design condition has been proposed in the interests of reducing the potential for crime. Secured by Design (SBD) is a minimum standard for security.

5.7 **Nottinghamshire Clinical Commissioning Group:** Request a contribution of £18,207.00 towards enhancing capacity/infrastructure within local GP practices (The Manor Surgery, Sunrise Medical Practice and Cripps Health Centre).

5.8 **Council's Private Sector Housing Officer: No objections.**

All bedrooms and common space appear to be of adequate size and the means of escape suitable.

5.9 **Resident comments:** A site notice was posted and neighbouring properties were consulted. 25 objections were received. Comments received can be summarised as follows:

Principle of development

- Absence of evidence to demonstrate the need for student accommodation in this location or in relation to the additional floor.
- There are already too many HMOs in this location.
- The site should be used for affordable housing.

Visual Amenity

- The proposed student accommodation will negatively impact the residential character of the locality.
- The proposed additional floor will make the overall height of the building out of keeping with the surrounding area.

Residential Amenity

- Overdevelopment (sizes of bedrooms appear too small).
- Potential loss of privacy resulting from proposed windows.
- The proposed additional floor would impact on neighbouring properties in terms of loss of light and privacy.
- The proposal will increase the sense of enclosure.
- The proposal will impact neighbouring properties right to quiet enjoyment in terms of noise and air.
- The construction period will result in noise and disruption to neighbouring properties.
- Should the application be approved, security measures should be implemented.
- Anti-social behaviour associated with the proposed increase of students in this location. This will affect the nearby Broadgate Park.
- Increased litter in the neighbourhood.

Highway Safety

- The proposed intensification of the site will increase traffic congestion in Beeston and increase pollution.
- The building is located on a busy transport route and a bus stop is outside the building.
- Construction vehicles will cause congestion and traffic.
- No delivery, maintenance or servicing vehicle parking has been provided.
- The proposal will increase safety risks for pedestrians.
- Neighbouring property driveways will be blocked by refuse/delivery vehicles.
- There are parking restrictions on Humber Road.

- Potential noise and loss of privacy resulting from the use of the fire emergency exits on the side of the building.
- The proposed number of parking spaces is inadequate for a development of this size.
- The proposed development will reduce off street car parking availability along Humber Road and Coventry Road.

5.9.1 Resident re-consultation for 7 days in relation to amended Proposed Lower Ground Floor Plan No. A-20082-20-001_P2. Any comments received after the publication date will be reported as late items at planning committee.

6 Assessment

6.1 The main issues for consideration are the principle of the development, including the proposed use and design, amenity and impact on highway safety/parking.

6.2 **Principle**

6.2.1 The existing building is currently part-vacant located outside the Defined Town Centre boundary. The site is not allocated for any specific purpose in the Part 2 Local Plan. The site lies within a mixed residential and commercial area off Humber Road/Broadgate.

6.2.2 The proposal would provide 17 cluster flats and 9 studio flats (26 dwellings), intended for C4 use. The conversion and extension would therefore be purpose built and could accommodate occupiers who could otherwise occupy C3 dwellings, to the detriment of the wider community, as this would represent the loss of accommodation that would be more suited to families and other longer term residents. The application site is considered to be a good location for purpose built accommodation, being close to a wide range of amenities including the university campus, and to the centre of Beeston and is close to a wide range of sustainable transport options such as the well served bus route outside the site on Humber Road, the frequent tram service on Middle Street, and to walking and cycling routes. For this reason, it is considered that the use of the site as residential and as a C4 use, is acceptable.

6.3 **Design and Layout**

6.3.1 The proposal seeks to retain and refurbish the existing part-vacant office building. The external alterations proposed include the introduction of render and cladding. The proposal involves the replacement of new windows and the infilling of areas with cladding where windows are no longer required.

6.3.2 The proposal includes extending the building at roof level to add further accommodation. The proposed flat roof extension will be set back from the parapet edge to reduce the mass of the additional floor. The proposed extension is considered to subservient to the existing building and is to be finished in cladding. Details of the materials will be the subject of a condition.

6.3.3 The parking is located on the lower ground floor which currently operates as a car park, accessed via a roller shutter entrance off Humber Road. The bin store is

considered to be within a reasonable and convenient distance to the public highway.

6.4 Amenity

6.4.1 1 Humber Road lies immediately adjacent, to the south-east. This is a two storey semi-detached property. There are no windows proposed in the south-east main elevation, therefore reducing any potential loss of privacy. Emergency fire escape doorways will be retained within the south-east elevation, however as these will be kept closed it is considered that there is limited overlooking impact. To the rear of the building, to the north-east includes Gainsborough Court comprising of a number of two storey maisonettes. The rear elevation of the building is separated by approximately 7.5m from the side elevation of flat No. 7 and 10. At ground floor level includes an existing approximate 3m high wall on the rear boundary of the site, as such this will lessen any potential overlooking impact to the ground floor accommodation at Gainsborough Court. An existing shared rear garden area serving residents of Gainsborough Court is set at a lower land level sited to the north-east of the proposed development. As a result, due to its location set away from the proposal, partially screened by an existing tree, this reduces any potential overlooking concerns. The rear elevation of the proposal is separated from the side elevation of No. 2 and 4 Gainsborough Court by approximately 9.5m. The proposal and neighbouring properties No. 2 and 4 are separated by an existing access, parking area and garages and as a result this will also lessen any potential loss of privacy.

6.4.2 To the south, No. 4, 4a and 6 Humber Road are located on the opposite side of Humber Road, set back from the highway and therefore are considered to be adequately separated from the proposal. Furthermore, No. 9 Broadgate is located on the opposite side of the main road and therefore this will reduce any potential loss of privacy concerns. To the north-west includes an existing commercial garage on the opposite side of Broadgate. To the south-west includes 158 Broadgate, which is a two storey commercial unit with first floor residential accommodation. Given the design of the proposal, it is considered that the proposal would not have a significant impact in terms of loss of privacy for any neighbouring properties.

6.4.3 The proposed third floor extension is set back from the eaves of the existing building; therefore, this will reduce any potential overbearing or overshadowing impact on the amenity of any neighbouring properties.

6.4.4 With regard to the internal layout of the building, the accommodation would provide each bedroom with access to natural light and to an outlook, and each resident would have access to kitchen/living/dining areas. Each bedroom would have its own bathroom and all bedrooms would exceed 8m² minimum as set out in the Council's House in Multiple Occupation (HMO) Property Standards. All studio flats also comply with the HMO minimum standards and exceed 14m².

6.5 Highway Safety and Parking

- 6.5.1 The proposal uses the existing access off Humber Road which would include a new roller shutter door and lead to 18 car parking spaces. The Highway Authority have no objection to the amount of parking spaces proposed, or to the visibility splay provided into the parking area from Humber Road. A condition is proposed to ensure that the roller shutters, cycle storage and parking spaces are provided in accordance with the revised lower ground floor plan (drawing no. A-20082-20-001_P2).
- 6.5.2 It is noted from the consultation responses that the immediate area already experiences problems in respect of lack of on-street parking and the amount of through traffic. In assessing the highway impacts of a proposal, paragraph 111 of the NPPF states that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 107 provides a list of factors which should be taken into account, which includes the availability of and opportunities for public transport, and the type, mix and use of the development. Policy 10 of the ACS states that development should be designed so as to reduce the dominance of motor vehicles.
- 6.5.3 The lower ground floor includes 18 car parking spaces, including 6m reversing space between spaces. Parking spaces are approximately 2.4 x 4.8m. This accords with the NCC Highways minimum standards for communal car parking spaces. The submitted Transport Assessment compiled by Hexa Consulting confirms that the proposal will result in a negligible level of car trips which can be accommodated by the existing local highway network without resulting in severe detrimental impacts, notwithstanding a likely net reduction in trips when considering the former offices which currently occupy the site. Within Section 7.2, the Student Management Plan has been conditioned to help reduce traffic during potentially busy drop off and collection periods of the academic year.
- 6.5.4 As previously outlined in paragraph 6.2.2 above, the site is considered to be a good location for purpose built accommodation, being close to a wide range of amenities including the university campus, and to the centre of Beeston and is close to a wide range of sustainable transport options such as outside the site on Humber Road, the frequent tram service on Middle Street, and to walking and cycling routes. In addition, a cycle storage area for 48 cycles would be provided, which would encourage the use of sustainable modes of travel and reduce the reliance on the private motor car. It is therefore considered that the proposal would not have a significant impact on highway safety or to a significant increase in demand for on-street parking.

6.6 Noise

- 6.6.1 As the building would contain bedrooms which would be located adjacent to a busy road, and is close to the town centre with night time uses nearby, a Noise Impact Assessment has been submitted and reviewed by Broxtowe Environmental Health and no objections have been provided. A Demolition and Construction Method Statement and details of the proposed windows have been conditioned in the interests of the amenity of any future occupiers.

6.6.2 Concerns have also been raised in regard to noise emanating from the use of the building (by the occupiers). The lower ground floor would be functional (for vehicle parking and for access to the bin/cycle store) and has no outdoor amenity space. The main resident access is from the entrance off Broadgate, the level of noise would not be significantly higher than would be expected for a residential use in an edge of town centre location. In addition, the occupants would have access to formal open space, such as Broadgate Park, close to the development.

6.7 Sustainability and Climate Change

6.7.1 The proposed development uses a low-carbon 'fabric first' approach which comprises of a highly insulated development and renewable energy generation. It is proposed to install photovoltaic panels to the flat roof of the extension to generate renewable electricity. This approach was designed to help future occupiers maximize energy savings. Cycle storage and electric vehicle charging points have been provided.

6.8 Financial Contributions

6.8.1 As this application is for student accommodation, no financial contributions towards affordable housing will be sought. Within Broxtowe, it is accepted practice that affordable housing provision is not sought when residential schemes are for student only accommodation.

6.8.2 An open space contribution has not been requested. The site is within walking distance of Broadgate Park.

6.8.3 A transport contribution has not been requested as the development is within close proximity to public transport.

6.8.4 Nottinghamshire Clinical Commissioning Group request a contribution of £18,207.00 towards enhancing capacity/infrastructure within local GP practices (The Manor Surgery, Sunrise Medical Practice and Cripps Health Centre). The applicant has confirmed agreement in writing to the payment of this amount as a financial contribution as part of a Section 106 Agreement.

6.9 Other Matters

6.9.1 Concerns have been raised from neighbours that this development would result in an increase in student accommodation within Beeston, that student accommodation has been given priority over affordable housing. This development does not justify a requirement for affordable housing provision and none is being sought. This development would result in an increase in student accommodation within Beeston but there is an identified need for this type of accommodation within this area and as the site is in close proximity to Nottingham University. It could be considered that providing more purpose built student accommodation within Beeston means this scheme could reduce the demand on more traditional housing being converted into rental properties for students. Therefore, it is considered the development may result in more properties within the wider area being available for first time buyers or families. This development should therefore be viewed favourably in terms of wider housing provision.

6.9.2 It would be difficult to attribute the increase in litter and rubbish to any one particular building or group of households. It is considered that adequate provision is proposed within the site to accommodate any waste or rubbish generated by the development.

6.9.3 Nottinghamshire Police have been consulted and security deterrents have been requested. As such, a Secure by Design condition has been proposed in the interests of reducing the potential for crime.

7 Conclusion

7.1 The benefits of the proposal are that the development would provide a good standard of purpose built accommodation, in a highly sustainable location, and which could contribute to the freeing up of dwelling houses which are suitable for long term residents. On-site car parking and cycle storage is proposed.

7.2 The proposed external alterations help to improve the aesthetics of the building and help to enhance the character and appearance in this location. The proposed scheme also follows a ‘fabric first’ approach in reducing the impact of the development on climate change.

7.3 Finally, the proposed conversion and extension of the building has been designed to ensure there is no significant impact in terms of any potential overlooking, overbearing or overshadowing impact.

7.4 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.

7.5 It is recommended that planning permission is granted, subject to the conditions set out below.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
	Conditions:
1.	The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2.	This permission shall be read in accordance with the following plans:
	Site location plan No. A-20082-70-001_P1
	Existing lower ground floor plan A-20082-02-001_P1

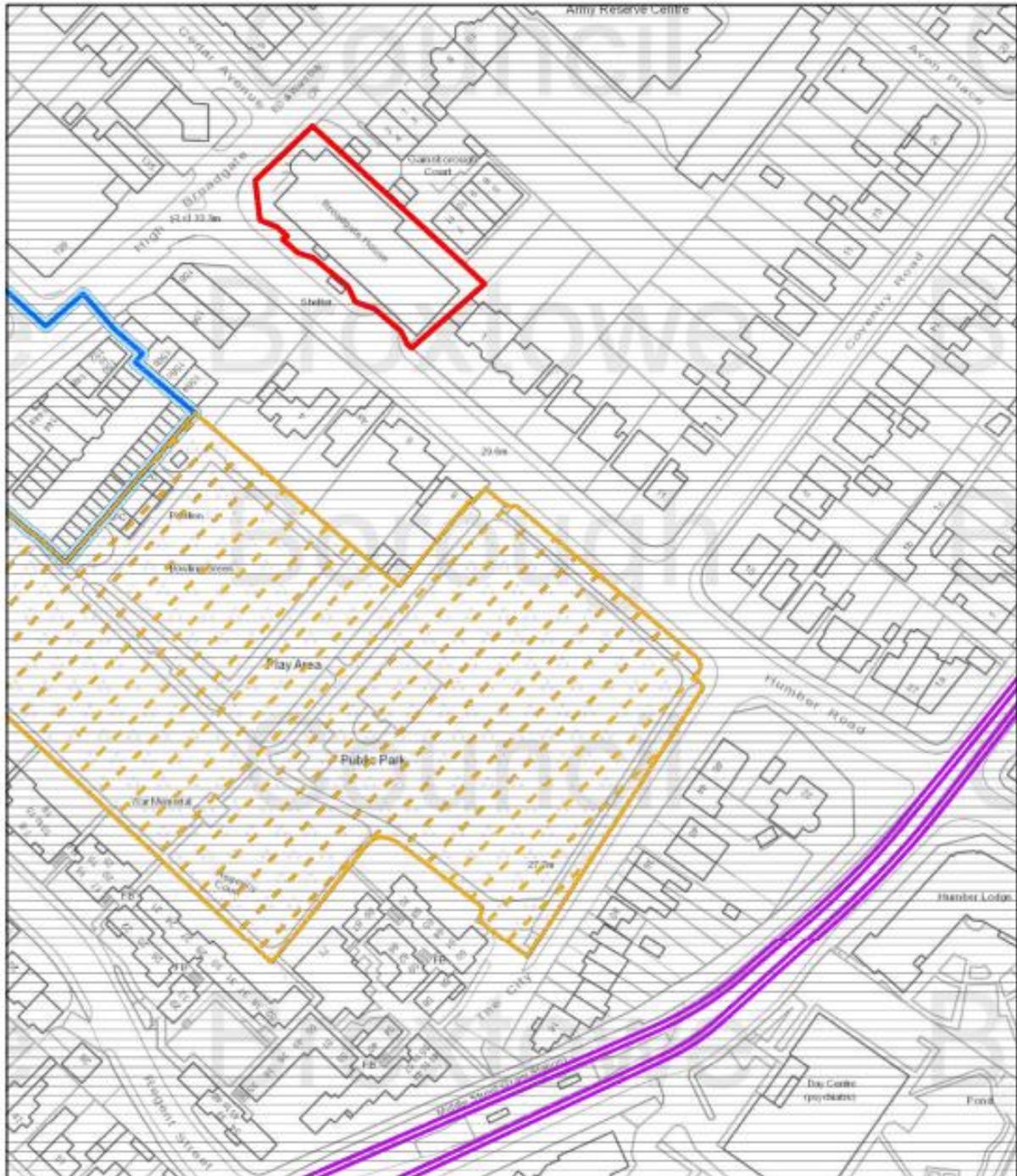
	<p>Existing ground floor plan No. A-20082-02-002_P1 Existing first floor plan No. A-20082-02-003_P1 Existing second floor plan No. A-20082-02-004_P1 Existing roof plan No. A-20082-02-005_P1 Existing NE/NW elevations No. A-20082-21-001_P1 Existing SW/SE elevations No. A-20082-21-002_P1</p> <p>Proposed ground floor plan No. A-20082-20-002_P1 Proposed first floor plan No. A-20082-20-003_P1 Proposed second floor plan No. A-20082-20-004_P1 Proposed third floor plan No. A-20082-20-005_P1 Proposed roof plan No. A-20082-20-006_P1 Proposed SW/SE elevations No. A-20082-21-003_P1 Proposed NE/NW elevations No. A-20082-21-004_P1 (All received by the Local Planning Authority 05.10.21)</p> <p>Proposed lower ground floor plan No. A-20082-20-001_P2 (Received by the Local Planning Authority 21.12.21)</p> <p>The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.</p> <p>3. No development shall take place until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation.</p> <p>4. Prior to occupation of the development hereby permitted details of the fenestration glazing specifications shall be submitted to and approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved plans and shall be thereafter retained unless otherwise agreed by the Local Planning Authority.</p> <p>5. No development shall take place until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:</p> <ul style="list-style-type: none"> 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 constructing the development; e) a scheme for the recycling/disposal of waste resulting from construction works; and
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	<p>f) details of dust and noise suppression to be used during the construction phase.</p> <p>g) site preparation, construction and delivery hours</p> <p>The approved statement shall be adhered to throughout the construction period.</p>
6.	<p>The roller shutter doors at the access point to the car park shall be positioned in accordance with plan entitled 'Proposed lower GF Plan', drawing no. A-20082-20-001_P2. The approved Roller shutter doors shall then be retained in this position for the life of the development.</p>
7.	<p>No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing A-20082-20-001_P2 has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.</p>
8.	<p>No part of the development hereby permitted shall be brought into use until the hard surfaced parking bays are clearly delineated in accordance with drawing number A-20082-20-001_P2. The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.</p>
9.	<p>The development hereby permitted shall not be occupied until a scheme detailing the developments adherence to Secured by Design principles has been submitted to and approved in writing by the Local Planning Authority. All measures detailed in the scheme shall thereafter be implemented and within an agreed timeframe which shall be set out in the submitted details.</p>
10.	<p>The development hereby permitted shall be carried out in accordance with the submitted Student Traffic Management Plan contained within Section 7.2 of the Transport Statement 9 July 2021 compiled by Hexa Consulting.</p>
	<p>Reasons:</p>
1.	<p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.</p>
2.	<p>To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.</p>
3.	<p>To ensure the satisfactory appearance of the development in accordance with Policy 17 - Place-making, Design and</p>

	<p style="text-align: center;">Amenity of the Broxtowe Part 2 Local Plan 2019</p> <p>4. To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise</p> <p>5. To protect the amenities of neighbouring residents.</p> <p>6. In the interests of highway safety in accordance with Part 9 – Promoting Sustainable Transport of the NPPF 2019.</p> <p>7. To ensure cycle parking is available for use.</p> <p>8. In the interests of highway safety in accordance with Part 9 – Promoting Sustainable Transport of the NPPF 2019.</p> <p>9. To reduce the potential for crime.</p> <p>10. In the interests of highway safety in accordance with Part 9 – Promoting Sustainable Transport of the NPPF 2019.</p>
	<p style="text-align: center;">NOTES TO APPLICANT</p>
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
<p>2.</p>	<p>Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.</p>
<p>3.</p>	<p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>

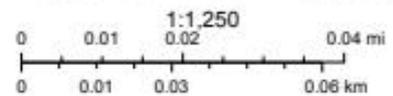
Site Location Plan

21/00758/FUL - Broadgate House, Beeston



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-  Tram Route
-  Site
-  Coal Standing Advice
-  Town Centre Boundaries
-  Open Spaces



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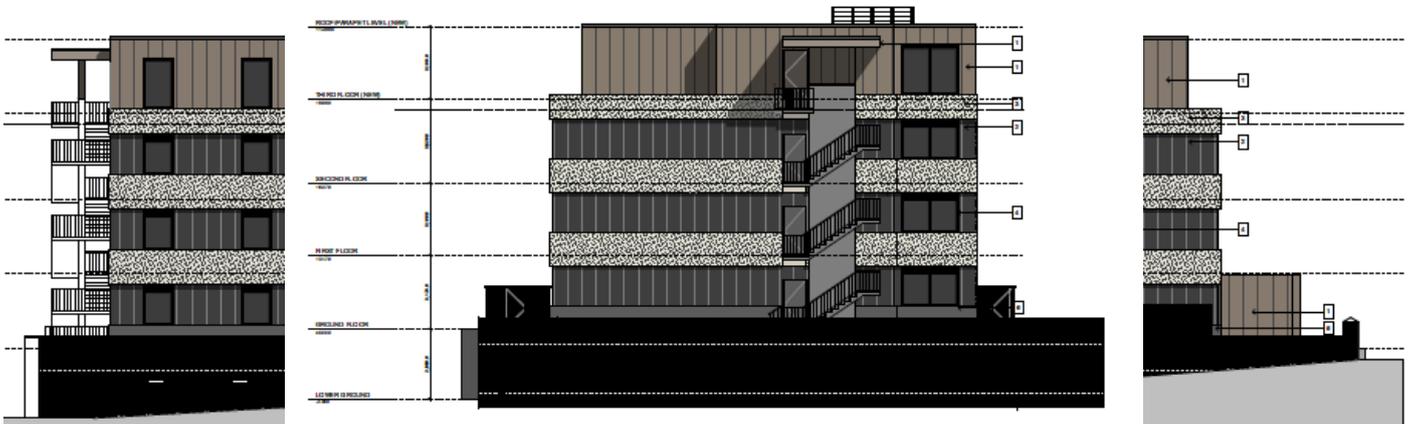
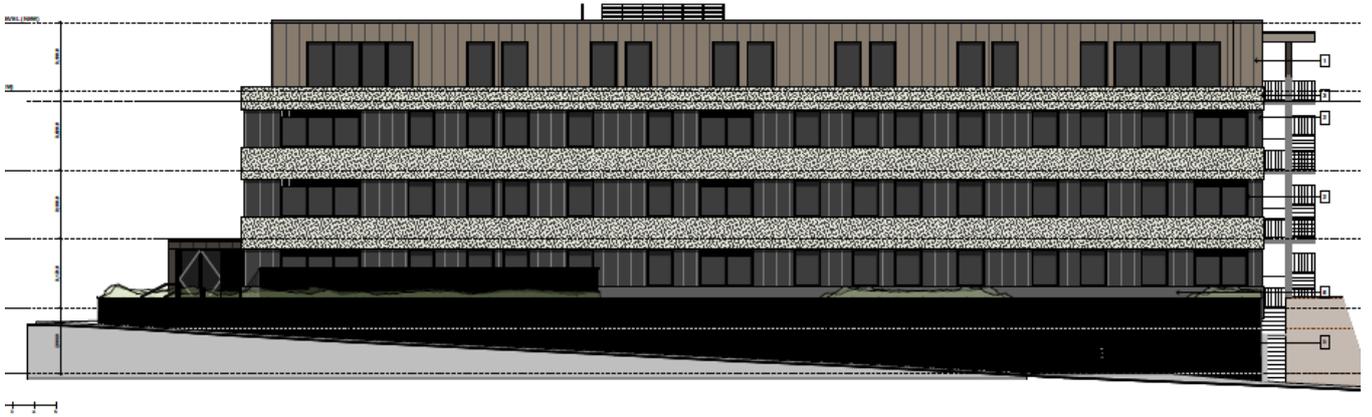
Photographs



Photos continued



Plans (not to scale): Proposed Elevations

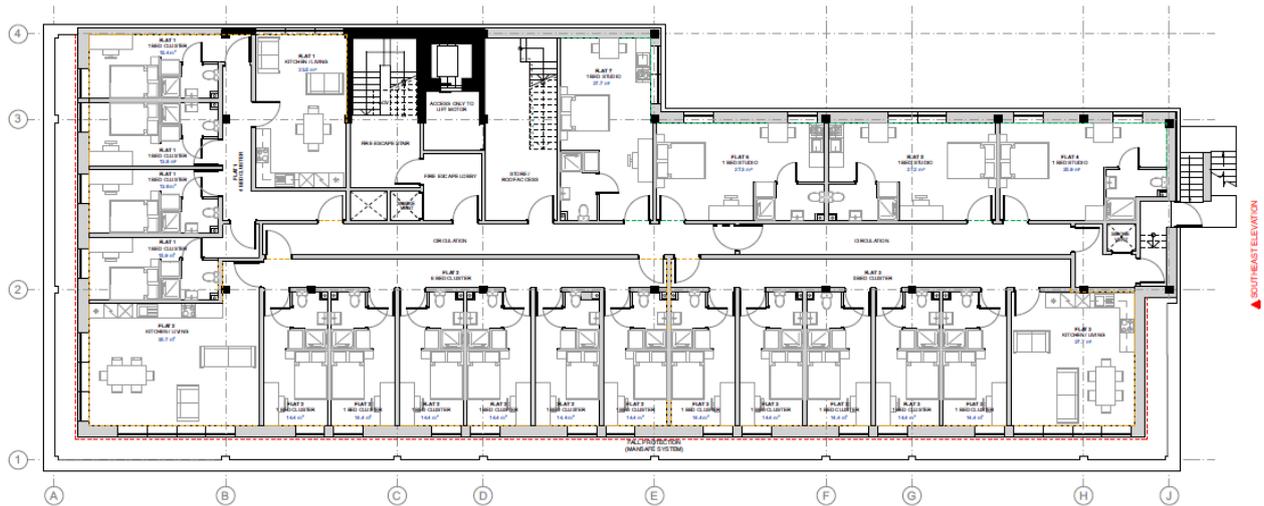


Plans (not to scale): Proposed Floor Plans

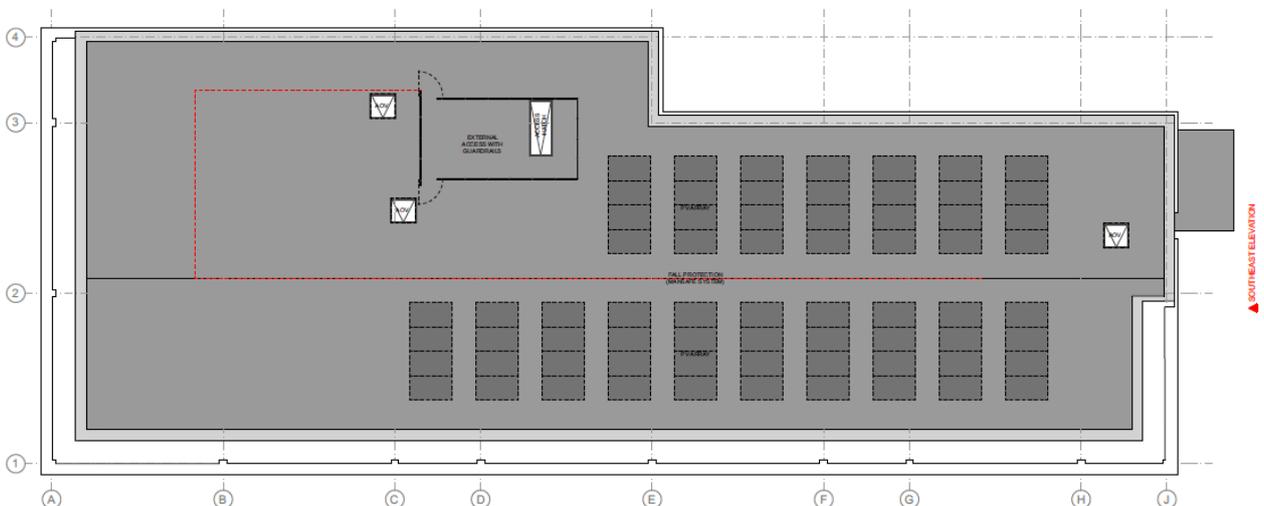
Second Floor Plan



Third Floor Plan



Roof Plan



Report of the Chief Executive

APPLICATION NUMBER:	21/00371/FUL
LOCATION:	Gilt Hill Farm Gilt Hill Kimberley Nottingham NG16 2GZ
PROPOSAL:	Construct two storey with balcony, single storey extensions, extension to existing annex and garden room

Councillor S Easom has requested this application be determined by Committee.

1 Executive Summary

- 1.1 This application has now been lodged as an appeal and is now before the Planning Inspectorate for determination on appeal for non-determination. It seeks consent to construct a two storey extension with a balcony, single storey extensions, extension to an existing annex and garden room. The property has previously been extended in the form of a link extension connecting to an existing outbuilding to create an extension to the main dwelling and an annex.
- 1.2 The application site is located within the Nottinghamshire Green Belt where Policy 8 of the Part 2 Local Plan states that applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework (NPPF). The policy also states that disproportionate additions to a building will be treated as those that, taken cumulatively, exceed 30% of the volume of the original building.
- 1.3 The main issues relate to whether or not the principle of development is acceptable in the Green Belt, whether the design and appearance of the proposal is acceptable and impact on neighbour amenity.
- 1.4 Due to the nature of works proposed to extend the existing property along with the previous extensions, it is considered the proposal represents a disproportionate addition to the original dwelling, exceeding 30% of the volume of the original dwelling.
- 1.5 The benefits of the proposal are that it would provide enhanced living accommodation for the occupiers. The negative impacts are the inappropriateness of the development in a Green Belt.
- 1.6 The Committee is asked to resolve that this application would have be refused for the reason set out in the appendix so that representations may be made to the Planning Inspectorate.

APPENDIX

1 Details of the application

- 1.1 This application seeks consent to construct a two storey extension with a balcony, single storey extensions, extension to an existing annex and garden room. The property has previously been extended in the form of a link extension connecting to an existing outbuilding to create an extension to the main dwelling and an annex.

2 Site and Surroundings

- 2.1 The application site consists of a detached two storey residential dwelling with a driveway to the front/side and amenity space to the rear, front and side. The site is elevated and fronts onto the main road of Gilt Hill, with open fields located directly to the side/rear of the site along with associated agricultural buildings further along to the rear.
- 2.2 The site is located within a predominantly residential area with residential dwellings located to the east along, with a Primary School and is located within the Nottinghamshire Green Belt.

3 Relevant Planning History

- 3.1 Planning permission was granted under reference number 86/00132/FUL to have a Site Mobile Home on site.
- 3.2 Planning permission was granted under reference number 04/00165/FUL to construct extension and convert outbuilding to bedroom.
- 3.3 Planning permission was refused under reference number 04/00511/FUL to construct vehicular access and driveway.
- 3.4 Planning permission was refused under reference number 17/00162/OUT to construct 16 dwellings and demolishing of existing farm house.

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

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 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 8: Development in the Green Belt
- Policy 17: Policy 17 Place-making, Design and Amenity

4.3 National Planning Policy Framework (NPPF) 2021

- Section 13: Protecting Green Belt Land

5 Consultations

5.1 **The Coal Authority** – No comments to make, advise to refer to necessary notes to applicant if planning permission is granted.

5.2 **VIA East Midlands Rights of Way Officer** – No objections

5.3 **Cadent** – Advise upon the presence of apparatus within the area and the owners responsibilities.

5.4 **Nottinghamshire Wildlife Trust** – No objections.

5.5 2 neighbouring properties were consulted during the processing of the planning application along with the posting of a site notice, with no objections having been received.

6 Assessment

6.1 The main issues for consideration are the impact upon the character of the Green Belt, the design of the proposal and the impact upon visual amenity.

6.2 **Design and Green Belt**

6.2.1 Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of massing, scale and proportion, materials and the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene. Policy 8 of the Part 2 Local Plan states that applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework (NPPF). Paragraph 89 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.

6.2.2 The application site is elevated and set back from Gilt Hill and consists of a two storey detached dwelling. The dwelling fronts onto Gilt Hill, with the main access and driveway being located to the front of the dwelling which fronts onto the open field to the west. To the side/rear there is a single storey linked extension which was granted under reference number 04/00165/FUL with an attached annex.

6.2.3 The proposed extensions consist of a single storey extension to the rear creating a swimming pool, gym and sauna attached to the existing linked extension. A dual pitched roof extension is also proposed to the main front entrance creating a feature entrance porch leading into a hallway. Located directly to the rear of the site there is a single storey flat roof annex for which a small flat roof extension is

proposed creating a small dining room. In addition to the above, a first floor extension is proposed to the front/side elevation which will be served by a balcony. The extension is considered to be in keeping with the design of the main dwelling, with the roof being subservient to the main roof of the host dwelling. A new garden room is also proposed which will have a low level flat roof and front onto Gilt Hill. A feature boundary wall is proposed along the boundary of the courtyard areas and this wall form the main elevation of the summer house fronting Gilt Hill. The design of the proposed extensions are considered acceptable and is in keeping with the main dwelling and it is not considered the proposal will give rise to any significant detrimental impact upon the visual amenity of the area or character of the street scene.

6.2.4 In terms of the additional volume being created, the provision of the proposed extensions and the existing extensions will lead to an overall addition to the property of approximately 103%. Policy 8 – Development in the Green Belt states that disproportionate additions to a building will be treated as those that, taken cumulatively exceed 30% of the volume of the original building. This is further supported by section 13 – Protecting Green Belt Land of the National Planning Policy Framework 2019 (NPPF) which states that the extension or alteration of a building represents appropriate development providing that it does not result in disproportionate additions over and above the size of the original building.

6.2.5 In support of the planning application, the additional supporting information has been submitted in addition to the Design and Access Statement which refers to paragraph 80 of the NPPF which states ‘decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

However, design is not considered to represent Very Special Circumstances in the consideration of this planning application and the above reference relates to new houses being allowed in rural areas if of exceptional design and not the provision of extensions to existing residential properties.

6.2.6 Whilst there would be limited views of the proposed extensions from with the street scene of Gilt Hill and the design is acceptable, the addition of the proposed extensions along with the existing extensions will lead to disproportionate additions to the original dwelling. It is considered that the introduction of a further extensions to the existing dwelling would result in an inappropriate form of development in the Green Belt and would harm the openness of the Green Belt.

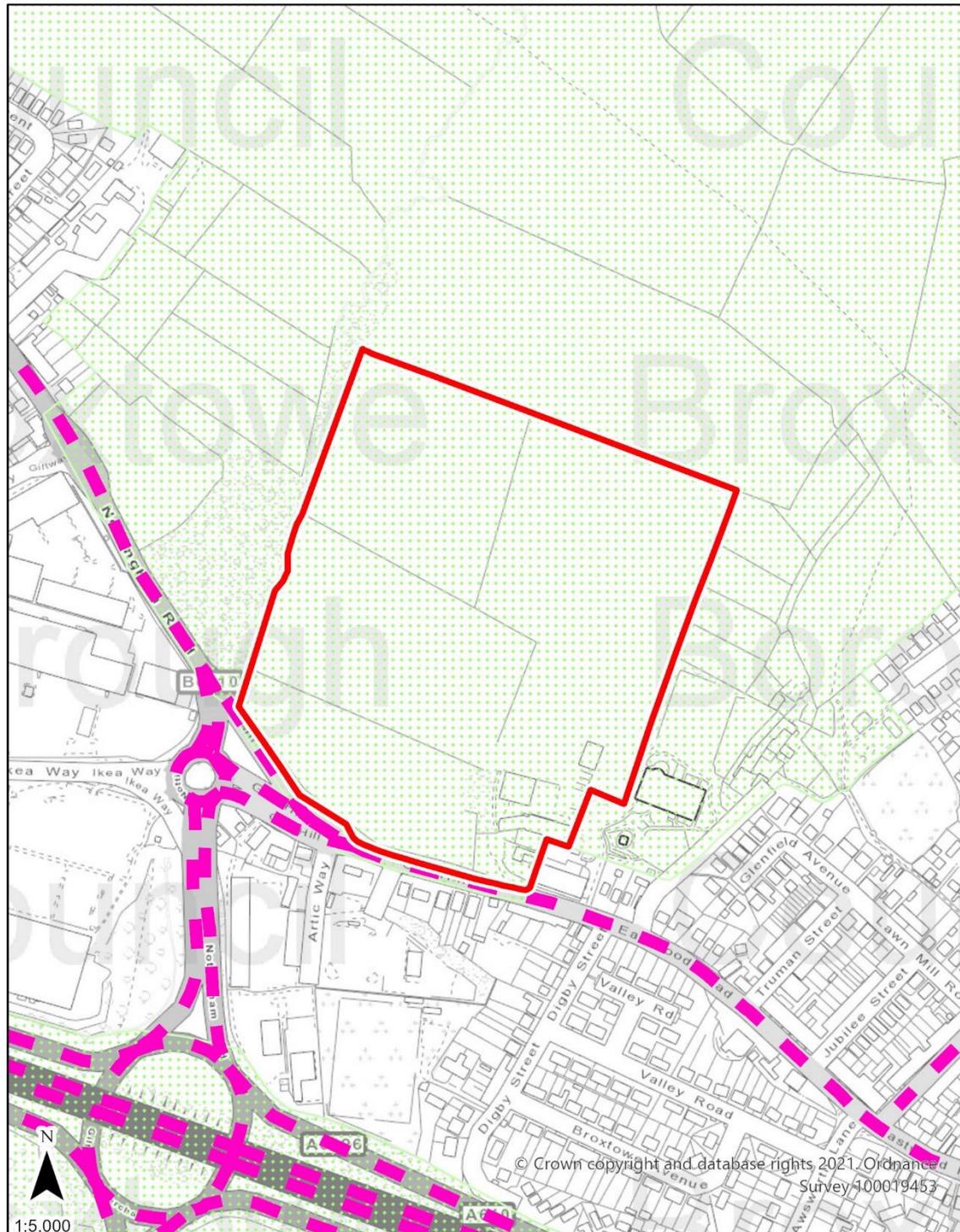
6.3 **Amenity**

6.3.1 Given the isolated location of the application site and the design of the proposed extensions, it is not considered the proposal will give rise to any significant detrimental impacts upon the immediate neighbouring properties in terms of noise, overlooking or overbearing issues.

7 **Conclusion**

7.1 The proposal is considered to represent a disproportionate extension to the original building, therefore representing inappropriate development that is harmful to the openness of the Green Belt.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that it agrees with the recommendation of this Officer report so that accurate representations can be made to the Planning Inspectorate in the anticipated appeal of this matter.	
1.	The proposal constitutes inappropriate development within the Green Belt as the proposed extensions, in conjunction with the existing extension, represent 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 (2019) and Section 13: Protecting Green Belt Land of the National Planning Policy Framework (NPPF) 2021 and there are no other material considerations that justify treating this proposal as an exception.
NOTES TO APPLICANT	
1.	The Council has tried to act positively and proactively in the determination of this application, however it was not considered that there were any minor alterations which could be made to the scheme to make the proposal acceptable.



Legend

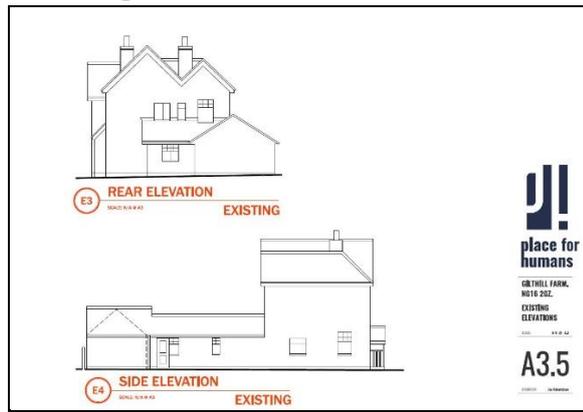
-  Site Outline
-  Classified Road
-  Green Belt

Plans (not to scale)

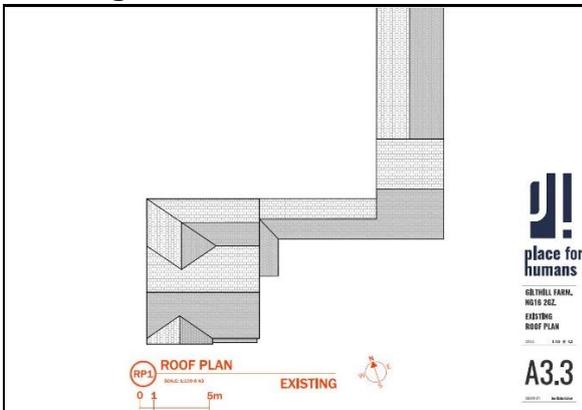
Existing Front/Side Elevation



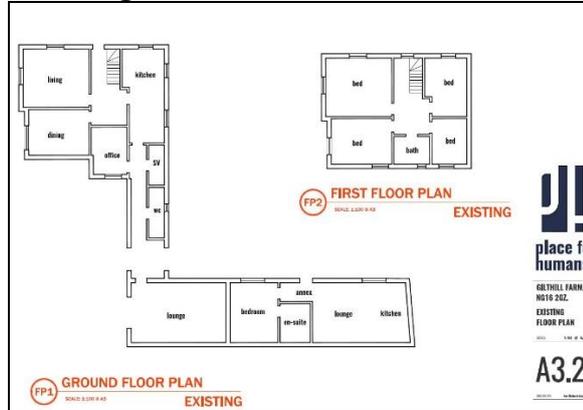
Existing Rear/Side Elevation



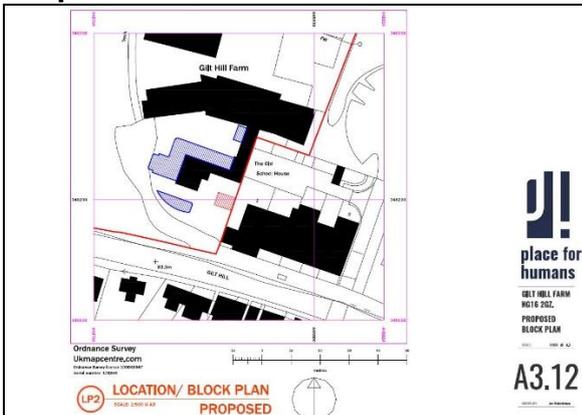
Existing Roof Plan



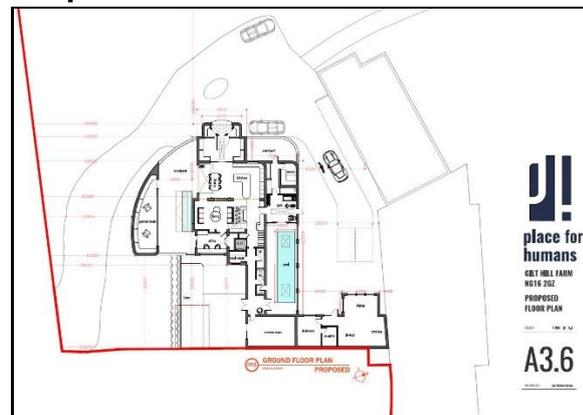
Existing Floor Plans



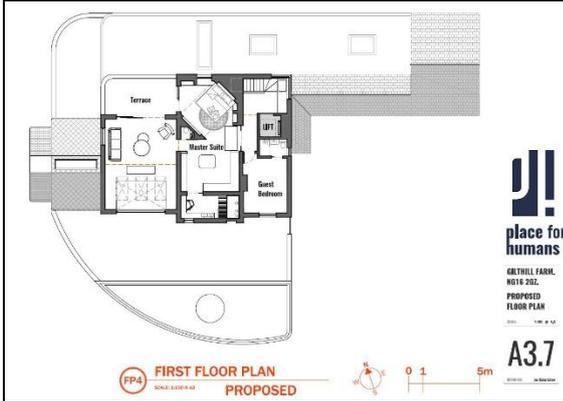
Proposed Block Plan



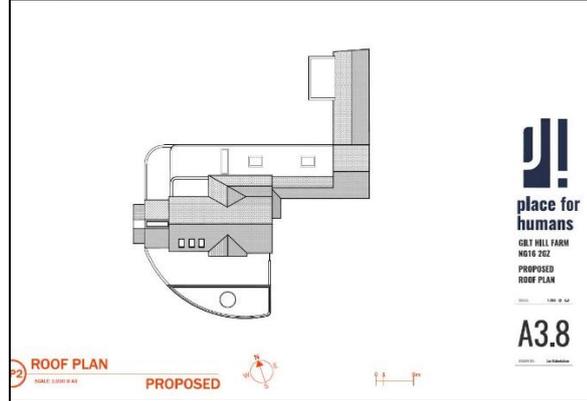
Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Roof Plan



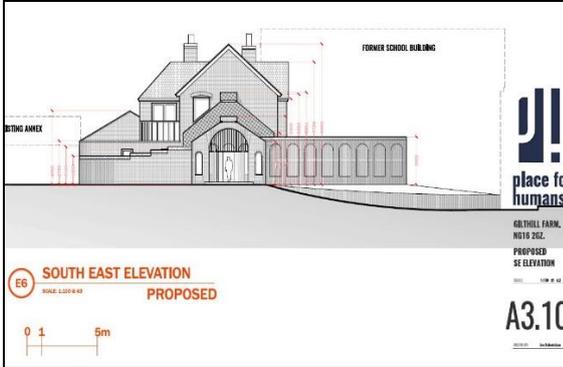
Proposed North East Elevation



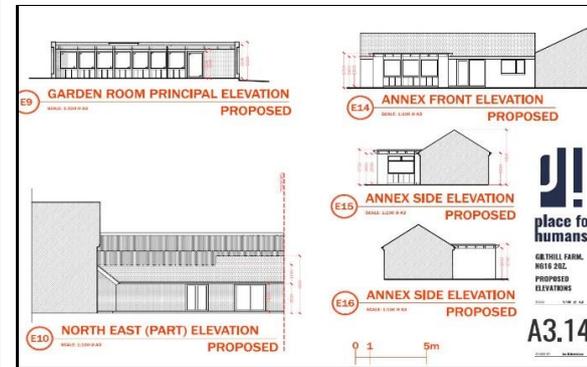
Proposed North/South West Elevations



Proposed South East Elevation



Garden Room/Annex Extension Elevations



Visual Images



Report of the Chief Executive

APPLICATION NUMBER:	21/00895/FUL
LOCATION:	42 Sandy Lane, Bramcote, Nottinghamshire, NG9 3GS
PROPOSAL:	Construct first floor rear extension and front and rear dormer windows (revised scheme)

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

1 Executive Summary

1.1 This application seeks permission to construct a first floor rear extension and front dormer and rear dormer windows. The first floor rear extension will have a setback beside the boundary with no. 44 Sandy Lane and a rear dormer. A dormer window with hipped roof is proposed in a central location of the existing main roof at the front.

1.2 An identical application (21/00041/FUL) was refused at Planning Committee on 2 June 2021 for the following reasons:

“The proposed extension by virtue of its excessive scale and massing would represent an overdevelopment of the dwelling. The extension would result in a significant loss of amenity for nos. 40 and 44 Sandy Lane. Accordingly, the proposal would be contrary to Policy 17 of the Part 2 Local Plan (2019), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and the National Planning Policy Framework (2019).”

1.3 Whilst no amendments are proposed to the original scheme, a light study has been submitted by the applicants with this scheme to demonstrate the impact on neighbouring properties which will be discussed in more detail below.

1.4 An appeal has been submitted for the 21/00041/FUL application but has not yet been determined.

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

1.4 The benefits of the proposal are that it would provide additional space to a family home which reflects an acceptable level of design and would not appear out of character with the surrounding area that would be in accordance with policies contained within the development plan which is given significant weight. There is some impact on neighbour amenity but this matter is considered to be outweighed by the benefits of the scheme.

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

APPENDIX

1 Details of the Application

- 1.1 This application seeks permission to construct a first floor rear extension and front dormer window. The first floor rear extension will have a setback beside the boundary with no. 44 Sandy Lane and a rear dormer.
- 1.2 The first floor rear extension will have a large gable feature with contemporary style glazing in the rear elevation, a first floor element with hipped roof and a rear dormer with hipped roof. The first floor extension will have a height to ridge of 8m and matching eaves height. The first floor extension will follow the same footprint as the ground floor extension apart from the set back next to no. 44. This element will be set back approximately 2.98m above the rear of ground floor extension (meaning it will project approximately 2.6m at first floor level beyond the rear elevation of the main house).
- 1.3 The hipped element will have a matching height to eaves and ridge. It will have a rear dormer with a hipped roof which will have a window in the rear elevation. A dormer with hipped roof is proposed to the front.
- 1.4 The internal layout of the property will be reconfigured. At ground floor level there will be a prayer room, kitchen, living room, utility room, toilet/shower room, reception room and an unidentified room. At first floor level there will be three bedrooms (one with an en-suite and two bedrooms sharing an en-suite), a bathroom and a study. At second floor level there will be two bedrooms with en-suites.

2 Site and surroundings

- 2.1 The application site comprises a detached house with hipped roof, front gable feature and an integral garage. It has a single storey rear extension with pitched roof. The house is positioned within a residential area.
- 2.2 Sandy Lane slopes down from north to south. The garden is elevated above the patio. No. 44 is positioned at a slightly higher level than the application property due to the slope in the road. No. 40 is at a slightly lower level.
- 2.3 The rear boundaries consist of hedges, vegetation/trees and wall/fencing. No. 44 has a rear dormer and a conservatory up to the boundary with the application site.
- 2.4 Nos. 44 and 40 are detached houses that adjoin the site to the north and south.

3 Relevant Planning History

- 3.1 An application for an extension (77/00172/FUL) was granted permission in April 1977.
- 3.2 An application for garage extension (81/00537/FUL) was granted permission in August 1981.

- 3.3 An application for a two storey extension (88/00620/FUL) was granted permission in October 1988.
- 3.4 An application for a first floor rear extension (93/00631/FUL) was refused permission in December 1993. This was appealed and dismissed.
- 3.5 An application for a two storey extension (94/00200/FUL) was refused permission in June 1994. This was appealed and dismissed.
- 3.6 An application for a two storey extension (95/00411/FUL) was granted permission in September 1995.
- 3.7 An application for a first floor rear extension and front and rear dormer windows (21/00041/FUL) was refused permission in September June 2021.

4 Relevant Policies and Guidance

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

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

- Policy 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan**

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

- Policy 17: Place-making, Design and Amenity

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

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 12 – Achieving Well-designed Places

5 Consultations

5.1 8 neighbouring properties were consulted on the application and one objection was received which can be summarised as follows:

- The application is exactly the same as the previous one
- Loss of privacy
- Loss of daylight/sunlight
- Sense of enclosure
- Side dormer and rear extension will block light to garden/conservatory
- Side dormer right up to the boundary
- Give appearance that property is semi-detached and not detached
- In effect be living next to a block of flats.

6 Assessment

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

6.2 **Principle**

6.2.1 Sandy Lane is a residential road formed of semi-detached and detached houses. The properties adjoining the site to the north and south are both detached. No. 44 has a rear dormer and conservatory. A number of properties have been extended on this road e.g. no. 66 for two storey side, single storey front and first floor rear extensions (18/00382/FUL), no. 40 for two storey side and single storey front and rear extensions (17/00872/FUL) and no. 34 for single/two storey side and rear extensions (17/00620/FUL).

6.2.2 It is acknowledged the property has previously been extended at two storey and single storey level; however, the proposed extension will not increase the footprint of the main property. Furthermore, it is acknowledged that two applications were refused and dismissed at appeal (see history section) but both applications were determined a significant amount of time ago in line with policies that are now out of date. Therefore, minimal weight can be afforded to this.

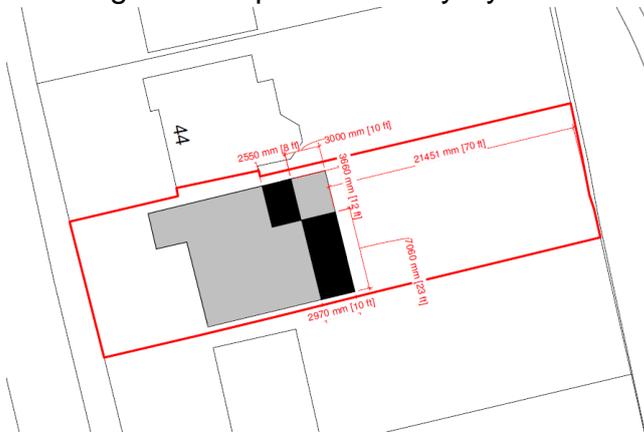
6.2.3 A number of amendments were undertaken in the previous scheme to scale down the intensity which resulted in a recommendation for approval at the June 2021 Planning Committee. However, members concluded the scheme was unacceptable for the reasons stated in section 1.2. It was advised to the agent that this scheme should be scaled down in line with the previous reason for refusal given the member's opinion on the scheme but this was declined.

6.2.4 To conclude, whilst the scheme hasn't changed since the refused scheme, this was previously recommended for approval by the planning officer and this position remains the same. The matters of design and neighbour amenity will be addressed below.

6.3 **Amenity**

6.3.1 The properties that are mostly impacted by the extensions and dormers will be nos. 44 and 40.

6.3.2 It is acknowledged that the property has been previously been extended; however, it is considered the proposed first floor extension and dormers can retain an acceptable relationship with both adjoining neighbours. No. 44 is positioned to the north of the plot and therefore due to this orientation would be the neighbour impacted mostly by the extension in regards to a loss of light and



overshadowing from the first floor extension and overlooking from the side dormer. The first floor extension projects approximately 2.6m from the rear wall of the main house (as shown below and in the design section). Whilst it is acknowledged there will still be some impact from the first floor extension on no. 44 in regards to a loss of light and overshadowing to the conservatory and garden, it is considered this is not significant enough to warrant refusal. Furthermore, it is considered there will not a sense of enclosure caused by the proposed extension.

Block Plan (blacked out elements show new first floor extension; grey elements show original house)

6.3.3 The agent has provided two images in the form of a light survey to demonstrate the level of overshadowing to no. 44 at a midday time. The coloured house to the left is the application site and grey and white outline property is no. 44.



Application site in existing form



Application site with extensions

6.3.4 The submitted light survey was conduct using REVIT light survey plugin which takes accurate light surveys depending on the orientation of the building and real time depending on the time of day. The above images further demonstrate that

the level of overshadowing to no. 44 is considered to be relatively minimal that it would not have a detrimental impact.

- 6.3.5 The first floor extension will project approximately 2.97m beyond the rear elevation of the main house next to the boundary with no. 40. Whilst it is acknowledged that the cumulative impact of the existing and proposed extensions will impact on this neighbour, it is considered that there will not be a significant loss of light or overshadowing due to the orientation of no. 40 being to the south. Furthermore, both nos. 44 and 40 benefit from sizeable rear gardens.
- 6.3.6 Whilst it is acknowledged the glazing extending into the gable is large, it is considered this is acceptable as it is centralised within the extension and faces towards the rear and not the side.
- 6.3.7 Whilst it is acknowledged there will be some overlooking from the rear dormer, it is considered this is not dissimilar to that of a rear window and does not directly overlook any gardens to the side. It is considered the rear dormer will not have a significant impact on the amenity of any surrounding neighbours.
- 6.3.8 As the front dormer faces out onto Sandy Lane, it is considered it is a sufficient distance from all other surrounding neighbours that there will be minimal impact on their amenity.
- 6.3.9 To conclude, it is acknowledged there will be some impact on the amenity of surrounding neighbours. However, it is considered the extensions and dormers have been designed to reduce the impact next to the boundary with no. 44. Furthermore, these neighbouring gardens are east facing and will already experience a loss of light towards the evening. It is considered a neighbourly relationship can be maintained with this scheme.

6.4 Design

- 6.4.1 The design of the extensions and alterations are considered to be appropriate and in keeping with the main house in terms of style and proportions.
- 6.4.2 The first floor rear extension will have a gable/hipped roof with a dormer incorporated into the hipped element. It is considered the roofs integrate into the existing roofs and do not appear out of proportion in scale or design. The dormer to the front has a hipped roof which is considered to reduce its prominence and blend into the roof scape successfully.
- 6.4.3 The proposed rear dormer will have a pitched roof which aligns with the pitch of the hipped roof of the extension. The dormer will be clad with tiles to match the main roof which is considered sufficient to ensure this blends into the roof scape and reduces its prominence.
- 6.4.4 The contemporary style glazing is considered to be an acceptable feature and as it is centralised within the extension it reflects an element of symmetry which is considered to be a positive design feature. The use of contemporary style glazing in a property that reflects a traditional design is considered to be acceptable.

- 6.4.5 The materials will be conditioned to ensure they match the main house.
- 6.4.6 The majority of the scheme is to the rear of the property and therefore will largely be obscured from the public realm. It is considered the property will still appear as a detached house and not blend into the neighbouring properties or reflect the appearance of a block of flats.
- 6.4.7 To conclude, it is considered the extensions reflect an acceptable level of design and whilst it is acknowledged the property has been extended previously and this will be a further addition, it is considered the scheme does not represent an overdevelopment of the plot.

7 Planning Balance

- 7.1 The benefits of the proposal are that it would provide additional space to a family home which reflects an acceptable level of design and would not appear out of character with the surrounding area that would be in accordance with policies contained within the development plan which is given significant weight. There is some impact on neighbour amenity but this matter is considered to be outweighed by the benefits of the scheme.

8 Conclusion

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

<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 drawings: Received by the Local Planning Authority on 26 October 2021: • P200- Rev 1

	<ul style="list-style-type: none"> • P201- Rev 1 • P202- Rev 1 <p>Reason: For the avoidance of doubt.</p>
3.	<p>The extension and dormers hereby approved shall be constructed using bricks and tiles to match the main house.</p> <p><i>Reason: To ensure a satisfactory standard of appearance is achieved and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	<p>NOTES TO APPLICANT</p>
1.	<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



Legend

 Site Outline

Photos



West (front) elevation



East (rear) elevation

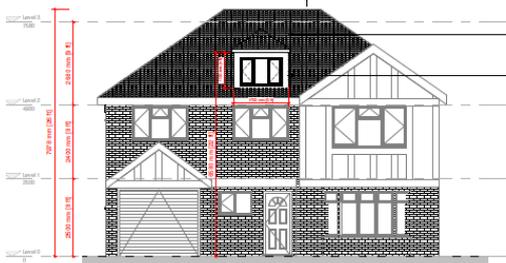


Rear/side boundary with no. 44



Rear/side boundary with no. 40

Plans (not to scale)



Proposed Front View
1:50

Existing Roof to be made good, New Roof on Extension to match existing.
Proposed Dormer for staircase leading into Loft. Roof to be hipped as shown.



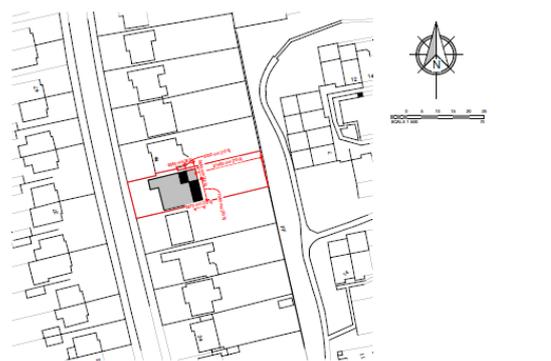
Proposed North Side View
1:50

Existing Floor to be made good, New Floor on Extension to match existing.
Proposed Roof Light for Bedroom #1. To be top level operable.
Proposed rooflight hidden behind parapet wall.
Brickwork to match existing.
Existing door to be refilled and made good.

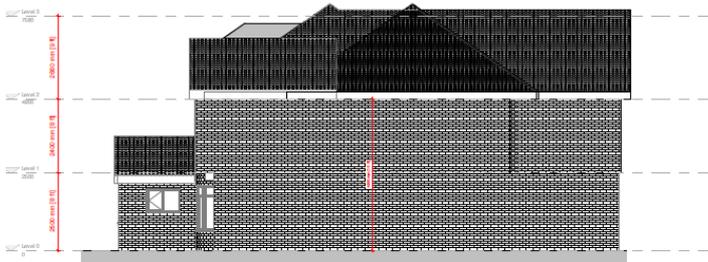


Proposed Rear View
1:50

Proposed Roof to Match existing.
Proposed Dormer cladding to match roof.
Aluminium Framed Glazed Curtain Walling. Top panels to be solid glazed to allow less sunlight and heating within room. To be designed by specialist.
Aluminium Double Glazed Windows, Colour: Black.
Proposed rooflight hidden behind parapet wall.
Brickwork to match existing.
Aluminium B Field Doors, Colour: Black.

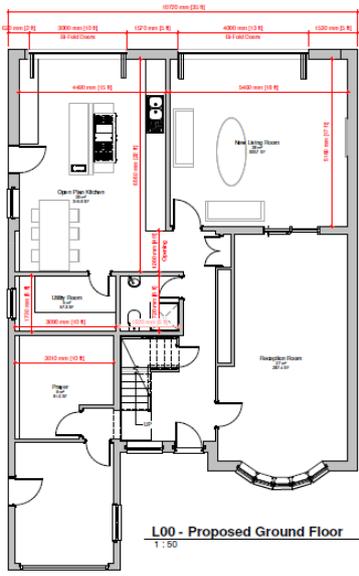


Proposed Block Plan 1 500
1:500

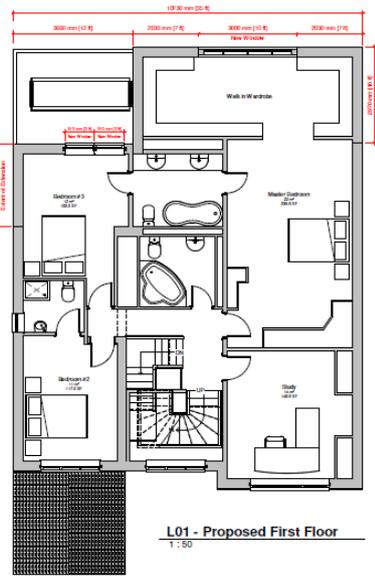


Proposed South Side View
1:50

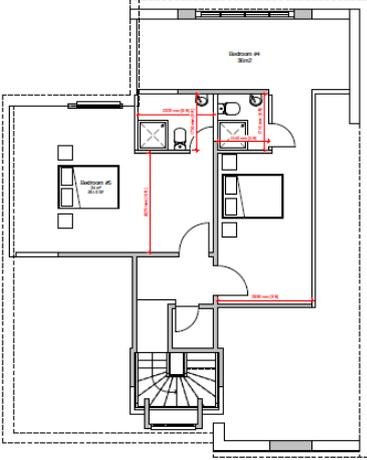
Plans (not to scale)



L00 - Proposed Ground Floor
1:50



L01 - Proposed First Floor
1:50



L02 - Proposed Loft Floor
1:50



Proposed Roof Plan

Report of the Chief Executive

APPLICATION NUMBER:	21/00704/FUL
LOCATION:	12 Rochester Court, Nuthall, Nottinghamshire, NG6 8WL
PROPOSAL:	Construction of two storey and first floor rear extension

The application is brought to the Committee as requested by Councillor P J Owen.

1 Executive Summary

- 1.1 The application is to extend at the rear of the property. This will be to widen the existing rear ground floor extension and construct a first floor level above, resulting in a two storey rear extension.
- 1.2 The proposal has already been amended from the original plan upon request from the Broxtowe Council. The amendments changed the first floor extension from having a fully glazed rear elevation and roof, to Juliette balconies and windows separated with brick wall segments and a flat roof. The single storey rear extension has been removed.
- 1.3 The main issues relate to whether the principle of the development is acceptable, whether there is an acceptable level of design and whether there would be an impact on neighbour amenity.
- 1.4 The benefits of the proposal are that it would provide additional space to a family home which reflects an acceptable design and whilst representing a significant increase in the size of the property, would not appear out of character with the surrounding area and would be in accordance with policies contained within the development plan, which is given significant weight.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

APPENDIX

1 Details of the Application

- 1.1 The application is to extend at the rear of the property. This will be to widen the existing rear ground floor extension and construct a first floor level above, resulting in a two storey rear extension.
- 1.2 The ground floor will be widened by 3 metres so that the rear extension is the width of the house. The first floor extension will match the ground floor extension that is built on in width and length. It will be 11.3 metres wide, 4.7 metres long and 2.5 metres tall. The total height of the rear extension will be 5.6 metres, it will join with the existing roof, but be a slight downward slope rather than a pitched roof.
- 1.3 Sliding doors will be added to the newly widened part of the rear extension in the rear facing elevation at ground floor level. This arrangement will be replicated at first floor level and will open onto Juliette balconies to the two openings. On the north side elevation, the sliding doors that exist at ground floor level will be widened. There will be no windows on the north or south elevation at first floor level.
- 1.4 The roof tiles, brick walls and windows and doors will be built of materials to match the existing extension and remainder of house.
- 1.5 This application has been amended. The application as originally submitted had a fully glazed first floor extension and a single storey rear extension that would have been built into the garden. The glazed first floor would have represented a significant deviation from the character of the area. The single storey rear extension would have resulted in an over-development of the rear garden.

2 Site and surroundings

- 2.1 The building is a two storey detached house. It has a single storey rear extension that has a flat roof. The walls are red brick and roof tiles are dark red, the windows and doors and white uPVC.
- 2.2 The property is located on a cul-de-sac where all the surrounding houses are constructed from the same materials but differ in style and format with a mixture of semi-detached, detached and bungalows. To the south west, adjoining the site, is a semi-detached two storey house, 10 Rochester Court, whilst to the north east boundary of the application site is 19 Springfield Drive. This is a detached bungalow which is situated more than 10 metres away from the closet side of building of the applicant.
- 2.3 A tall conifer hedge, approximately 4 metres high, forms a border between the properties. This hedge continues to the rear boundary of the property forming a barrier with Low Wood Road/A6002.

3 Relevant Planning History

3.1 An application for an extension (86/00293/FUL) was granted permission in 1986.

3.2 An application for a front porch (81/00537/FUL) was granted permission in 1987.

4 Relevant Policies and Guidance

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

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

- Policy 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019:**

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

- Policy 17: Place-making, design and amenity

4.3 **National Planning Policy Framework (NPPF) 2021:**

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

5 Consultations

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

- Councillor P J Owen – no comment received during consultation, but Cllr Owen called this application in after speaking to a neighbour.
- Councillor P Simpson – no comment received
- Nuthall Parish Council – objection due to the over intensification of the site and not keeping in character with the street. This was in relation to the original plans before amendment.

5.2 Five neighbours were consulted on the application. Four neighbours responded:

- One response raised no objection.
- One response raised observations and concerns about damage/ liability to property during the construction period but had no objections to the extension if it follows planning regulations.
- When consulted on the original plans, two responses objected to the development.
 - One listed the impacts that the development will have on noise and smell disturbance and impact on access in respect of the building works.
 - The other was concerned that the rear extension being extended up to the boundary will harm the fencing and conifers that make up the northern boundary.

- Also that the first floor extension will lead to a loss of privacy and natural light for the property’s two rear bedrooms, and the bungalow and garden generally.
 - Plans are unclear in their purpose – property already been extended both front and rear, question as to why a five-bedroom house needs to be extended to nearly double the size – is this being used for business purposes or are more people to be housed here?
 - Double garage at adjacent property denied planning permission for the length requested
- The consultation responses above were in relation to the original plans. However, the comments received largely remain relevant to the amended plans because the concerns raised have remained the same in the amended plans.
 - When the amended plans were published and consulted on one neighbour commented with an objection about a sense of enclosure created by the development as well as the impact of noise and smell from the construction process.
 - The neighbour who objected with the points listed above commented on the amended plans. to the comments maintained objections to the proposal, stating that it would negatively impact on their privacy, create overshadowing into the bedroom and reduce amenity by spoiling the view with a brick wall.

6 Assessment

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

6.2 **Principle**

The application site is not covered by any site specific planning policy. It is therefore considered that the principle of development is acceptable subject to any assessment of the design and appearance and its impact on neighbouring amenity.

6.3 **Design**

Policy 10 (d and e) of the ACS states that massing, scale, proportion, materials, architectural style and detailing will be considerations when assessing development. Policy 17 (4a) of the BLP states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing buildings or appear over-prominent in the street scene.

Whilst this extension represents a large increase to the size of the house, it will be constructed with materials that will match the original building and will therefore not be out of character with the area. Furthermore, with the extension being to the rear of the property, the house already being somewhat set back within the street scene and the view of the rear from the street being screened by 10 Rochester Court, it is considered that the impact on the streetscene will not be significant.

As the surrounding houses are of varying types and there is no consistent character for the area it is considered that this development will not have a detrimental impact on the character or appearance of the area.

A condition to secure the use of matching materials is recommended.

6.4 Amenity

Policy 10 (f) states that the impact of a development on neighbour amenity will be a consideration. Policy 17 (4d) states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

The first floor extension has no windows on either side elevation which would prevent overlooking into the neighbours' gardens. Whilst the rear elevation is comprised mainly of full height windows and Juliette balconies, because these are facing away from the neighbours' properties to both the north and south, with views directed toward Low Wood Road, it is considered that they should not enable direct overlooking into neighbouring gardens and thus would not have a significant impact on privacy or overlooking.

It is considered that the rear extension would not reduce natural light into the northern neighbour's house. This is because the rear elevation of that property is 8.3 metres from the boundary with the application site property and the shadow created by the extension would not be significant enough to severely impact the amenity of the neighbour. Additionally, the rear extension has a low roof which reduces the scale and bulk of the extension and therefore the impact on neighbour amenity.

7 Planning Balance

7.1 The benefits of the proposal are that it would be an extension to an existing residential dwelling, would be of an acceptable scale and design, would not have a significant impact on neighbour amenity and would be in accordance with the policies contained within the development plan. This carries significant weight.

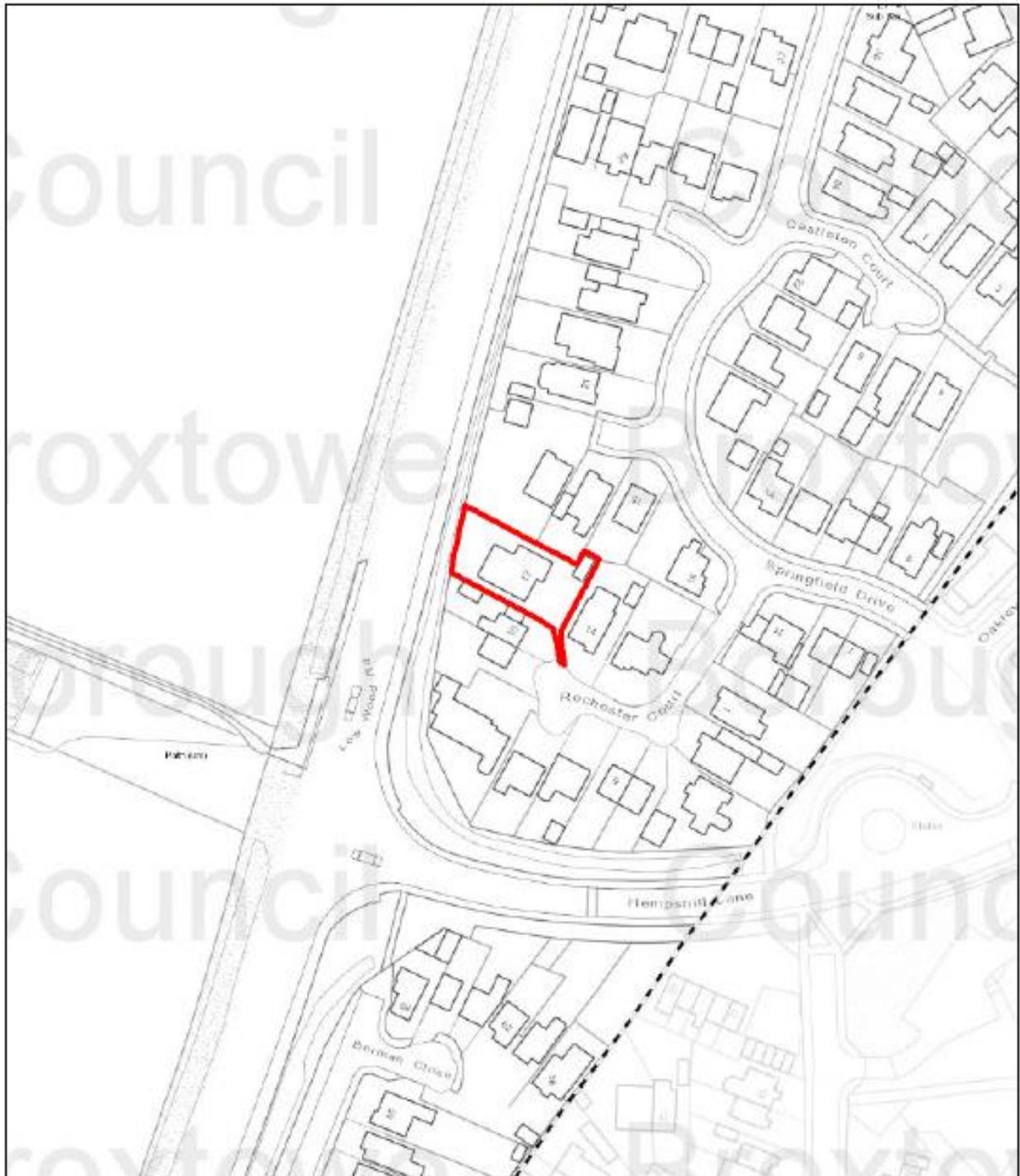
7.2 The negative impacts are that it is a significant extension to an already large property. The proposal would have an impact on the views from some properties however this would not be significant and would not outweigh the benefits of the proposal.

8 Conclusion

8.1 To conclude, it is considered the extensions and alterations reflect an acceptable level of design that would be in keeping with the main house and that the extension would not have an unacceptable impact on neighbour amenity.

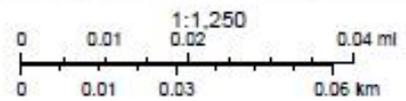
<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the site location plan received by the Local Planning Authority on 22/09/2021 and proposed elevations and floor plans (drawing number A101), received by the Local Planning Authority on 13/12/2021.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The extension shall be constructed using bricks, tiles, windows and doors of a type, texture and colour so as to match those of the existing building.</p> <p><i>Reason: To ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
NOTES TO APPLICANT	
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the eight week agreed determination timescale.
2.	<p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>

21/00704/FUL



1/11/2022, 11:14:44 AM

 Site



Photographs



View from 19 Springfield Drive



Rear north side



Garden and rear property



Rear



North side of property



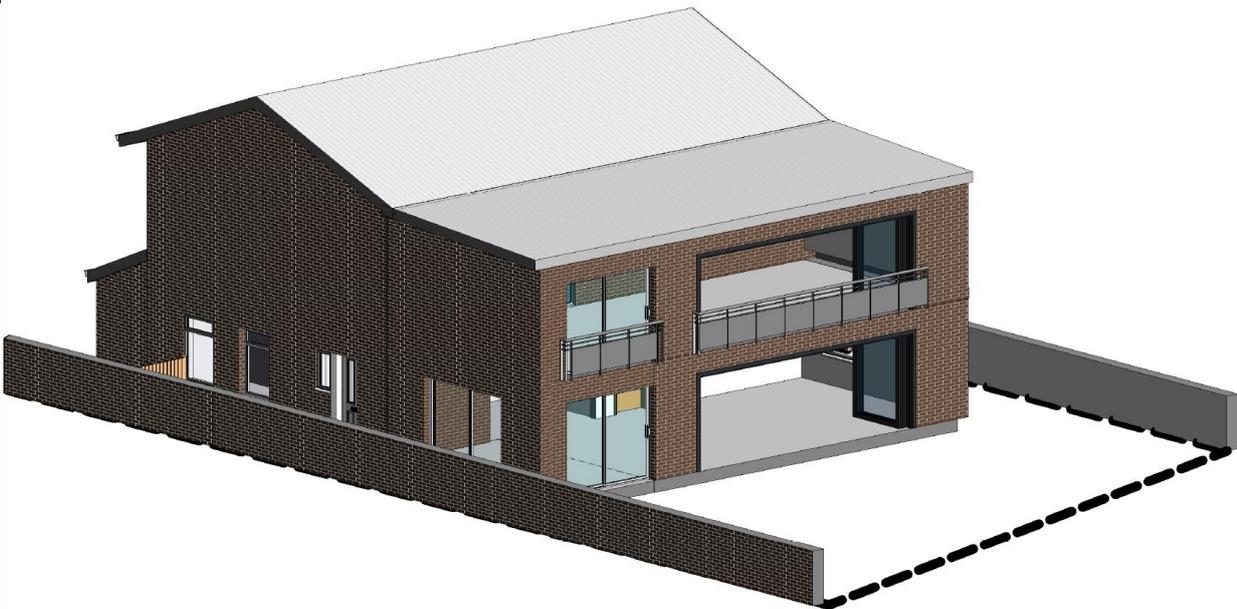
Northern border and garden

Plans (not to scale)

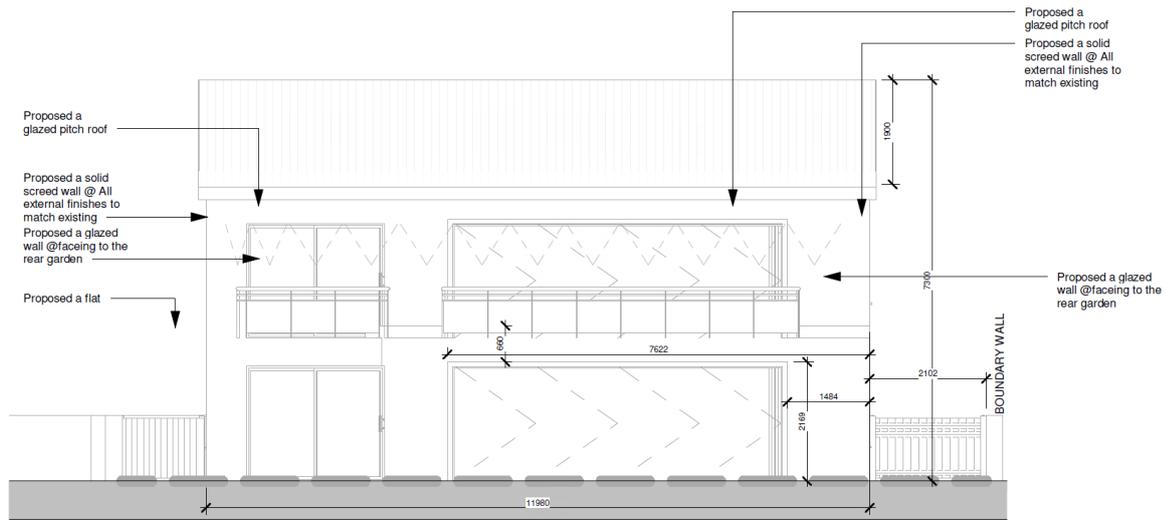
Front elevation



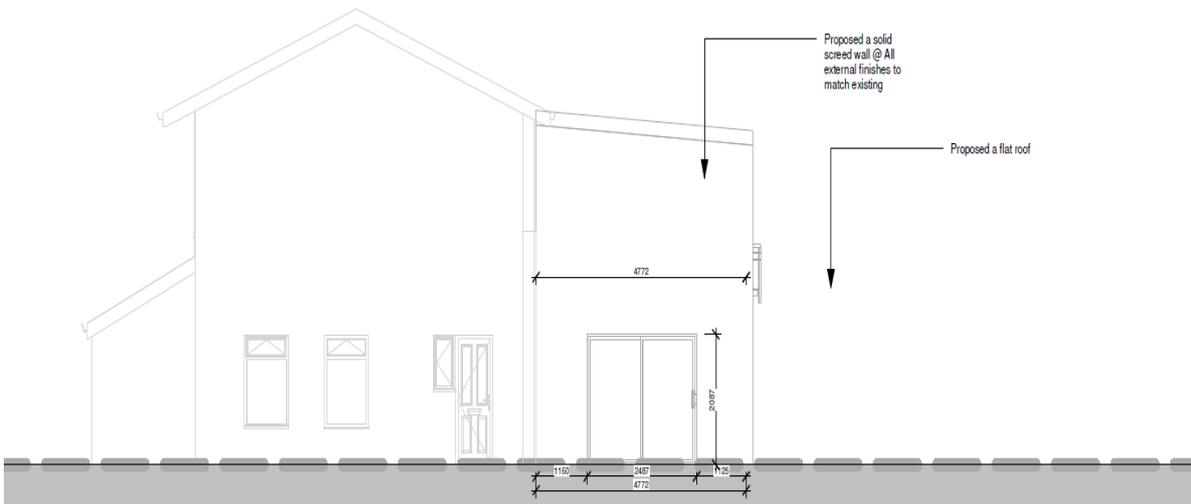
Proposed rear elevation



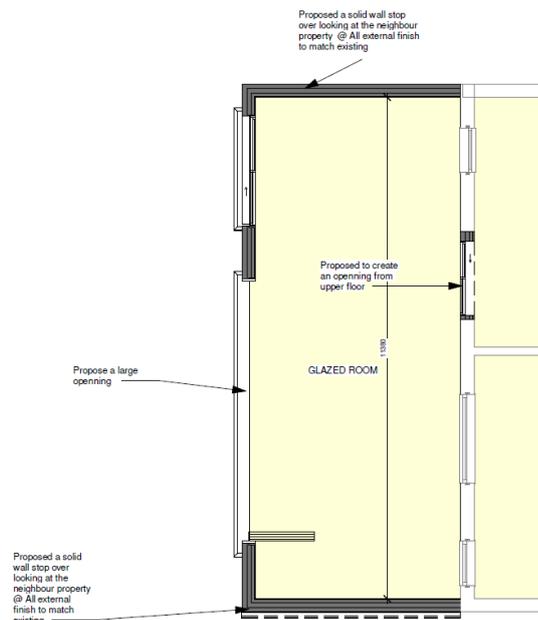
Proposed rear elevation



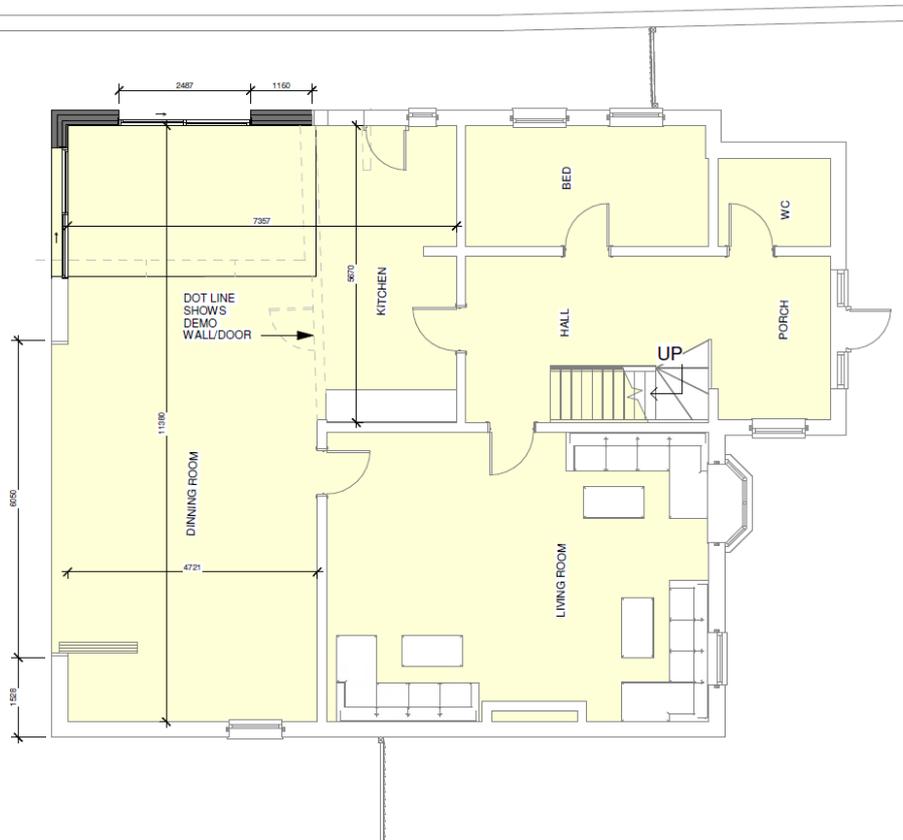
Proposed side elevation



Proposed first floor (part)



Proposed ground floor



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Report of the Chief Executive

APPLICATION NUMBER:	21/00807/FUL
LOCATION:	48 Wadsworth Road, Stapleford, Nottinghamshire, NG9 8BD
PROPOSAL:	Retain raised patio and fencing and erect canopy

The application is brought to the Committee as requested by Councillor T Hallam.

1 Executive Summary

- 1.1 The application is to retain a raised patio, canopy and fencing at the side and rear of the property.
- 1.2 The main issues relate to whether the principle of the development is acceptable, whether there is an acceptable level of design and whether there would be an impact on neighbour amenity.
- 1.3 The benefits of the proposal are that it would be provide outdoor space for the benefit of the occupants and would be in accordance with the policies contained within the development plan.
- 1.4 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

APPENDIX

1 Details of the Application

- 1.1 The application is to retain a raised patio, canopy and fencing.
- 1.2 The fence has been installed, it is approximately 2m high on the common boundary to no. 50, where it is at the side of the house and on the raised patio and lawn. The fence is constructed of timber with concrete posts in between.
- 1.3 The raised patio will be at a level 0.78m lower than the existing patio, and 0.58m higher than the existing garden lawn. There will be four steps leading from the existing patio, directly from the rear of the house down to the new raised patio.
- 1.4 The canopy, which had not been erected at the time of the officer's site visit, is proposed to be to the northwest of the new patio, adjacent to the boundary with the neighbouring property at 50 Wadsworth Road. The canopy will slope upwards, towards the south east (i.e. away from no. 50), from 2.2m to 2.4m high, and it will be 5m in length where it is adjacent to the boundary, with a width of 3.4m. It will have a timber frame and covered roof but will be open to all sides.

2 Site and surroundings

- 2.1 This is a two storey detached house with brown brick walls and dark brown roof tiles. To the northern side elevation there is a brick built garage which is attached to the house. On the northern boundary, between this garage and the boundary, there is a side walkway that leads to the rear of the house. At the rear of the house there is a patio which is at a level 1.3m above the lawn. The lawn is large and slopes down a hill toward the rear boundary. On either side there are the fences which are approximately 2m high. There is a shed at the bottom of the garden and there are trees at the end garden border.
- 2.2 The houses on the road vary in design and type. The neighbour to the west, 50 Wadsworth Road is a detached bungalow which has a single storey extension adjacent to the common boundary, with a glazed conservatory to the rear of this. This conservatory is at a lower level than the house of the applicant and raised patio, the roof of this building is just slightly higher than the fence is at this point.
- 2.3 46 Wadsworth Road (east) is a detached two storey house which has a single storey extension to the rear and a first floor extension to the side. To the south of the site, on the opposite side of the road is a detached bungalow, no. 43. To the rear of the property are several blocks of flats and a field, the view of which is blocked by trees.

3 Relevant Planning History

- 3.1 There is no relevant planning history for the site post 1974

4 Relevant Policies and Guidance

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

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

- Policy 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019:**

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

- Policy 17: Place-making, design and amenity

4.3 **National Planning Policy Framework (NPPF) 2021:**

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

5 Consultations

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

- Councillor D Grindell – no comment received
- Councillor T Hallam – no comment received, but Cllr Hallam called this application in after speaking to a neighbour.
- Stapleford Town Council – no comment received

5.2 Two neighbours were consulted on the application. 1 responded with an objection. The points of objection were the height of the fence to the common boundary with no. 50, which has resulted in a loss of light, the disruption to groundwork it has caused, no reference to how rainwater will be disposed, the safety of the canopy (if to be used as barbecue area) and the view from the driveway obscured by the fence installed to the front on the boundary with no. 50.

6 Assessment

6.1 The main issues for consideration relate to whether the principle of the developments are acceptable and whether there is an acceptable level of design and impact on neighbour amenity.

6.2 **Principle**

6.2.1 The application site is not covered by any site specific planning policy. It is therefore considered that the principle of development is acceptable subject to any assessment of the design and appearance and its impact on neighbouring amenity.

6.3 **Design**

6.3.1 Policy 10 (d and e) of the ACS states that massing, scale, proportion, materials, architectural style and detailing will be considerations when assessing

development. Policy 17 (4a) of the BLP states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing buildings or appear over-prominent in the street scene.

6.3.2 Overall the design of the proposals are considered to be appropriate for the use of the site as a domestic property, and would not dominate the surroundings. There already exists a patio at the rear of the house, therefore an introduction of an extended area at a lower ground level would be appropriate for the character of the house.

6.3.3 The fences are of a design and colour typical of those found at domestic dwellings. The fences erected level with the house and those erected adjacent to the lawn are lower than 2m (and as such would, where less than 2m in height when measured from the ground level within the site, be permitted development).

6.4 **Amenity**

6.4.1 Policy 10 (f) states that the impact of a development on neighbour amenity will be a consideration. Policy 17 (4d) states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

6.4.2 The canopy should not lead to an impact on neighbour amenity through loss of light as the structure is composed of beams, and has open sides rather than solid structure. Although the roof of this canopy will be solid, the shadow that this will create would not have a significant impact on neighbour amenity in terms of loss of light or outlook. Additionally, the canopy and raised patio are no further forward than the brick built element of the extension to no. 50 and as such would be screened from view. No. 46, to the east is unlikely to be affected by these developments because the canopy is not close to their border. Nor will the raised patio will not impact the neighbours of this property as the fencing is of such a height that it prevents overlooking. Furthermore, it is considered that there would be no significant impact on privacy to either neighbour.

6.4.3 Notwithstanding the above in regard to the fencing being permitted development, due to the differences in ground level between the site and no. 50, to the west, the fencing, where erected adjacent to the patio area of no. 48 (that is at a level slightly above the brick built extension at no. 50), appears as 3 metres from ground level when viewed from within the garden of no. 50. The fence at this point is a dominant feature and whilst the height of the fence may reduce natural light entering the neighbour's conservatory, there remains a gap of approximately 1m between the neighbours fence (erected alongside the fence to the application site) and the conservatory is glazed to all three external elevations, and has an opaque roof. As such, the fencing would not result in a significant loss of light to the habitable rooms or immediate outdoor amenity space of this property to the detriment of neighbour amenity. Furthermore, if the fence was to be reduced in height it would potentially result in a loss of privacy caused by overlooking into no. 50's conservatory and garden from the existing and new patio which the taller fence, where adjacent to the patio, prevents.

6.4.4 In conclusion, it is considered that the proposal would not have a significant impact on neighbour amenity for either adjacent property, in terms of loss of light, outlook or privacy.

6.5 Other Matters

6.5.1 Concerns have been raised by a neighbour that the new fencing has disrupted the drainage of rainwater from this property.

6.5.2 Concern was also raised that the canopy and fencing could be a fire hazard as it is made from combustible material that would be especially hazardous if that would be used for barbeques.

6.5.3 Despite the fencing being less than one metre tall as it approaches the pavement, the neighbour has also objected to this stating that it harms visibility when driving the vehicle onto the road from the property.

7 Planning Balance

7.1 The benefits of the proposal are that it would be provide outdoor space for the property for the benefit of the occupants. There would be significant impact on neighbour amenity, and the development is of an acceptable scale and design. The development would be in accordance with the policies contained within the development plan and this carries significant weight.

7.2 The negative impacts are that there would be some impact on neighbour amenity, however this would not be significant enough to outweigh the benefits.

8 Conclusion

8.1 To conclude, it is considered the fencing, raised patio and proposed canopy reflect an acceptable level of design that would be in keeping with the character of the area and the house and would not have an unacceptable impact on neighbour amenity.

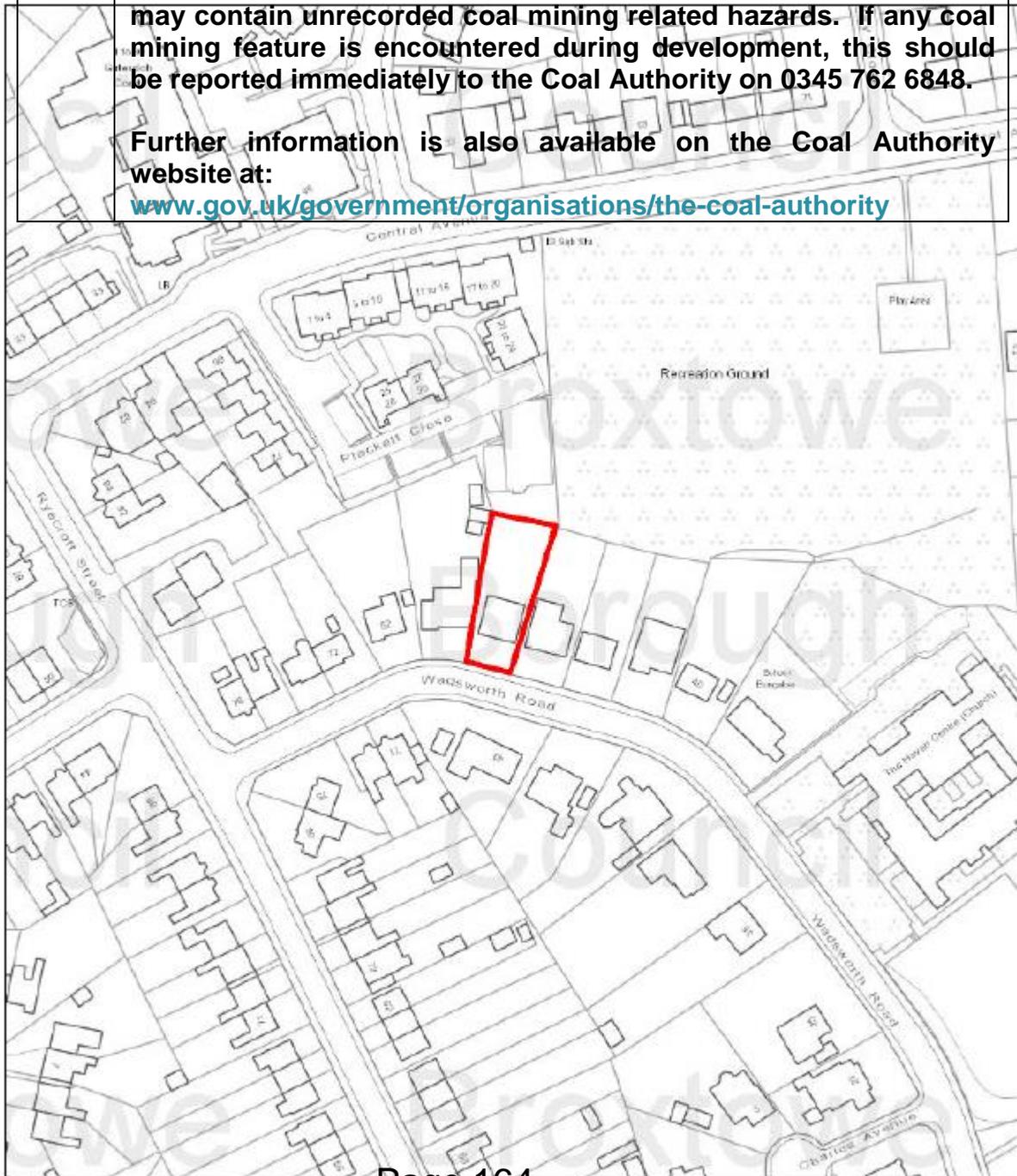
<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	The canopy hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission. <i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i>

2.	<p>The development hereby permitted shall be carried out and retained in accordance with the site location plan and existing and proposed elevations and floor plans GD/AM/21/044/01, received by the Local Planning Authority on 28 September 2021.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
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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>
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2.	<p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>
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Photographs



Streetview, Google 2019



Side view of house



Rear of house



Neighbour south



Fence, neighbour north



Garden, neighbour north



Rear fence, view from no.50

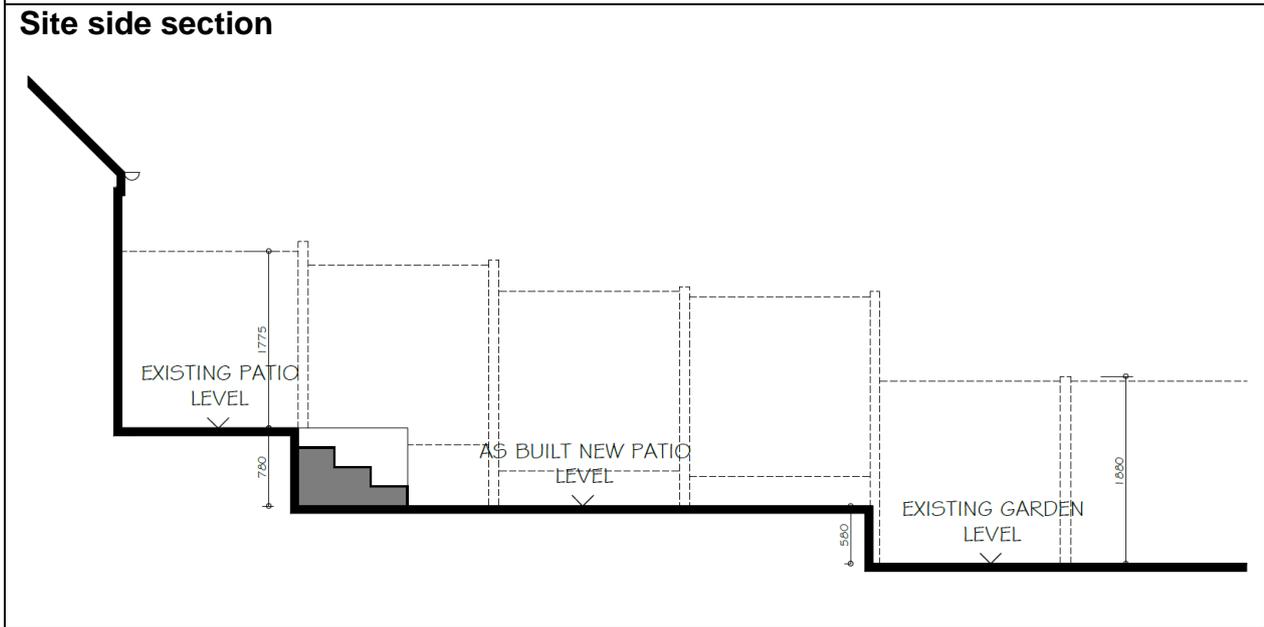
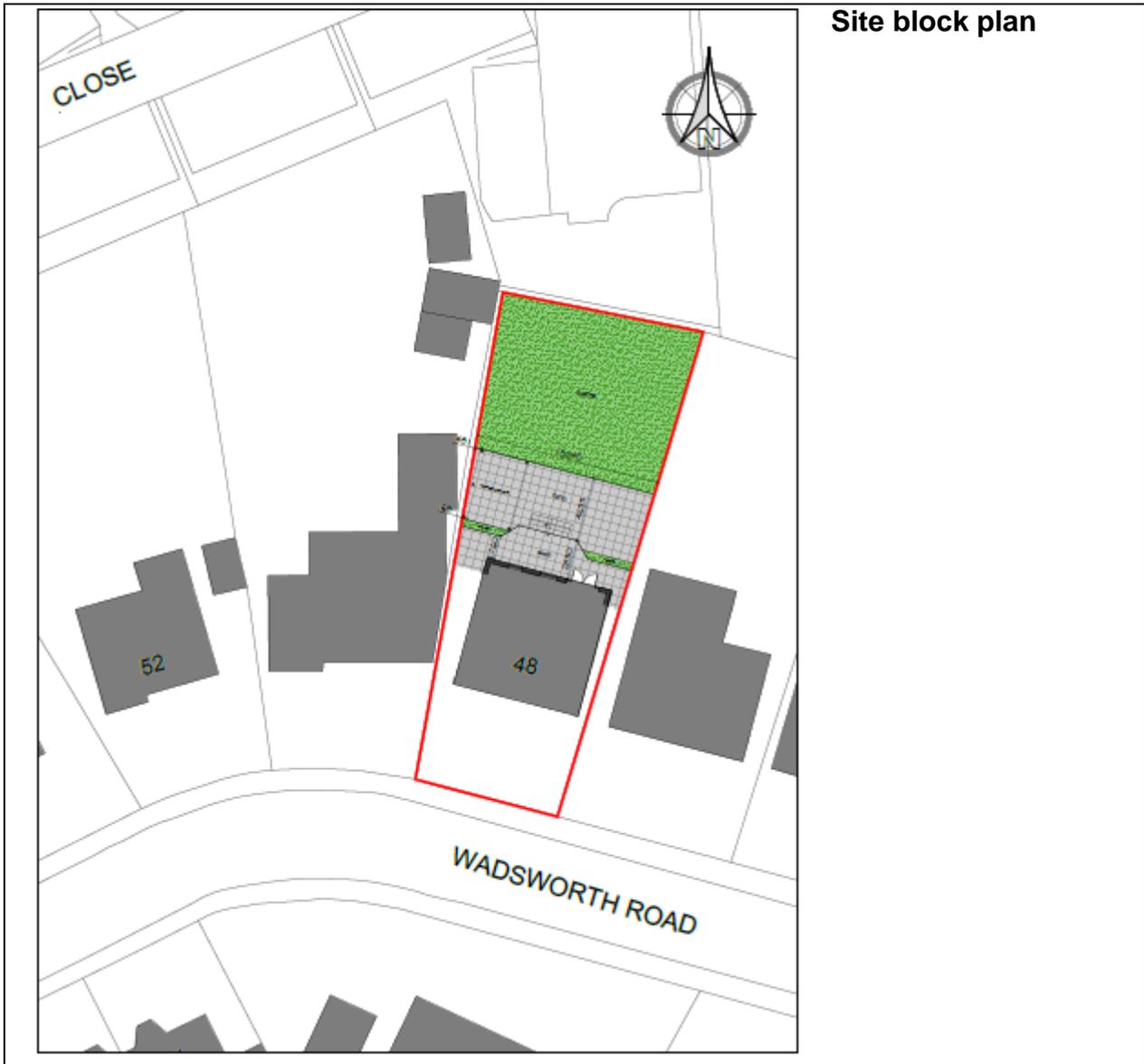


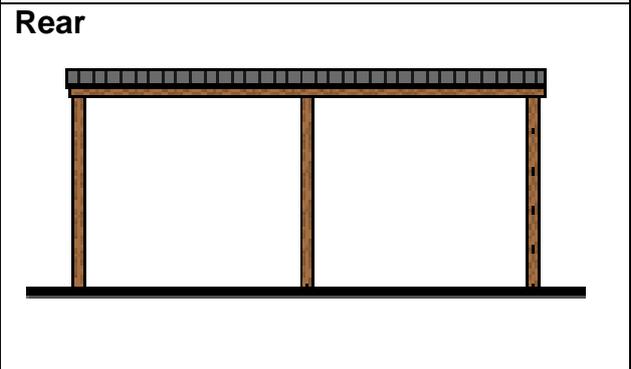
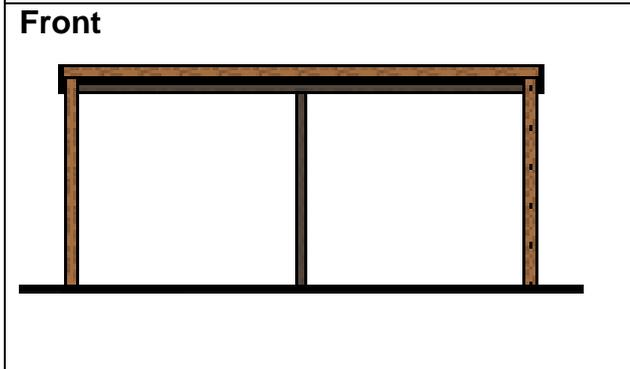
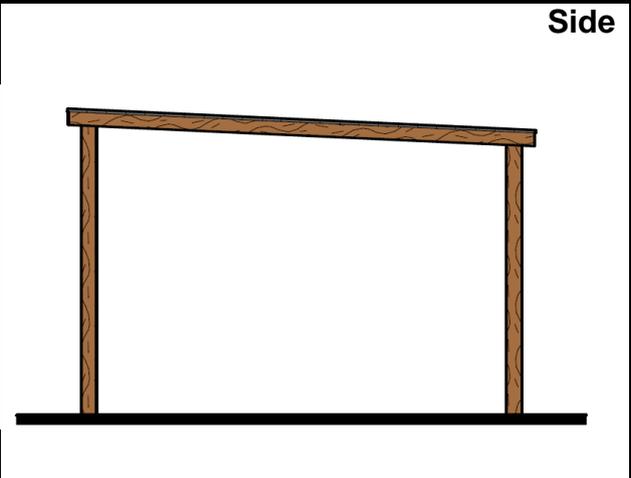
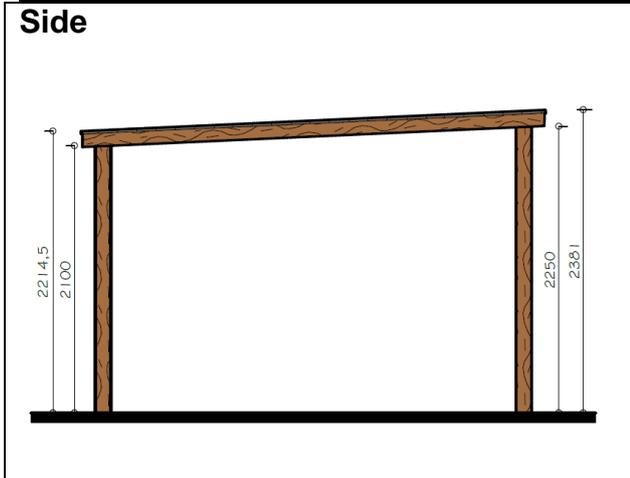
Rear fence and conservatory of no.50



Rear fence, view from no.50

Front fence, view from no.50





BROXTOWE BOROUGH COUNCIL DEVELOPMENT CONTROL – PLANNING & COMMUNITY DEVELOPMENT

**PLANNING APPLICATIONS DEALT WITH FROM
13 December 2021 TO 7 January 2022**

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
D E V E L O P M E N T C O N T R O L

ATTENBOROUGH & CHILWELL EAST WARD

Applicant : Mr and Mrs Theakstone 21/00270/FUL
Site Address : 12 Hallams Lane Chilwell Nottinghamshire NG9 5FH
Proposal : **Construct two storey side extensions, single storey rear extension, front extension with balconies and new dormer windows**
Decision : **Conditional Permission**

Applicant : Mr Chis Nixon 21/00577/FUL
Site Address : Woodbine Cottage 9 Church Lane Attenborough Nottinghamshire NG9 6AS
Proposal : **Fix external insulation to all external walls and cover with a render white in colour**
Decision : **Refusal**

Applicant : Ms McDonald 21/00779/FUL
Site Address : 79 Woodland Grove Chilwell Nottinghamshire NG9 5BQ
Proposal : **Construct single storey side and rear extension with loft conversion and creation of gable end wall to roof**
Decision : **Conditional Permission**

Applicant : Mr and Mrs Shouler 21/00799/FUL
Site Address : Poseidon House Church Lane Attenborough Nottinghamshire NG9 6AS
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Hudson 21/00875/FUL
Site Address : 34 Highgrove Avenue Chilwell Nottinghamshire NG9 4DN
Proposal : **Insert two rooflights**
Decision : **Conditional Permission**

Applicant : Mr William Govier 21/00882/FUL
Site Address : 68 Woodland Grove Chilwell Nottinghamshire NG9 5BQ
Proposal : **Construct single storey porch and canopy to front elevation and single storey side and rear extensions**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Emma & Richard Whitaker 21/00890/FUL
Site Address : 1A The Close Chilwell Nottinghamshire NG9 5DF
Proposal : **Construct side and rear extension and convert double garage to single garage with window alterations**
Decision : **Conditional Permission**

AWSWORTH, COSSALL & TROWELL WARD

Applicant : Midland Reinforced Concrete Limited 19/00524/OUT
Site Address : Former Dry Ski Slope Cossall Industrial Estate Soloman Road Cossall Nottinghamshire
Proposal : **Hybrid planning application comprising: Outline application to construct 64 dwellings including access with some matters reserved. Full application to change use to create a country park and associated works**
Decision : **Conditional Permission**

Applicant	:	Mr James Woodward	21/00734/FUL
Site Address	:	70 Awsworth Lane Cossall Nottinghamshire NG16 2RZ	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	
Applicant	:	Mr James Woodward	21/00867/CLUP
Site Address	:	70 Awsworth Lane Cossall Nottinghamshire NG16 2RZ	
Proposal	:	Certificate of Lawful Development to construct single storey side extension	
Decision	:	Approval - CLU	
BEESTON CENTRAL WARD			
Applicant	:	Mr Richard Woodhouse	21/00780/FUL
Site Address	:	22 Princess Avenue Beeston Nottinghamshire NG9 2DH	
Proposal	:	Construct single storey extension to side and rear and replace boundary wall with fencing	
Decision	:	Conditional Permission	
Applicant	:	Mr Huang	21/00789/CLUP
Site Address	:	77 Salisbury Street Beeston Nottinghamshire NG9 2EQ	
Proposal	:	Certificate of proposed lawfulness for change of use to Class C4 - houses in multiple occupation, single storey rear extension, loft conversion with rear dormer and internal alterations	
Decision	:	Approval - CLU	
Applicant	:	Matthew Ngai So Ngai Properties Ltd	21/00836/CLUP
Site Address	:	75 Salisbury Street Beeston Nottinghamshire NG9 2EQ	
Proposal	:	Certificate of proposed lawfulness for change of use to Class C4, construction of single-storey rear extension, loft conversion with new gable end and rear dormer	
Decision	:	Approval - CLU	
Applicant	:	Mr Hallam C/O C P Walker & Son Ltd	21/00856/FUL
Site Address	:	Scrivens Opticians 44 High Road Beeston Nottinghamshire NG9 2JP	
Proposal	:	Construct single storey extension and replace shelter over external stair and change of use from Commercial (Class E) to Class C4 (HMO) for first and second floors	
Decision	:	Conditional Permission	
Applicant	:	Mr King Tang	21/00864/REM
Site Address	:	15 Lambeth Court Beeston Nottinghamshire NG9 2DT	
Proposal	:	Construct dwelling (reserved matters - scale, layout, appearance, access and landscaping - 19/00617/OUT)	
Decision	:	Conditional Permission	
Applicant	:	Mr Mohammed Younis	21/00891/FUL
Site Address	:	22 Lower Road Beeston Nottinghamshire NG9 2GL	
Proposal	:	Construct single storey rear extension and rear dormer and change of use to a 6 bed HMO	
Decision	:	Withdrawn	
Applicant	:	Mr D So Soda Estates 20 Ltd	21/00945/PNH
Site Address	:	25 Lower Road Beeston Nottinghamshire NG9 2GT	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6.0 metres, with a maximum height of 3.00 metres, and an eaves height of 2.90 metres.	
Decision	:	PNH Approval Not Required	

BEESTON NORTH WARD

Applicant : Ms C Mola The Doughmother 21/00678/FUL
Site Address : 109 Central Avenue Beeston Nottinghamshire NG9 2QS
Proposal : **Installation of retractable awning to front elevation**
Decision : **Conditional Permission**

Applicant : Mrs J Jackson 21/00764/FUL
Site Address : 54 Peveril Road Beeston Nottinghamshire NG9 2HU
Proposal : **Construct single storey side extension and front porch**
Decision : **Conditional Permission**

Applicant : Sneddon 21/00881/CLUP
Site Address : 17 Firs Avenue Beeston Nottinghamshire NG9 2QJ
Proposal : **Certificate of Lawfulness for proposed loft conversion with side dormer**
Decision : **Approval - CLU**

Applicant : Mr Jayne Brierley Arc-Des 21/00885/CLUP
Site Address : 23 Jasmine Close Beeston Nottinghamshire NG9 3LH
Proposal : **Certificate of Lawfulness for proposed rear extension**
Decision : **Approval - CLU**

BEESTON RYLANDS WARD

Applicant : Ruth Cottam 21/00770/FUL
Site Address : 3 Stornoway Court Alford Close Beeston Nottinghamshire NG9 1QR
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

BEESTON WEST WARD

Applicant : Mr Jonathan Popoola 21/00831/FUL
Site Address : 16 Winchester Avenue Beeston Nottinghamshire NG9 1AU
Proposal : **Construct two storey rear and single storey front extensions, carport and gazebo**
Decision : **Conditional Permission**

Applicant : Mr Ian Raven The Raven Group 21/00871/FUL
Site Address : The Raven Group Ellis Grove Beeston NG9 1EP
Proposal : **Construct 3 storey building comprising 9 student apartments (Use Class C4) (Revised scheme)**
Decision : **Conditional Permission**

Applicant : Mr Sarno 21/01016/NMA
Site Address : 2 Larch Crescent Chilwell Nottinghamshire NG9 4DL
Proposal : **Non material amendment to 20/00864/FUL to amend the arrangement and type of glazing to the proposed living/dining extension**
Decision : **Conditional Permission**

BRAMCOTE WARD

Applicant : Mrs Annabel Shahaj 21/00416/FUL
Site Address : 8 Keswick Close Beeston Nottinghamshire NG9 3AR
Proposal : **Construct two storey front and side extension, and single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr Robert McKeivitt 21/00778/FUL
Site Address : 25 Ilkeston Road Bramcote Nottinghamshire NG9 3JP
Proposal : **Construct single storey rear and part side extension**
Decision : **Conditional Permission**

Applicant	:	Mr Karl Walker	21/00783/FUL
Site Address	:	20 Thornhill Close Bramcote Nottinghamshire NG9 3FS	
Proposal	:	Retain radio mast in rear garden	
Decision	:	Conditional Permission	
Applicant	:	Mrs Helena Biggs	21/00787/FUL
Site Address	:	84 Russley Road Bramcote Nottinghamshire NG9 3JE	
Proposal	:	Conversion of garage/utility area for shower room	
Decision	:	Withdrawn	
Applicant	:	Mr & Mrs Lockwood	21/00929/CLUP
Site Address	:	81 Valmont Road Bramcote Nottinghamshire NG9 3JD	
Proposal	:	Certificate of lawfulness for proposed single storey side extension	
Decision	:	Approval - CLU	
Applicant	:	Mr R Mailing NorthSands Developments Ltd	21/00947/NMA
Site Address	:	88 Cow Lane Bramcote Nottinghamshire NG9 3BB	
Proposal	:	Non material amendment to 19/00136/ROC and 19/00140/ROC for internal alterations and create a bedroom above the garage to plot 1	
Decision	:	File Closed	
Applicant	:	Ann Wragg	21/00955/PNH
Site Address	:	112 Valmont Road Bramcote Nottinghamshire NG9 3JD	
Proposal	:	Construct a single storey rear extension, extending beyond the rear wall of the original dwelling by 5.3 metres, with a maximum height of 3.305 metres and an eaves height of 2.25 metres	
Decision	:	PNH Approval Not Required	
CHILWELL WEST WARD			
Applicant	:	Rachel Willis	21/00726/FUL
Site Address	:	12 Leamington Drive Chilwell Nottinghamshire NG9 5LJ	
Proposal	:	Construct two storey front and single/two storey side extensions (revised scheme)	
Decision	:	Conditional Permission	
Applicant	:	Mr Vince Woolley	21/00797/FUL
Site Address	:	7 Burgh Hall Close Chilwell NG9 5JH	
Proposal	:	Construct two storey front extension	
Decision	:	Conditional Permission	
EASTWOOD HALL WARD			
Applicant	:	Ms M Symons	21/00724/OUT
Site Address	:	31 Lower Beauvale Newthorpe Nottinghamshire NG16 3PY	
Proposal	:	Outline application for the erection of one dwelling (with landscaping reserved)	
Decision	:	Conditional Permission	
EASTWOOD ST MARY'S WARD			
Applicant	:	Mr Oren Harkavi Square One Estates	21/00728/FUL
Site Address	:	33 Nottingham Road Eastwood Nottinghamshire NG16 3AN	
Proposal	:	Construct ground, first and second floor extension with internal alterations to existing ground floor commercial premises and to existing duplex flat to form 4no. new self contained flats	
Decision	:	Withdrawn	
GREASLEY WARD			
Applicant	:	Mrs J Bridge	21/00706/FUL
Site Address	:	429 Nottingham Road Giltbrook Nottinghamshire NG16 2GB	
Proposal	:	Construct detached self-contained annex	
Decision	:	Conditional Permission	

Applicant : Mr Richard Watson 21/00893/FUL
Site Address : 34 Kent Road Giltbrook Nottinghamshire NG16 2FU
Proposal : **Construct single storey front extension and conversion of existing garage to living space**
Decision : **Conditional Permission**

KIMBERLEY WARD

Applicant : Mr Will Turton Surveyors to Education Ltd 21/00445/FUL
Site Address : School Bungalow Newdigate Street Kimberley Nottinghamshire NG16 2NJ
Proposal : **Change of use from caretakers bungalow (Class C3) to offices (Class E) and create car park with the insertion of a dropped kerb**
Decision : **Conditional Permission**

NUTHALL EAST & STRELLEY WARD

Applicant : Mr Keith Harrison 21/00574/FUL
Site Address : Land At Grid Reference 450493 342206 Main Street Strelley Nottinghamshire
Proposal : **Creation of wildlife pond to southern corner of field**
Decision : **Conditional Permission**

Applicant : Mr Ed Holder SV Timber 21/00735/FUL
Site Address : Unit 1 Dabell Avenue Blenheim Industrial Estate Nuthall Nottinghamshire NG6 8WA
Proposal : **Change of use from 'Storage' (B8) to a 'Timber Merchants' (Sui Generis) and erection of secure boundary fencing**
Decision : **Conditional Permission**

Applicant : Mr Neil Whitehead 21/00739/FUL
Site Address : 37 Drummond Drive Nuthall Nottinghamshire NG16 1BJ
Proposal : **Construct single storey side and rear extension**
Decision : **Conditional Permission**

STAPLEFORD NORTH WARD

Applicant : Fearn Ellis 21/00904/FUL
Site Address : 12 Garfield Close Stapleford Nottinghamshire NG9 8HX
Proposal : **Construct rear conservatory**
Decision : **Conditional Permission**

STAPLEFORD SOUTH EAST WARD

Applicant : Kathryn Banyard Sole Therapy 21/00767/FUL
Site Address : 115 Ewe Lamb Lane Bramcote Nottinghamshire NG9 3JW
Proposal : **Use of outbuilding in connection with business for proposed use as a holistic therapy studio**
Decision : **Conditional Permission**

Applicant : Mr Babhina Sandhu 21/00795/CLUP
Site Address : 176 Nottingham Road Stapleford Nottinghamshire NG9 8BJ
Proposal : **Certificate of Lawfulness for erection of an outbuilding to form kitchen, garden and shower facilities (there will be a hot tub installed inside the garden room)**
Decision : **Refusal**

STAPLEFORD SOUTH WEST WARD

Applicant : Mr Andrew Pidgeon 21/00730/FUL
Site Address : 12 Midland Avenue Stapleford Nottinghamshire NG9 7BT
Proposal : **Construct two storey rear extension**
Decision : **Conditional Permission**

TOTON & CHILWELL MEADOWS WARD

Applicant : Mr G Davis 21/00703/FUL
Site Address : 66 Woodstock Road Toton Nottinghamshire NG9 6JQ
Proposal : **Construct two storey side and single storey rear extensions**
Decision : **Conditional Permission**

Applicant : Mr Mazengarb 21/00898/FUL
Site Address : 42 Hickton Drive Chilwell Nottinghamshire NG9 6DD
Proposal : **Construct single storey rear and side extension**
Decision : **Conditional Permission**

Applicant : Mr C Lee 21/00916/FUL
Site Address : 168 Banks Road Toton Nottinghamshire NG9 6LA
Proposal : **Construct first floor side extension**
Decision : **Conditional Permission**

WATNALL & NUTHALL WEST WARD

Applicant : Aero Fabrications Ltd 21/00682/REM
Site Address : Land North Of Common Lane And West Of Common Farm Common Lane Watnall Nottinghamshire
Proposal : **Construct industrial unit (Class B1 and B2) Phase 2 (reserved matters - appearance, layout, landscaping and scale: planning ref: 18/00176/FUL**
Decision : **Conditional Permission**

Applicant : Mr & Mrs A Neilson 21/00802/CLUP
Site Address : 90 Kimberley Road Nuthall Nottinghamshire NG16 1DF
Proposal : **Certificate of Lawfulness for a proposed loft conversion**
Decision : **Approval - CLU**

Applicant : E Slight 21/00817/OUT
Site Address : 23 Nottingham Road Nuthall Nottinghamshire NG16 1DH
Proposal : **Outline application with all matters reserved to construct three dwellings, including demolition of outbuilding**
Decision : **Refusal**

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