



Tuesday, 30 August 2022

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 7 September 2022 in the Council Chamber, Council Offices, Foster Avenue, Beeston NG9 1AB, commencing at 7.00 pm.

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

Yours faithfully

Chief Executive

To Councillors:	D K Watts (Chair)	P J Owen
	M Handley (Vice-Chair)	S Paterson
	D Bagshaw	D D Pringle
	L A Ball BEM	H E Skinner
	S J Carr	E Williamson
	R I Jackson	R D Willimott
	G Marshall	

A G E N D A

1. APOLOGIES

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

2. DECLARATIONS OF INTEREST

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

3. MINUTES

(Pages 5 - 10)

The Committee is asked to confirm as a correct record the minutes of the meeting held on 27 July 2022.

4. NOTIFICATION OF LOBBYING

5. DEVELOPMENT CONTROL

5.1 22/00355/REG3 (Pages 11 - 34)

Residential development of 15 dwellings (12 houses and 3 apartments) and associated parking, including incorporation of part rear gardens of 15, 17a, 17b, 17c and 17d Great Hoggett Drive, following demolition of Inham Nook public house and demolition of garage blocks to the north of the site. Creation of a pocket park to amenity land north of community centre / library.

Inham Nook Hotel, Land To North Of Chilwell Community Centre, Garages To North Of Hotel And Part Of Gardens To The Rear Of 15, 17A, 17B, 17C And 17D Great Hoggett Drive, Inham Road, Chilwell, Nottinghamshire, NG9 4HX

5.2 22/00228/FUL (Pages 35 - 50)

Demolish public house and construct five detached dwellings and associated parking.

Gardeners Inn, Awsworth Lane, Cossall, Nottinghamshire NG16-2RZ

6. INFORMATION ITEMS

6.1 Appeal Decision 20/00891/FUL (Pages 51 - 56)

6.2 Appeal Decision 2100364/FUL (Pages 57 - 58)

6.3 Appeal Decision 2101005/FUL (Pages 59 - 60)

6.4 Appeal Decision 2100092/FUL (Pages 61 - 62)

6.5 Appeal Decision 2100400/FUL (Pages 63 - 64)

6.6 Appeal Decision 2000687/FUL (Pages 65 - 68)

6.7 Appeal Decision 21/00443/FUL (Pages 69 - 72)

6.8 Delegated Decisions

7. CURRENT POLICY WORK

(Pages 73 - 82)

To provide members with a brief summary of the scope, content and progress of current planning policy work, including joint work with the Greater Nottingham Planning Partnership and with the East Midlands Development Corporation.

8. EXCLUSION OF PUBLIC AND PRESS

The Committee is asked to RESOLVE 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, 2, and 3 of Schedule 12A of the Act.

9. DEVELOPMENT CONTROL

9.1 20/00219/ENF

(Pages 83 - 86)

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PLANNING COMMITTEE

WEDNESDAY, 27 JULY 2022

Present: Councillor D K Watts, Chair

Councillors: M Handley (Vice-Chair)
D Bagshaw
L A Ball BEM
S J Carr
R I Jackson
G Marshall
P J Owen
S Paterson
D D Pringle
H E Skinner
R D Willimott
T Hallam (Substitute)

Apologies for absence were received from Councillors E Williamson

17 **DECLARATIONS OF INTEREST**

Councillors S J Carr, G Marshall and R I Jackson declared a non pecuniary interest in item 5.4 as they were members of the Beeston Town Centre Board. Minute number 20.4 refers.

18 **MINUTES**

The minutes of the meeting on 6 July 2022 were confirmed and signed as a correct record.

19 **NOTIFICATION OF LOBBYING**

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

20 **DEVELOPMENT CONTROL**

20.1 **22/00030/FUL**

Construct two detached dwellings
Lockup Garages, Chetwynd Road, Toton Nottinghamshire

The application was deferred by the Committee on 8 June 2022 to allow the developer to address concerns about the design of the proposed development, specifically the

layout of the site with plot two too close to existing properties. There was also concern regarding the size of the proposed houses.

There were no late items for the Committee to note.

Alistair Harris, objecting, addressed the Committee prior to the general debate.

The Committee considered the height of the proposed development, noting that a previous planning permission for bungalows had been conditioned to remove permitted development rights for the roof space. There was concern that few changes had been made to the original application to address the impact on neighbour amenity resulting from overdevelopment, the configuration of the site and the proximity of the houses to existing properties.

RESOLVED that planning permission be refused with the precise wording of the refusal delegated to the Chair of the Planning Committee and the Planning Manager.

Reasons

The submitted scheme, by virtue of its siting, size and scale creates an overbearing and overly dominant impact on neighbouring properties, to the detriment of the amenity of neighbouring properties. The proposed development is therefore contrary to Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).

20.2 22/00333/FUL

Construct two storey side extension
5 Barlow's Cottages Lane, Awsworth, Nottinghamshire, NG16 2QW

The application was brought before the Committee at request of Councillor L A Ball BEM.

There were no late items for consideration by the Committee.

Tony Barker, applicant, made representation to the Committee before the general debate.

It was noted that a large hedge would screen the proposed development from view and that the design was sympathetic to the original building. There was a consensus that the extension would not impact on the amenity or openness of the Green Belt.

RESOLVED that planning permission be granted, with the precise wording of the permission and conditions to be agreed by the Chair of the Planning Committee and the Planning Manager.

Conditions:

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

2. The development hereby permitted shall be carried out in accordance with drawing numbers: 22/1071/03 Rev B, 22/1071/04 rev B and 22/1071/02 Rev A received by the Local Planning Authority on 24 May 2022.

Reasons:

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Act 2004.
2. For the avoidance of doubt.
3. In the interests of reflecting an acceptable appearance and in accordance with Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).

20.3 22/00105/FUL

Construct first floor and two-storey rear extension including raising the ridge height and balcony, front porch and garage/ store alterations including a mono-pitched roof to the store

52 Assarts Road, Nuthall, Nottinghamshire, NG16 1AP

Councillor P J Owen has requested this application be determined by Committee.

The Committee considered the late items related to a second consultation that was carried out due to a change of description and amended plans being received. In response to the consultation eleven objections and a petition of 64 signatures in opposition being received.

Janet Russell, applicant, Alan Coulton, objecting and Councillor Paul Simpson, Ward Member addressed the Committee prior to the general debate.

The Chair then made a statement that any hint of racism at Planning Committee would not be tolerated.

It was noted that the Nuthall Neighbourhood Plan stated that the loss of houses that were suitable for elderly residents or those with limited mobility would be resisted and this was discussed with regards to the personal circumstances of the applicant.

The debate focussed on whether the design of the proposed development would have an impact on neighbour amenity and the street scene. There were concerns about the impact of the balcony on the privacy of the neighbours and that the unusual design may dominate the street scene.

As the debate progressed it was considered that the street scene would not be impacted negatively as was a mix of housing, including two storey houses opposite the proposed development, that the design was interesting and that there would be no impact of overlooking on neighbour amenity because the proposed balcony was to be obscurely glazed.

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

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

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

2. The development hereby permitted shall be carried out in accordance with the Site Location Plan, the Proposed Block Plan and drawing number MNCN/JR/22/002/P1 Rev D received by the Local Planning Authority on 28 June 2022.

Reason: For the avoidance of doubt.

3. The development shall be constructed using tiles of a type, texture and colour so as to match those of the existing building and the existing/proposed elevations shall be finished in a white coloured render and black/ dark grey timber cladding as annotated on the approved elevations).

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

4. The obscurely glazed screen on the south eastern corner of the first floor balcony hereby approved shall be retained 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).

NOTES TO APPLICANT

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
3. No construction, demolition or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.

20.4 22/00125/FUL

Construct purpose built student accommodation (sui generis) and ground floor commercial unit (Class E(g)(i)) with associated access, car parking, landscaping and infrastructure

Station Road (Central) Car Park Station Road Beeston Nottinghamshire

This item was called before Committee by Councillor S J Carr.

There were a number of late items for the Committee to consider including 17 letters in support of the application, two letters of objection, the commitment of the applicant to ensure the building was rated in the highest category for energy efficiency and a submission from the applicant regarding restricting residents from parking on the streets surrounding the proposed development. The applicant also asked the Committee to note the outcome of a recent appeal.

Patrick Cassidy, the applicant and Karen Stainer, objecting, made representation to Committee prior to the general debate.

The Committee applauded the applicant's commitment to energy efficiency, however the debate focussed on concern about the amenity of students living in the accommodation because the rooms were very small and the intensity of occupation was too high for the size of the site. It was noted that there would be an impact on neighbour amenity because of the lack of car parking provided on the site and because the students would only be in occupation for part of the year. The design of the building was considered to be unimaginative and inappropriate as a gateway building to Beeston.

The Committee received legal advice.

It was proposed by Councillor S J Carr and seconded by Councillor T Hallam that there be a recorded vote. The voting was as follows:

For	Against	Abstention
	D Bagshaw	
	L A Ball BEM	
	S J Carr	
	M Handley	
	R I Jackson	
	G Marshall	
	P J Owen	
	S Paterson	
	D D Pringle	
	H E Skinner	
	D K Watts	
	R D Willimott	
	T Hallam	

RESOLVED that planning permission be refused with the precise wording of the refusal delegated to the Chair of Planning Committee in agreement with the Planning Manager.

Reason

1. The submitted scheme, by virtue of its size and design represents an unsatisfactory development which fails to provide appropriate internal floor space and consequently the proposal would afford a substandard level of amenity for future occupiers. The proposal also fails to provide sufficient car parking for a development of this magnitude and would increase on street parking in surrounding areas. The proposed restriction of occupation to students would also fail to maximise the potential contribution to town centre footfall during non-term periods. The proposed development is therefore contrary to Policies 6 and 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).

21 INFORMATION ITEMS

21.1 DELEGATED DECISIONS

The delegated decisions were noted.

21.2 APPEAL DECISION

The appeal decision was noted including a late item regarding the numbering of the report. It was clarified that the appeal was for application number 20/00272/FUL at Land adjacent 313 Nottingham Road, Toton.

Report of the Chief Executive

APPLICATION NUMBER:	22/00355/REG3
LOCATION:	Inham Nook Hotel, Land To North Of Chilwell Community Centre, Garages To North Of Hotel And Part Of Gardens To The Rear Of 15, 17A, 17B, 17C And 17D Great Hoggett Drive, Inham Road, Chilwell, Nottinghamshire, NG9 4HX
PROPOSAL:	Residential development of 15 dwellings (12 houses and 3 apartments) and associated parking, including incorporation of part rear gardens of 15, 17a, 17b, 17c and 17d Great Hoggett Drive, following demolition of Inham Nook public house and demolition of garage blocks to the north of the site. Creation of a pocket park to amenity land north of community centre / library.

1. Purpose of Report

The application is brought to the Committee as it is an application made on behalf of the Council.

2. Recommendation

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.

3. Detail

- 3.1 The application seeks full planning permission to construct 15 dwellings comprising 12 houses and 3 apartments and associated parking, following the demolition of the public house and the council garages to the north. The application also includes the creation of a pocket park to the north of the library building, which is to the west of the site, and also includes land to the rear of 15 a and b, and numbers 17 a – d Great Hoggett Drive, which is currently garden area associated with those properties. All properties would be affordable housing, with the intention that these would be for affordable rent.
- 3.2 Plots 1 to 5 would be two bedroom properties and two storey in height and would be sited to the north of the site, in the position of the demolished garages. These would comprise of a terrace of three and two semi-detached dwellings. Plots 1 to 10 would be a terrace of two storey three bedroom dwellings which would front Inham Road. The apartments would be to the corner of the site where Inham Road adjoins Great Hoggett Drive and would be in the form of a three storey building, adjoined to plot 10. Plots 14 and 15 would be a pair of semi-detached two storey three bedroom properties fronting Great Hoggett Drive.

- 3.3 A total of 31 parking spaces (including two spaces for disabled use) would be provided across the site, comprising of a mix of frontage and rear parking. A pocket park would be created to the rear of the library building with a pedestrian path running diagonally through giving access from the development onto Barn Croft. This would provide an allotment area and a park area.
- 3.4 The main issues relate to whether the principle of residential development is acceptable; whether the layout and design of the development is acceptable; whether there would be any detrimental impact on highway safety; and whether there would be opportunity for enhancement of ecology within the site.
- 3.5 The benefits of the proposal are the provision of additional homes within a sustainable location with good access to a well-served public transport route and to other community facilities such as library, primary schools, parks and open spaces and to local convenience stores.

4. Financial Implications

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

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

5. Legal Implications

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

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

6. Data Protection Compliance Implications

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

7. Background Papers

- Car Parking Study
- Drainage Design Statement
- Affordable Housing Statement
- Building for Life Statement
- Design and Access Statement
- Energy Statement
- Statement of Community Involvement
- Ecological Appraisal
- Arboricultural report

APPENDIX

1. Details of the application

- 1.1 The application seeks to construct a total of 15 dwellings comprising 12 x two and three bedroom two storey dwellings and a three storey building housing three x one bedroom apartments. The apartment building would be to the corner of Inham Road and Great Hoggett Drive, with a terrace of dwellings facing Inham Road. A pair of semi-detached dwellings would face Great Hoggett Drive. Five dwellings would be located to the north of the site in place of the row of garages to be demolished and would also necessitate the use of garden land currently associated with 15 a and b and 17 a-d Great Hoggett Drive.
- 1.2 Each dwelling would be traditional in appearance, being of brick with a tiled gable roof. The dwellings would have a feature inset entrance and brick detailing between the ground and first floor windows on the front elevation. Solar panels would be provided to the roof of each dwelling including the apartment building. All properties would be affordable housing, with the intention that these would be for affordable rent.
- 1.3 Parking would be a mix of frontage and rear parking. Seven spaces would be provided directly off Great Hoggett Drive, in front of plots 14 and 15 and to the side of the apartment building (plots 11 to 13). Ten spaces would be to the front of plots 1 to 5 and be accessed from Barn Close. The remaining 14 spaces would be located to the rear of plots 7 to 9 and would also be accessed from Barn Croft. 15 Electric Vehicle Charging Points (EVC's) are to be provided across the scheme although no details of location have been provided.
- 1.4 Due to differences in land levels, where the site is at a higher land level than Inham Road and Great Hoggett Drive, a ramped pedestrian footpath would provide access from the two roads. Steps would also lead from Great Hoggett Drive. Details of the design and a cross section of the ramps and steps would be secured by condition in order to ensure access would be suitable for all users. Bin collection points would be provided adjacent to the ramp access leading from Inham Road, and within the rear parking area, adjacent to plot 5.
- 1.5 Each dwelling would have a private enclosed garden to the rear, and the apartment building would have an enclosed communal garden as well as a bin and bike store for each property.
- 1.6 An area of landscaping would be provided to the east of plot 6, publicly accessible, in order to retain a prominent tree and to provide a visual break between the buildings and the library site to the east. A pocket park would also be created on undeveloped land to the north of the library, and south of the access road off Barn Croft. This area would be given over to allotment use and planting, and would have a diagonal footpath connecting the site to Barn Croft.

2 Site and surroundings

- 2.1 The site currently comprises of a two storey detached building last in use as a public house, set back from Inham Road and with associated parking to the west, accessed off Great Hoggett Drive. The public house was serviced from the rear, off Barn Croft, and there are associated outbuildings to the rear of this building. North of the public house there are two blocks of garaging which run in a north – south direction and which back onto 4 Barn Croft (to the east) and 15 to 17d Great Hoggett Drive, to the west. The garaging is accessed from Barn Croft. There is an enclosed area of grass with mature trees to the east of the site which is to be included in the development site.
- 2.2 To the east of the site, at the junction of Barn Croft and Inham Road, there is a detached building used as a library and other associated community uses. This is a single storey building. There is a hard surfaced area at the rear of the building, leading onto Barn Croft, which is used to service and access the centre. This piece of land is not proposed to form part of the development. To the north east of the site is 2 and 4 Barn Croft. 2 Barn Croft is a convenience store and fronts Barn Croft. 4 Barn Croft is to the west of this, and faces the access road leading to the garages. This is a two storey dwelling.
- 2.3 To the north of the garage blocks are 25, 27 and 29 Great Hoggett Drive, a terrace of three two storey dwellings. The rear gardens of these properties form the common boundary with the site.
- 2.4 To the west of the garage block are 15a, 15b, 17a, 17b, 17c and 17d Great Hoggett Drive. These properties are contained within a two storey terrace comprising six apartments. Part of the garden area to the rear of these properties would be used in order to provide rear gardens for plots 1 to 5, which would replace the western most garage block.

3 Relevant Planning History

A planning application for the demolition of the public house was granted conditional planning permission in March 2022 (reference 21/00044/REG3). This application did not include the two garage blocks as these did not require planning permission to demolish.

4 Relevant Policies and Guidance

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

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

- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 12: Local Services and Healthy Lifestyles
- Policy 14: Managing Travel Demand
- Policy 17: Biodiversity

- Policy 19: Developer Contributions

4.3 **Part 2 Local Plan 2019:**

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

- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 24: The Health and Wellbeing Impacts of Development
- Policy 26: Travel Plans
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

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

- Part 2 – Achieving sustainable development
- Part 4 - Decision-making
- Part 5 – Delivering a sufficient supply of homes
- Part 11 - Making effective use of land
- Part 12 – Achieving well-designed places

5 Consultations

- 5.1 **Nottinghamshire County Council as Highways Authority:** No objections. Note that while the proposed dwellings would replace garaging facilities, the degree of displaced parking is likely to be low due to the garages sub-standard dimensions (i.e. not suitable for modern vehicles) and as such is unlikely to materially impact on the existing situation. The officer also notes that Waste and Recycling team at the council should be consulted in respect of refuse vehicles being able to turn within the site unless the distance of communal bin collection areas is considered acceptable. Parking spaces fronting Great Hoggett Drive need to be wide enough to account for any space adjacent to retaining walls.
- 5.2 **Nottinghamshire County Council as Lead Local Flood Authority:** No objection subject to a condition requiring details of a surface water drainage strategy to be submitted to and agreed prior to commencement of the development.
- 5.3 **Nottinghamshire County Council Policy Officer:** A financial contribution of £48,502 would be sought towards secondary education provision within the Broxtowe South Planning area. A further financial contribution of £2,600 would be sought to provide improvements to bus stop infrastructure specifically to the bus stop on Inham Road.

- 5.4 **Council's Environmental Health Officer:** No objections subject to details of noise assessment in respect of both internal noise levels and in respect of the Air Source Heat Pumps, details of a construction / demolition method statement to be agreed prior to development, and a condition in respect of hours of construction / demolition. Note to applicant regarding the burning of waste on site.
- 5.5 **Council's Waste Officer:** Developer to purchase first time provision of bins. Occupiers would be responsible for moving their bins and bags from their property to the collection points as operatives and refuse vehicle would not access the private road. Collection points needs to be within 15m of the adopted highway.
- 5.6 **Council's Parks and Green Spaces Officer:** The pocket park would satisfy the need for open space within the site and as such no financial contribution would be sought for off-site open space. The team would like to be consulted on the planting of the landscaped areas.
- 5.7 **Council's Tree Officer:** No objections. The root protection area for the retained trees is sufficient to ensure future health and growth.
- 5.8 **Council's Housing Officer:** The Housing Department have been closely involved with the proposal and are in support and the housing need has been developed in conjunction with the team based on need in the area.
- 5.9 **Notts Wildlife Trust:** Comments that a further bat survey be undertaken (in June / July); recommends conditions in relation to: covering of excavations overnight to protect entrapment of wildlife; retained trees to be protected during demolition / construction; pre-commencement survey undertaken to garden areas of those residential properties included within the site and should also cover the mature hedgerow to the rear of garages to be demolished; installation of swift boxes to all proposed buildings and bat roosting provision; replacement trees at a ratio of 2:1 for those to be lost. Some of these matters can be included in a Landscape and Ecological Management Plan (LEMP) which can be agreed prior to commencement. Further comments, following query over further bat survey required, confirmed that, as the demolition of the pub already has planning permission, no further bat survey required.
- 5.10 **NHS Clinical Commissioning Group:** The development proposed is below the threshold for consideration of the request for S106 financial contributions.
- 5.11 **Written representations:** 24 neighbouring properties were notified of the application as well as a site notice posted and press notice published. Four letters in response were received: two raising observations and two objections, raising the following concerns:

Observations:

- Assumes that vehicle access to the side and rear (of 4 Barn Croft) would not be affected

- The creation of the pocket park is concerning as if there is seating it could create opportunities for loitering
- There is already a park within walking distance so the pocket park is not needed
- As Inham Road is a busy through road would the development result in more traffic
- Are there any suggestions to improve the overall parking ability on Inham Road generally such as dropped kerbs to create individual parking per house

Objections:

- Whilst the development provides parking facilities for the new households, has consideration been made to the surrounding area should the new dwellings have more than one car, have visitors or during the time of construction
- The site is too small for the proposed number of dwellings – will make the area too closed in and impact on light and views of current residences
- The new dwellings will block light and be too intrusive for existing properties, impacting on privacy
- Noise and disturbance to residents during construction phase, and impact on traffic / bus route during construction
- Environmental impact will be harsh even with the green area as too many buildings would be covering the existing green space and ongoing works would disrupt existing habitats on the site
- No economic benefit for the local community only for the developers and partners
- Current building on the site is conducive (sic) in style and of an age similar to the surrounding properties, multiple new builds would look out of place and ugly

6 Assessment

6.1 Principle

- 6.1.1 The site is not allocated in the Part 2 Local Plan (P2LP) for any specific purpose. The site is within an area of mixed uses including residential, retail, education and community uses; however, it can be considered that the character of the area is predominately residential. The development of the site for residential use is considered acceptable and as the 15 dwellings proposed would be for social, affordable or intermediate rent, the proposal would accord with Policy 15 of the P2LP, which requires 30% or more of the housing to be affordable. The size of accommodation (in respect of 1, 2 or 3 beds) has been determined in conjunction with the Council's housing team in order to meet identified needs of the local community.

6.2 Design, Scale and Layout

- 6.2.1 The layout of the site as proposed sees the apartment building located to the corner of the site at the junction of Inham Road and Great Hoggett Drive. As this building is three storey in height and located at a prominent corner, it is

considered that it successfully addresses the corner and would have windows to both main elevations. Five x two storey terraced dwellings would be adjoined to the apartment building and would face Inham Road, and a further two semi-detached dwellings would face Great Hoggett Drive. Parking spaces would be provided to the front of the semis and further parking areas to the rear of the terrace; the latter being accessed via Barn Croft. A further five dwellings would be located to the rear of 15a, b and 17a, b, c and d Great Hoggett Drive, fronting Barn Croft, with parking to the front of these properties. All properties would have private rear gardens, with the apartments having an enclosed communal space.

- 6.2.2 All dwellings would have level access. Those fronting the public highway would have ramped and stepped access. Areas of landscaping would be to the front of these properties, due to the levels differences, and a further area of landscaping with the retained tree would be to the west of the terrace. The landscaped areas and the creation of a pocket park are considered to be positive additions to the layout and would benefit both the future occupiers and the surrounding existing occupiers.
- 6.2.3 The design of the dwellings is considered acceptable, being of traditional materials (brick and tile), feature brick detailing, entrance areas and having pitched roofs. Each building would have solar panels to the roof. Details of materials would be secured by condition as would details of landscaping and boundary treatments.
- 6.2.4 Overall, the design, scale and layout are considered to be acceptable, making best use of the available space whilst presenting an active frontage and providing adequate private amenity space and sufficient and well positioned parking areas. The scale and design would be in keeping with the prevailing character and appearance of the area. The scheme overall has a high rating in the submitted Building for Life assessment, which would reflect the considerations of the LPA.

7. Amenity

- 7.1 The closest existing dwellings to the site are 15a and b, and 17a, b, c and d Great Hoggett Drive, which are two storey properties to the east of the site. Part of the garden areas of these properties would be utilised and included within the application site in order to provide gardens for five of the new dwellings. It is understood that these properties on Great Hoggett are under Local Authority ownership, and the land is required in order to achieve an acceptable layout, due to the depth of the plot, and also due to the location of existing drains. Whilst the loss of part of the gardens would reduce the outside space for the existing residents, it is considered that the resulting garden area for these properties would be of a sufficient size, being a minimum 10m in length, to serve the needs of those occupants. There would be a minimum of 20m between the opposing rear elevations of the existing and the proposed and as such if it considered that this is sufficient to present no significant detrimental impact on the occupiers of the existing properties in terms of loss of light, outlook or privacy. The remaining plots are south of the existing properties. There is a window at first floor in the end elevation of no. 15 b which serves a non-habitable room.

There would be a minimum distance of 7m between the existing elevation and the proposed elevation of plot 15. However, as there are no windows proposed in the facing elevation, again it is considered that the siting of these plots would not result in a significant detrimental impact on the occupiers of the existing properties in terms of loss of light, outlook or privacy.

- 7.2 No.4 Barn Croft is a two storey link detached dwelling which is to the west of the garages on the site, and north of the access leading from Barn Croft. This property is side on to the closest proposed dwellings, these being to the rear of 15a and b, and 17 a, b, c and d Great Hoggett Drive, known as plot nos 1 to 5. Again, the separation distance is considered to be adequate at 19.5m minimum, so as to not have any significant detrimental impact on the occupiers of this property in terms of loss of light, outlook or privacy.
- 7.3 Other existing properties are located to the north east, north and north west of the site. Due to the relationship between the existing and proposed dwellings it is considered that there would be no significant detrimental impact on the occupiers of the existing properties in terms of loss of light, outlook or privacy.
- 7.4 In respect of the amenities of the occupiers of the proposed development, each property would have access to a private or shared communal enclosed garden area, with bike and bin storage contained within. There is level access throughout the site, via ramped access to those facing the public highway, which would comply with Part M of the Building Regulations.
- 7.5 Internally, the occupiers would have satisfactory access to light and to an outlook, and the internal layout of each dwelling would meet the DCLG Nationally Described Space Standards.
- 7.6 In terms of noise and disturbance to existing occupiers during demolition and construction, a construction / demolition method statement would be required to be agreed prior to any works, which should ensure that noise and disturbance, as well as traffic movements, do not harm residential amenity. It would also be required for a noise assessment to be submitted in order to ensure future occupiers are safeguarded in terms of external noise from traffic on Inham Road. Both requirements would be secured by condition.

8. Highway Safety and Refuse Collection

- 8.1 Whilst it is acknowledged that there would be a loss of garaging, it is noted that most garages were not being used to park a vehicle and that the garaging itself, like other council garaging, is no longer fit for purpose as modern vehicles are larger than those the garaging was designed for originally. The County Council as Highway Authority are satisfied that the degree of displaced parking is likely to be low and is therefore unlikely to materially impact on the existing situation. There would be a total of 31 parking spaces, including two for disabled users, to serve the development of 15 dwellings, which is considered to be sufficient. It is also noted that on-street parking within bays is possible to the south of the site, on Inham Road.

- 8.2 Access from Barn Croft to the rear parking area and plots 1 to 5 would remain as existing and a turning area would be provided for use by larger vehicles such as refuse lorries. This would enable convenient collection of waste bins from the communal bin collection points.

9. Sustainability and Climate Change

- 9.1 Each dwelling would be designed and built such as to reduce energy requirements through the provision of air source heat pumps and the installation of roof mounted photovoltaic cells, generating electricity to the benefit of the occupants and further reduce carbon emissions.

- 9.2 The site is in a highly sustainable location, being close to local facilities such as retail, education and community uses, and is located on a well-served public transport route. Within a short distance are parks and other facilities, and to the tram route which gives access to larger facilities further distant such as the City centre and beyond. The location of the site would encourage sustainable travel options such as walking and cycling as well as use of public transport. 15 Electric Vehicle Charging (EVC) points would be provided, the details of which, including location, would be secured by condition.

10. Ecology

- 10.1 There are trees within the existing site, five of which are to be removed in order to facilitate the development. A large tree, located to the west of the pub building, would be retained and the area surrounding it would be landscaped. This tree contributes positively to the street scene and its retention is welcomed. A pocket park is to be created from the grassed amenity area to the rear of the community centre / library building and details of landscaping / tree planting can be secured by condition.

- 10.2 The pub building has the potential to house roosting bats. Notts Wildlife Trust (NWT) have recommended that a further bat survey be carried out. However, it is noted that planning permission has already been granted for the demolition of the building without the need to carry out further surveys and this has been accepted by NWT. A condition requiring that a precautionary working method be undertaken requiring the roof of the pub to be stripped by hand and works supervised by a qualified bat ecologist is recommended.

- 10.3 Notts Wildlife Trust state that the development must demonstrate a minimum of 10% biodiversity net gain (BNG) delivered in perpetuity. NWT support the recommendations as set out in the Ecology Report and suggest that integrated swift boxes are installed on all buildings along with bat roosting provisions. They also recommend that any tree losses are compensated for at a ratio of 2:1 using native trees and ideally with known value to wildlife. Landscaping should include species rich grassland such as flowering lawn mix, trees and shrubs known to support pollinator species, and the public green space should provide habitats suitable for nesting and hibernating hedgehogs. A Landscape and Ecological Management Plan (LEMP) should be secured by condition to address the above.

- 10.4 It is considered that subject to the submission of a satisfactory LEMP along with details of soft landscaping that the development would achieve the 10% BNG and would result in a good quality environment both in terms of ecology and biodiversity, and in terms of visual appearance.

11. Developer Contributions

- 11.1 The proposed development would generate the need for a financial contribution of £48,502 toward secondary education provision, and £2,600 toward improvements to bus stop infrastructure improvements at the nearby stop on Inham Road. There are no contributions sought for the NHS CCG, due to the size of the development, and the Parks and Green Space officer is satisfied that the on-site provision of open space would negate the need for a financial contribution for off-site provision or enhancement. The contributions requested are considered to be reasonable and would relate to the development. The two payments would be secured by a Section 106 Agreement, to be signed prior to planning permission being granted.

12. Other Matters

- 12.1 There are no proposals for the creation of dropped kerbs to provide off street parking at other nearby properties, as this would be outside of the scope of the planning application and could not therefore be reasonably required through the granting of planning permission for this development.
- 12.2 Broxtowe Borough Council are the applicants and owners of the land. As such, the economic benefit would be both to the authority and to the benefit of the community as a whole, by the provision of housing to meet the needs of the local community and to the benefit of local businesses nearby.

13. Conclusion

- 13.1 It is recommended that conditional planning permission be granted subject to the S106 Agreement.

Recommendation

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

- | | |
|----|--|
| 1. | <p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p> |
|----|--|

2.	<p>The development hereby permitted shall be carried out in accordance with the site location plan received by the Local Planning Authority on 22.04.22 and drawings numbered: 0203-S1-P02, 0204-S1-P02, 0205-S1-P02, 0206-S1-P02, 0207-S1-P01, 0208-S1-P01, 0209-S1-P01 and 0210-S1-P01 received by the Local Planning Authority on 17.05.22, drawing number 0008-S1-P03 received by the Local Planning Authority on 05.07.22 and drawing number 201 P1 received by the Local Planning Authority on 06.07.22.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The development hereby permitted shall not commence until details of a noise assessment have been submitted to and approved in writing by the Local Planning Authority. The report shall include details of noise attenuation measures required to meet the standard for internal noise levels defined in the current BS8233:2014 (including glazing and ventilation details) and BS4142 in relation to the operation of the proposed Air Source Heat Pumps. The dwellings hereby permitted shall not be occupied until the noise mitigation measures have been provided in accordance with the approved details and shall thereafter be retained for the lifetime of the development.</p> <p><i>Reason: In the interests of the amenities of the future occupiers and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
4.	<p>The development hereby permitted shall not commence until details of a Construction Method Statement have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out strictly 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>
5.	<p>The development hereby permitted shall not commence until details of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:</p> <ul style="list-style-type: none"> • Demonstrate that the development will use SuDS throughout the site as a primary means of surface

	<p>water management and that design is in accordance with CIRIA C753.</p> <ul style="list-style-type: none"> • Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area. • Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA • Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 years, 1 in 30 years, 1 in 100 years and 1 in 100 years plus climate change return periods. • For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm. • Details of Severn Trent Water approval for connections to existing network and any adoption of site drainage infrastructure. • Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development. <p><i>Reason: To ensure the development does not increase the risk of flooding on the site or elsewhere, in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014)</i></p>
6.	<p>The development hereby permitted shall not commence until details of a Landscape Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall seek to achieve a minimum 10% biodiversity net gain, and shall include a detailed / annotated landscape plan with information on tree / plant and seed mixes, as well as the specification, height, aspect of the bird and bat boxes</p>

	<p>to ensure they are installed in suitable locations. Any hedgehog highways should also be mapped on plan.</p> <p>The development shall thereafter be carried out strictly in accordance with the approved details.</p> <p><i>Reason: In the interests of safeguarding and enhancing biodiversity in accordance with Policy 17 Of the Broxtowe Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
7.	<p>No above ground works shall be commenced until details of all external materials including bricks, tiles, external finishes, windows and doors have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p><i>Reason: Limited details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
8.	<p>No above ground works shall be commenced until details of the appearance of the externally mounted air source heat pumps have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: Limited details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
9.	<p>No above ground works shall be commenced until details of a landscaping scheme have 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 including the pocket park area

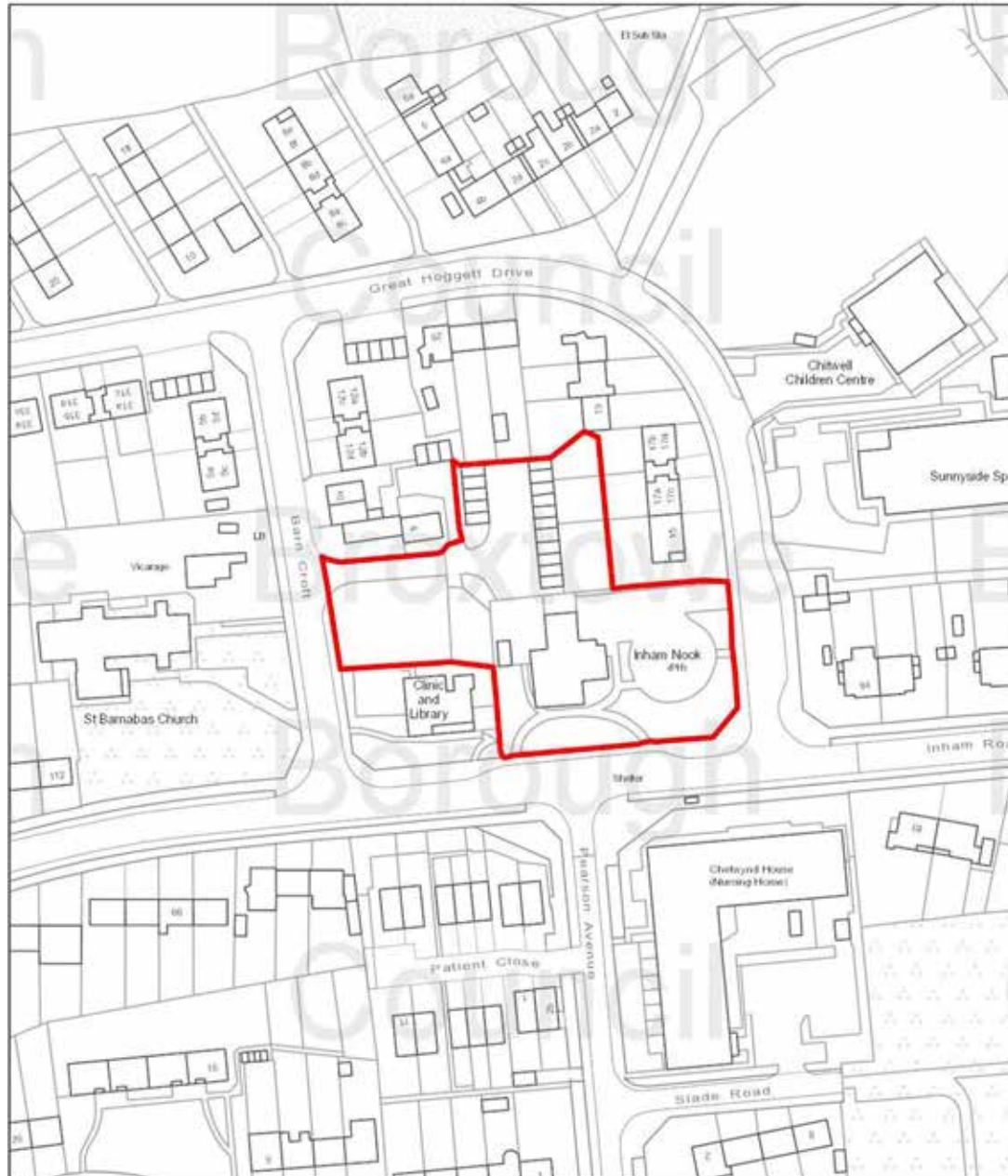
	<p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
10.	<p>No above ground works shall be commenced until details of a scheme to provide Electric Vehicle Charging points have been submitted and approved in writing by the Local Planning Authority. The scheme shall include details of location of each EVC. The approved scheme shall be installed prior to the occupation of the dwelling to which the EVC is assigned.</p> <p><i>Reason: To ensure that the development does not contribute to a reduction in air quality and to promote more sustainable means of transport, in accordance with Policy 20 of the Broxtowe Part 2 Local Plan (2019).</i></p>
11.	<p>No above ground works shall be commenced until details, including sections, of the ramped accesses and steps leading from the public highway have been submitted to and approved in writing by the Local Planning Authority. The ramps and steps shall be installed in accordance with the approved details.</p> <p><i>Reason: Limited details were submitted and to ensure the development presents a satisfactory standard of external appearance, and to ensure that safe and convenient access is provided, 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>
12.	<p>Prior to the occupation of any dwelling hereby permitted, the noise mitigation measures pertinent to that dwelling shall have first been installed and shall be retained thereafter for the lifetime of the development.</p> <p><i>Reason: In the interests of the amenities of the future occupiers and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
13.	<p>Prior to the occupation of any dwelling hereby permitted, the bin collection points, parking spaces and turning areas shall have first</p>

	<p>been provided and shall be retained thereafter for the lifetime of the development.</p> <p><i>Reason: In the interests of the appearance of the area and to ensure highway safety in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
14.	<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>
15.	<p>No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturday and at no time on Sundays or Bank / public holidays.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
16.	<p>All excavations shall be covered overnight or otherwise have an escape ramp to prevent entrapment of badgers, hedgehogs and other wildlife. All pipe work greater than 150mm should be capped off at the end of the day and chemicals should be stored securely.</p> <p><i>Reason: In the interests of safeguarding wildlife in accordance with Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
	NOTES TO APPLICANT
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>

2.	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.
3.	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.
4.	The Lead Local Flooding Authority (LLFA) ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. The LLFA will provide bespoke comments within 21 days of receiving a formal consultation on any amendments.

Site Plan

Inham Nook PH, & land north, west and east Inham Road NG9 4HX



7/25/2022, 2:59:04 PM



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Photographs



View of Inham Nook PH from Great Hoggett Drive



View of 4 Barn Croft from garage block site



Garage block site looking north



Rear of public house from garage block site



Grassed amenity area to north of community centre



Grassed amenity area to north of community centre



15 Great Hoggett Drive shown to the right of the site

Plans (not to scale)





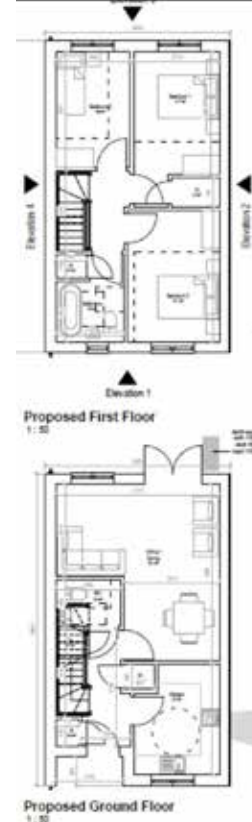
Plots 4 and 5 elevations



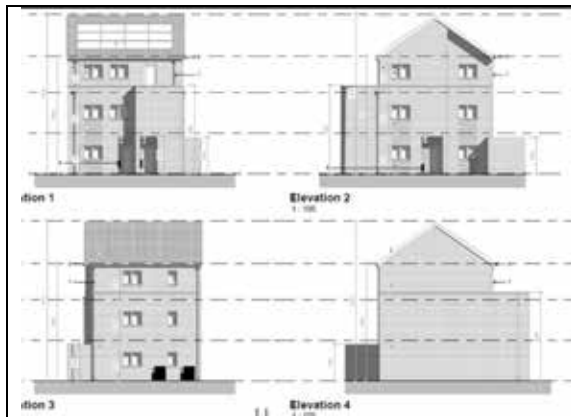
Plots 4 and 5 floor plans



Plots 6 to 10 elevations



Plots 6 to 10 floor plans



Plots 11 to 13 elevations



Plots 11 to 13 floor plans



Plots 14 and 15 elevations



Plots 14 and 15 floor plans

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Report of the Chief Executive

APPLICATION NUMBER:	22/00228/FUL
LOCATION:	Gardeners Inn, Awsworth Lane, Cossall, Nottinghamshire NG16 2RZ
PROPOSAL:	Demolish public house and construct five detached dwellings and associated parking

1. Purpose of the Report

The application is brought to the Committee at request of Councillor L.A. Ball BEM.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be refused on the grounds outlined in the appendix.

3. Detail

- 3.1 The application seeks full planning consent for the demolition of the public house and the erection of 5 detached dwellings. The site includes the Gardener's Inn, public house off Awsworth Lane within the built up area of Cossall.
- 3.2 The site is in a predominantly residential area including residential properties to the south, west and north. To the east includes a farm yard and open fields beyond forming the Nottingham Derby Green Belt. It should be noted that the neighbouring site was granted planning permission for 3 dwellings on land that formed part of the public house car park 20/00298/FUL. The 3 dwellings are currently under construction.
- 3.3 The main issues relate to whether the loss of a public house has been justified; whether the design is acceptable; whether there would be unacceptable impact on the amenity of future and neighbouring occupiers and whether the proposal would have an unacceptable impact on highway safety.
- 3.4 The benefits of the scheme are that the proposal would provide new housing for the Borough; and would provide a good standard of living for the future occupiers. The negatives of the scheme are that the proposal would result in the loss of an existing public house which serves as a wider community facility.

4. Financial Implications

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

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

5. Data Protection Compliance Implications

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

6. Background Papers

- Planning Statement
- Design and Access Statement
- Bat survey

APPENDIX

1. Details of the Application
2. The application seeks full planning consent for the demolition of the public house and the erection of 5 detached dwellings. The site includes the Gardener's Inn, public house off Awsworth Lane within the built up area of Cossall.
3. Site and Surroundings
 - 3.1 The site is in a predominantly residential area including residential properties to the south, west and north. To the east includes a farm yard and open fields beyond forming the Nottingham Derby Green Belt. It should be noted that the neighbouring site was granted planning permission for 3 dwellings on land that formed part of the public house car park 20/00298/FUL. The 3 dwellings are currently under construction.
4. Relevant Planning History
 - 4.1 In 2008, planning permission was granted for two smoking shelters. In 2011, advertisement consent was granted for a totem sign in relation to the public house.
 - 4.2 It should be noted that the neighbouring site was granted planning permission for 3 dwellings on land that formed part of the public house car park 20/00298/FUL. The 3 dwellings are currently under construction.
5. Relevant Policies and Guidance
 - 5.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**
 - 5.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

Policy A: Presumption in Favour of Sustainable Development
Policy 8: Housing Size, Mix and Choice
Policy 10: Design and Enhancing Local Identity
Policy 13: Culture, Tourism and Sport
Policy 17: Biodiversity
 - 5.2 **Part 2 Local Plan 2019:**
 - 5.2.1 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 25: Culture, Tourism and Sport
Policy 31: Biodiversity
 - 5.3 **National Planning Policy Framework (NPPF) 2021:**

Section 2: Achieving sustainable development
 Section 4: Decision-making
 Section 5: Delivering a sufficient supply of homes
 Section 8: Promoting healthy and safe communities
 Section 9: Promoting Sustainable Transport
 Section 11: Making effective use of land
 Section 12: Achieving well-designed places
 Section 15: Conserving and enhancing the natural environment

6. Consultations

6.1 Environmental Health – no objections subject to conditions:
 Restrict construction hours.
 Construction / Demolition Method Statement.

6.2 Coal Authority – objection.

The site falls within a high risk area and therefore there are coal mining features and hazards which need to be considered.
 The application submitted does not include a Coal Mining Risk Assessment.

6.3 County Highways – no objections subject to conditions.

The access has been amended to create a new access to serve the proposed 5 dwellings.
 Access width is acceptable for the scale of the development and visibility splays have been demonstrated on the revised submitted details.

6.4 Nottinghamshire Wildlife Trust

Bat surveys show no detrimental impacts to roosting bats on the site.
 The boundary hedgerows and trees should be retained to preserve existing habitats.
 Bat and bird boxes (or bricks) should be integrated into any new properties.

6.5 Resident comments: 1 site notice was posted and neighbouring properties were consulted. 73 objections and 1 letter of support.

Objections:

Loss of a community asset for local people
 Loss of a local pub
 No need for large house types / affordable housing is required
 Unacceptable design, scale and height
 Increased traffic
 Noise pollutions during construction
 Local infrastructure cannot cope with more housing i.e. school
 Proposed development will negatively affect views of the countryside
 The proposal is overdevelopment of the site

Contrary to policies contained within the Part 2 Local Plan 2019.
Inaccuracies within submitted details
Negative economic impact on existing business
No site notice has been put up

Campaign for Real Ale – object to the proposal on the following grounds:

Building should be affordable local listing
Loss of a community asset
Proposal contrary to the Part 2 Local Plan 2019
No viability assessment has been provided

Support:

Support for the demolition of the pub.

7. Assessment

7.1 Principle

- 7.1.1 The site is located within the built up area of Cossall and therefore is considered to be in a sustainable location. As such, the general principle of residential development in this location is considered to be acceptable subject to any other material considerations.
- 7.1.2 A significantly high number of objections have been raised in respect of the loss of the public house which serves as a local community facility. In terms of significance, public houses are long established commercial premises, which form an integral part of the area's identity. It should be noted that the Gardener's Inn public house previously was listed as an asset of community value, however in 2021 it was removed from the list as it was judged that there was no evidence of realistic continued use.
- 7.1.3 Policy 13 – Culture, Tourism and Sport of the Aligned Core Strategy 2014 states that where appropriate, existing cultural, tourism and sporting facilities will be protected and their further development will be supported. As such, existing facilities will be protected and enhanced where there is a continuing viable need for them.
- 7.1.4 Paragraph 93 a) of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. Paragraph 93 c) of the NPPF states planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

- 7.1.5 It is important to note that the applicant has been given the opportunity to submit evidence to demonstrate that there is no viable need to continue to operate the public house. No viability assessment or marketing information has been submitted to accompany the planning application to evidence any lack of interest in the continued operation of the public house. No evidence has been put forward which demonstrates any decline in sales in recent years. It is noted that there are 2 public houses within less than 1 mile of the site to the north including: The Crown Inn off Croft Crescent and The Gate Inn off Main Street.
- 7.1.6 Evidence submitted to justify the loss of a public house includes reference to a number of local news articles relating to local interest in preserving the public house. The applicant claims the previous occupier of the public house had removed/damaged the internal facilities of the building. It would appear that the public house has been boarded up and closed for business temporarily.
- 7.1.7 It is considered that a lack of evidence has been submitted to justify the loss of a community facility and that there is no longer a need for a public house in this location. The application is as such contrary to Policy 13 - Culture, Tourism and Sport of the Aligned Core Strategy Part 1 Local Plan 2014 which seeks to protect existing community facilities. The application also runs contrary to Part 8 - Promoting healthy and safe communities of the NPPF 2021 which seeks to guard against the unnecessary loss of valued facilities and services.
- 7.2 Design
- 7.2.1 Concerns have been raised in respect of the loss of the public house which is considered to have historic value. However, it should be noted that the building is not listed as a designated or non-designated heritage asset and it is considered that the building is limited in heritage value.
- 7.2.2 Further to this, a number of concerns have also been raised with the design of the proposed dwellings. The proposed development consists of 5 detached dwellings approximately 2.5 storeys with plot 5 being the largest dwelling. The proposed design of plots 1-5 is reflective of the newly built properties next door on the approved site for 3 dwellings (20/00298/FUL) featuring gable frontages including contemporary materials. Whilst there is an increase in land levels from south to north, it is considered that the layout of the proposed dwellings continues the prevailing pattern of development in this location. The proposed dwellings would be set back from Awsworth Lane and this would lessen the visual impact of the development on the street scene.
- 7.2.3 There are limited concerns with regards to the siting, size, scale and design of the proposed dwellings. As a result, it is considered that the proposed design would comply with the requirements contained with Policy 10 – Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan (2014)

and Policy 17 – Place-making, Design and Amenity of the Part 2 Local Plan (2019).

7.3 Amenity

7.3.1 A number of concerns have been raised in relation to the proposal. It should be noted that given the limited scale of the proposal there are limited concerns with regards to any potential disruption resulting from the proposal. Moreover, there are limited concerns with regards to the impact of the proposal on local infrastructure.

7.3.2 To the north includes residential properties along Westby Lane, to the west and south includes residential properties off Awsworth Lane and to the east includes fields and farmland. The proposed dwellings would be set back from the highway and sufficiently separated from surrounding residential properties. Internal and external amenity spaces would provide future occupiers with acceptable living conditions with appropriate outlook. Due to the siting, size, scale and design of the development the proposal is considered not to significantly impact the amenity of any neighbouring properties in terms of any potential overlooking, overbearing or overshadowing impact.

8 Highway Safety

8.1 The proposed access has been amended from the existing public house access to a new access to serve the 5 dwellings off Awsworth Lane. County Highways have reviewed the amended access details and have provided no objections subject to conditions. The access width is 6m and is of a sufficient width to allow two vehicles to pass each other without causing any obstruction to users of Awsworth Lane. Moreover, 2.4m x 43m visibility splays have been provided to ensure there is adequate vehicular visibility for vehicles leaving the site. The parking area to the front of the site also provides sufficient off street car parking and turning space to the front of the dwellings. It is considered that the proposal would not be detrimental to the safety or capacity of the highway.

8.2 In conclusion, it is considered the proposed development would not have an unacceptable impact on highway safety.

9 Coal High Risk Area

9.1 The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

9.2 The Coal Authority records indicate that the site is underlain by recorded shallow coal workings and probable unrecorded underground shallow coal workings. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The records also suggest that the application site is likely to have been subject to

historic unrecorded coal mine workings at shallow depth associated with a thick coal outcrop.

- 9.3 The Coal Authority have objected to the proposal as no Coal Mining Risk Assessment has been submitted. As no assessment has been provided of the potential impacts of the proposal on the high risk coal mining area in this location the Council is therefore unable to make a judgement on the acceptability of the proposal.

10. Other Matters

- 10.1 Nottinghamshire Wildlife Trust have reviewed the submitted bat survey and have provided no objections. The bat surveys show no detrimental impacts to roosting bats on the site. It is recommended that the boundary hedgerows and trees within the site should be retained to preserve existing habitats. This could be secured by conditioning a Landscape and Ecological Management Plan. As such, it is considered that the proposed development could be appropriately conditioned to ensure the proposal delivers ecological enhancements measures.

11. Conclusion

- 11.1 The benefits of the scheme are that the proposal would provide new housing for the Borough in a sustainable location; and would provide a good standard of living for the future occupiers. The negatives of the scheme are that the proposal would result in the loss of an existing public house which serves as a wider community facility.
- 11.2 No coal mining risk assessment has been provided and therefore the Council is therefore unable to make a judgement on the acceptability of the proposal in terms of the potential negative impact on the coal mining high risk area.
- 11.3 On balance, it is considered that any potential benefits would be outweighed by the concerns with the scheme. The application is deemed contrary to the policies contained within the development plan. This is given significant weight.
- 11.4 It is recommended that planning permission be refused.

Recommendation

The Committee is asked to RESOLVE that planning permission be refused for the following reasons:

1.

Insufficient evidence to justify the loss of a community facility has been submitted to demonstrate that there is no longer a need for a public house in this location. The application is as such considered contrary to the aims of Policy 13 - Culture, Tourism and Sport of the Aligned Core

	Strategy Part 1 Local Plan 2014 and paragraph 93 (a) and (c) of the National Planning Policy Framework 2021 which seeks to protect community facilities and guard against the unnecessary loss of valued services.
2.	No coal mining risk assessment has been provided and therefore the Council is therefore unable to make a judgement on the acceptability of the proposal in terms of the potential negative impact on the coal mining high risk area.

Site Location Plan (not to scale)



Legend

- Site Outline
- Green Belt

Photos

The Gardener's Inn



Site and neighbouring 3 dwellings under construction - 20/00298/FUL



View of site from opposite side of Awsworth Lane, Cossall



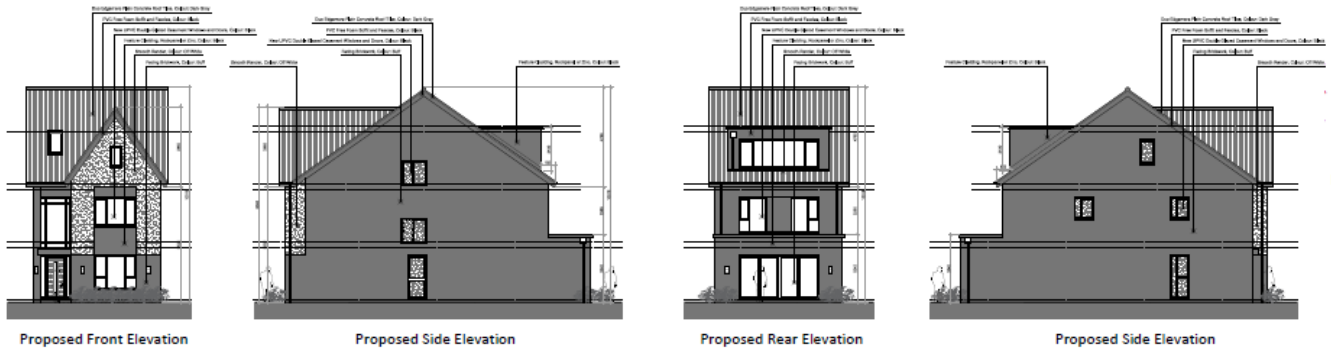
Proposed layout plan



Proposed Street Scene



Proposed elevations plots 1-4



Proposed floor plans plots 1-4



Proposed elevations plot 5



Proposed floor plans plot 5



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Report of the Chief Executive

APPEAL DECISION

APPLICATION NUMBER:	20/00891/FUL
LOCATION:	Central College Nottingham High Road Chilwell Nottinghamshire NG9 4AH
PROPOSAL:	Conversion of existing college building to student accommodation comprising 162 bedrooms including external alterations

APPEAL ALLOWED AND COSTS AWARDED

The application was recommended for planning permission at Planning Committee on 1 September 2021. The Committee resolved to refuse planning permission for the following reasons:

1. The development by virtue of its proximity to existing residential neighbours would result in a substantial level of noise and disturbance which would cause a significant loss of amenity. Furthermore, insufficient parking has been provided on site which would result in parking problems in the immediate area. Accordingly, the proposal is contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014), Policy 17 of the Part 2 Local Plan (2019) and the NPPF (2021).

The Inspector considered the main issues were the impact on living conditions of neighbouring occupants with respect of noise, disturbance and overlooking and parking pressure in the surrounding area.

Living conditions

The Inspector recognised that there is no policy preventing student housing within residential areas. A noise survey was undertaken by the appellant which indicated high levels of background noise already in the area and that a Student Living Management Plan would be secured by the Section 106 Agreement. In respect of students occupying the building, the Inspector stated the following *“For the most part, the activity would be related to normal residential use of the building, and there is no reason to consider that this would be particularly loud, continuous or invasive, such that it would significantly affect the living conditions of neighbouring occupants.”* The Inspector stated that the mitigation from appropriate windows, enclosed courtyard area by the building itself and separation distances would reduce the noise heard by neighbouring properties.

The Inspector considered that 27 metres separation distance to neighbouring properties was acceptable in terms of not resulting in a harmful level of overlooking. The Inspector highlighted that there was no reason to think that a student would be more likely to engage in levels of prolonged overlooking than a residential flat. It was also considered that when activity would be at its highest (in the evening), neighbouring properties would most likely draw curtains and blinds.

The Inspector considered that it was assumptions that lead to concerns to anti-social behaviour and increased risk of crime from students. It was not clear if the examples provided by residents in respect of incidents in Nottingham city in relation to students and anti-social behaviour were isolated incidents or representative of wider student populace.

The Inspector recognised that the site would be fully managed and monitored as opposed to ad-hoc shared use of mixed dwellings that are not regularly monitored. In a large facility such as this, it is expected that an element of self-policing would occur in respect of noise and disturbance, in particularly at unsociable hours.

The Inspector was satisfied with the mitigation measures of the Student Management Plan, a 24-hour manned phone line for students and neighbours and a commitment not to access the site from Dale Lane.

The Inspector concluded that the proposal would not lead to harmful levels of noise, disturbance or overlooking that would undermine the living conditions of neighbouring occupants.

Parking

In relation to parking pressure, the Inspector recognised that the information provided in the Transport Assessment (TA) was realistic. The inspector recognised the convenience of the tram and bus services and local shops and that car ownership would be significantly reduced because of this. In addition, the appellant would promote the development as car-free, including a condition in the Section 106 Agreement that students would be prevented from obtaining parking permits and free annual tram passes would be provided. The Inspector concluded that car ownership would be low and that the on-site parking would exceed the Council's standards, therefore parking on nearby streets would be indiscriminate. The Inspector stated that the Council did not specifically challenge the appellants technical evidence in respect of parking, nor did the NCC in its response. The Inspector stated that concerns were raised in regards to the potential cumulative parking demand from future applications on the site but no further applications have been granted and there is no certainty over the quantum or type of development that may come forward.

The Inspector concluded that the appellant's technical information was robust in demonstrating that the student accommodation would generate significantly less vehicular traffic than its past use as a college and that sufficient parking was available on-site for the expected demand of cars and therefore the proposal would not lead to harmful increases in on-street parking demand on surrounding streets.

Principle

The Inspector recognises that the Council does not have a policy restricting student housing in certain areas. Whilst there was a preference for alternative housing for the site from comments made in representations, the appeal must be decided on the application as proposed. It is not uncommon for large sites to be split into phases. The site is in a highly accessible location and there is no firm evidence that there is

an overconcentration of students in the Chilwell/Beeston area and additional residents would generate additional economic activity.

Character and Appearance

The Inspector concluded that the alterations to the building are modest in scope and acceptable and that the proposal would not harm the setting of Chilwell Cottage Conservation Area.

Flood Risk and Ecology

The Inspector did not raise any concerns in respect of ecological impacts or flood risk.

Construction Impacts

The Inspector recognised that construction works would be temporary and that a condition in respect of working hours would help limit disruption.

Planning Obligations

The Inspector concluded that the Section 106 Agreement to pay £35,113.50 for the provision of primary health care, namely additional GP facilities in the area, £7,500.00 to provide for monitoring of the implementation of the proposed travel plan, which would be separately secured by condition were both accepted.

The request for £72,693.00 sought by the NHS Trust was not accepted as the Council stated that it had no policy basis for this contribution and the evidence provided by the trust did not demonstrate that it was working above 100% capacity in the Broxtowe area and therefore is unjustified.

Conditions

The Inspector accepted the majority of the conditions put forward by the Council but amended these where necessary. A condition in respect of securing the Travel Plan was included.

COSTS AWARDED

The Inspector stated that the applicant's case was that the Council, through the actions of its planning committee in refusing the application contrary to the recommendation of officers, demonstrated unreasonable behaviour as the decision was reached without proper reference to the technical evidence advanced as part of the application to address issues of noise, disturbance and parking that formed the reason for refusal. Moreover, it is argued that the planning committee failed to identify alternative evidence to substantiate its reason for refusal, a position the Council has persisted with at appeal.

The Inspector recognised that the appellant had an opportunity to address parking provision from the deferral of the application from July to September's meeting. In

September's meeting debated the lack of parking and potential congestion on neighbouring streets, noise during building works and potential disturbance from students once the building was occupied. Concerns over noise and overlooking were raised, on the basis of the scale of the development and its proximity to neighbouring dwellings. The Inspector notes that these minutes provided limited detail as to the analysis carried out by members at the meeting in determining to refuse the application.

The Inspector stated that in relation to levels of noise, disturbance and overlooking, the Council's case at appeal was not supported by specific evidence and was also based on assumptions and generalisations about student behaviour.

The Inspector stated that the Council did not provide any substantive evidence that the number of parking spaces on site provided was insufficient.

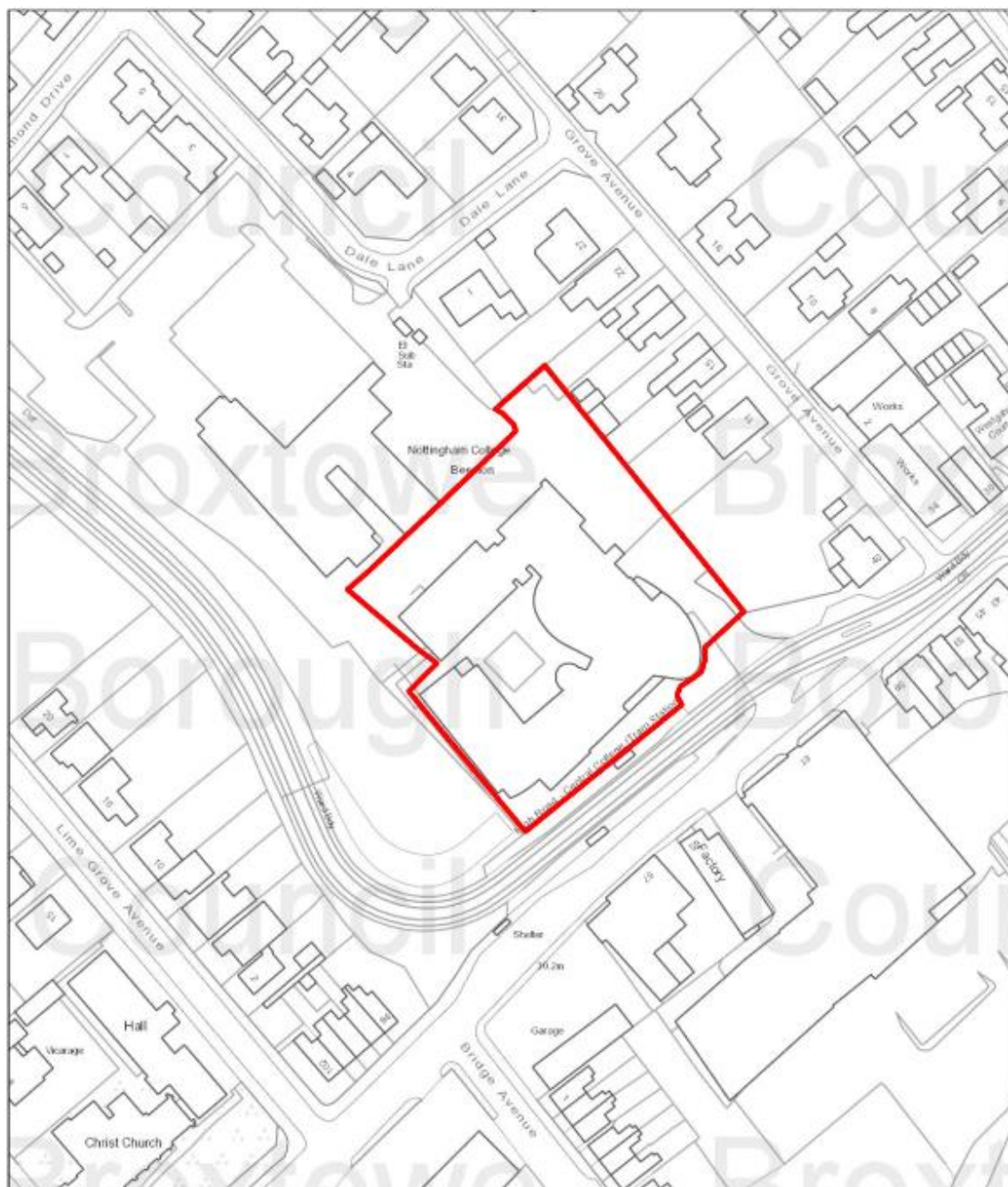
The Inspector acknowledged that the Council made no reference to the technical evidence provided by the appellant which showed a substantial shortfall in predicted trips by car to and from the development than its compared use as a college. The council did not make any reference to the mitigation measures to discourage car ownership either.

The Inspector concluded that there is no evidence, either in the minutes of the committee meeting or the Council's appeal statement, of the Council undertaking a planning balance in respect of the proposal, despite both of the committee reports indicating there would be benefits to the proposal, as did the applicant's evidence. As such, it is unclear that the Council, either at application stage or appeal stage, properly weighed potential benefits of the proposal against perceived harms in reaching its decision.

The Inspector concluded that the Council failed to take into account all relevant material considerations, and instead based its decision on vague, inaccurate assertions not supported by objective evidence. Consequently, the Council failed to substantiate its reason for refusal.

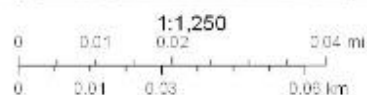
The Inspector concluded that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

20/00891/FUL Chilwell College



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Site



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Report of the Chief Executive

APPEAL DECISION

APPLICATION NUMBER:	21/00364/FUL
LOCATION:	Detached Double Garages, Cyprus Avenue, Beeston NG9 2PG
PROPOSAL:	Demolish existing garages and construct two self-contained flats

APPEAL ALLOWED

The application was recommended for planning permission at Planning Committee on 1 December 2021. The Committee resolved to refuse planning permission for the following reasons:

1. The development is of contemporary design which is out of character with the surrounding area which constitutes traditional design. Furthermore, no parking has been provided on site which would result in parking problems in the immediate area. Accordingly, the proposal is contrary to the aims of Policy 17 of the Part 2 Local Plan (2019), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and the NPPF (2021).

The Inspector considered the main issues were the effect of the proposed development on the character and appearance of the street scene and the impact on highway safety and parking.

The Inspector considered that the contemporary design was visually contrasting to the prevailing built form but that the massing and bulk of the building would not be excessive or out of keeping with the street scene. The Inspector considered that just because something is different is in itself not justification for dismissing a small residential development within a residential area and that the design was acceptable.

The Inspector concluded that the proximity to services, shops and public transport on Wollaton Road, lack of objection from the Highways Authority and that the scheme being for two no. one-bedroom flats would not result in specific highway or parking issues.

No significant concerns were raised by the Inspector in regards to amenity.

The Inspector/appellant agreed with the conditions put forward by the Planning Officer in respect of starting development within 3 years, a tree survey being submitted, material and landscaping details provided and prohibiting the use of the flat roof as amenity.

21/00364/FUL Pair Of Garages, Cyprus Avenue, Beeston



Legend

Site Outline

Report of the Chief Executive

APPEAL DECISION

APPLICATION NUMBER:	21/01005/FUL
LOCATION:	116 Derby Road, Bramcote, Nottinghamshire, NG9 3HP
PROPOSAL:	Construct two storey side/rear extension, dormer to rear elevation and detached outbuilding ancillary to main dwelling

RECOMMENDATION BY OFFICER - APPROVE

REASON FOR REFUSAL - The two storey part of the proposal by virtue of its height and location along the common boundary, would have an unacceptable impact on the amenity of the neighbouring property. Accordingly, the proposed development would be contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).

LEVEL OF DECISION: PLANNING COMMITTEE

APPEAL PARTIALLY DISMISSED

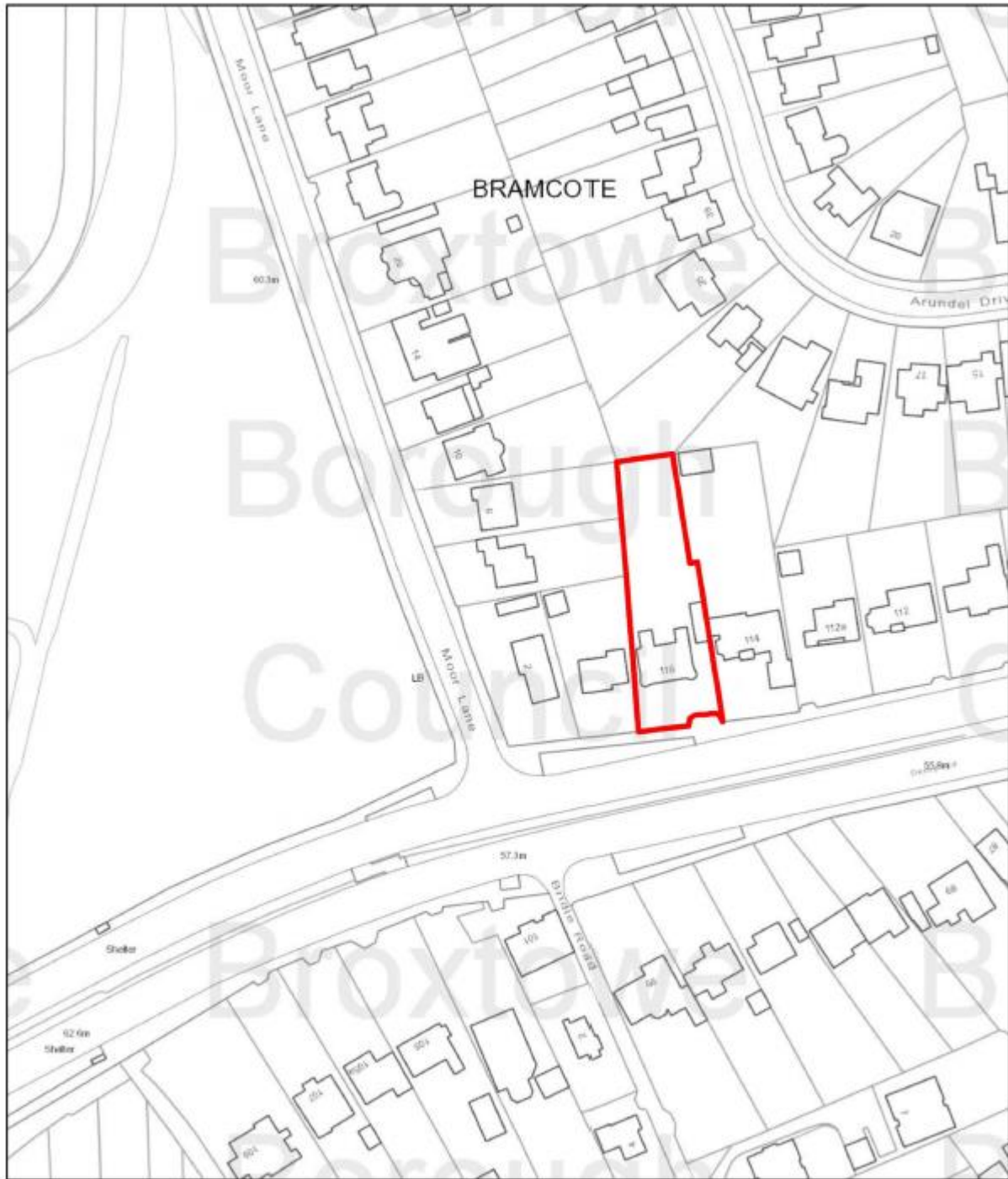
The appeal is dismissed in so far as it relates to the two storey side/rear extension and dormer to rear elevation, the appeal is allowed in so far as it relates to the detached outbuilding ancillary to main dwelling

The Inspector considered the main issues is the effect of the proposal on the living conditions of the occupiers of No. 114 Derby Road with particular regard to outlook. The Inspector noted that the Council had raised no issue in relation to the proposed rear detached outbuilding and therefore allowed it.

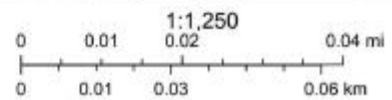
The Inspector stated that the existing single storey side outbuilding projects a significant distance along the shared boundary, well beyond the single storey extension added to the rear of the dwelling at No. 114. And therefore, replacing this outbuilding with a two storey structure projecting some 2.5 metres further rearwards would significantly increase the overall scale and massing of built development along the boundary. The proposed extension would not cause overlooking issues into the rear garden of No. 114 because the only openings on the related side elevation would be high level rooflights. Nevertheless, the enlarged outbuilding, due to the increased rearward projection, increased height and increased overall bulk, would be much more imposing when viewed from the rear of this neighbouring dwelling. In the Inspector's view, the effect would be unduly oppressive and would unacceptably harm the outlook from the patio area of No. 114. The proposed extension would not harm the living conditions of any other neighbours in surrounding dwellings, and only one tree would be removed.

Therefore, the Inspector concluded that the proposed extension would unacceptably harm the outlook from the rear of No. 114 Derby Road.

116 Derby Road, Bramcote



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Report of the Chief Executive

APPEAL DECISION

APPLICATION NUMBER:	21/00092/FUL
LOCATION:	129-131 High Road, Beeston NG9 2LL
PROPOSAL:	Construct 4 storey building to contain 9 Houses of Multiple Occupation providing a total of 54 bedrooms

APPEAL DISMISSED / PARTIAL COSTS AWARDED

The application was recommended for planning permission at Planning Committee on 23 June 2021. The Committee resolved to refuse planning permission for the following reason:

1. The submitted scheme, due to its scale and design is totally out of keeping with the area, with a proposal that results in the overdevelopment of the plot, and would exacerbate existing local parking issues. This creates a development at odds with its surroundings and one which creates an overbearing and overly dominant impact on neighbouring properties, to the detriment of the amenity of neighbouring properties. The proposed development is therefore contrary to Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).

The Inspector considered the main issues were the effect of the proposed development on the character and appearance of the street scene, the impact on the amenity of neighbouring properties and the impact on highway safety and parking.

The Inspector considered that due to the substantial scale of the proposal being four storeys in height on a corner plot, the proposal would appear dominant and incongruent in the area due to its size.

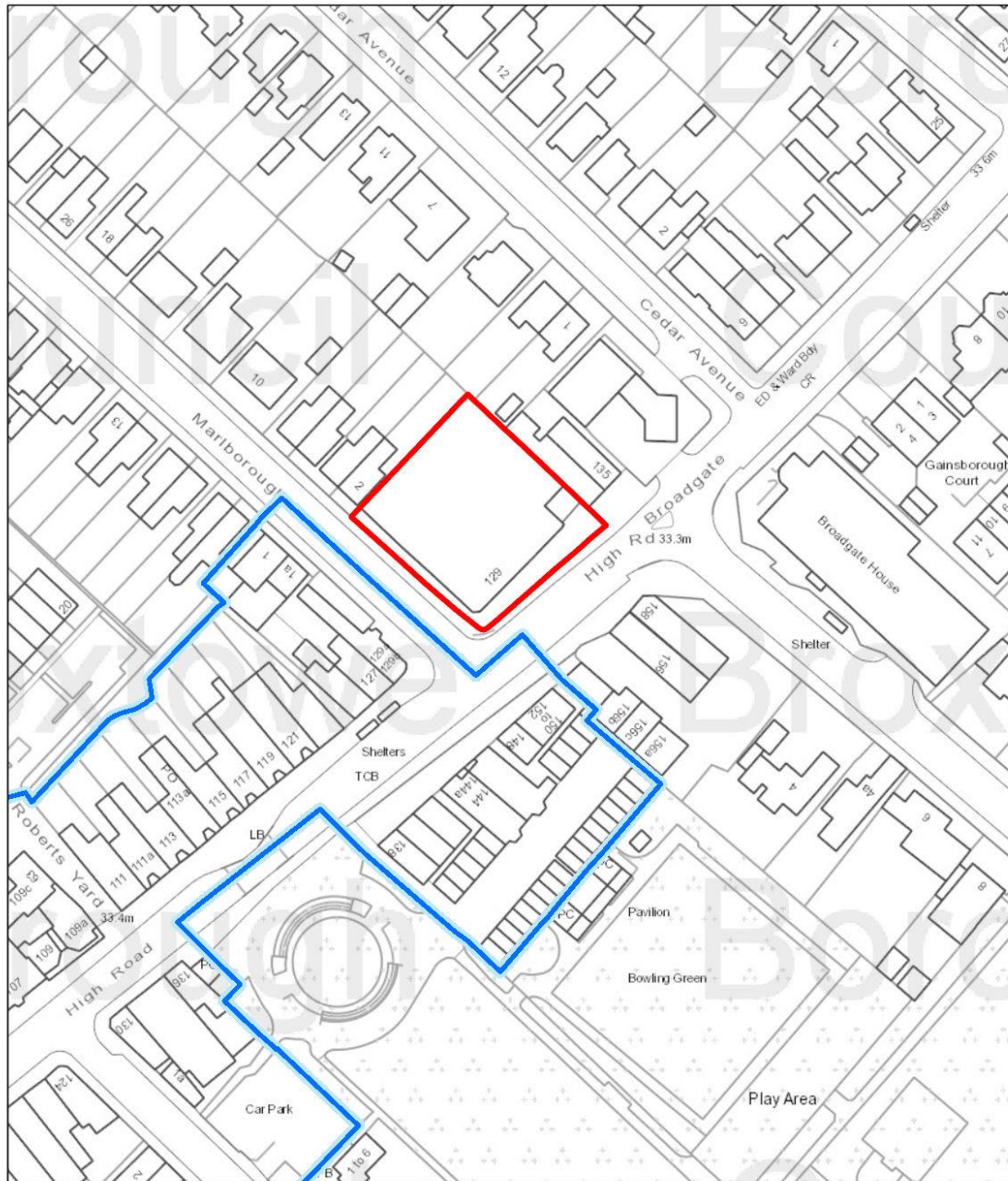
No significant concerns were raised by the Inspector in regards to the amenity of neighbouring or future occupiers.

The Inspector noted the lack of objection from the Council's highway advisor in respect of the number of car parking spaces provided and the close proximity to services, shops and public transport and that there is no substantive evidence to show that the proposal would increase local parking pressure to unacceptable levels detrimental to highway safety.

The Inspector awarded costs against the Council for failing to substantiate the highway safety and amenity reason for refusal.

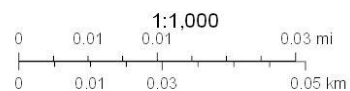
21/00092/FUL - Site Location plan

129-131 High Road Beeston NG9 2LL



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- Site
- Town Centre Boundaries



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Report of the Chief Executive

APPEAL DECISION

APPLICATION NUMBER:	21/00400/FUL
LOCATION:	199A Newlands Cottage, Main Street, Newthorpe
PROPOSAL:	Garage/workshop for vehicles

APPEAL DISMISSED / COSTS DISMISSED

The application was recommended for refusal under delegated powers by the Local Planning Authority on 11 April 2021. The application was refused for the following reason:

1. The proposal, by virtue of its siting, size, scale and design is out of keeping with the prevailing character of properties in this location to the detriment of the visual amenity of the locality. The proposed development is therefore contrary to Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).

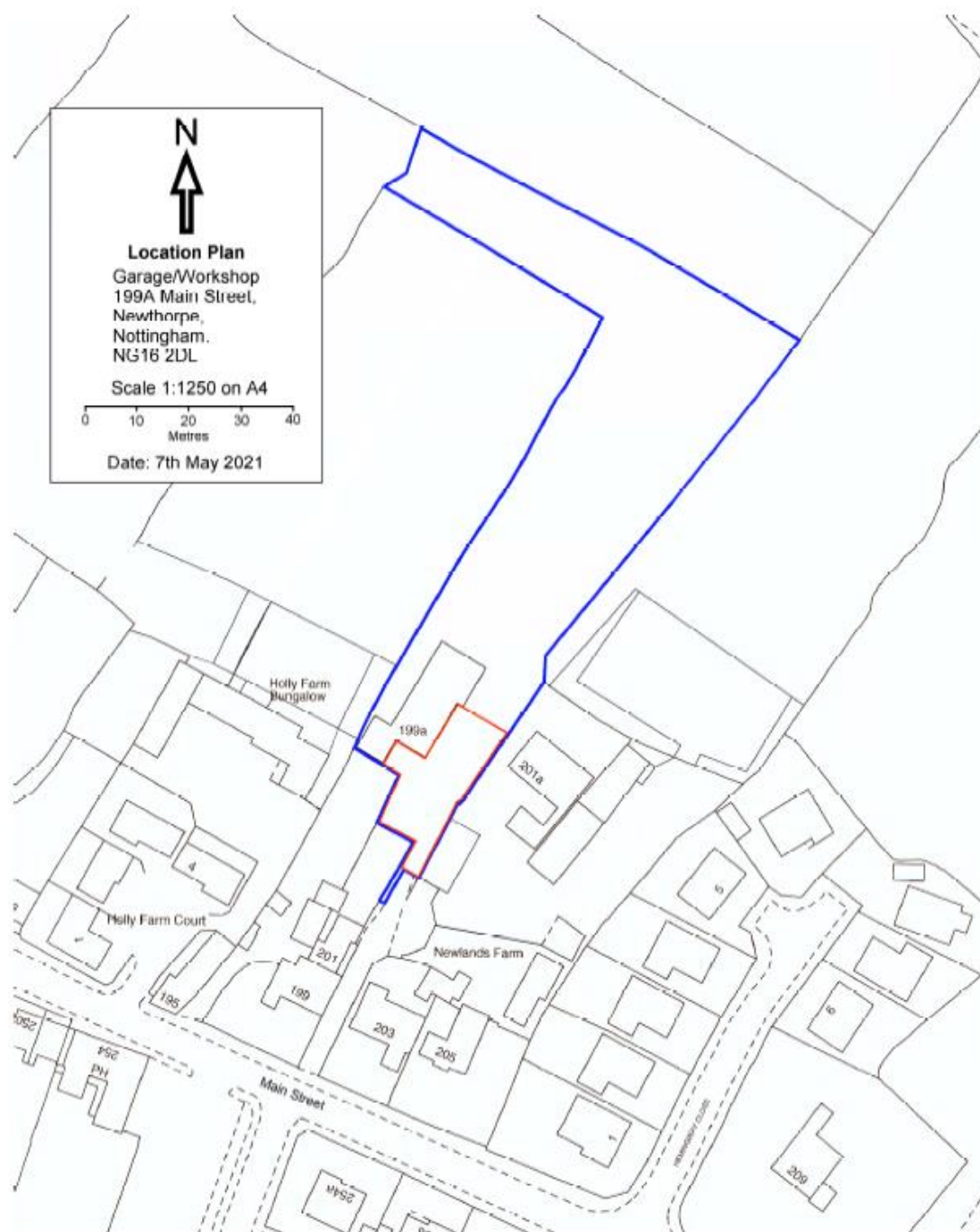
The Inspector considered the main issues were the effect of the proposed development on the character and appearance of the street scene.

The Inspector considered that the proposal would be oversized and given its position in front of the dwelling, it would be unduly dominant rather than submissive. The Inspector concluded that the proposed garage/workshop would be disproportionately large in relation to the host dwelling and would harm the character and appearance of the local area.

No significant concerns were raised by the Inspector in regards to amenity or highway safety.

The Inspector refused costs and found the Council had not demonstrated unreasonable behaviour resulting in any unnecessary or wasted expense.

21/00400/FUL – Site Location Plan



Report of the Chief Executive

APPEAL DECISION

APPLICATION NUMBER:	20/00687/FUL
LOCATION:	LAND SOUTH OF 50 PINFOLD ROAD, NEWTHORPE, NOTTINGHAMSHIRE, NG16 2FT
PROPOSAL:	CONSTRUCT 22 DWELLINGS

APPEAL DISMISSED

The application was recommended to grant Planning Permission at Planning Committee on 03 November 2021. The Committee resolved to refuse planning permission for the following reason:

The proposal constitutes an over intensive development of the site and by virtue of the close proximity and single storey nature of the dwellings located on Baldwin Street, the proposal would lead to overbearing, overshadowing and overlooking issues upon the immediate neighbouring properties located on Baldwin Street, to the detriment of their residential amenity. Furthermore, due to the internal roads being private, the proposed development would have a detrimental impact upon the residential amenity of future occupiers of the proposed dwelling through future maintenance of the roads.

Accordingly, the proposal is contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019), and there are no other material considerations that justify treating this proposal as an exception to these policies.

The Inspector considered the main issues were whether or not the proposal would:

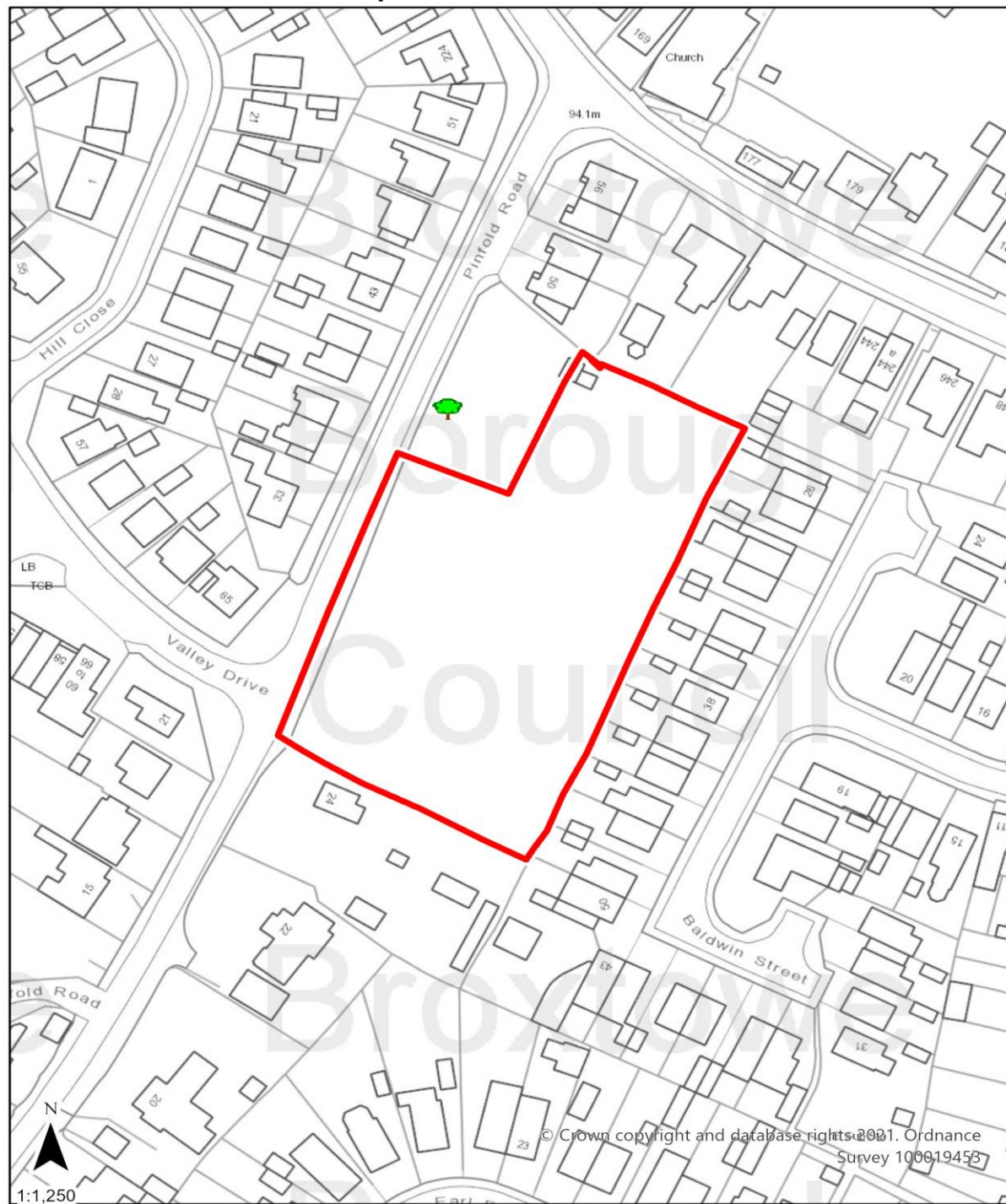
- Lead to harm arising to the living conditions of the occupants of Baldwin Street with particular regard to overlooking and a loss of privacy, sense of overbearing and overshadowing; and
- As a consequence of non-adopted internal roads, lead to an adverse effect on future occupants of the development.

The Inspector considered that given the positioning of some of the proposed houses, large swathes of glazing serving habitable rooms facing directly towards the rear gardens and elevations of the bungalows and the land levels across the site that these neighbouring gardens and rear elevations would be substantially overlooked to the detriment of occupants, despite a 21m separation distance or the proposed perimeter boundary treatment. Furthermore, it was considered that due to the proposed houses being positioned to the west of Baldwin Street, there would be an inevitable loss of sunlight to the rear elevations and gardens in the afternoon to these bungalows, further compromised by the change in land levels. The Inspector considered that as a combination of factors, against the modest scale of the bungalows, their low-level outlook, small rear gardens, and orientation with the appeal site, the facts on the ground including land levels across the appeal site, the

proposal would lead to harm arising to the occupants of the neighbouring bungalows on Baldwin Street.

In respect of the non adoption of the internal roads, the Inspector noted that a legal agreement had been presented with the appeal that sets out the requirement for a Private Road Scheme including details of future management and maintenance of the roads in perpetuity and any transfer of this to a management company. On that basis, the owners of the properties would become responsible for the costs associated with such maintenance and management through a service charge attached to their property. The details of this are further to be agreed between the parties, as set out within the legal agreement. It was further advised that as the homeowners of the development would be responsible for on-going costs associated with maintenance and management, through the terms and conditions laid out by independent management company, the future buyers of houses would be aware of the legal agreement attached to the development and their obligation to on-going costs, before they decide to commit to buying a house. The Inspector concluded on this issue that there was nothing to lead to conclude that pedestrian safety would be severely compromised as a result of the development or that street lighting that is intended to be implemented at the site would not be acceptable, and that as a consequence of the roads being private estate roads, that this would not lead to a detrimentally adverse effect on highway safety leading to harm arising to the living conditions of the future occupants.

21/00092/FUL - Site Location plan



Legend

- Site Outline
- 🌳 Single TPO

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Report of the Chief Executive

APPEAL DECISION

APPLICATION NUMBER:	21/00443/FUL
LOCATION:	Hill Top Farm, Blake Road, Stapleford NG9 7HP
PROPOSAL:	Retention of entrance gates, perimeter fencing, pathway and driveway retaining wall

APPEAL ALLOWED

The application was recommended for the granting of planning permission at Planning Committee on 1 September 2021. The Committee resolved to refuse planning permission for the following reasons:

1. The entrance gates and perimeter fencing, by virtue of their design, scale and location, are considered inappropriate development within the Green Belt and no Very Special Circumstances have been demonstrated, contrary to Policy 3 of the Broxtowe Aligned Core Strategy (2014), Policy 8 of the Broxtowe Part 2 Local Plan (2019) and Section 13 of the National Planning Policy Framework (2021).

The Inspector considered the main issues were whether the entrance gates and perimeter fencing are inappropriate development for the purposes of development plan policy and the National Planning Policy Framework (NPPF); the effect of the entrance gates and perimeter fencing on the openness of the Green Belt; and if the entrance gates and perimeter fencing are inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

The Inspector considered that, in terms of openness, the design of the fence, being of lightweight materials and coated in green colour, would allow for views through and would not be significantly impeded, and the colour would blend in to the landscaping behind, and, on two sides, would be adjacent to existing boundary treatments and outbuildings of properties on Blake Road and Gainsborough Close. The entrance gates, whilst quite substantial, are set well back from the road and when viewed from the road would be seen in context with the two residential properties either side of the driveway and as a result the gates are not visually intrusive. Whilst, when closed, the gates do prevent views from the street into the site, views of the Green Belt are already severely restricted by the existing dwellings. In this respect, the Inspector concluded that whilst the presence of the gates and fence have resulted in a reduction in the openness of the Green Belt in visual terms, given the backdrop of the surrounding residential buildings, the lightweight design of the fencing and the set back of the gates from the road, the resulting harm is limited.

The Inspector noted that there could be a fall-back position should the gates and fencing be no higher than 2m, they could be erected without planning permission and there would be no control in terms of design and materials, which could have a greater impact on the openness of the Green Belt.

In respect of whether Very Special Circumstances exist, the Inspector concluded that whilst the proposal would cause harm to the Green Belt by way of inappropriateness and reduction in openness, which was afforded substantial weight, and potential harm to the living conditions of neighbours, which was afforded limited weight, the security and highway safety benefits together with the fall-back position identified above clearly outweigh the totality of the harm identified and as a consequence, the Very Special Circumstances necessary to justify the proposal exists.

No significant concerns were raised by the Inspector in regards to amenity.

The Inspector upheld the appeal, subject to a condition requiring the development to be carried out in accordance with the approved plans.

Hill Top Farm, Blake Road, Stapleford NG9 7HP



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 Green Belt

 Site

1:1,500
0 0.01 0.03 0.05 mi
0 0.02 0.04 0.08 km

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Report of the Chief Executive

CURRENT POLICY WORK

1. Purpose of Report

To provide members with a brief summary of the scope, content and progress of current planning policy work, including joint work with the Greater Nottingham Planning Partnership and with the East Midlands Development Corporation.

Part of the remit of the Planning Committee is, in association with the Cabinet, to propose matters of planning policy to the Council in accordance with Part II of the Town and Country Planning Act 1990.

In practice, policy is prepared with officers and decisions on policy preparation and adoption rest with Cabinet. A Policy Advisory Working Group has been established for liaising with officers and Cabinet.

2. Recommendation

The Committee is asked to NOTE the attached Local Development Scheme and policy work programme and CONSIDER any planning policy matters it may wish to propose via the Policy Advisory Working Group.

3. Detail

The Development Plan for Broxtowe Borough comprises the Aligned Core Strategy, Part 2 Local Plan, Nottinghamshire Minerals and Waste Local Plans and those Neighbourhood Plans so far made. The Council has statutory duties to prepare and review those parts of the Development Plan not prepared by the County Council, Parish Councils and Neighbourhood Forums and to work with those bodies on the parts that are.

Broxtowe, Erewash, Gedling and Rushcliffe Borough, Ashfield District and Nottingham City Councils and have agreed to work together through the Greater Nottingham Planning Partnership to review their respective Core Strategies with a view to producing a Greater Nottingham Strategic Plan.

This will form part of the Development Plan when adopted and the Borough Council will then proceed to produce a Sites and Policies Local Plan (also known as the Part 2 Local Plan) covering non-strategic sites and policies. Together, these must meet development needs, not least in respect of housing.

The Borough Council has discretion to produce Supplementary Planning Documents, should it see fit to do so. As these are not part of the Development Plan, they must not introduce new policy, but rather build upon and provide more detailed advice or guidance on adopted policies in the Development Plan.

The Borough Council must publish and keep up to date a Local Development Scheme setting out those Development Plan and Supplementary Planning

Documents it intends to produce. The last version of this is attached. It was published in October 2019 and we are considering now updating it.

For day-to-day project management purposes, a more detailed work programme has been prepared and is attached. This is more up-to-date, but is a 'living draft', a best estimate of timescales, based on statutory procedures and likely available resources and, as such, is subject to change from week to week.

4. Financial Implications

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

There are no additional financial implications for the Council at this stage, with any costs within the normal course of business being contained within existing budgets.

5. Legal Implications

N/A

6. Human Resources Implications

N/A

7. Union Comments

N/A

8. Data Protection Compliance Implications

None

9. Equality Impact Assessment

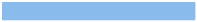


















This report does not relate to a new or amended policy.









10. Background Papers

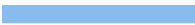


















Nil

ID		Task Mode	Task Name	Duration	Start	Finish	Predecessors	Qtr 2, 2014		
								Apr	May	
1			Greater Nottingham Strategic Plan	519 days?	Mon 02/05/22	Thu 25/04/24				
2			Statement of Community Involvement	289 days	Mon 08/11/21	Thu 15/12/22				
3			Broxtowe Sites and Policies Local Plan	430 days?	Mon 18/12/23	Fri 08/08/25				
4			Toton and Chetwynd Neighbourhood Plan	258 days	Thu 12/05/22	Mon 08/05/23				
5			Bramcote Neighbourhood Plan	544 days	Sun 01/01/23	Thu 30/01/25				
6			Awsworth Neighbourhood Plan	1523 days	Mon 21/09/15	Wed 21/07/21				
7			Brinsley Neighbourhood Plan	2768 days	Thu 04/09/14	Mon 14/04/25				
8			Cossall Neighbourhood Plan	2564 days	Wed 20/09/17	Mon 19/07/27				
9			Eastwood Neighbourhood Plan	2524 days	Fri 01/08/14	Wed 03/04/24				
10			Greasley Neighbourhood Plan	2571 days	Wed 28/05/14	Wed 03/04/24				
11			Kimberley Neighbourhood Plan	2923 days	Fri 17/10/14	Tue 30/12/25				
12			Stapleford Neighbourhood Plan	2766 days	Mon 08/09/14	Mon 14/04/25				
13			Nuthall Neighbourhood Plan	1202 days	Wed 14/05/14	Thu 20/12/18				
14			Trowell Neighbourhood Plan	590 days	Wed 03/01/24	Tue 07/04/26				
15			HMO SPD	329 days	Tue 22/06/21	Fri 23/09/22				
16			Toton and Chetwynd Barracks Strategic Masterplan SP	392 days	Mon 07/06/21	Tue 06/12/22				
17			Climate Change SPD	302 days	Mon 02/01/23	Tue 27/02/24				
18			Air Quality SPD	302 days	Mon 02/01/23	Tue 27/02/24				
19			Gypsy and Travellers SPD	302 days	Mon 02/01/23	Tue 27/02/24				
20			Design SPD	302 days	Mon 02/01/23	Tue 27/02/24				
21			Eastwood and Stapleford Centres SPD	302 days	Mon 02/01/23	Tue 27/02/24				
22			Heritage, Local Lists, CA Appraisal and Management Plans	302 days	Mon 02/01/23	Tue 27/02/24				

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Project: Policy Work Programm Date: Thu 18/08/22	Task		Inactive Summary		External Tasks	
	Split		Manual Task		External Milestone	
	Milestone		Duration-only		Deadline	
	Summary		Manual Summary Rollup		Progress	
	Project Summary		Manual Summary		Manual Progress	
	Inactive Task		Start-only			
	Inactive Milestone		Finish-only			

ID		Task Mode	Task Name	Duration	Start	Finish	Predecessors	Qtr 2, 2014		
23			Green Infrastructure SPD	302 days	Mon 02/01/23	Tue 27/02/24			Apr	May
24			Landscape SPD	302 days	Mon 02/01/23	Tue 27/02/24				
25			Biodiversity SPD	302 days	Mon 02/01/23	Tue 27/02/24				

Project: Policy Work Programm Date: Thu 18/08/22	Task		Inactive Summary		External Tasks	
	Split		Manual Task		External Milestone	
	Milestone		Duration-only		Deadline	
	Summary		Manual Summary Rollup		Progress	
	Project Summary		Manual Summary		Manual Progress	
	Inactive Task		Start-only			
	Inactive Milestone		Finish-only			



Broxtowe
Borough
COUNCIL

Local Development Scheme

With effect from 16 October 2019

BROXTOWE BOROUGH COUNCIL LOCAL DEVELOPMENT SCHEME (with effect from 16 October 2019)

Introduction

The Local Development Scheme (LDS) is a work programme that sets out how and when Broxtowe Borough Council will prepare and revise its planning policies in development plan documents (DPDs).

This LDS has to specify:

- Which DPDs will be prepared;
- What subject matter they will cover;
- What geographical area they will relate to;
- Whether any of them will be prepared jointly with other authorities;
- The timetables for their preparation and revision.

The previous LDS was adopted in 2018. This LDS wholly replaces the previous version.

DPDs

There will be two DPDs:

- 'Greater Nottingham Broxtowe, Gedling and Nottingham City Aligned Core Strategies Part 1 Local Plan' (ACS); and
- 'Broxtowe Part 2 Local Plan'.

Details of each are given below. The documents will be monitored on at least an annual basis as part of the Authority Monitoring Report (see below) and will then be the subject of a review if the monitoring indicates such a need. All policies in the ACS, together with specified policies in the Part 2 Local Plan, will be treated as being 'strategic' and any future Neighbourhood Plans will have to be consistent with these policies.

Aligned Core Strategies Part 1 Local Plan (ACS)

Subject matter: Sustainable development, climate change, the spatial strategy, the Green Belt, employment provision, economic development, Nottingham city centre, the role of town and local centres, regeneration, housing size, mix and choice, gypsies, travellers, travelling showpeople, design, enhancing local identity, the historic environment, local services, healthy lifestyles, culture, tourism, sport, managing travel demand, transport infrastructure priorities, green infrastructure, parks, open space, biodiversity, infrastructure and developer contributions.

Geographical area: The whole of Broxtowe, Gedling and Nottingham City.

Prepared jointly: The ACS is not a formal Joint Core Strategy and decisions relating to it have been made separately by each Council; however, it was prepared in close liaison with Gedling Borough Council and Nottingham City Council.

Timetable: The ACS was adopted in September 2014. The timetable for its review is:

Stage	Date
Growth Options Consultation (Reg. 18)	January 2020
Draft Publication Consultation	March 2020
Publication Consultation (Reg. 19)	September 2020
Submission	January 2021
Examination Hearings	June 2021
Adoption	December 2021

Part 2 Local Plan (Site Allocations and Development Management Policies)

Subject matter: The allocation of sites for housing, employment, retail and other purposes. Also development management policies on a range of topics including the environment, housing, employment, transport, shopping, town centres, recreation and community facilities.

Geographical area: The whole of Broxtowe.

Prepared jointly: No.

Timetable:

Stage	Date
Submission	Summer 2018
Examination	Summer 2018 – Autumn 2019
Adoption	16 October 2019

Existing policies

With the adoption of the Part 2 Local Plan, all the policies of the 2004 Broxtowe Local Plan have been replaced by the ACS and the Part 2 Local Plan.

The Beeston Town Centre Supplementary Planning Document (SPD) was adopted in 2008. As an SPD, it is a statutory document and it was adopted following extensive consultation; however, it does not have development plan status.

There are two further policy-related documents which were also the subject of public consultation but which do not have the status of DPDs or SPDs. These are the Kimberley Brewery Planning Brief (2007) and the Statement of Development Principles for the Regeneration of Boots Campus, Beeston (also 2007).

All of these documents are available on the Council's website.

Other documents

Nuthall's Neighbourhood Plan has been 'made' (finalised) and nine further Neighbourhood Plans are currently being prepared by Town Councils, Parish Councils and Neighbourhood Forums in the borough. Neighbourhood Plans are not DPDs and are therefore not detailed in this LDS; however, details are available on the Council's website and the websites of the organisations concerned. When finalised, the policies of the Neighbourhood Plans will have development plan status.

The emerging Neighbourhood Plans relate to: Awsworth, Brinsley, Bramcote, Chetwynd, Cossall, Eastwood, Greasley, Kimberley, and Stapleford.

The Council's Statement of Community Involvement (SCI) was adopted in 2009. This sets out the processes of community involvement that the Council will use in the production of policy documents and the consideration of planning applications. The SCI is likely to be revised shortly.

Authority Monitoring Reports (AMRs, previously called Annual Monitoring Reports) will be produced on at least an annual basis. They give information about progress on the production of policy documents together with statistics on a range of key issues, including business development and housing.

The AMRs and SCI are also available on the Council's website.

Further information

If you would like further information on any of the issues referred to in this LDS, please contact the planning policy team by calling 0115 917 3452, emailing planningpolicy@broxtowe.gov.uk or writing to Planning Policy, Broxtowe Borough Council, Council Offices, Foster Avenue, Beeston, Nottingham NG9 1AB.



Broxtowe Borough Council

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