



Tuesday, 28 February 2023

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 8 March 2023 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	

AGENDA

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 - 14)

The Committee is asked to confirm as a correct record the minutes of the meeting held on 1 February 2023.

4. NOTIFICATION OF LOBBYING

5. DEVELOPMENT CONTROL

5.1 22/00346/REM (Pages 15 - 56)

Construct 250 Dwellings (Reserved Matters in Relation to Reference 20/00056/OUT - Appearance, Landscaping, Layout and Scale)

Land West of Awsworth (inside the A6096), including land at Whitehouse Farm, Shilo Way, Awsworth, Nottinghamshire

5.2 22/00094/FUL (Pages 57 - 68)

Retain change of use of garage, including removal of garage door and insertion of window, to use as a dog grooming salon

7 Wharton Crescent, Beeston, Nottinghamshire, NG9 1RJ

5.3 22/00767/FUL (Pages 69 - 92)

Construct 20 Dwellings

Land South of 50 Pinfold Road, Newthorpe, Nottinghamshire, NG16 2FT

5.4 22/00100/FUL (Pages 93 - 120)

Construct serviced apartments comprising of 16 units and associated infrastructure

Land Off Kelham Way, Eastwood, Nottinghamshire

5.5 22/00301/FUL (Pages 121 - 132)

Change of use from hot food takeaway and self-contained flat to larger house in multiple occupation (sui generis). Construction of single storey extensions to front and rear and external alterations to ground floor front, side and rear elevations.

31 Humber Road Beeston Nottingham NG9 2EJ

5.6 23/00046/REG3 (Pages 133 - 146)

Creation of public car park with 46 parking spaces and cycle stand

Land at 131-133 Derby Road Stapleford Nottingham NG9 7AS

6. INFORMATION ITEMS

6.1 Appeal Decision - 21/00101/FUL (Pages 147 - 150)

6.2 Delegated Decisions (Pages 151 - 160)

6.3 CLIMATE CHANGE SUPPLEMENTARY PLANNING DOCUMENT (Pages 161 - 162)

To provide an update on the progress of the Climate Change Supplementary Planning Document (SPD), which is currently being worked on within the Planning Policy team.

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PLANNING COMMITTEE

WEDNESDAY, 1 FEBRUARY 2023

Present: Councillor D K Watts, Chair

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

An apology for absence was received from Councillor S J Carr.

The officers present were R Dawson, S Heron, B Norman, R Ayoub and K Newton.

Also in attendance was Councillor J M Owen.

50 DECLARATIONS OF INTEREST

Councillor P J Owen declared a non-registrable interest in item 5.2 as it directly related to the wellbeing of a close relative. Minute number 52.2 refers.

Councillor P J Owen also declared a non-registerable interest in item 5.3 as he had been the political opponent to the member of the public speaking against the scheme. It was noted that he was not prejudiced by this affiliation. Minute number 52.3 refers.

Councillor L A Ball declared a non-registrable interest in item 5.2 as it directly related to the wellbeing of a close relative. Minute number 52.2 refers.

Councillor G Marshall, Councillor S Paterson and Councillor H E Skinner declared a non-registerable interest in item 5.3 as they were in the same political party as the opponent to the scheme. It was noted that they were not prejudiced by this affiliation. Minute number 52.3 refers.

Councillor R I Jackson declared a non-registerable interest in item 8 as a close friend of the member of the public concerned. It was noted that they were not prejudiced by this affiliation. Minute number 55 refers.

51 MINUTES

The minutes of the meeting on 11 January 2023 were confirmed and signed as a correct record.

52 NOTIFICATION OF LOBBYING

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

52.1 APPLICATION NUMBER 22/00619/REM

Construct residential development. Reserved matters relating to outline planning permission reference 20/00352/OUT – approval of details relating to appearance, landscaping, layout and scale

Land adjacent and north west of Bramcote Crematorium, Coventry Lane, Bramcote, Nottinghamshire

This application was brought to the Committee as the Council was a joint landowner of part of the site, it was an allocated site and because of the size of the proposed development.

There were a number of late items including an historic newspaper article, a revised plan of the proposed scheme, which were noted by the Committee.

There were no public speakers.

The debate followed with particular references made to the principle of net gain, sustainability, photovoltaic roof panels, flooding, landscaping and design.

RESOLVED that the Head of Planning and Economic Development be given delegated authority to grant planning permission subject to the following conditions:

- 1. The development to which this approval relates shall be begin no later than the expiration of 2 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.**

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.

- 2. The development hereby permitted shall be carried out in accordance with drawings:**

Received by the Local Planning Authority on 28 July 2022:

House Type L – As ref: 2019-613-L2-a-1

House Type L – AS ref: 2019-613-L2-a-2

House Type L – As ref: 2019-613-L1-a-2

House Type L – OPP ref: 2019-613-L1-o-1
House Type L – OPP ref: 2019-613-L1-o-2
House Type L – OPP ref: 2019-613-L2-o-1
House Type L – OPP ref: 2019-613-L2-o-2
House Type P – OPP ref: 2019-613-P1-o-1A
House Type P – OPP ref: 2019-613-P1-o-2A
House Type P – As ref: 2019-613-P2-a-1
House Type P – As ref: 2019-613-P2-a-2
House Type Q – As ref: 2019-613-Q1-a-1A
House Type Q – As ref: 2019-613-Q1-a-2A
House Type Q – Opp ref: 2019-613-Q1-o-1
House Type Q – Opp ref: 2019-613-Q1-o-2
House Type R1 – As ref: 2019-613-R1-a-1C
House Type R – As ref: 2019-613-R1-a-2C
House Type R – Opp ref: 2019-613-R1-o-1A
House Type R – Opp ref: 2019-613-R1-o-2A
House Type R – Opp ref: 2019-613-R2-o-1
House Type R – Opp ref: 2019-613-R2-o-2
House Type S – As ref: 2019-613-S1-a-1B
House Type S – As ref: 2019-613-S1-a-2B
House Type S – Opp ref: 2019-613-S1-o-1A
House Type S – Opp ref: 2019-613-S1-o-2A
House Type S – Opp ref: 2019-613-S2-o-1A
House Type S – Opp ref: 2019-613-S2-o-2A
House Type T – As ref: 2019-613-T1-a-1B
House Type T1 – As ref: 2019-613-T1-a-2A
House Type T – As ref: 2019-613-T2-a-1A
House Type T – As ref: 2019-613-T2-a-2
House Type T – Opp ref: 2019-613-T2-o-1
House Type T – Opp ref: 2019-613-T2-o-2
House Type U ref: 2019-613-U-a-1B
House Type U ref: 2019-613-U-a-2A
House Type V – As ref: 2019-613-V1-a-1
House Type V – As ref: 2019-613-V1-a-2
House Type V – Opp ref: 2019-613-V2-o-1
House Type V – As ref: 2019-613-V2-o-2
Street Elevations ref: 2019-613-12A
Street Elevations ref: 2019-613-13A
Street Scene Views ref: 2019-613-14A
Street Scene Views ref: 2019-613-15A
Site Sections ref: 2019-613-19
Affordable 1B2P ref: 2019-613-1B2P(4)-1A
Affordable 1B2P ref: 2019-613-1B2P-1C
Affordable 1B2P-2B4P ref: 2019-613-1B2P-2B4P-1A
Affordable 1B2P-2B4P ref: 2019-613-1B2P-2B4P-2
Affordable 1B2P ref: 2019-613-1B2P-2C
Affordable 1B2P ref: 2019-613-1B2P-3C
Affordable 1B2P ref: 2019-613-1B2P-4B6P-1A
Affordable 1B2P-2B4P ref: 2019-613-1B2P-4B6P-2A
Affordable 1B2P ref: 2019-613-1B2P-4C
Affordable 2B4P ref: 2019-613-2B4P-1C
Affordable 2B4P ref: 2019-613-2B4P-2B
Affordable 2B2P ref: 2019-613-2B4P-SO-1A

Affordable 2B4P ref: 2019-613-2B4P-SO-2A
Affordable 3B5P ref: 2019-613-3B5P-1-1B
Affordable 3B5P ref: 2019-613-3B5P-1-2C
Affordable 3B5P ref: 2019-613-3B5P-2-1A
Affordable 3B5P ref: 2019-613-3B5P-2-2A
Affordable 3B5P SO(1) 2B4P(2) ref: 2019-613-3B5P-SO(1)-2B4P(2)-1A
Affordable 3B5P SO(1) 2B4P(2) ref: 2019-613-3B5P-SO(1)-2B4P(2)-2A
Affordable 3B5P SO(1) 2B4P(2) ref: 2019-613-3B5P-SO(1)-2B4P(2)-1A
Affordable 3B5P SO(1) 2B4P(2) ref: 2019-613-3B5P-SO(1)-2B4P(2)-2A
Affordable 3B5P SO(2) 2B4P(1) ref: 2019-613-3B5P-SO(2)-2B4P(1)-1A
Affordable 3B5P SO(2) 2B4P(1) ref: 2019-613-3B5P-SO(2)-2B4P(1)-2A
Affordable 3B5P ref: 2019_613_3B5P-SO-1B
Affordable 3B5P ref: 2019_613_3B5P-SO-2B
Affordable 3B5P ref: 2019_613_3B5P-WCH-1A
Affordable 3B5P ref: 2019_613_3B5P-WCH-2A
House Type A ref: 2019-613-AS1-a-1B
House Type A ref: 2019-613-AS1-a-2B
House Type A ref: 2019-613-AT1-a-1B
House Type A ref: 2019-613-AT1-a-2B
Bin Store ref: 2019-613-BS
House Type B ref: 2019_613_BS1-a-1A
House Type B ref: 2019_613_BS1-a-2A
House Type B ref: 2019_613_BS1-o-1A
House Type B ref: 2019_613_BS1-o-2A
House Type C ref: 2019-613-CRT1-a-1A
House Type C ref: 2019-613-CRT1-a-2A
House Type C ref: 2019-613-CS1-a-1A
House Type C ref: 2019-613-CS1-a-2A
2-unit Cycle Store ref: 2019-613-CS2U
Cycle Store ref: 2019-613-CS4U
House Type C ref: 2019-613-CT1-a-1A
House Type C ref: 2019-613-CT1-a-2A
Brick Boundary Walls ref: 2019-613-D1
Close Boarded Fence & Gate Details ref: 2019-613-D2
Metal Railings Details ref: 2019-613-D3
Metal Estate Fence Details ref: 2019-613-D4
House Type D ref: 2019-613-DS1-a-1A
House Type D ref: 2019-613-DS1-a-2A
House Type E – As ref: 2019-613-E1-a-1A
House Type E1 – As ref: 2019-613-E1-a-2A
House Type E1 – Opp ref: 2019-613-E1-o-1A
House Type E1 – Opp ref: 2019-613-E1-o-2A
House Type E – As ref: 2019-613-E2-a-1A
House Type E – As ref: 2019-613-E2-a-2A
House Type E – Opp ref: 2019-613-E2-o-1A
House Type E – Opp ref: 2019-613-E2-o-2A
House Type E – As ref: 2019-613-E3-a-1A
House Type E – As ref: 2019-613-E3-a-2A
House Type E – Opp ref: 2019-613-E3-o-1A
House Type E – Opp ref: 2019-613-E3-o-2A
House Type G – As ref: 2019-613-G1-a-1B
House Type G – As ref: 2019-613-G1-a-1B
House Type G – As ref: 2019-613-G1-a-2A

House Type G – Opp ref: 2019-613-G1-o-1A
House Type G – As ref: 2019-613-G1-o-2
House Type G – As ref: 2019-613-G1-a-1
House Type G – As ref: 2019-613-G2-a-1
House Type G – As ref: 2019-613-G2-a-2
House Type G – Opp ref: 2019-613-G2-o-1
House Type G – Opp ref: 2019-613-G2-o-2
Double Detached Garage ref: 2019-613-GD
Single Detached Garage ref: 2019-613-GS
Twin Detached Garage ref: 2019-613-GT
House Type H – As ref: 2019-613-H1-a-1A
House Type H – As ref: 2019-613-H1-a-2A
House Type H – Opp ref: 2019-613-H1-o-1
House Type H – Opp ref: 2019-613-H1-o-2
House Type L – As ref: 2019-613-L1-a-1
Site Location Plan ref: 2019-613-00A

Received by the Local Planning Authority on 31 August 2022:

Affordable 1B2P ref: 2019-613-1B2P(4)-2B

Received by the Local Planning Authority on 24 November 2022:

House Type H – As ref: 2019-613-H2-a-1B
House Type H – As ref: 2019-613-H2-a-2B
House Type H – Opp ref: 2019-613-H2-o-1B
House Type H – As ref: 2019-613-H2-o-2B

Received by the Local Planning Authority on 19 December 2022:

Site Layout 1 ref: 2019-613-09.1K
General Arrangement 5 ref: CLBR-BSP-ZZ-ZZ-DR-C-0105-05 Rev P05
General Arrangement 4 ref: CLBR-BSP-ZZ-ZZ-DR-C-0105-04 Rev P05
General Arrangement 3 ref: CLBR-BSP-ZZ-ZZ-DR-C-0105-03 Rev P05
General Arrangement 2 ref: CLBR-BSP-ZZ-ZZ-DR-C-0105-02 Rev P05
General Arrangement 1 ref: CLBR-BSP-ZZ-ZZ-DR-C-0105-01 Rev P05

Received by the Local Planning Authority on 6 January 2023:

Site Layout 2 ref: 2019-613-09.2Q
Site Floor Plans ref: 2019-613-101C
Site Roof Plans ref: 2019-613-100C

Received by the Local Planning Authority on 9 January 2023:

Landscaping Plan 1 ref: GL1386 01E
Landscaping Plan 2 ref: GL1386 02E
Landscaping Plan 3 ref: GL1386 03E
Landscaping Plan 4 ref: GL1386 04E

Received by the Local Planning Authority on 10 January 2023:

Tree Retention Plan ref: 2019-613-22

Received by the Local Planning Authority on 12 January 2023:

Site Layout 2 ref: 2019-613-09.2R

Site Layout ref: 2019-613-09AB

Reason: For the avoidance of doubt.

3. No development shall commence until details of protective tree fencing has been submitted to and approved in writing by the Local Planning Authority. The protective tree fencing should be constructed in accordance with British Standards 5837:2012.

Reason: No such details were submitted and to ensure the existing trees are not adversely affected and in accordance with the aims of Policies 17 & 31 of the Part 2 Local Plan (2019) and Policies 10 & 17 of the Broxtowe Aligned Core Strategy (2014).

4. No development above ground level shall commence until full details of bird and bat boxes, including their locations has been submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be constructed in accordance with the agreed details.

Reason: No such details were submitted and in accordance Policy 17 of the Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).

5. Prior to the occupation of the first dwelling hereby approved, full details of the Local Equipped Area of Play (LEAP) should be submitted to and approved in writing by the Local Planning Authority. The LEAP shall be constructed in accordance with the agreed details and maintained for the lifetime of the development.

Reason: Insufficient details were submitted and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

6. Prior to the occupation of the first dwelling hereby approved, full details of seating and bin stores shall be submitted to and approved in writing by the Local Planning Authority. The seating and bin stores shall be constructed in accordance with the agreed details.

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

7. Prior to the occupation of the first dwelling hereby approved, full details of the shared private drives and plan for their future management and maintenance including associated drainage shall be submitted to and approved in writing by the Local Planning Authority. The private road and drainage shall be maintained thereafter in accordance with the approved management and maintenance details, until such time that a private

management and maintenance company has been established.

Reason: To ensure the highway infrastructure is maintained to an appropriate standard and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 14 of the Broxtowe Aligned Core Strategy (2014).

8. All driveways should be surfaced in a bound material (not loose gravel) for a minimum distance of 5 metres behind the highway boundary, and constructed to prevent the discharge of surface water from the driveways onto the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

Reason: In the interest of highway safety and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 14 of the Broxtowe Aligned Core Strategy (2014).

9. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the protective tree fencing, nor is any excavation work to be undertaken within the confines of the protective fence without the written approval of the Local Planning Authority.

Reason: To ensure the existing trees are not adversely affected and in accordance with the aims of Policies 17 & 31 of the Part 2 Local Plan (2019) and Policies 10 & 17 of the Broxtowe Aligned Core Strategy (2014).

NOTES TO APPLICANT

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2. This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
3. All relevant conditions on the outline permission (20/00352/OUT) must be complied with.

52.2 APPLICATION NUMBER/22/00346/REM

Construct 250 Dwellings (Reserved Matters in Relation to Reference 20/00056/OUT - Appearance, Landscaping, Layout and Scale)
Land West of Awsworth (inside the A6096) Including Land at Whitehouse Farm Shilo Way Awsworth Nottinghamshire

The application was brought before the Committee because it was a reserved matters application for a large major residential development.

There were a number of late items including comments from residents about anthrax and revisions to plans.

Lorna Ryder, on behalf of the applicant, Keith Brittle, objecting, and Greg Stackhouse, objecting, addressed the meeting prior to the general debate.

The Committee gave consideration to all representations before it and there was concern about traffic, access issues, pedestrian and cyclist safety on Shilo Way, the public transport strategy and the amenity and privacy properties which neighboured the site. It was confirmed that any signs of anthrax would be dealt with through standard land decontamination procedures.

It was noted that the access to the site had already been determined and could not be reconsidered. It was requested that there be a construction management plan to ensure that development would commence at the Shilo Way end of the site.

It was proposed by Councillor R I Jackson and seconded by Councillor D D Pringle that the application be deferred to allow the developer to give further consideration to neighbour amenity and to write a construction management plan. On being put to the meeting the motion was carried.

RESOLVED that the planning application be deferred.

Reasons

To allow the developer to give further consideration to neighbour amenity and to write a construction management plan.

Having declared a non registrable interest that related directly to the wellbeing of relative, Councillor L A Ball BEM left the meeting for the duration of the item and did not vote thereon.

Also having declared a non registrable interest that related directly to the wellbeing of relative, Councillor P J Owen left the meeting for the duration of the item and did not vote thereon.

52.3 APPLICATION NUMBER/22/00856/FUL

Construct single storey and two storey rear extension
8 Kenton Avenue, Nuthall, Nottinghamshire, NG16 1PX

This application had been brought before Committee by Councillor P J Owen.

There was one late item, a letter from a resident, and this was noted by the Committee.

Sheikh Assab, objecting, addressed the Committee prior to the general debate.

The debate focussed on the size and scale of the proposed development and its impact on neighbour amenity.

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

Reasons

The development by virtue of its scale and location, would create a detrimental impact on the amenity of neighbouring properties.

This scheme is therefore contrary to Policy 17 of the Part 2 Local Plan and there are no other material considerations that justify treating this proposal as an exception to policy.

53 INFORMATION ITEMS

53.1 DELEGATED DECISIONS

The delegated decisions were noted.

53.2 APPEAL DECISIONS 22/00421/FUL

The appeal decision was noted.

54 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that, under section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 6a and 6b of Schedule 12A of the act.

55 18/00314/ENF AND 19/00321/ENF

RESOLVED that direct action be undertaken to clear the outdoor areas of both properties with a view to monies being claimed back through the Courts under the enforced sale procedure.

Having declared a non-registrable interest that was directly related to the wellbeing of a friend Councillor R I Jackson left the meeting for the duration of the item and did not vote thereon.

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Report of the Chief Executive

APPLICATION NUMBER:	22/00346/REM
LOCATION:	Land West of Awsworth, (inside the A6096) Including Land at Whitehouse Farm, Shilo Way, Awsworth, Nottinghamshire
PROPOSAL:	Construct 250 Dwellings (Reserved Matters in Relation to Reference 20/00056/OUT - Appearance, Landscaping, Layout and Scale)

The application is brought to the Committee as it is a reserved matters application for a large major residential development.

1. Purpose of Report

1.1 The application seeks approval of reserved matters for the residential areas of the site following the granting of outline planning permission under reference 20/00056/OUT. The reserved matters are Appearance; Landscaping; Layout; and Scale.

1.2 Recommendation

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

1.3 Detail

1.3.1 This reserved matters application was first brought before Planning Committee on the 1 February 2023 with a recommendation to grant planning permission. Members deferred a decision on the application to seek amended plans in relation to the impact upon the residential amenity of the occupier of The View and clarification in respect of construction vehicle access to the site.

1.3.2 The principle of the development has been considered to be acceptable through the allocation of the site within the Local Plan Part 2 2019 for residential development of up to 250 dwellings and also the granting of Outline Planning Permission under reference number 20/00056/OUT.

1.3.3 It should be noted that all matters relating to the principle of development, design, access and highway safety were discussed at the previous Planning Committee meeting, detailed within appendix 2. Further to this the following report within Appendix 1 includes the consideration of the impact upon the resident amenity of the occupier of The View and construction vehicle access to the site, which were the main issues raised by Members of Planning Committee on the night.

1.3.4 In response to the residential amenity issues discussed at the previous Planning Committee the applicant has submitted amended plans providing a greater separation distance from the rear of the properties to the elevations of The View, and enhanced landscaping. A revised Construction Management Plan (CMP) as part of the requirement for condition 7 of 20/00056/OUT has also been submitted

indicating all construction traffic will ultimately be via Shilo Way, but for a temporary period only, vehicles will have to access the site via Newton's Lane whilst the northern access is being constructed.

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

1.4 Financial Implications

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

1.5 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.

1.6 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.

1.7 Background Papers

Nil.

APPENDIX 1

1. Details of the Application

1.1 The application seeks approval of reserved matters for the residential areas of the site following the granting of outline planning permission under reference 20/00056/OUT. The design of the dwellings consists of a mix of two and two and a half storey dwellings in a mix of detached, semi-detached and terraced properties. The reserved matters are Appearance; Landscaping; Layout; and Scale. An overall total of 50 Affordable Houses are proposed, the breakdown of these units is as follows:

- 36 x 2 Bed Dwellings;
- 14 x 3 Bed Dwellings.

1.2 The breakdown of remaining 200 residential units is as follows:

- 43 x 2 Bed Dwellings;
- 69 x 3 Bed Dwellings;
- 66 x 4 Bed Dwellings;
- 22 x 5 Bed Dwellings.

1.3 The principle of the development has been considered to be acceptable through the allocation of the site within the Local Plan Part 2 2019 for residential development of up to 250 dwellings and also the granting of Outline Planning Permission under reference number 20/00056/OUT.

1.4 As part of the Outline Planning Permission, two points of access Shilo Way and Newtons Lane were considered to be acceptable in regard to their design and subject to the receipt of full contributions towards off-site mitigation works through the signed S106 Agreement as part of 20/00056/OUT. The layout plan submitted with the application shows a central road through the site with access taken from the A6096 and Newtons Lane. Smaller secondary roads and private drives lead to dwellings off this primary route. Various pedestrian/cycle links are also shown through the site including from Park Hill, Barlow Drive North, the A6096 and Newtons Lane. Landscaped areas, public open space, surface water attenuation and a central children's play area are also shown together with the retention of 'The View' and several hedgerows.

2. Site and Surroundings

2.1 The site lies to the west of the main built up area of Awsworth and infills the gap between the residential properties on Park Hill, Barlow Drive North, The Glebe and Newtons Lane and the Awsworth bypass (A6096). The site is largely within the Parish of Awsworth, with approximately 1.5 hectares of the south and south eastern part of the site falling within Cossall Parish. The bypass is separated from the application site by a strip of woodland planting, which partially screens the site from the west. The eastern boundary of the site is largely made up of various residential boundary treatments of 2m or less in height. The southern boundary of the site is made up of hedgerow and trees.

- 2.2 The site extends to a little over 10 hectares in area and includes 5 field parcels which are divided by hedgerows and other vegetation. A dwelling and several outbuildings (White House Farm) are located towards the south east of the site. A second dwelling lies in the middle of the site (The View) but this is not included in the application site and is not in the applicant's ownership. The site has been historically used as both a clay pit and for open cast mining with these uses finishing in the early 1980's. Since then it has been in agricultural use and is classified as Grade 4 'Poor' agricultural land (Natural England Agricultural Land Classification Map).
- 2.3 The site is in Flood Zone 1. A ditch runs adjacent to the site boundary along Newtons Lane. The topography of the site slopes upwards in an easterly direction, with a level difference of approximately 18 metres from the southern section of the western boundary (adjacent the A6096) to the northern part of the eastern boundary.
- 2.4 The Grade II* Listed Bennerley Viaduct is located approximately 175m to the west and some limited views of this are gained from within the site through the screen of trees. Cossall Conservation Area is located 1.1km to the south-east of the site and the Listed Awsworth Infant School, walls, railings and playground and the village War Memorial lie to the north east and east.
- 2.5 Shilo Recreation Ground is located approximately 70m to the north of the site and there are various other 'Green Infrastructure' assets identified in the Council's 'Green Infrastructure Strategy' within the vicinity of the site including the disused Northern Railway line to the north, and Nottingham Canal to the west.
- 2.6 Ilkeston Railway Station is located 900 metres to the south and there are bus stops along Awsworth Lane/The Lane which access the number 27 service to Ilkeston, the station and Kimberley.

3. Relevant Planning History

- 3.1 Outline Planning Permission with only access being considered was granted under reference number 20/00056/OUT in April 2022. A S106 Agreement was also signed as part of the application.

4. Relevant Policies and Guidance

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

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 11: The Historic Environment
- Policy 14: Managing Travel Demand
- Policy 16: Green Infrastructure, Parks and Open Spaces

- Policy 17: Biodiversity
- Policy 18: Infrastructure
- Policy 19: Developer Contributions

4.2 Part 2 Local Plan 2019

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

- Policy 1: Flood Risk
- Policy 2: Site Allocations
- Policy 4: Awsworth Site Allocations
- Policy 4.1: Land west of Awsworth (inside the bypass)
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 21: Unstable Land
- Policy 22: Minerals
- Policy 23: Proposals Affecting Designated and Non-Designated Heritage Assets
- Policy 24: The Health and Wellbeing Impacts of Development
- Policy 26: Travel Plans
- Policy 30: Landscape
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

4.3 National Planning Policy Framework (NPPF) 2021:

4.3.1 The National Planning Policy Framework (NPPF) 2021, outlines a presumption in favour of sustainable development, that planning should be plan-led, decisions should be approached in a positive and creative way and high quality design should be sought.

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places.
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

4.4 Awsworth Neighbourhood Plan:

4.4.1 The Awsworth Neighbourhood Plan was adopted on the 21 July 2021.

- Policy H1 - New Homes on 'Land West of Awsworth (inside the bypass)

5. Consultations

5.1 **The Highway Authority** – No objections to the contents of the Construction Management Plan (CMP).

5.2 Following receipt of amended plans, a re-consultation period was carried out with The View, surrounding properties, other residents who had made representation and The Highway Authority. All responses will be included in the late items.

6. Assessment

6.1 **Residential Amenity**

6.1.1 The layout plan presented at the previous Planning Committee demonstrated that the proposed dwellings were well in excess of the required separation distances of 21m along the northern boundary (side to rear distance = 22m), western boundary (back to back distance = 34m) and southern boundary (side to rear distance = 28m) of The View. An amended layout plan has now been submitted.



6.1.2 The relationship of the northern boundary to The View has now seen the reduction in the number of plots proposed from 8 (2 x detached, 2 x semi-detached and 4 x terraced) down to 6 dwellings (4 x detached and 2 x semi-detached). These 2 plots have been moved further away from The View further into the site to the north west. This has opened up the built form of development along this boundary by providing a greater separation distance between these plots. The separation distances have also been increased to further reduce the impact of the development on The View. The distance from Plot 164 to the side elevation of The View was previously 22m and this has been increased to 25m, and the distance from Plot 163 was previously 23m and this has been increased to 28m. As there is less existing intervening

landscaping along this boundary, a 2m green buffer with mature planting to help screen the develop further from The View has been introduced.

- 6.1.3 Along the western boundary plots 157 to 159 cannot be reposition or re-orientated as the frontages of these properties provide acoustic screening from the bypass. However, the separation distances have increased to the rear elevation of The View from 34m to 35m. Plots 149 – 153 along the southern boundary also benefit from substantial landscape screening between them and The View and also have a very good level of separation at 28m. To ensure that these plots on the western and southern boundary remain screened from the side elevation and rear elevation of The View the green buffer has been further enhanced along the boundary with additional planting to supplement the existing intervening trees and planting.
- 6.1.4 Cross sections which show the relationship between the proposed development and The View have also been submitted. The cross sections show FFL details of the proposed dwellings, the separation distances highlighted above, and the previous positioning of plots shown on Layout Plan.
- 6.1.5 In light of the above, it is considered that the proposal will not have a significant detrimental impact upon the residential amenity in terms of overlooking or overbearing impacts upon the of occupiers of The View, given the back to back and back to side separation distances greatly exceed the standard 21m (back to back) and 12m (back to side). Furthermore, the Green Buffer and additional planting will provide an attractive screen between The View and the proposed development, which will further protect the amenity of The View.

6.2 **Highway Safety**

- 6.2.1 As part of the Outline Planning Permission, two points of access, Shilo Way and Newtons Lane, were considered to be acceptable in regard to their design and subject to the receipt of full contributions towards off-site mitigation works through the signed S106 Agreement as part of 20/00056/OUT. The layout plan submitted with the application shows a central road through the site with access taken from the A6096 and Newtons Lane. Smaller secondary roads and private drives lead to dwellings off this primary route.
- 6.2.2 An amended Construction Management Plan (CMP) to highlight that construction traffic will enter and exit the site off Shilo Way once the new junction has been completed has now been submitted. However, to enable the construction of the new junctions and to undertake some preliminary site engineering works there will be a requirement for some construction traffic to access the site from Newtons Lane via a Temporary access point.
- 6.2.3 Section 3 of the CMP advises both earthworks and ground stabilisation phases will last approximately 30 weeks, the latter generating 10 HGV movements per day. This equates to 10 arrivals and 10 departures meaning that residents will on average experience 2 HGV trips per hour between 08.00 and 18.00. The overall duration of these works is expected to last approximately 13 months. Construction traffic will then utilise the new junction on Shilo Way only (subject to it being finished) to access/egress the site. Wheel wash facilities will be provided to prevent mud/detritus from being discharged to the public highway, and any excess water captured by trapped gullies.

- 6.2.4 Whilst it is accepted that the resultant HGV traffic routing along Newtons Lane could degrade the surfacing over and above that which would normally occur without the additional loading, a dilapidation survey is included in the Construction Management Plan to ensure the existing condition of the public highway is agreed, and measures taken to repair any defects should they arise.
- 6.2.5 Given the details provided within the updated CMP and the fact that this type of arrangement is not uncommon for a residential development of this size, with a small amount of disruption to local residents, and the fact that The Highway Authority offer no objections to the content of the CMP, the above arrangement is considered acceptable.

7 Conclusion

- 7.1 The benefits of the proposal are that the development would provide additional affordable housing, in a sustainable location, and which could contribute to the housing targets for the Borough and provide a wide range of size of housing to meet the needs of the community. The design and layout provides a range of dwelling types and styles enhancing the existing environment by providing attractive green spaces and ease of movement for vehicles, pedestrians and cyclists. The proposed layout will not give rise to any significant impacts upon the residential amenity of existing neighbouring properties and will provide adequate amenity spaces both internally and externally for future occupiers. Issues regarding land contamination, flood risk and biodiversity can be dealt with under the relevant conditions attached to the outline planning permission 20/00056/OUT.
- 7.2 On balance, in the opinion of the Planning Officer, it is considered that any potential concerns would be outweighed by the benefits of the scheme, which is considered to be in accordance with the policies contained within the development plan. This is given significant weight.
- 7.3 It is recommended that planning permission is granted, subject to the conditions set out below and subject to the relevant conditions imposed under outline permission, reference 20/00056/OUT and in line with the previously agreed Section 106 Agreement.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</p>	
1.	<p>The development to which this approval relates shall be begun no later than the expiration of 2 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.</p> <p><i>Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.</i></p>
2.	<p>This permission shall be read in accordance with the following plans:</p> <p>Site Location Plan 1: 2000, n1794 001</p> <p>Received by the Local Planning Authority on 20.04.2022</p> <p>A2 – End Floorplan drawing no:- AV22/A2/0-001 Rev A A2 – End Elevations drawing no:- AV22/A2/0-002 Rev A</p> <p>B3 – End Floorplan drawing no: AV22/B3/0-001 Rev A B3 – End Elevations drawing no: AV22/B3/0-002 Rev A</p> <p>F2 - End Floorplan drawing no: AV22/F2/0-001 Rev A F2 - End Elevations drawing no: AV22/F2/0-002 Rev A</p> <p>H3 – End Floorplans drawing no: AV22/H3/0-001 Rev A H3 – End Elevations drawing no: AV22/H3/0-002 Rev A</p> <p>R3 – End Floorplans drawing no: AV22/R3/0-001 Rev A R3 – End Elevations drawing no: AV22/R3/0-002 Rev A</p> <p>T2 – End Floorplans drawing no: AV22/T2/0-001 Rev A T2 – End Elevations drawing no: AV22/T2/0-002 Rev A</p> <p>Askern – End Floorplan drawing no. AV22/ASK/0-001 Rev B Askern – End Elevations drawing no. AV22/ASK/0-002 Rev B</p> <p>Baildon – End Floorplan drawing no. AV22/BAI/0-001 Rev C Baildon – End Elevations drawing no. AV22/BAI/0-002 Rev C</p> <p>Cadeby – Floorplan drawing no. AV22/CAD/0-001 Rev B Cadeby – Elevations drawing no. AV22/CAD/0-002 Rev B</p> <p>Cookridge – Floorplan drawing no. AV22/COO/0-001 Rev D Cookridge – Elevations drawing no. AV22/COO/0-002 Rev C</p>

Dalton – Floorplan drawing no. AV22/DAL/0-001 Rev C
Dalton – Elevations drawing no. AV22/DAL/0-002 Rev C

Fernlee – End Floorplan drawing no. AV22/FER/0-001 Rev B
Fernlee – End Elevations drawing no. AV22/FER/0-002 Rev B

Horbury – Floorplan drawing no. AV22/HOR/0-001 Rev D
Horbury – Elevations drawing no. AV22/HOR/0-002 Rev C

Howarth – End Floorplan drawing no. AV22/HOW/0-001 Rev C
Howarth – End Elevations drawing no. AV22/HOW/0-002 Rev C

Leyburn – Floorplan drawing no. AV22/LEY/0-001 Rev C
Leyburn – Elevations drawing no. AV22/LEY/0-002 Rev B

Oakwood – Semi Floorplan drawing no. AV22/OAK/0-001 Rev B
Oakwood – Semi Elevations drawing no. AV22/OAK/0-002 Rev B

Ripon – End Floorplan drawing no. AV22/RIP/0-001 Rev B
Ripon – End Elevations drawing no. AV22/RIP/0-002 Rev B

Saltaire – End Floorplan drawing no. AV22/SAL/0-001 Rev C
Saltaire – End Elevations drawing no. AV22/SAL/0-002 Rev C

Thirsk – End Floorplan drawing no. AV22/THI/0-001 Rev B
Thirsk – End Elevations drawing no. AV22/THI/0-002 Rev B

Thornton – Floorplan drawing no. AV22/THO/0-001 Rev D
Thornton – Elevations drawing no. AV22/THO/0-002 Rev D

Wentbridge – Floorplan drawing no. AV22/WEN/0-001 Rev C
Wentbridge – Elevations drawing no. AV22/WEN/0-002 Rev C

Single Garage – Gable Front - drawing no.500/005 Rev A
Double Garage – Hipped - drawing no.503/006 Rev A
Garage Twin – Hipped Roof - drawing no.505/006 Rev A

Received by the Local Planning Authority on 09.02.2022

Site Sections – The View – drawing no. 6180-230

Planning Layout – drawing no. n1794_008 Rev L

Colour Presentation Layout, n1794_009F

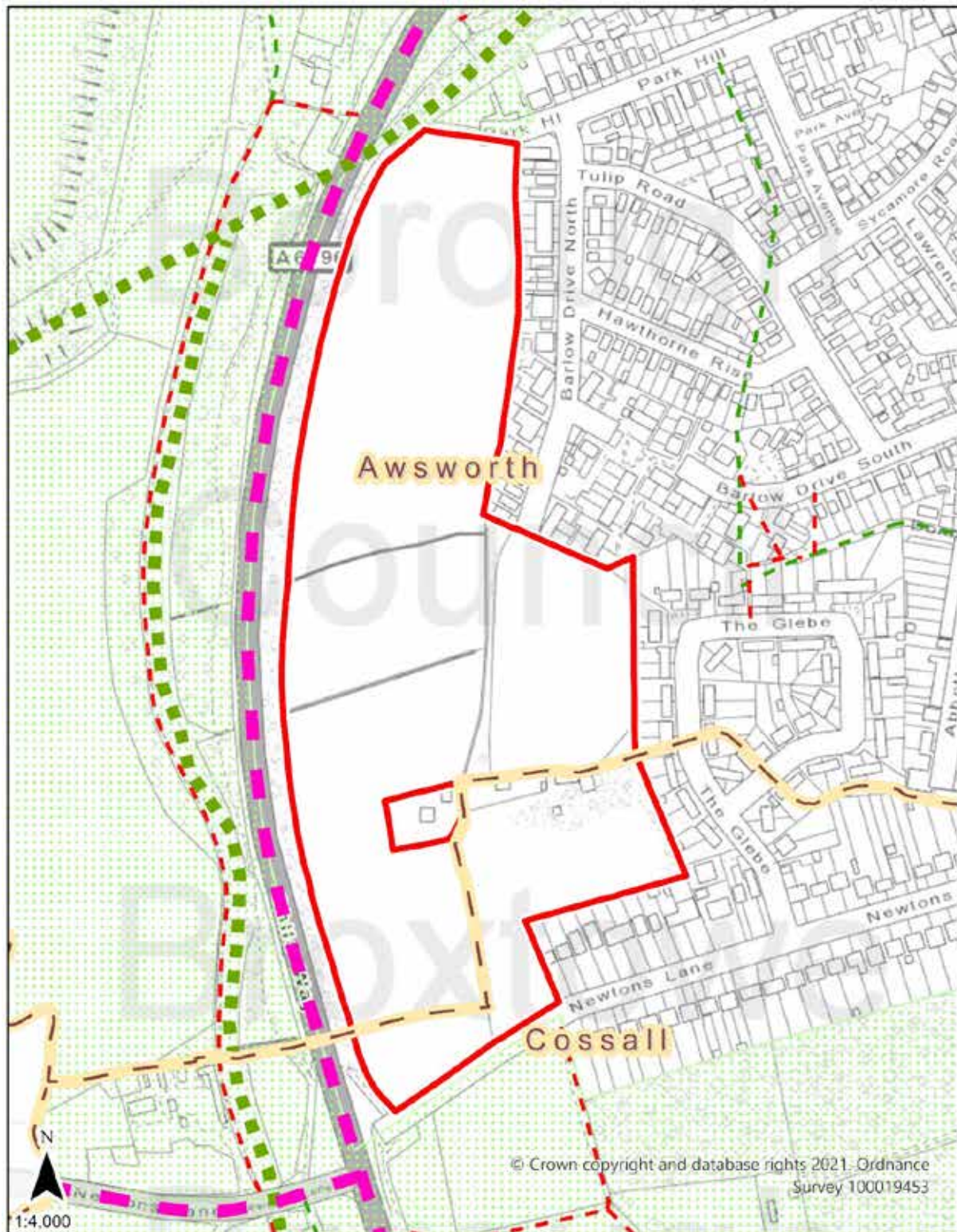
Materials Layout - drawing no. n1794_600 Rev I

Landscape Master Plan, R/2576 1E

Reason: For the avoidance of doubt

3.	<p>The temporary turning facility for buses shall be returned to grass and the vehicular crossings reinstated to footway with full height kerbs once the spine road has been provided to an adoptable standard.</p> <p><i>Reason: In the interest of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
4.	<p>Prior to the occupation of any dwelling, a scheme to protect key locations from indiscriminate parking will need to be provided and agreed in writing with the Local Planning Authority.</p> <p><i>Reason: In the interest of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
5.	<p>All dwellings shall be provided with a dedicated socket fixed to the house or garage in an appropriate location, with sufficient capacity to allow for the future conversion to an EV charging point.</p> <p><i>Reason: To ensure charging cables do not become a trip hazard when laid across the footway in the interest of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
	<p>NOTES TO APPLICANT</p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
2.	<p>The 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</p>
3.	<p>As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.</p>
4.	<p>The associated S106 Agreement and all relevant conditions on the outline permission (20/00056/OUT) must be complied with.</p>

<p>5.</p>	<p>The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council’s current highway design guidance and specification for roadworks.</p> <p>a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is <u>essential</u> that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to hdc.south@nottsc.gov.uk</p>
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Legend

- Site Outline
- Classified Road
- Green Infrastructure Corridor
- Byway open to all traffic
- Bridleway
- Footpath
- Green Belt
- Boundaries - Parishes

Photographs

Access point from Newtons Lane



Shilo Way access point



View into the site from Newtons Lane



Towards Newtons Lane and The Glebe



Into the site from Park Hill

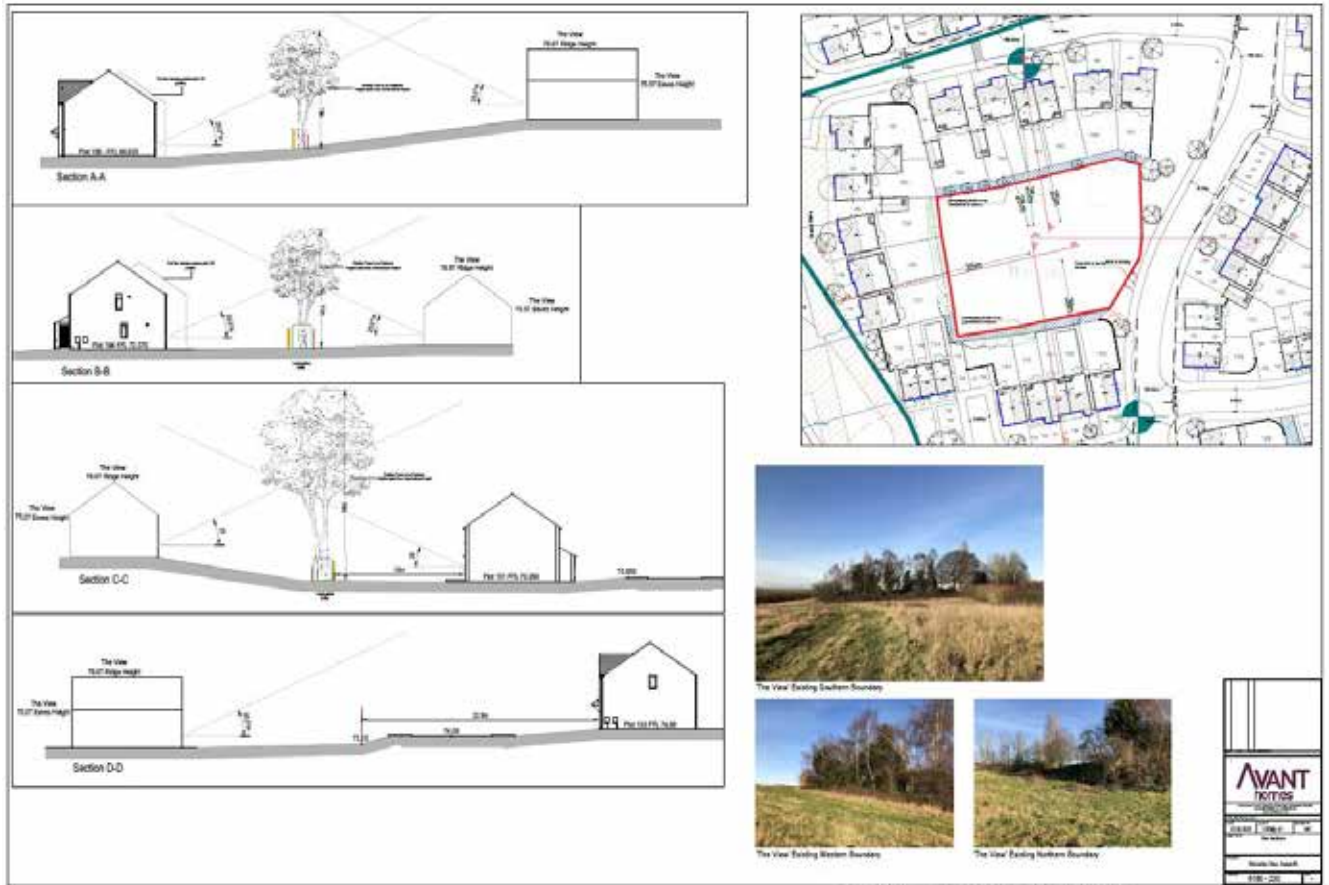


Plans (not to scale)

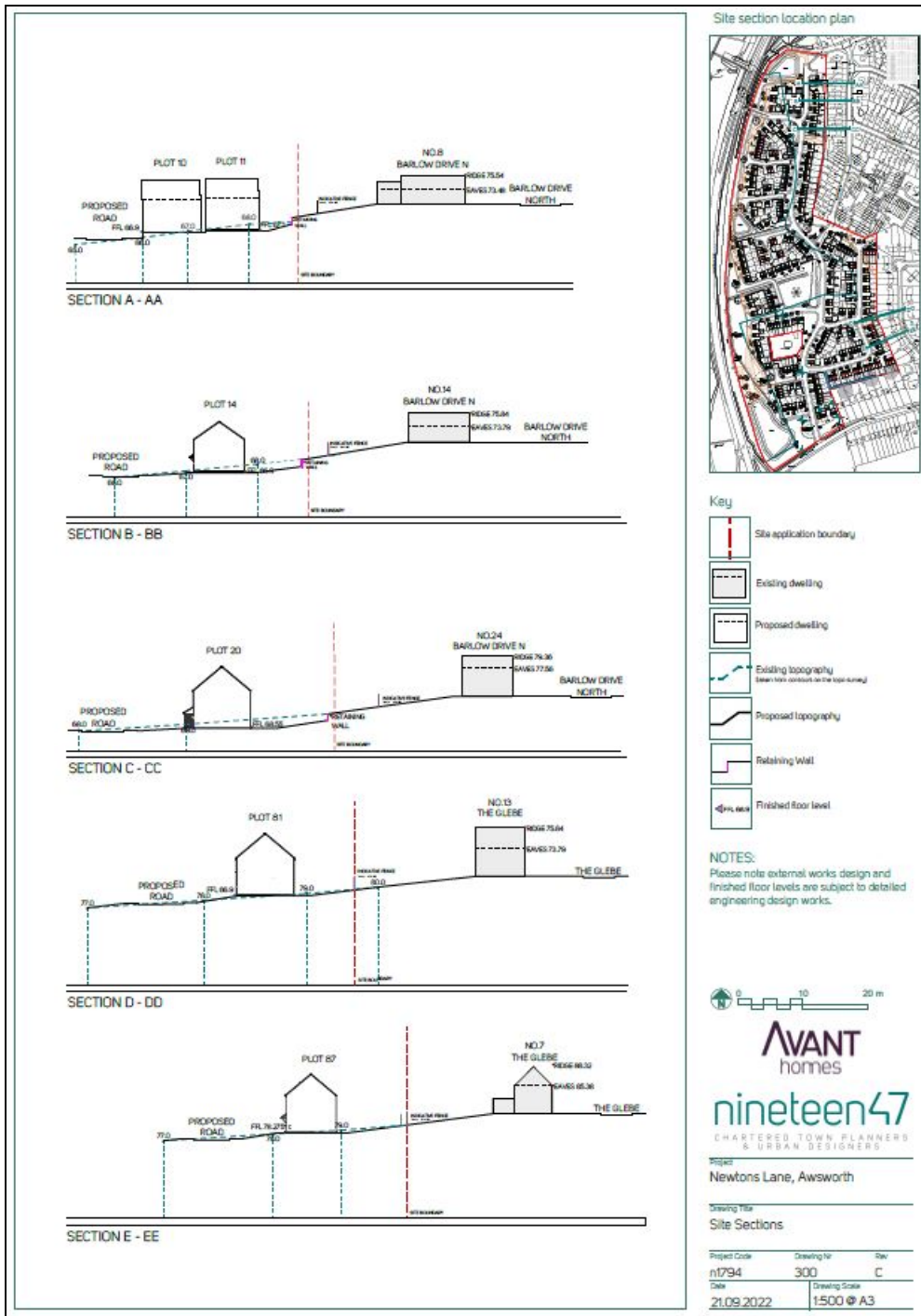
Proposed Site Plan



Site Sections with The View



Additional Site Sections



Typical House Types





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APPENDIX 2

Report of the Chief Executive

APPLICATION NUMBER:	22/00346/REM
LOCATION:	Land West of Awsworth (inside the A6096) Including Land at Whitehouse Farm Shilo Way Awsworth Nottinghamshire
PROPOSAL:	Construct 250 Dwellings (Reserved Matters in Relation to Reference 20/00056/OUT - Appearance, Landscaping, Layout and Scale)

The application is brought to the Committee as it is a reserved matters application for a large major residential development.

1. Purpose of Report

1.1 The application seeks approval of reserved matters for the residential areas of the site following the granting of outline planning permission under reference 20/00056/OUT. The reserved matters are Appearance; Landscaping; Layout; and Scale.

1.2 Recommendation

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

1.3 Detail

1.3.1 The principle of the development has been considered to be acceptable through the allocation of the site within the Local Plan Part 2 2019 for residential development of up to 250 dwellings and also the granting of Outline Planning Permission under reference number 20/00056/OUT.

1.3.2 As part of the Outline Planning Permission, two points of access Shilo Way and Newtons Lane were considered to be acceptable in regard to their design and subject to the receipt of full contributions towards off-site mitigation works through the signed S106 Agreement as part of 20/00056/OUT. The layout plan submitted with the application shows a central road through the site with access taken from the A6096 and Newtons Lane. Smaller secondary roads and private drives lead to dwellings off this primary route. Various pedestrian/cycle links are also shown through the site including from Park Hill, Barlow Drive North, the A6096 and Newtons Lane. Landscaped areas, public open space, surface water attenuation and a central children’s play area are also shown together with the retention of ‘The View’ and several hedgerows.

Illustrative Masterplan submitted with 20/00056/OUT



1.3.3 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 will be any impacts upon residential amenity, whether there would be any detrimental impact on highway safety, contamination of the land, flood risk and the impact on local wildlife/biodiversity.

1.3.4 The benefits of the scheme are that the proposal would provide a wide range of size and type of accommodation which would contribute to the delivery of housing stock within the Borough, would provide affordable housing of an amount that would accord with Local Plan policy, it would be set within a layout which encourages sustainable modes of transport with connections to both the built up area of Eastwood and Ilkeston and to green spaces such as the Erewash Canal and beyond, and would provide a good standard of living for the future occupiers. The development would be in accordance with the policies contained within the development plan. This is given significant weight.

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

1.4 Financial Implications

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

1.5 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.

1.6 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.

1.7 Background Papers

- Design and Access Statement;
- Geo Environmental Assessment;
- Flood Risk Assessment;
- Coal Mining Technical Note;
- Building for Life Assessment;
- Engineering and Drainage Plans;
- Arboricultural Impact Assessment
- Arboricultural Survey;
- Noise Impact Assessment;
- Preliminary Ecology Assessment;
- Energy and Sustainability Statement;
- Energy Efficiency Report.

APPENDIX

2. Details of the Application

2.1 The application seeks approval of reserved matters for the residential areas of the site following the granting of outline planning permission under reference 20/00056/OUT. The design of the dwellings consists of a mix of two and two and a half storey dwellings in a mix of detached, semi-detached and terraced properties. The reserved matters are Appearance; Landscaping; Layout; and Scale. An overall total of 50 Affordable Houses are proposed, the breakdown of these units is as follows:

- 36 x 2 Bed Dwellings;
- 14 x 3 Bed Dwellings.

2.2 The breakdown of remaining 200 residential units is as follows:

- 43 x 2 Bed Dwellings;
- 69 x 3 Bed Dwellings;
- 66 x 4 Bed Dwellings;
- 22 x 5 Bed Dwellings.

2.3 The principle of the development has been considered to be acceptable through the allocation of the site within the Local Plan Part 2 2019 for residential development of up to 250 dwellings and also the granting of Outline Planning Permission under reference number 20/00056/OUT.

2.4 As part of the Outline Planning Permission, two points of access Shilo Way and Newtons Lane were considered to be acceptable in regard to their design and subject to the receipt of full contributions towards off-site mitigation works through the signed S106 Agreement as part of 20/00056/OUT. The layout plan submitted with the application shows a central road through the site with access taken from the A6096 and Newtons Lane. Smaller secondary roads and private drives lead to dwellings off this primary route. Various pedestrian/cycle links are also shown through the site including from Park Hill, Barlow Drive North, the A6096 and Newtons Lane. Landscaped areas, public open space, surface water attenuation and a central children's play area are also shown together with the retention of 'The View' and several hedgerows.

3. Site and Surroundings

3.1 The site lies to the west of the main built up area of Awsworth and infills the gap between the residential properties on Park Hill, Barlow Drive North, The Glebe and Newtons Lane and the Awsworth bypass (A6096). The site is largely within the Parish of Awsworth, with approximately 1.5 hectares of the south and south eastern part of the site falling within Cossall Parish. The bypass is separated from the application site by a strip of woodland planting, which partially screens the site from the west. The eastern boundary of the site is largely made up of various residential boundary treatments of 2m or less in height. The southern boundary of the site is made up of hedgerow and trees.

- 3.2 The site extends to a little over 10 hectares in area and includes 5 field parcels which are divided by hedgerows and other vegetation. A dwelling and several outbuildings (White House Farm) are located towards the south east of the site. A second dwelling lies in the middle of the site (The View) but this is not included in the application site and is not in the applicant's ownership. The site has been historically used as both a clay pit and for open cast mining with these uses finishing in the early 1980's. Since then it has been in agricultural use and is classified as Grade 4 'Poor' agricultural land (Natural England Agricultural Land Classification Map).
- 3.3 The site is in Flood Zone 1. A ditch runs adjacent to the site boundary along Newtons Lane. The topography of the site slopes upwards in an easterly direction, with a level difference of approximately 18 metres from the southern section of the western boundary (adjacent the A6096) to the northern part of the eastern boundary.
- 3.4 The Grade II* Listed Bennerley Viaduct is located approximately 175m to the west and some limited views of this are gained from within the site through the screen of trees. Cossall Conservation Area is located 1.1km to the south-east of the site and the Listed Awsworth Infant School, walls, railings and playground and the village War Memorial lie to the north east and east.
- 3.5 Shilo Recreation Ground is located approximately 70m to the north of the site and there are various other 'Green Infrastructure' assets identified in the Council's 'Green Infrastructure Strategy' within the vicinity of the site including the disused Northern Railway line to the north, and Nottingham Canal to the west.
- 3.6 Ilkeston Railway Station is located 900 metres to the south and there are bus stops along Awsworth Lane/The Lane which access the number 27 service to Ilkeston, the station and Kimberley.

4. Relevant Planning History

- 4.1 Outline Planning Permission with only access being considered was granted under reference number 20/00056/OUT in April 2022. A S106 Agreement was also signed as part of the application.

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 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 11: The Historic Environment
- Policy 14: Managing Travel Demand
- Policy 16: Green Infrastructure, Parks and Open Spaces

- Policy 17: Biodiversity
- Policy 18: Infrastructure
- Policy 19: Developer Contributions

5.2 Part 2 Local Plan 2019

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

- Policy 1: Flood Risk
- Policy 2: Site Allocations
- Policy 4: Awsworth Site Allocations
- Policy 4.1: Land west of Awsworth (inside the bypass)
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 21: Unstable Land
- Policy 22: Minerals
- Policy 23: Proposals Affecting Designated and Non-Designated Heritage Assets
- Policy 24: The Health and Wellbeing Impacts of Development
- Policy 26: Travel Plans
- Policy 30: Landscape
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

5.3 National Planning Policy Framework (NPPF) 2021:

5.3.1 The National Planning Policy Framework (NPPF) 2021, outlines a presumption in favour of sustainable development, that planning should be plan-led, decisions should be approached in a positive and creative way and high quality design should be sought.

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places.
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

5.4 Awsworth Neighbourhood Plan:

5.4.1 The Awsworth Neighbourhood Plan was adopted on the 21 July 2021.

- Policy H1 - New Homes on 'Land West of Awsworth (inside the bypass)

6. Consultations
- 6.1 **Nottinghamshire County Council Highways** – No objections subject to conditions outlined in the appendix.
- 6.2 **Nottinghamshire County Council Rights of Way** – No objections.
- 6.3 **Nottinghamshire Wildlife Trust** – Provide general advice regarding ecology on the site.
- 6.4 **The Coal Authority** – No objections.
- 6.5 **Council’s Waste Collection** – Provide general advice regarding bin storage requirements.
- 6.6 **Natural England** – No comments to make.
- 6.7 **Environmental Health** – Advise conditions relating to 20/00056/OUT still remain regarding site investigation works. Also advise to make the applicants aware of the possibility of Anthrax being present on the site.
- 6.8 **Environment Agency** – No objections subject to various conditions.
- 6.9 **Natural England** – Refers to Standing advice.
- 6.10 **Historic England** – No comments.
- 6.11 **Nottinghamshire County Council Local Lead Flood Risk Authority** – Raise no objections.
- 6.12 **The Councils Tree Officer** - It appears that the majority of the trees and hedge lines on the site are to remain, there are no TPO trees on site and it not within a Conservation Area, no objections to the proposal
- 6.13 **NHS Nottingham and Nottinghamshire CCG:** Advise S106 contributions are still required as per the outline planning permission.
- 6.14 **Awsworth Parish Council** – Provide general comments on the site layout and submitted supporting documents and link the development to the Awsworth Neighbourhood Plan policies.
- 6.15 **Written representations** – Five site notices were originally posted, a press noticed published and neighbouring properties were consulted with 1 letter of support and the remainder 47 letters of objection. The grounds of objection are summarised as follows:
- Loss of greenfield land;
 - Loss of views;
 - Loss of wildlife;
 - Impacts on local facilities such as schools, doctors, dentists;

- Highway safety;
- Traffic generation;
- Increased traffic along Newtons Lane;
- Over development of the area;
- Land containing Anthrax;
- Loss of privacy;
- Overlooking;
- Loss of daylight/sunlight;
- Sense of enclosure;
- Noise/dust during construction;
- Excessive Housing density and volume.

7. **Assessment**

7.1. The main issues relating to this application are whether the principle of residential development is acceptable; whether the layout and design of the development is acceptable, whether there will be any impacts upon residential amenity, whether there would be any detrimental impact on highway safety, contamination of the land, flood risk and the impact on local wildlife/biodiversity. These are discussed in turn as follows:

7.2 **Principle**

7.2.1 Policy 8 of the Broxtowe Aligned Core Strategy (ACS) and Policy 15 of the Part 2 Local Plan 2019 state that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes. Policy 17 of the Part 2 Local Plan states that permission will be granted for development which integrates into its surroundings, creates well defined streets and places, provides adequate amenity space, ensures a satisfactory degree of amenity and does not prejudice the satisfactory development of a wider area. Policy 10 of the ACS (d and e) states that massing, scale, proportion, materials, architectural style and detailing will be considerations when assessing development.

7.2.2 The development of the site for residential purposes has been established through the allocation of the site within the Local Plan Part 2 2019 for up to 250 dwellings. Outline Planning Permission has also been granted under reference number 20/00056/OUT with all matters reserved except for access. The principle of development of the site for residential purposes is considered acceptable, subject to the consideration of other material planning considerations.

7.3 **Design and Visual Amenity**

7.3.1 Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy states design and layout principles to be applied to new development and looks to ensure that valued local characteristics are reinforced. Policy 17 of the Part 2 Local Plan states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

7.3.2 The layout plan submitted with the application shows a central road through the site with access taken from the A6096 (Shilo Way) and from Newtons Lane. Smaller

secondary roads and private drives lead to dwellings off this primary route. The proposed dwellings comprise a mix of two storey buildings varying from two to five bedrooms, with various plots benefitting from either integral, attached or detached garages. The development will include a variety of different house types of individual design which will add to the individual appearance of the internal layout of the development. Private driveways serving the dwellings are proposed to the side/front of the dwellings.

7.3.3 In terms of existing hedgerows within the site and along the boundary with Shilo Way and Newtons Lane these are to be retained. To complement the existing hedgerows, landscaped areas, public open space, surface water attenuation ponds and a central children's play area are also shown together with the retention of 'The View' and several hedgerows which are indicated on the submitted Landscape Plan. Various pedestrian/cycle links are also shown through the site including from Park Hill, Barlow Drive North, the A6096 and Newtons Lane. The proposed public open space within the site will be managed by the developers and this will be secured through a maintenance company via the S106 Agreement associated with the outline planning permission 20/00056/OUT.

7.3.4 To conclude, the variety in appearance of the house types throughout the development along with the open spaces and proposed landscaping will create an interesting and pleasant environment. Whilst it is acknowledged that the character of the site will change from that of a field to one of built development, this will not be at odds with the residential character of the area. The proposal is not considered to have any significant detrimental impact upon the visual amenity of the area and is in accordance with policy 10 of the Aligned Core Strategy and policy 17 of the Part 2 Local Plan.

7.4 **Residential Amenity**

7.4.1 Objections have been received from neighbouring properties in respect of loss of views, loss of privacy, overlooking, loss of daylight/sunlight, sense of enclosure and noise/dust during the construction period.

7.4.2 In terms of impacts upon existing residential properties located on Newtons Lane, The Glebe and Barlow Drive North, whilst new dwellings are proposed backing onto these properties, adequate separation distances of 21m have been provided with the new dwellings being two storey in nature. Furthermore, a site section plan has been submitted in support of the planning application indicating the land levels within the site being lower than the adjacent existing properties located on The Glebe and Barlow Drive North. All three storey dwellings are sited towards the centre of the site.

7.4.3 In terms of the future occupiers, the layout provides for each property to have access to private outdoor amenity space and storage for bins. The layout allows for adequate spacing between each property and the provision of 1.8m high close boarded timber fences along the boundaries in order to safeguard privacy. Internally, the design and layout allows for satisfactory access to natural light and to an outlook, and the dwellings conform to the DCLG's Technical Housing Standards in terms of internal floor space.

7.4.4 Whilst the character of the site will change from that of an open field to one of built development, this will not be at odds with the residential character of the area. In

view of the above, it is not considered there will be any significant detrimental impact upon the immediate neighbouring properties in respect of overlooking, overbearing or noise impacts.

7.5 Highway Safety

7.5.1 As part of the Outline Planning Permission, two points of access Shilo Way and Newtons Lane were considered to be acceptable in regard to their design and subject to the receipt of full contributions towards off-site mitigation works through the signed S106 Agreement as part of 20/00056/OUT. The layout plan submitted with the application shows a central road through the site with access taken from the A6096 and Newtons Lane. Smaller secondary roads and private drives lead to dwellings off this primary route. Off street parking for each plot has been carefully considered in order to ensure that entering and exiting each plot would not have an impact on highway safety in terms of conflict with oncoming traffic, particularly along the central road. The majority of the highway would be adopted, with some unadopted highways where a shared access is serving a short run of dwellings at the end of a cul-de-sac or where a shared access off the central road. Various pedestrian/cycle links are also shown through the site including from Park Hill, Barlow Drive North, the A6096 and Newtons Lane.

7.5.2 No objections have been received from the Highway Authority subject to conditions relating to the surfacing of the driveways/parking areas being in a bound material, a scheme to protect key locations from indiscriminate parking and all dwellings being provided with a dedicated socket for future conversion to an EV charging point.

7.5.3 In respect of traffic generation, the principle has been established under the outline application and the highway designed accordingly to accommodate the amount of development proposed.

7.6 Land Contamination

7.6.1 Concerns have been raised by local residents in respect of the potential of Anthrax being present with the ground from previous farming activities.

7.6.2 As part of the outline planning permission 20/00056/OUT a Phase I Geotechnical Desk Study and Phase II Assessment was submitted. The outline planning permission required details to be submitted of an Intrusive Site Investigation being carried out and submitted along with appropriate gas prevention measures in accordance with the relevant conditions imposed on the outline planning permission. The applicant is fully aware of the concerns raised in respect of the potential for Anthrax being present on the site and proposes to carry out further site investigations and mitigate against if required. Details of these surveys and reports have been submitted for discharge of the relevant conditions attached to the outline application.

7.7 Flood Risk

7.7.1 The site is located within the River Erewash catchment within Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding) so is at the lowest risk of flooding. As such the site is not considered to be at risk of flooding from fluvial sources. A Flood Risk Assessment and Drainage Strategy (FRA) was submitted

as part of the outline planning application which identified and assessed the risks from all forms of flooding to and from the development and demonstrated how these flood risks will be managed.

- 7.7.2 A condition was attached to the outline planning permission for the submission of a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment and Drainage Strategy. It is therefore considered that details will be considered as part of the formal discharge of the relevant condition attached to the outline planning permission 20/00056/OUT.

7.8 **Biodiversity**

- 7.8.1 Policy 28 (Green Infrastructure Assets) and Policy 31 (Biodiversity Assets) of the P2LP seek to ensure no significant harm is caused to environmental assets, including protected habitats and species. Both policies share their main evidence base as the Council's Green Infrastructure Strategy. If significant harm is identified, then the P2LP policies require the benefits of the development, such as housing delivery, to clearly outweigh the harm.
- 7.8.2 Three Green Infrastructure Corridors identified within the Council's Green Infrastructure Strategy (2015-2030) run close to the site, with the closest being the Nottingham Canal Secondary Green Infrastructure Corridor (2.9), which lies to the west of the site on the opposite side of the A6096 and follows the route of the Nottingham Canal. This strategy document identifies existing assets to protect near this site including the Public Rights of Way links and identifies opportunities for change and enhancement including links to the canal towpath and using Bennerley Viaduct to connect Awsworth and Ilkeston.
- 7.8.3 There are no sites of international importance within 5km of the site and whilst there are 4 statutory sites and 21 non-statutory sites within 2km of the site, due to the absence of any such sites being located within the development site itself and the position of the site with clear defensible boundaries none of these sites lie immediately adjacent the proposed development. As such it is not considered that the development will have any significant impacts on these sites.
- 7.8.4 An 'Extended Phase I Habitat Survey' was submitted with the outline planning application. The field study's which inform this document found records of breeding and foraging bats, nesting and breeding birds and a small number of common toads. Local BAP priority habitats including hedgerows and farmland (semi-improved grassland/silage) are contained within the site. The site is made up of semi-improved grassland, marshy grassland, hedgerows, dense scrub and the access, hardstanding and buildings associated with White House Farm.
- 7.8.5 As part of the reserved matters application a landscape masterplan has been submitted indicating the retention of existing hedgerows along the boundary and within the site along with the provision of additional open spaces within the site and the provision of balancing ponds.
- 7.8.6 As part of the outline planning permission updated ecological information including bat, amphibian, reptile wintering and breeding bird surveys are required to be submitted and agreed in writing and these will also inform the appropriate

condition which also requires the submission of a Biodiversity Enhancement Plan to be submitted and approved.

7.9 Developer Contributions

7.9.1 Developer contributions have been secured by way of a Section 106 Agreement under outline planning permission reference 20/00056/OUT. No further contributions or obligations are sought.

8 Conclusion

8.1 The benefits of the proposal are that the development would provide additional affordable housing, in a sustainable location, and which could contribute to the housing targets for the Borough and provide a wide range of size of housing to meet the needs of the community. The design and layout provides a range of dwelling types and styles enhancing the existing environment by providing attractive green spaces and ease of movement for vehicles, pedestrians and cyclists. The proposed layout will not give rise to any significant impacts upon the residential amenity of existing neighbouring properties and will provide adequate amenity spaces both internally and externally for future occupiers. Issues regarding land contamination, flood risk and biodiversity can be dealt with under the relevant conditions attached to the outline planning permission 20/00056/OUT.

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

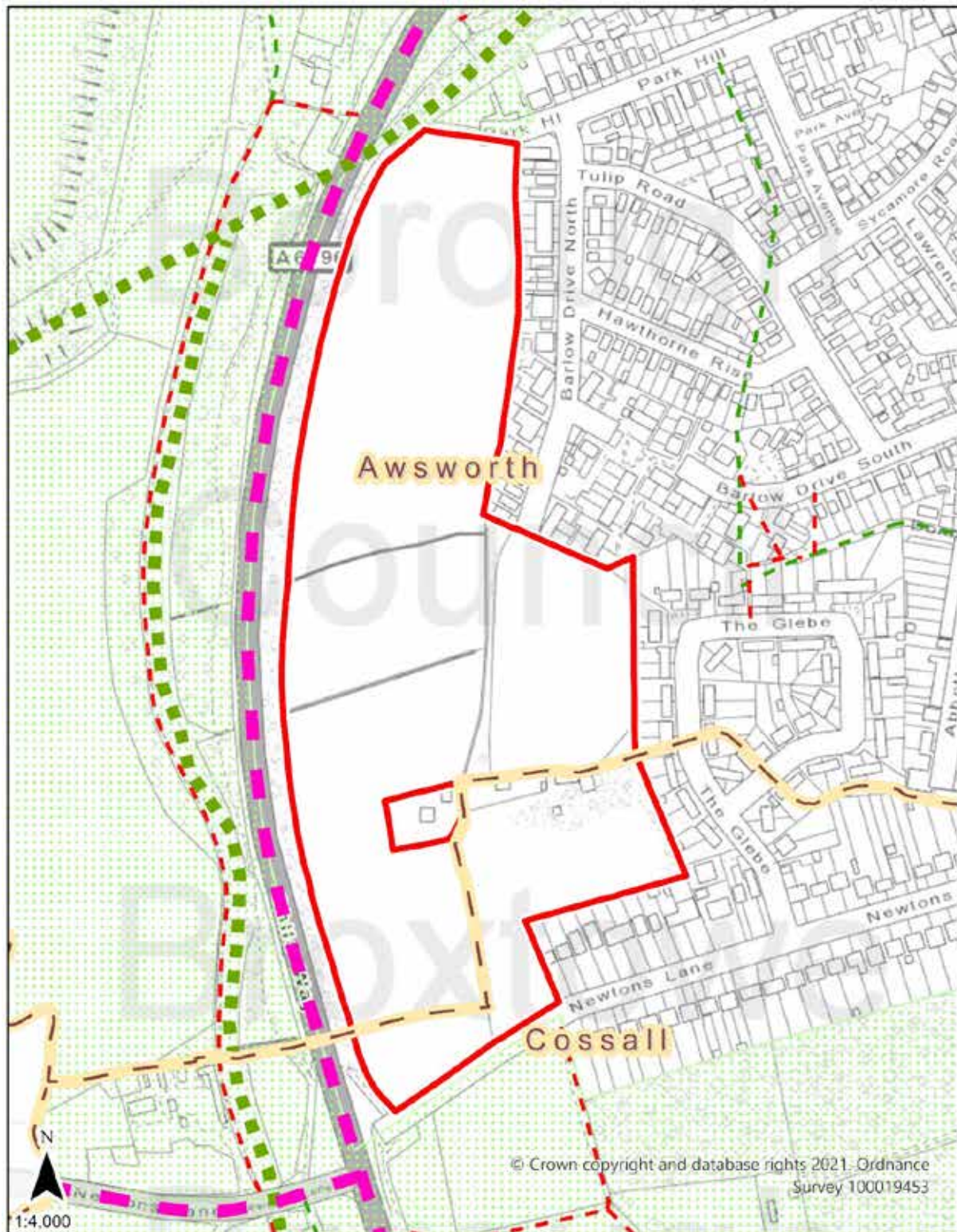
8.3 It is recommended that planning permission is granted, subject to the conditions set out below and subject to the relevant conditions imposed under outline permission, reference 20/00056/OUT and in line with the previously agreed Section 106 Agreement.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</p>	
1.	<p>The development to which this approval relates shall be begun no later than the expiration of 2 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.</p> <p><i>Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.</i></p>
2.	<p>This permission shall be read in accordance with the following plans:</p> <p>Site Location Plan 1: 2000, n1794 001</p> <p>Received by the Local Planning Authority on 20.04.2022</p> <p>A2 – End Floorplan drawing no:- AV22/A2/0-001 Rev A A2 – End Elevations drawing no:- AV22/A2/0-002 Rev A</p> <p>B3 – End Floorplan drawing no: AV22/B3/0-001 Rev A B3 – End Elevations drawing no: AV22/B3/0-002 Rev A</p> <p>F2 - End Floorplan drawing no: AV22/F2/0-001 Rev A F2 - End Elevations drawing no: AV22/F2/0-002 Rev A</p> <p>H3 – End Floorplans drawing no: AV22/H3/0-001 Rev A H3 – End Elevations drawing no: AV22/H3/0-002 Rev A</p> <p>R3 – End Floorplans drawing no: AV22/R3/0-001 Rev A R3 – End Elevations drawing no: AV22/R3/0-002 Rev A</p> <p>T2 – End Floorplans drawing no: AV22/T2/0-001 Rev A T2 – End Elevations drawing no: AV22/T2/0-002 Rev A</p> <p>Askern – End Floorplan drawing no. AV22/ASK/0-001 Rev B Askern – End Elevations drawing no. AV22/ASK/0-002 Rev B</p> <p>Baildon – End Floorplan drawing no. AV22/BAI/0-001 Rev C Baildon – End Elevations drawing no. AV22/BAI/0-002 Rev C</p> <p>Cadeby – Floorplan drawing no. AV22/CAD/0-001 Rev B Cadeby – Elevations drawing no. AV22/CAD/0-002 Rev B</p> <p>Cookridge – Floorplan drawing no. AV22/COO/0-001 Rev D Cookridge – Elevations drawing no. AV22/COO/0-002 Rev C</p>

<p>Dalton – Floorplan drawing no. AV22/DAL/0-001 Rev C Dalton – Elevations drawing no. AV22/DAL/0-002 Rev C</p> <p>Fernlee – End Floorplan drawing no. AV22/FER/0-001 Rev B Fernlee – End Elevations drawing no. AV22/FER/0-002 Rev B</p> <p>Horbury – Floorplan drawing no. AV22/HOR/0-001 Rev D Horbury – Elevations drawing no. AV22/HOR/0-002 Rev C</p> <p>Howarth – End Floorplan drawing no. AV22/HOW/0-001 Rev C Howarth – End Elevations drawing no. AV22/HOW/0-002 Rev C</p> <p>Leyburn – Floorplan drawing no. AV22/LEY/0-001 Rev C Leyburn – Elevations drawing no. AV22/LEY/0-002 Rev B</p> <p>Oakwood – Semi Floorplan drawing no. AV22/OAK/0-001 Rev B Oakwood – Semi Elevations drawing no. AV22/OAK/0-002 Rev B</p> <p>Ripon – End Floorplan drawing no. AV22/RIP/0-001 Rev B Ripon – End Elevations drawing no. AV22/RIP/0-002 Rev B</p> <p>Saltaire – End Floorplan drawing no. AV22/SAL/0-001 Rev C Saltaire – End Elevations drawing no. AV22/SAL/0-002 Rev C</p> <p>Thirsk – End Floorplan drawing no. AV22/THI/0-001 Rev B Thirsk – End Elevations drawing no. AV22/THI/0-002 Rev B</p> <p>Thornton – Floorplan drawing no. AV22/THO/0-001 Rev D Thornton – Elevations drawing no. AV22/THO/0-002 Rev D</p> <p>Wentbridge – Floorplan drawing no. AV22/WEN/0-001 Rev C Wentbridge – Elevations drawing no. AV22/WEN/0-002 Rev C</p> <p>Single Garage – Gable Front - drawing no.500/005 Rev A Double Garage – Hipped - drawing no.503/006 Rev A Garage Twin – Hipped Roof - drawing no.505/006 Rev A</p> <p>Received by the Local Planning Authority on 28.09.2022</p> <p>Planning Layout – drawing no. n1794_008 Rev H Colour Presentation Layout, n1794_009D</p> <p>Received by the Local Planning Authority on 03.11.2022</p> <p>Materials Layout - drawing no. n1794_600 Rev H</p> <p>Received by the Local Planning Authority on 30.11.2022</p> <p>Landscape Master Plan, R/2576 1D</p>
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	<i>Reason: For the avoidance of doubt</i>
3.	<p>The temporary turning facility for buses shall be returned to grass and the vehicular crossings reinstated to footway with full height kerbs once the spine road has been provided to an adoptable standard.</p> <p><i>Reason: In the interest of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
4.	<p>Prior to the occupation of any dwelling, a scheme to protect key locations from indiscriminate parking will need to be provided and agreed in writing with the Local Planning Authority.</p> <p><i>Reason: In the interest of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
5.	<p>All dwellings shall be provided with a dedicated socket fixed to the house or garage in an appropriate location, with sufficient capacity to allow for the future conversion to an EV charging point.</p> <p><i>Reason: To ensure charging cables do not become a trip hazard when laid across the footway in the interest of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
	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.	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 associated S106 Agreement and all relevant conditions on the outline permission (20/00056/OUT) must be complied with.
5.	<p>The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.</p> <p>a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is <u>essential</u> that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to hdc.south@nottscc.gov.uk</p>



Legend

- | | |
|-------------------------------|-----------------------|
| Site Outline | Bridleway |
| Classified Road | Footpath |
| Green Infrastructure Corridor | Green Belt |
| Byway open to all traffic | Boundaries - Parishes |

Photographs

Access point from Newtons Lane



Shilo Way access point



View into the site from Newtons Lane



Towards Newtons Lane and The Glebe



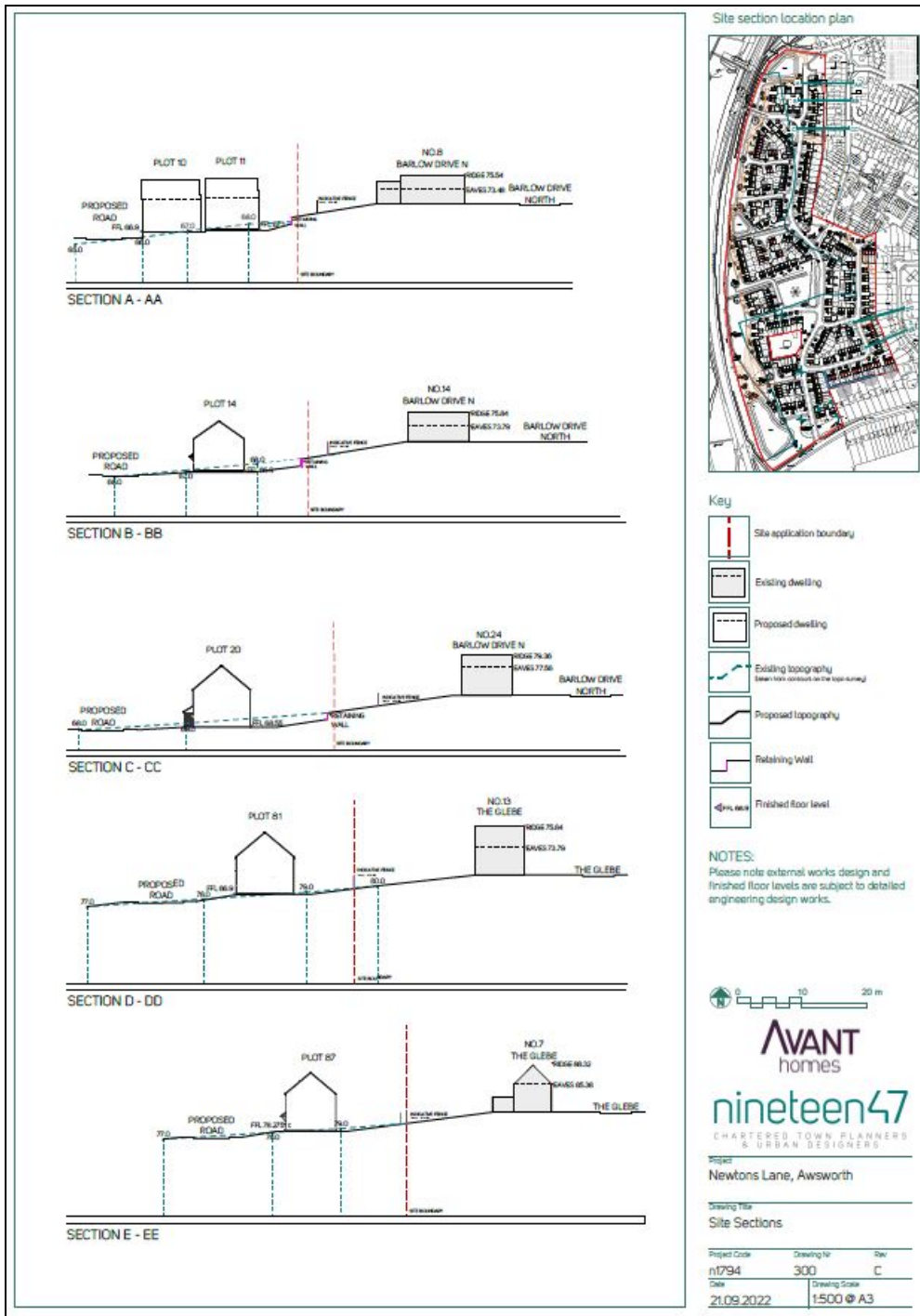
Into the site from Park Hill



Plans (not to scale)

Proposed Site Plan





Typical House Types





Report of the Chief Executive

APPLICATION NUMBER:	22/00094/FUL
LOCATION:	7 Wharton Crescent, Beeston, Nottinghamshire, NG9 1RJ
PROPOSAL:	Retain change of use of garage, including removal of garage door and insertion of window, to use as a dog grooming salon

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

1.1 Purpose of the Report

The application seeks full planning permission for the retention of a change of use of integral garage, including removal of garage door and replacement with window, to use as a dog grooming salon.

1.2 Recommendation

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

1.3 Details

1.3.1 The application seeks planning permission to retain a change of use of a garage, including removal of a garage door and insertion of a window, to use as a dog grooming salon.

1.3.2 The dwelling is an end-of-terrace three storey property in a row of three houses.

1.3.3 The main issue relates to the impact of the use on the amenities of the occupiers of neighbouring property, and whether the use is acceptable in a residential setting.

1.3.4 The benefits of the proposal are that it would enable a small business to operate, would have an acceptable design, would not have a significant negative impact on neighbour amenity and would be in accordance with the policies contained within the development plan. It is considered that there are no significant negative impacts, therefore the proposal is considered acceptable.

1.4 Financial Implications

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

1.5 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.

1.6 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.

1.7 Background Papers

Nil.

APPENDIX

1. Details of the Application

1.1 The proposal is to retain a conversion of the garage for use as a dog grooming business. To the front (facing Wharton Crescent), the garage door has been removed and replaced with a window. Internally a wall has been installed to provide a grooming salon and a separate dog bathing area, and a door to the residential living space has been moved nearer the front door.

1.2 No additional staff are to be employed and the applicant will be the sole operator. The hours of use are stated as Tuesday to Friday 9am—5pm, Saturday 9am-5pm, Sunday to Monday closed, and is currently operated in line with these hours.

2. Site and Surroundings

2.1 The application property is an end terrace dwelling and is located in a built-up residential, with housing surrounding the site. To the rear, there is a shared parking area and shared garage block. The property is situated at a relatively flat level, with a front driveway with space for 1 car. At the front, the boundary is open with some hedging to the sides. To the north east side there is an alley with shared access to the rear and parking area.

3. Relevant Planning History

3.1 The dwelling and neighbouring houses were constructed under planning reference 06/00728/FUL - Construct 146 dwellings with associated garaging and car parking and provision of recreational facilities (revised scheme). There are no planning conditions restricting the conversion of the garage to habitable space.

4. Relevant Policies and Guidance

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

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

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

4.2 **Part 2 Local Plan 2019:**

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

- Policy 17: Place-making, design and amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions

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

- Section 2: Achieving Sustainable Development
- Section 4: Decision making
- Section 6: Building a strong, competitive economy
- Section 12: Achieving well-designed places.

5. Consultations

5.1 **Councillors:**

- Councillor T A Cullen – No comment received.
- Councillor S Dannheimer – Called in the application to Planning Committee.

5.2 **Consultees:**

- Environmental Health – have no objections to the proposal, subject to conditions related to opening hours, number of clients per day and number at any time, and the permission to be based solely for the benefit of the applicant being included in any decision.

5.3 A total of 3 neighbours were consulted on the received application, with 1 comment received objecting to the proposal, providing the following:

- The business started operating from the address in November 2021 – the business previously operated from commercial premises in Long Eaton Town Centre.
- Inaccurate plans (width of property should be 5m) – Applicant submitted corrected plan on 9/2/23.
- Incomplete Flood Risk Assessment submitted, missing pages.
- Inaccurate statement.
- Air Conditioning Unit.
- Extended driveway.
- Noise nuisance.
- Public health nuisance.
- Traffic disruption.
- Does not comply with local or national policies.
- Condition suggestions.

6. Assessment

6.1 The principle of running a business from home is acceptable subject to the assessment of the impact of the use on the amenities of the occupiers of neighbouring property.

6.2 Design

6.2.1 The garage is externally retained as is, except for the replacement of the garage door with a window and associated works. Therefore, it is considered that these

changes are appropriate and would not be overly prominent from the street scene and therefore would have no significant impact.

6.3 Amenity

6.3.1. It is considered that the use would not have a significant impact on the amenities of the occupiers of nearby property in terms of noise and disturbance. This is due to the position of the dwelling within a through road and the size and nature of the proposed business use which would accommodate one client at a time, with the limited amount of customers that could attend each day. In respect of the attached neighbouring property (no. 9) and noise transference, the use is contained within a converted garage with no. 9's front door and hallway next to it, with daytime living space for both properties on the first floor. Further, due to the above, the noise may be considered comparable to noise created from normal domestic use the daytime period. Even so it is considered reasonable and in consideration of neighbour amenity that the use should be subject to restrictive conditions regarding hours of use and intensity.

6.3.2 No additional staff are to be employed and the applicant will be the sole operator. The hours of use are currently and stated as Tuesday-Friday 9am—5pm, Saturday 9am-5pm, Sunday-Monday Closed. Due to the size of the facilities it would be unlikely to be able to provide a service to more than one customer at a time. Environmental Health have requested conditions covering hours of use, number of clients and personal use. Therefore, as the business is situated within a residential area, these will be conditioned in order to safeguard neighbour amenity.

6.3.3 Overall, it is considered that the proposed business use will not have an unacceptable impact on the amenity of any neighbouring properties.

6.4 Flooding

6.4.1 The site is located within Flood Zone 2 and 3. A Flood Risk Assessment has been submitted which confirms that floor levels will be set no lower than existing and the development will receive flood proofing where appropriate. Whilst a residential dwelling is identified under table 2 'flood risk vulnerability classification' of the technical guidance to the national policy framework as a 'more vulnerable', the change of use of the garage as a dog grooming business – sui generis is identified as a 'less vulnerable' use. As this is not an application for a dwelling it is evident from table 3 'flood risk vulnerability and flood zone compatibility' of the technical guidance to the national policy framework that the proposed use is identified as appropriate within zone 3a areas'. It is considered that flood risk issues have been adequately considered and that the development will not increase flood risk.

In relation to the comment above the flood risk assessment page submitted provides the necessary information for this application, with the other pages providing guidance to the applicant.

6.5 Access and Highway Safety

6.5.1 There would be no footprint increase, as the use would be within an existing building and current parking would be retained. Due to the nature of the

proposal, it is likely it would only have one client at a time (maybe two at appointment change over times), though this will be mitigated through a planning condition. Therefore, it is considered that the use would not have any significant impact on access or upon highway safety.

6.6 Other Matters

6.6.1 Inaccuracy within plans and submitted statements – during the application process any necessary information has been requested or corrected to aid determination.

6.6.2 It has been mentioned on a supporting statement that in the near future an air-conditioning unit may be installed, this in itself may need planning permission and a noise assessment – a note to applicant would be included reminding them of this.

6.6.3 It has been mentioned on a supporting statement that the driveway may be extended on the frontage, the occupiers of the dwellinghouse would have the right to extend the driveway subject to compliance with Permitted Development Regulations.

6.6.4 Any public health concerns in relation to waste and dog fouling would need to be reported to the Council’s Environmental Health department, who would be able to carry out an investigation. Notwithstanding this, the Environmental Health Officer did not raise any concerns in this respect.

7. Planning Balance

7.1 The benefits of the proposal are that it would enable a small business to operate, would have an acceptable design, would not have a significant negative impact on neighbour amenity or on highway safety, and would be in accordance with the policies contained within the development plan.

7.2 It is considered that there are no significant negative impacts, therefore the proposal is considered acceptable.

8. Conclusion

8.1 Recommend that planning permission for the development is approved.

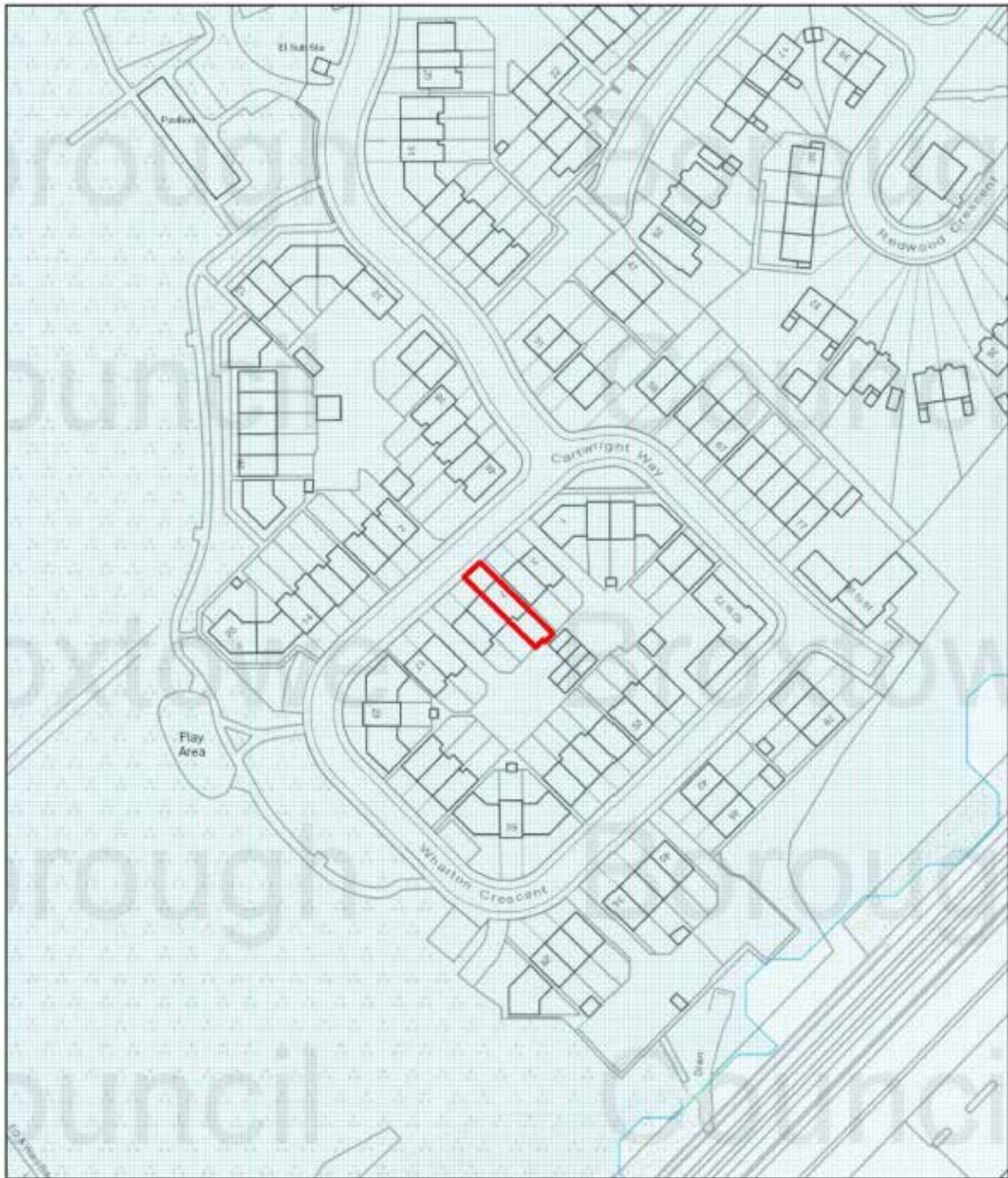
<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	The development hereby permitted shall be retained in accordance with the Site Location Plan received by the Local Planning Authority on 1 November 2023 and the proposed layout and proposed front elevation received by the Local Planning Authority on 9 February 2023. <i>Reason: For the avoidance of doubt.</i>

2.	<p>The premises shall not be used except between 09.00-17.00 hours Monday to Saturday, and at no time on Sundays, Bank Holidays and other public holidays without the prior agreement in writing of the Local Planning Authority.</p> <p><i>Reason: To protect nearby residents from excessive operational noise in accordance with the aims of Policy 17 and 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
3.	<p>The operation of the business hereby approved shall be undertaken on an appointment system only. Only one client shall be present at the premises for the purposes of the permitted use at any time.</p> <p><i>Reason: To protect nearby residents from excessive operational noise and to minimise demand for on-street parking, in accordance with the aims of Policy 17 and 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
4.	<p>All customer appointments in connection with the use hereby permitted must be pre-arranged allowing a minimum of 5 minutes between the end of one and the start of the next consecutive appointment. A record of all appointments and times must be kept by the operator of the business hereby permitted and shall be made available at all reasonable times for inspection by officers of the Local Planning Authority.</p> <p><i>Reason: To safeguard the amenities of residents living in dwellings located in the vicinity of the application site in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
	<p>NOTES TO APPLICANT</p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
2.	<p>The 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</p>
3.	<p>You are advised that the proposed activities may require licensing. You are advised contact the Licensing and Environmental Health departments on 0115 9173485 to ensure the</p>

	internal layout and facilities comply with guidance for the proposed activities.
4.	Installation of an air conditioning unit to the building is likely to require planning permission and a noise assessment, you are advised to contact the planning department in advance of installation.

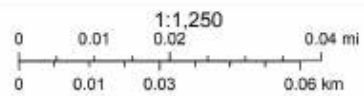
Map

7 Wharton Crescent Beeston Nottinghamshire NG9 1RJ



12/13/2022, 8:48:23 AM

-  Flood Zone 2
-  Flood Zone 3
-  Site



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Photographs



Front (north east) elevation.

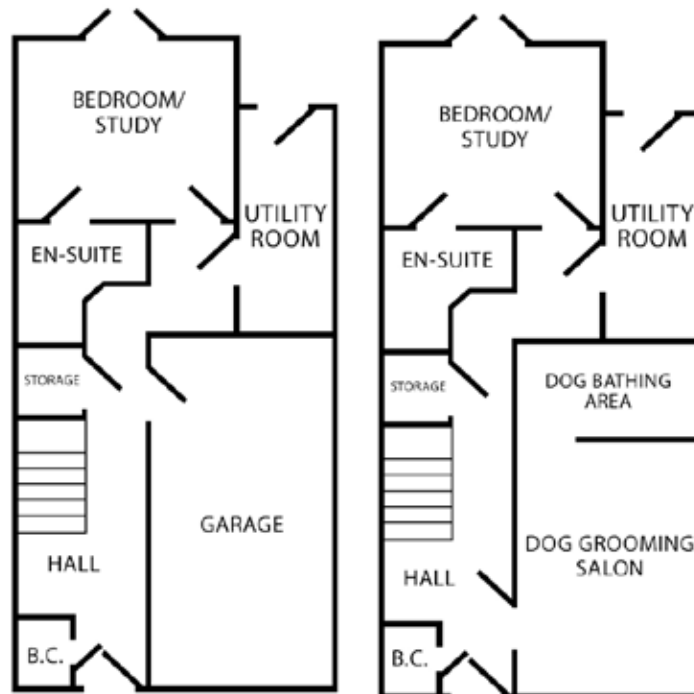


Street scene, with site in centre (Google Maps)

Plans (not to scale)



Existing & Proposed front principal elevation



Existing & Proposed floor plan

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Report of the Chief Executive

APPLICATION NUMBER:	22/00767/FUL
LOCATION:	Land South Of 50 Pinfold Road, Newthorpe, Nottinghamshire, NG16 2FT
PROPOSAL:	Construct 20 dwellings

Councillor M Brown has requested this application be determined by Committee.

1 Purposes of the Report

1.1 This application seeks consent develop the land for residential purposes. The layout submitted proposes the construction of 20 dwellings in the form of 15 X 3 bedroom two storey dwellings (2 x 2.5 storey) and 5 x 2 bed bungalows. There is one main access point into the site off Pinfold Road which serves all properties. The application includes various site sections showing proposed levels of the access and dwellings in relation to Pinfold Road, Main Street and Baldwin Street.

1.2 Recommendation

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

1.3 Detail

1.3.1 The site comprises 0.58ha of former agricultural land which was previously used as a paddock. The site previously consisted of a variety of trees and a hedgerow fronting Pinfold Road which have been removed since the submission of this application but have in part grown back. Most notably there is a mature Oak tree fronting Pinfold Road which is covered by a Tree Preservation Order. The site has a significant change in levels compared with Pinfold Road with the land rising steeply upwards to the east directly behind the roadside hedge creating a level difference of approximately 3 – 4m.

1.3.2 Outline planning permission was previously granted under reference number 12/00712/OUT with all matters reserved except for access and layout for the provision of 20 dwellings. This application has since expired.

1.3.3 Planning permission was previously refused under reference number 20/00687/FUL for the erection of 22 dwellings on the following grounds:

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.



Layout showing previously refused scheme 20/00687/FUL

1.3.4 An appeal was also dismissed with 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.

1.3.5 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.

1.3.6 The benefits of the proposal are that the residential development would see the development of a vacant site for residential purposes. The proposed dwellings are not considered to be harmful to the character of the surrounding area, or have an unacceptable impact on neighbouring amenity or highway safety.

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

1.4 Financial Implications

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

1.5 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.

1.6 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.

1.7 Background Papers

Nil.

APPENDIX

1. Details of the Application

- 1.1 This application seeks consent develop the land for residential purposes. The layout submitted proposes the construction of 20 dwellings in the form of 15 x 3 bedroom two storey dwellings (2 x 2.5 storeys) and 5 x 2 bed bungalows. There is one main access point into the site off Pinfold Road which serves all properties. The application includes various site sections showing proposed levels of the access and dwellings in relation to Pinfold Road, Main Street and Baldwin Street.

2. Site and Surroundings

- 2.1 The site comprises 0.58ha of former agricultural land which was previously used as a paddock. The site previously consisted of a variety of trees and a hedgerow fronting Pinfold Road which have been removed since the submission of this application but have in part grown back. Most notably there is a mature Oak tree fronting Pinfold Road which is covered by a Tree Preservation Order and does not form part of the application site. The site has a significant change in levels compared with Pinfold Road with the land rising steeply upwards to the east directly behind the roadside hedge creating a level difference of approximately 3 – 4m.
- 2.2 The area is characterised by residential development with the west side of Pinfold Road displaying a mix of two-storey semi-detached and detached properties, located on a higher level than the road. To the east is Baldwin Street containing bungalows backing onto the site and situated approximately 0.5m-1m higher than the site. To the south is a detached two storey dwelling set back and largely screened within the street scene of Pinfold Road, whilst to the north further along Pinfold Road and along Main Street there are a mix of detached and semi-detached dwellings set at a high level than the site.

3. Relevant Planning History

- 3.1 Outline planning permission (with all matters reserved except for layout and access) was granted in 2014 under reference 12/00712/OUT to construct 20 dwellings on the site. This planning permission has now expired.
- 3.2 Planning permission was refused under reference number 20/00687/FUL for the erection of 22 dwellings and appeal dismissed.

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

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

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

4.2 Part 2 Local Plan 2019:

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

- Policy 15 – Housing size, mix and choice
- Policy 17 – Place-making, design and amenity
- Policy 19 - Pollution, Hazardous Substances and Ground Conditions
- Policy 20 - Air Quality
- Policy 21 - Unstable Land
- Policy 32 – Developer Contributions

4.3 National Planning Policy Framework (NPPF) 2021:

4.3.1 The National Planning Policy Framework (NPPF) 2021, outlines a presumption in favour of sustainable development, that planning should be plan-led, decisions should be approached in a positive and creative way and high quality design should be sought.

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 5 – Delivering a sufficient supply of homes.
- Section 8 – Promoting healthy and safe communities.
- Section 9 – Promoting sustainable transport.
- Section 11 – Making effective use of land.
- Section 12 – Achieving well-designed places.

5 Consultations

5.1 **The Council’s Tree Officer:** No objections and provides general advice regarding the protection of the TPO tree.

5.2 **The Council’s Environmental Health Officer:** No objections subject to conditions relating to hours of operation and the submission of a construction/demolition method statement.

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

5.4 **The Council’s Waste and Recycling Officer:** Provides general advice regarding bin provision for future occupiers of the dwellings.

- 5.5 **Environment Agency:** Advise the site is within Flood Zone 1 and there are no fluvial flood risk concerns.
- 5.6. **Nottinghamshire County Council Local Lead Flood Authority:** No objections.
- 5.7 **NHS Nottingham and Nottinghamshire CCG:** Advise no S106 contributions are required due to the overall number of dwellings.
- 5.8 **Nottinghamshire County Council Policy:** Provides advice regarding planning obligation requirements.
- 5.9 **Nottinghamshire Wildlife Trust:** Provides general advice in respect of the proposal and submitted ecology report.
- 5.10 **Nottinghamshire County Council Highways:** Raise no objections.

5.11 First Consultation

Twenty-eight properties either adjoining or opposite the site were consulted along with the posting of 3 site notices in the area, with 17 letters having been received objecting on the grounds of:

- Loss of privacy,
- Overlooking,
- Overdevelopment of site,
- Highway safety,
- Flooding,
- Loss of trees and hedgerows,

6 Assessment

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

6.2 Principle

6.2.1 The application site is located in a sustainable urban, residential area within Eastwood. The site is currently vacant and was previously used as a paddock. Furthermore, outline planning permission was granted under reference number 12/00712/OUT for 20 dwellings on the site with access and layout being approved and all other matters relating to appearance, scale and landscaping reserved for future consideration under reserved matters. Whilst this application has subsequently expired, in view of the previous planning permission granted on the land, it is therefore considered the principle of residential development on the land has been established subject to careful consideration of other material planning considerations.

6.3 Design

6.3.1 The housing stock in Eastwood is generally mixed in character with the older housing stock largely being terraced properties and newer developments

consisting of semi – detached and detached properties. Directly opposite the site and to either side of the access road on Pinfold Road there is a mix of detached and semi-detached two storey dwellings. To the west on The Sycamores these dwellings are detached and single storey in nature. Immediately to the east on Newmanleys Road there are two storey detached dwellings. To the east is Baldwin Street containing bungalows backing onto the site. To the north along Main Street there are a mix of detached and semi-detached dwellings set at a high level than the site.

- 6.3.2 The scheme layout has been designed with plots 1 – 9 backing onto Pinfold Road due to the sloping nature of the site. Along the boundary of the plots and to the rear of the pavement a retaining wall is proposed. Plots 10 – 14 are situated running parallel with the rear boundaries of the existing properties along Main Street, as are plots 18 – 20 which are situated on the opposite side of the site, again running parallel with the boundary of number 24 Pinfold Road. Plots 15 – 17 are positioned within the site with plot 17 running parallel with the rear boundary of the properties located on Baldwin Street and plot 15 backing onto the boundary of Baldwin Street. Parking is proposed to the front of the plots and also to the side with the provision of landscaping and private garden areas to the rear of the plots.
- 6.3.3 The plots have been well spaced out within the site in the form of semi-detached dwellings, with the exception of plots 1, 4, 9 and 18 which are proposed to be detached two storey dwellings and plots 14 – 18 which are proposed to be detached bungalows. The house types are relatively simple and modest in their form and massing, with a mixture of pitched roofs and gable ends, with the exception of plot 4 which has been designed to front the street scene due to their prominent position within the development to the side of the access road. Plots 10 and 11 are also proposed to be 2.5 storey due to the rise in land levels of the dwellings located on Main Street. The use of different materials helps to break up the brickwork and add interest to the different elevations of the properties within the development. No information has been submitted in respect of the materials proposed to be used for the external elevations and roofs of the proposed dwellings and a condition is considered necessary for these details to be submitted and approved.
- 6.3.4 In respect of boundary treatments, as previously mentioned the scheme layout has been designed with plots 1 -9 backing onto Pinfold Road due to the sloping nature of the site. Along the boundary of these plots and to the rear of the pavement serving Pinfold Road a retaining wall is proposed. Although no details have been submitted, a condition is considered necessary for these details to be submitted and approved. Between each individual plot 1.8m high close boarded timber fencing will be provided. In addition, a 1.8m high close boarded timber fence is also proposed to the boundaries of the side with the properties located on Main Street, Baldwin Street and Pinfold Road.
- 6.3.5 Whilst the character of the site will change from that of a paddock to one of built development, this will not be at odds with the residential character of the area. It is not considered that the proposal will have a significant detrimental impact upon the visual amenity of the area or the character of the street scene.

6.4 Amenity

- 6.4.1 Objections have been received from neighbouring properties in respect of loss of privacy.
- 6.4.2 To the front of the site there are 9 plots proposed. These plots are sited backing onto Pinfold Road due to the sloping nature of the front section of the site. Directly opposite plots 1 – 3 there is the junction of Valley Drive and Pinfold Road. Plots 4 – 9 are sited backing onto the front of numbers 33 and 35 Pinfold Road. These plots are served with rear gardens in excess of 10m. The properties directly opposite are also set back from the main road of Pinfold Road. Whilst the plots will be set higher than Pinfold Road, the distance between these plots and the existing properties on Pinfold Road is considered sufficient to maintain privacy and is not an unusual facing distance on a street of this type and character.
- 6.4.3 In terms of impacts on the existing single storey dwellings located backing onto the site on Baldwin Street, plots 14, 17 and 18 have been orientated to be side facing onto the boundary. Plot 15 will back onto the properties on Baldwin Street, with a rear garden in excess of 9m. A 1.8m high close boarded timber fence is proposed along the boundary of the plots and the existing dwellings on Baldwin Street. Whilst the properties located on Baldwin Street do have small gardens with the addition of conservatories/extensions and garages, separation distances of 21m have been provided back to back with plot 15. The side elevations of plots 14, 17 and 18 will be set in from the boundary and will be served by a low eaves height and pitched roof rising away from the boundary. To the rear of plot 15 there are patio doors proposed serving a lounge area and a small kitchen window. Although there are windows/doors proposed in the side elevations facing the boundary with Baldwin Street, these will be low level and below the overall height of the proposed 1.8m high boundary fence.
- 6.4.4 Plots 10 and 11 are 2.5 storey in nature and back onto the rear gardens of existing properties on Main Street, partly onto the rear garden of number 50 Pinfold Road and will face sideways onto properties located on Pinfold Road. Numbers 238 and 240 Main Street are set at a significant higher level than the application site and site sections have been submitted as part of the application to demonstrate this. In addition, these two properties are served by gardens in excess of 18m in length. Whilst plot 1 will be sited overlooking number 50 Pinfold Road, this would only be a small part of the end of the rear garden. Although 2.5 storey in nature, these properties are served by a dormer window facing into the development to the front and a roof light to the rear. In respect of plots 12 – 14, these are proposed to be two storey in nature, with the exception of plot 14 which is a bungalow.
- 6.4.5 As a general rule it is usually considered that gardens serving new dwellings should have a minimum depth of 10m, not only because of the desire to create an adequate separation distance between neighbouring properties (of particular relevance here due to level differences), but also to ensure that there is an acceptable amount of usable amenity space. Whilst some of the plots on the site fall slightly short of this, it is considered the proposal provides an acceptable standard of amenity for future occupiers of the dwellings.

6.4.6 A condition is recommended restricting the hours of operation in respect of construction on the site to protect the amenity of occupiers of surrounding residential properties.

6.4.7 In view of the above, it is not considered there will be any significant detrimental impact upon the immediate neighbouring properties located on Pinfold Road, Main Street or Baldwin Street in respect of overlooking, overbearing or noise impacts.

6.5 Access

6.5.1 Concerns have been raised by local residents in respect of highway safety.

6.5.2 Access is proposed off Pinfold Road situated away from the junction with Pinfold Road and Valley Drive. The Highway Authority raises no objections to the location of the proposed access and it is considered appropriate in order to facilitate an attractive layout. Footpaths have been provided to the front of the development and within the site upon the advice of The Highway Authority. It is also advised that the visibility with the junction along Pinfold Road is acceptable along with the gradient of the access driveway. Adequate parking provision of 2 space per dwelling are provided within the site which is considered acceptable for the proposed 2 and 3 bedroom dwellings.

6.5.3 The Highway Authority advise that the scale of development is such that it would be their strong preference for the internal road layout to be designed to an adoptable standard, and be offered for adoption. The Design and Access Statement indicates an intention to keep the roads private, but this will place a financial burden on the future occupiers to purchase public liability insurance, and to contribute fees towards subsequent maintenance programmes.

6.5.4 In terms of the previous planning application 20/00687/FUL which was refused and dismissed at appeal, 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. 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 was 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.

6.5.5 In view of the above, a street lighting scheme has been submitted with the application indicating the location of the street lights. A clause within the Section

106 Agreement will be provided in order to ensure that a management company will be responsible for the future maintenance of the private road, and that the properties served by the private road have appropriate legal covenants to prevent any future action by residents against the Highway Authority. The indemnity should normally be a legal covenant placed on the properties to prevent petitioning. The Highway Authority must approve the wording of the covenant.

6.5.6 To conclude, The Highway Authority raise no formal objections to the proposal subject to various conditions including details of wheel washing facilities to be provided. It is considered there are no highway safety issues relating to this application.

6.6 Developers Contributions

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

6.6.2 Full open space contributions of £32,686.40 have been requested for the provision of capital and maintenance contributions to fund improvements to Smithurst Road open space area.

6.6.3 Nottinghamshire County Council have requested contributions of £10,100.00 towards bus stop improvements. A further request of £78,762.00 as also been requested towards Secondary Education provision £26,254.00 towards Post 16 Education provision in the Broxtowe North Planning Area.

6.6.4 In accordance with policy 15 - Housing size, mix and choice of the Part 2 Local Plan 2019, a total of 2 dwellings on the site are required to be affordable.

6.6.5 A viability appraisal has been submitted on behalf of the applicant and this concludes that the development would not be viable if all of the above contributions were to be paid. An independent assessor has assessed the viability appraisal and concludes that the development is capable of providing up to £48,000 of Section 106 Contributions, with no provisions towards on-site affordable housing. As such, this figure will be used to meet the requirements of Nottinghamshire County Council in relation to £10,100 for bus stop improvements, with the remainder being split equally between Open Space and Secondary Education at an amount of £18,950 each. There will be no provision of affordable housing.

6.7 Other Issues

- 6.7.1 The site was previously used as a paddock and was overgrown with a variety of trees. These have since been removed along with the former hedgerow fronting Pinfold Road. The submitted ecology report specifically advises that the site does not contain any evidence of bats, badgers or other habitats or features considered likely to support populations of any other protected or notable species.
- 6.7.2 In terms of trees within the site, the submitted tree survey states that the Oak tree is clearly the most important arboriculture feature of the site and will be retained. The tree is protected by a Tree Preservation Order (TPO) and is included with the red line of the application site. The report concludes that the remaining species on the site should not restrict the development of the site and this approach is supported by the Council's Tree Officer. Any works to the tree would require the submission of a separate application due to the TPO.
- 6.7.3 Concerns have been raised in respect of existing flooding issues within the area. Nottinghamshire County Council as the Local Lead Flood Authority, Severn Trent Water and The Environment Agency have all been consulted and raise no objections. It is proposed that both surface water and sewage would be connected to existing services and would require separate permission from Severn Trent Water. Furthermore, this matter would be adequately dealt with under Building Regulations and therefore is not necessary to implement a planning condition given no objections or conditions have been requested from the 3 consultees previously mentioned.

7 Planning Balance

- 7.1 On balance this scheme would enable the provision of a residential development of 20 dwellings to be constructed on a currently vacant site, which would both enhance the environmental quality of the area, and reduce pressure for housing development elsewhere. The scheme complements the existing built form of the area, without impinging on amenity of those residents currently bordering the site. There are no significant constraints to developing this site that cannot be addressed by conditions, and on balance therefore, it is considered the scheme is acceptable.

8 Conclusion

- 8.1 Having regard to all material considerations, the proposed development is required to assist in meeting the Borough's overall housing requirement. As the site is located in the main built-up area, this carries significant weight as the location is sustainable. Therefore, the proposal is considered to be in accordance with the relevant local and national policy guidance and there are no material considerations which would warrant a decision being taken at variance to this. It is recommended that the application be approved subject to conditions and the completed S106 agreement to secure open space, education and bus stop improvements.

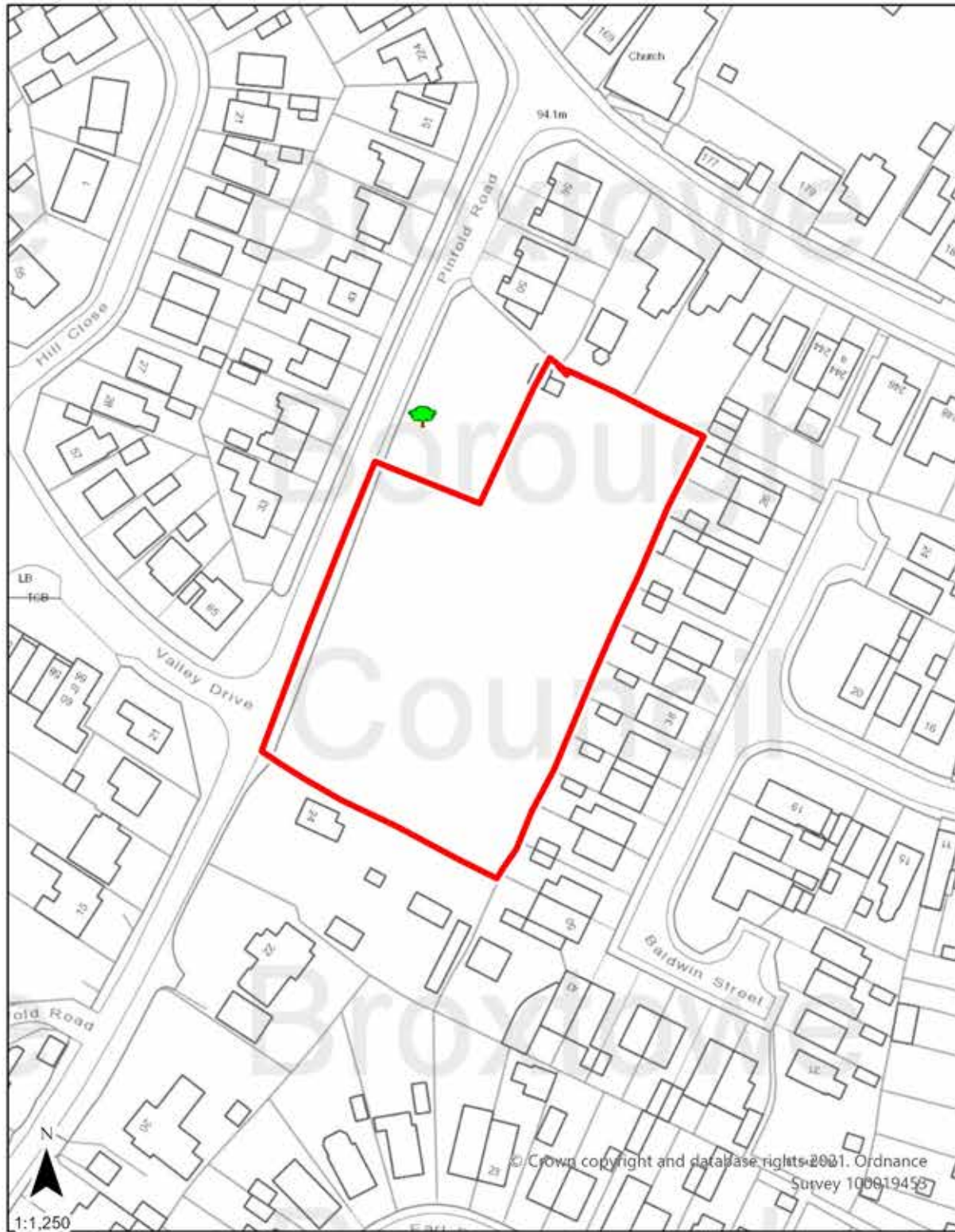
<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions and to the prior signing of a Section 106 Agreement.</p>	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with drawing(s) numbered:</p> <p>Site Location Plan 1: 1250, Proposed Elevations/Floor Plans, Plots 1 – 2, 5 – 9, 12, 13, 19 and 20, DB/MS/21/16/02 received by the Local Planning Authority 27 September 2022.</p> <p>Proposed Elevations/Floor Plans, Plots 4, 14 – 17, DBMS/21/16/03, Proposed Elevations/Floor Plans – Plots 10, 11 and 18, DB/MS/21/16/04 received by the Local Planning Authority 01 December 2022.</p> <p>Proposed Site Section, A-A, B-B and C-C, DB/MA/21/16/05A, Site Block Plan, DB/MS/21/16/01B received by the Local Planning Authority on 20 December 2022.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.</p> <p><i>Reason: In the interest of highway safety.</i></p>

<p>4.</p>	<p>No development within the full planning permission phase hereby approved shall take place until a Construction / Demolition Method Statement has been submitted to and approved in writing by the Borough Council.</p> <p>The statement shall include:</p> <ul style="list-style-type: none"> a) The means of access for construction traffic; b) parking provision for site operatives and visitors; c) the loading and unloading of plant and materials; d) the storage of plant and materials used in construction / demolition of the development; e) a scheme for the recycling/disposal of waste resulting from construction / demolition works / site clearance; f) details of dust and noise suppression to be used during the construction phase. g) a scheme for the identification and safe removal of any asbestos containing material located on site. <p>The approved statement shall be adhered to throughout the construction period.</p> <p><i>Reason: To protect the amenity of neighbouring residents, in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>5.</p>	<p>No building operations shall be carried out above ground level until details of the manufacturer, type and colour of the bricks and tiles to be used have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: To ensure the satisfactory appearance of the development, in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>Occupation of the hereby approved dwellings shall not take place until the site access has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the access to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.</p> <p><i>Reason: In the interest of highway safety. in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>7.</p>	<p>Occupation of the hereby approved dwellings shall not take place until the site access arrangement as shown on approved drawing:</p>

	<p>Site Block Plan, DB/MA/21/16/01B received 20 December 2022 have been provided, unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: In the interest of highway safety, in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>8.</p>	<p>Occupation of the hereby approved dwellings shall not take place until details of the proposed arrangements and plan for future management and maintenance of the private road including associated drainage have been submitted to and approved in writing by the Local Planning Authority. The private road and drainage shall thereafter be maintained in accordance with the approved management and maintenance details, until such time that a private Management and Maintenance Company has been established.</p> <p><i>Reason: To ensure that the road infrastructure is maintained to an appropriate standard, in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>9.</p>	<p>Operational building works shall be limited to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and at no times on Sundays and Bank Holidays.</p> <p><i>Reason: In the interest of residential amenity, in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>10.</p>	<p>No development shall take place above ground level until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development (b) numbers, types, sizes and positions of proposed trees and shrubs (c) proposed boundary treatments (d) proposed hard surfacing treatment (e) proposed lighting details (f) planting, seeding/turfing of other soft landscape areas <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reason: In the interests of residential amenity and the appearance of the area and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i></p>

<p>11.</p>	<p>The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>12.</p>	<p>During the construction works, no materials, equipment, machinery, temporary buildings or surplus soil shall be placed or stored beneath the branches of the trees protected by a Tree Preservation Order, and no oil, bitumen, cement or other materials likely to be injurious to a tree shall be discharged within 10 metres of the trunk. If any trenches for services are required within the canopy areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 25mm (1 inch) or more shall be left unsevered.</p> <p><i>Reason: To ensure the existing trees protected by a Tree Preservation Order are not adversely affected and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>13.</p>	<p>The erection of fencing for the protection of the preserved trees shall be undertaken in accordance with details to be submitted to and approved by the Local Planning Authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.</p> <p><i>Reason: To ensure the existing trees protected by a Tree Preservation Order are not adversely affected and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i></p>
	<p>NOTES TO APPLICANT</p>

1.	The Council has acted positively and proactively in the determination of this application, through an early visit to the site to appreciate whether any amendments needed to be sought and thus afford sufficient time to negotiate these should it have been the case.
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.	The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land. [Where the development site may be accessed by a significant number of vehicles or may be particularly susceptible to material 'tracking' off site onto the highway, details of wheel-washing facilities must be provided to and approved by the Highway Authority.]
4.	The off-site improvements associated to this consent will require you to undertake works in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. You are therefore required to contact Via East Midlands on 0115 8042100 to obtain the necessary consents/license.
5.	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.
6.	Please note that this permission has been granted contemporaneously with an agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.



Legend

-  Site Outline
-  Single TPO

Photographs

Views of site along Pinfold Road.



Existing site access adjacent number 50 Pinfold Road and TPO Oak Tree.



Number 24 Pinfold Road and view of properties located on Main Street and Baldwin Street.



View of properties on Baldwin Street.



Plans (not to scale)

Site Block Plan



Proposed Street Lighting Plan

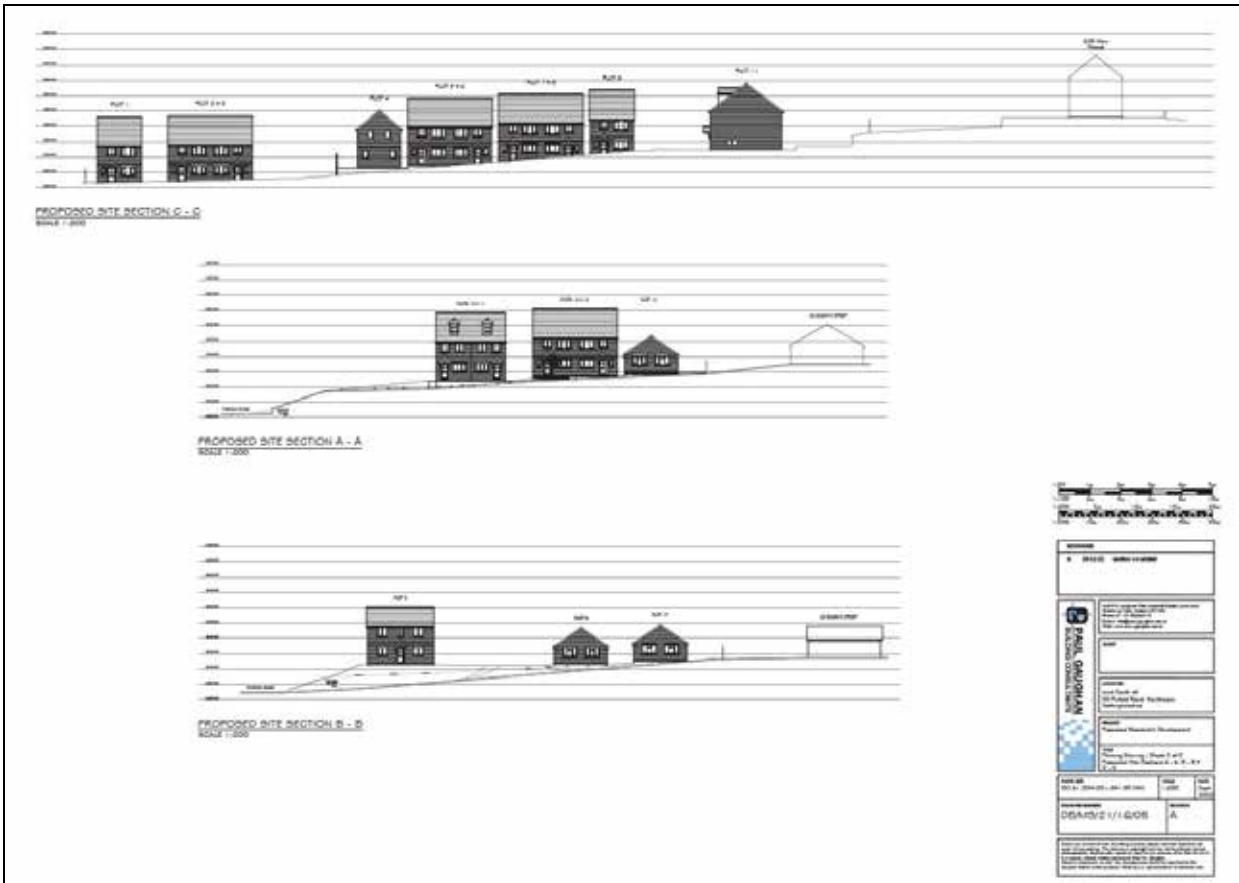


House Types





Site Sections



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Report of the Chief Executive

APPLICATION NUMBER:	22/00100/FUL
LOCATION:	Land Off Kelham Way, Eastwood, Nottinghamshire
PROPOSAL:	Construct serviced apartments comprising of 16 units and associated infrastructure

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

1. Purpose of the Report

1.1 The application seeks full planning permission for the construction of serviced apartments comprising 16 units, and associated infrastructure.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the prior completion of an agreement under Section 106 of the Town and County Planning Act 1990 and conditions outlined in the appendix.

3. Detail

3.1 The application seeks full planning consent for the construction of 16 serviced apartments (C1 use class) with associated access, car parking and landscaping.

3.2 The site is located on the edge of the boundary of the Eastwood town centre off Kelham Way, a small one-way road that forms an intersection between the A608 (Derby Road) and B6010 (Nottingham Road). The site forms a dis-used private car park south of the access to the adjacent Morrisons supermarket. Access into the site is provided directly from Kelham Way via a dead-end road which also provides pedestrian access for the Eastwood Young People’s Centre.

3.3 The main issues relate to whether the principal of development is acceptable, 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 16 serviced apartments in a sustainable location with good access to public transport and to facilities such as retail, leisure and health, reducing the reliance on private cars; it has been designed with careful consideration to enhance the character and appearance of the locality; and would provide a good standard of living for the future occupiers. The proposed development offers the opportunity to increase footfall in the town centre of Eastwood to help local business growth. The development would be in accordance with the policies contained within the development plan. This is given significant weight.

4. Financial Implications

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

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

5. Legal Implications

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

6 Data Protection Compliance Implications

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

7. Background Papers:

Nil.

APPENDIX

1. Details of the application

- 1.1 The application seeks full planning consent for the construction of 16 serviced apartments (C1 use class) with associated access, car parking and landscaping. The proposal is to provide accommodation for professionals on a short term let basis for periods of occupation starting from 2 days.

2. Site and surroundings

- 2.1 The site is located on the edge of the boundary of the Eastwood town centre off Kelham Way, a small one-way road that forms an intersection between the A608 (Derby Road) and B6010 (Nottingham Road). The site forms a dis-used private car park south of the access to the adjacent Morrisons supermarket. Access into the site is provided directly from Kelham Way via a dead-end road which also provides pedestrian access for the Eastwood Young People's Centre.

- 2.2 The immediate surrounding area includes a mix of residential and commercial properties. To the west, includes Eastwood Young People's Centre, to the south (separated by Derby Road) includes a row of two storey residential properties, to the east includes Kelham Way junction leading to the town centre of Eastwood and the Sun Inn public house and to the north includes Morrison's supermarket. The site is located outside of the Eastwood Conservation Area which covers part of the town centre to the east.

3. Relevant Planning History

- 3.1 Planning permission was granted for a car park in 1992. No further relevant planning history.

4. Relevant Policies and Guidance**4.1 Broxtowe Aligned Core Strategy 2014:**

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 6: Role of Town and Local Centres
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 11: The Historic Environment
- Policy 14: Managing Travel Demand
- Policy 19: Developer Contributions

Part 2 Local Plan 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 23: Proposals affecting Designated and Non-Designated Assets
- Policy 31: Biodiversity

National Planning Policy Framework (NPPF) 2021

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 5: Delivering a sufficient supply of homes
- Section 7: Ensuring the vitality of town centres
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 16: Conserving and enhancing the historic environment

5. Consultations

5.1 *First consultation:*

Eastwood Town Council – objection for the following reasons:

- Over-intensification of the site.
- Inadequate access for service and emergency vehicles.
- Inadequate parking provision.

Resident Comments - 12 objections raising the following concerns:

Principle of development:

- No need for C1 use
- No evidence for the need for short let guest apartments
- The public seating area has historically been used as a public space and should be protected

Visual Amenity:

- The proposal needs a greater set back
- Over intensification of the site and visually dominant
- The building would reduce the visibility of the youth centre building
- Negatively affect character of area/youth centre building

- Negatively impact the character and appearance of the Eastwood Conservation Area and historic building Sun Inn.
- Youth centre was granted planning permission subject to retention of car park/trees

Residential Amenity:

- Loss of privacy, overlooking, overbearing overshadowing impact upon the neighbouring youth centre and neighbouring properties
- Loss of view of the countryside
- Sense of enclosure for neighbouring properties
- The proposed apartments would increase the likelihood of potential complaints from future occupiers in response to noise outbursts from the youth centre. Penalties could be imposed on youth centre as a result of future occupiers being disturbed. As such, the proposal could impact the delivery of the youth centre service.
- Noise impact on future occupiers – noisy junction
- Construction works would affect neighbouring properties amenity

Highway Safety and Parking:

- Inadequate access for servicing and emergencies
- Lack of parking
- The site includes a public right of way through the site
- The remaining footway would be too narrow for future use
- Access serves the youth centre and mast at the end of the road
- Traffic is busy in this location, classified road/roundabout increases potential accidents in this location

Other Matters:

- Some neighbouring properties were not consulted
- Trees have been removed before planning permission granted
- Unclear who owns the site
- Fencing around the site is affecting pedestrians currently
- Surrounding infrastructure/amenities cannot cope with new residential development

County Planning Policy:

- Waste Audit recommended.
- The design should positively integrate with the adjacent Eastwood Conservation Area and locally listed Sun Inn public house.
- Youth centre impact: loss of amenity upon users of the youth centre through overlooking and loss of light, potential lack of maintenance of pedestrian access serving the youth centre and potential conflict between future occupiers and use of the youth centre result in noise complaints.

- Bus stop infrastructure contribution of £9,425 towards improvements to the bus stop denoted BR0377 Derby Road and shall include bus shelter refurbishments and real time information.
- Health checklist recommended.

County Highways: Changes required:

- Building should be set back 0.5m from the boundary of the highway to allow for overhanging roofs/downpipes.
- Car parking space 10, 11 and 12 will need to show a drainage channel at the back edge of the parking spaces to prevent water from discharging on to the public highway.

County Public Rights of Way: No objections. No public rights of way will be affected.

County Lead Local Flood Team: No objections subject to conditioning drainage plans.

Broxtowe Environmental Health: No objections subject to conditioning ground/water contamination mitigation and construction noise mitigation measures.

Broxtowe Waste: Bin dimensions recommended for 16 units. Bin store should be within 10m of the adopted highway.

Broxtowe Open Space: Open space maintenance contributions requested £850.61 per unit.

Broxtowe Affordable Housing: No contributions requested.

Nottinghamshire Wildlife Trust: No objections subject to conditioning a Landscape and Ecological Management Plan to ensure the proposed development delivers a biodiversity net gain.

Coal Authority: No objections subject to conditioning intrusive ground investigations to be undertaken.

- The site partly falls within a high risk area.
- The submitted Coal Mining Risk Assessment has been reviewed.

NHS Nottinghamshire: The proposal is for 16 dwellings and therefore is below the threshold to require health contributions.

Severn Trent Water: No objections subject to conditioning foul drainage.

Cadent: no objection, informative recommended.

5.2 Second Consultation

Resident Comments: 2 objections received repeating the above concerns.

County Highways: No objections subject to conditioning parking/turning areas surfaced in a bound material with the parking bays clearly delineated.

The Highway Authority is satisfied that all outstanding issues with regards to the building set back and car parking spaces 10,11 & 12 which have been removed from the plans.

County Planning Policy: have repeated the concerns raised in the first consultation in relation to the impact on Young People's Centre and the design of the scheme.

6. Assessment

6.1 Principle

6.2 The application seeks full planning consent for 16 serviced apartments C1 use class. The proposal is to provide accommodation for professionals on a short term let basis for periods of occupation starting from 2 days. The site is located within the main built up area of Eastwood and therefore the general principle of residential development in this location is considered to be acceptable subject to any other material considerations.

6.3 The site is located on the edge of the Eastwood town centre and comprises a previously developed site. Policy 6 - Role of Town and Local Centres of the Aligned Core Strategy Part 1 Local Plan 2014 states the vitality and viability of all centres will be maintained and enhanced, including widening the range of uses (whilst maintaining a strong retail character), environmental enhancements and improvements to access, which should all take account of equality issues.

6.4 Main town centre uses should be located in centres. Development should be appropriate in scale and nature to the role and function of the centre. If no suitable sites are available in centres then edge of centre locations should be used, and only if there are no suitable sites will out of centre sites be considered. Proposals for edge of centre and out of centre sites should satisfy the sequential test and show how the development will not have a severe adverse impact on any centre.

6.5 It is also important that all centres continue to act as a focus for community life where residents can live, socialise and help to strengthen social cohesion. This is essential in ensuring the continued vibrancy and prosperity of centres, particularly in challenging and ever-changing economic circumstances. Further to this, Eastwood town centre is considered to be in need of enhancement or to be underperforming.

- 6.5 Paragraph 87 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 6.6 Paragraph 88 of the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 6.7 The NPPF defines main town uses as: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).
- 6.8 Whilst the proposal falls under C1 use class, which also covers hotels, the development is for serviced apartments and as such is considered not to be a main town centre use. As a result it is considered that a sequential test is not required for this application.
- 6.9 Design
- 6.10 A number of concerns have been raised by neighbouring properties in terms of the size and design of the development. The site includes a dis-used private car park on the corner of Kelham Way. The surrounding area includes a mix of residential and commercial properties that utilise a mix of red brick and white render facing materials. Land levels rise significantly west to east leading towards Kelham Way junction. On the eastern edge of the existing car park is a brick retaining wall that divides the car park and adjacent footpath along Kelham Way, with the footpath on the eastern side sitting approximately 1m above the car park level at its highest point. Kelham Way slopes down along the curvature of the road from north to south.
- 6.11 As such the site is located in a highly prominent location and its design should be carefully considered. The scheme has been amended following concerns raised in respect of the siting, massing, block appearance and level of design detail. Neighbouring properties have been re-consulted on the amended plans.
- 6.12 The proposed design includes a three storey flat roofed apartment block which has been set into the change in land levels in this location to lessen the prominence of the development. It is considered that the 3 and 2 storey scale of the proposed development, which is staggered, responds to the change in

levels and surrounding buildings. Properties to the east, including the Sun Inn public house, are set at higher land levels than the site which helps the integration of the proposed three storey building.

- 6.13 The layout of the building is positioned along the site frontage with access and parking to the rear of the building including the main entrance for visitors. The amended footprint of the building has been repositioned away from the footpath along Kelham Way to provide an improved border around the building and reduce the sense of enclosure on the footpath.
- 6.14 The amendments made to the scheme have helped to break up the block appearance of the massing of the building. The front elevation has been broken up by the use of vertical glazing, the addition of recessed vertical channels and complimentary brickwork. The ground floor will use a complimentary brickwork to further break up the block appearance and soften the impact of the three storey building in a prominent location. The amended scheme introduces a corner window across all three floors where the building turns along the east/west plane to provide visual interest in this key junction and further help breakdown the overall massing. Recessed windows and brickwork detailing helps to create depth in the elevations to further enhance the appearance of the scheme. Materials and landscaping have been conditioned to ensure the proposed is delivered to a high standard and successfully integrates within surrounding area. Soft landscaping along the site frontages helps create interest along the street scene in this location.
- 6.15 To conclude, the design and scale of the proposed development is considered to relate well to its location.
- 6.16 Heritage
- 6.17 Although the site itself contains no designated heritage assets, there are heritage assets in the surrounding area, notably the Eastwood Conservation Area and Sun Inn public house which is a locally listed building. Of these, the impact on the setting of the Eastwood Conservation Area would be lessened by the intervening Kelham Way junction. The proposed development would sit at a lower ground level when compared to the Sun Inn public house. As such, the relationship between the proposal and the Sun Inn with regard to building height will be similar and therefore would not appear oppressive or detract from any views of it. The proposed design is contemporary and therefore it is considered that the proposal will contrast with the architectural character of the buildings within the Eastwood Conservation Area in the vicinity. As the development will remove the dis-used car park, it is considered it will be of benefit to the appearance of the adjacent Conservation Area. Furthermore, as Kelham Way is wide, this will ensure adequate separation distance remains and allow views of the buildings forming the boundary of the Conservation Area. It is therefore considered the proposal will not be harmful to the character or appearance of the Eastwood Conservation Area or the special character of the Sun Inn.

6.18 Residential Amenity

- 6.19 A number of concerns have been raised by neighbouring properties, including Eastwood Town Council, with the proposed development with regards to potential loss of privacy, overlooking, overbearing and overshadowing impact upon the neighbouring youth centre and neighbouring residential properties.
- 6.20 To the west, the Eastwood Young People's Centre is separated from the side elevation of the development by approximately 3.8m. To the south, properties along Derby Road are separated from the front elevation of the development by a minimum of approximately 19m. To the north, includes the site access and Morrison's supermarket beyond. To the east, on the opposite side of Kelham Way junction includes the Sun Inn public house. As such, due to the separation distances from proposal there are limited concerns with regards to any potential overbearing, overlooking or overshadowing impact on any nearby residential properties.
- 6.21 The Eastwood Young People's Centre, operated by the County Council, have objected to the development on the grounds of the loss of amenity for users of the youth centre. However, it is important to note that the youth centre is not residential accommodation and this therefore this reduces any potential impact resulting from the development. Notwithstanding this, obscurely glazed windows will be used in the western side elevation facing the youth centre. Moreover, the scale of the building is staggered away from the youth centre and it is considered this would reduce any potential overbearing or overshadowing impact on the youth centre building or outside space.
- 6.22 Significant concerns have been raised by the County Council with regards to the proposal increasing the likelihood of potential complaints from future occupiers in response to noise outbursts from the youth centre. It is noted that there is a condition attached to the permission relating to the youth centre (5/10/00441/CCR) stating that should the County Council receive a noise complaint about the youth centre a further noise survey detailing mitigation measures should be submitted to the County Council. The permitted opening hours of the neighbouring youth centre are 9am – 10pm daily. Given the site is located in an edge of town centre location, on a busy road and the fact that the proposed use is for short stay accommodation; it is considered that the proposal should not negatively impact the delivery of the youth centre services. No objections have been received by the Councils Environmental Health team after reviewing the submitted noise report. Mitigation measures contained within the noise report will ensure use of glazing/ventilation will reduce the potential for future occupier's to be adversely affected by external noises. Further to this, a construction/demolition method statement and details of noise mitigation measures in respect of any heavy construction have been conditioned in the interests of the amenity of nearby residential properties.
- 6.23 Other concerns raised regarding any potential loss of view are considered not to be a material planning consideration and would not warrant refusal of the

application. Concerns have been raised with regards to the loss of a public space and potential loss of pedestrian access serving the youth centre. NCC Rights of Way have confirmed that there is no right of way within the application site. The site forms as a private car park that has partly been used by the public as a seating area previously. The site is not a designated open space in line with the Part 2 Local Plan 2019 and is private land only. To ensure the pedestrian access serving the youth centre is maintained and kept open a condition has been added accordingly.

- 6.24 In respect of future occupiers, the residents of the proposed development would have sufficient standard of amenity. All units include access to natural light and to an outlook, and each unit includes kitchen/living space. Each unit would have its own bathroom and all units would meet minimum internal standards for 1-2 bed units in accordance with Technical housing standards – nationally described space standard 2015.
- 6.25 To conclude on amenity, it is considered the proposed development will have no significant impact on neighbour amenity and future occupants will have a sufficient standard of amenity.
- 6.26 Highway Safety
- 6.27 The amendments made to set the building back from the highway have resulted in the reduction of car parking spaces to the original layout including; resulting in 12 car parking spaces in accordance with County Highways minimum standards in terms of parking space dimensions and turning space. The site re-uses the existing access which is sufficient for a two-way flow of traffic.
- 6.28 County Highways have provided no objections to the proposed development subject to conditioning that the parking spaces are implemented using a bound material prior to occupation of the development. The site is located on the edge of Eastwood town centre and therefore in close proximity to a range of amenities and close access to a frequent bus network including the Trent Barton operated Amberline, Black cat and Rainbow one, which offers a frequent service linking the site with Hucknall, Heanor, Derby, Ilkeston and Alfreton.
- 6.29 It is noted from the consultation responses concerns have been raised that the proposed parking is insufficient for the proposed development. There are public car parking facilities off Victoria Street and Oxford Street, both options are 10 minutes walking distance of the proposal. Paragraph 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 107 provides a list of factors which should be taken into account, which includes the availability of and opportunities for public transport, and the type, mix and use of the development. Policy 10 of the ACS states that development should be designed so as to reduce the dominance of motor vehicles. When considering there are regular public transport services and amenities within the immediate locality,

and parking on surrounding roads is controlled by Traffic Regulation Order, it is not envisaged that any shortfall in parking will result in a highway safety issue.

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

6.31 Sustainability and Climate Change

6.32 The proposed development uses a low-carbon approach which comprises of a highly insulated development. It is important to note that new development will be required to meet current sustainability guidelines within the buildings regulations process which is separate to planning. Further to this, electric vehicle charging points have been conditioned in the interests of future proofing the development.

6.33 Developer Contributions

6.34 As this application is for serviced apartments falling under C1 use class, no financial contributions towards affordable housing will be sought. An open space maintenance contribution has been requested; £850.61 per unit requiring £13,609.76 in total. A transport contribution of £9,425 to be paid for improvements to the bus stop denoted BR0377 Derby Road has been requested for bus shelter refurbishments and real time information. No health contributions have been requested as the number of units falls below the threshold.

6.35 Other Matters

6.36 With regards to drainage, the site is located outside of Flood Zones 2 and 3. Severn Trent Water and the Lead Local Flood Authority have provided no objections subject to conditioning foul and surface water drainage.

6.37 With regards to ecology, the majority of the site is hard surfaced and the site originally included a number of small trees that were removed. Nottinghamshire Wildlife Trust have reviewed the application and have provided no objections subject to conditioning a Landscape and Ecological Management Plan to ensure the development delivers a biodiversity net gain.

6.38 The applicant has confirmed that a commercial waste company will be responsible for waste collections and as a result a waste management plan has been conditioned to ensure an appropriate waste strategy is adhered to.

6.39 Planning Balance

6.40 The benefits of the proposal are that the development would provide a good standard of accommodation for professionals visiting Eastwood requiring short stay accommodation. The site is in a sustainable location being on the edge of the centre of Eastwood town centre and is in walking distance of a frequent bus network and amenities.

- 6.41 The proposal would bring forward some short term economic benefits through the construction period and in the long term increase opportunities for professionals to visit Eastwood town centre and support local businesses.
 - 6.42 The design has been carefully considered with the aim of adding local interest to establish a landmark development and gateway into the town centre to help to enhance the character and appearance in this location. The proposal has also been designed to preserve and enhance the character of the Eastwood Conservation Area through delivering a contemporary design that will positively contrast with adjacent heritage assets. The proposed scheme also follows a low carbon approach in reducing the impact of the development on climate change and will include electronic vehicle charging points.
 - 6.43 Finally, the proposed development has been designed to ensure there is no significant impact in terms of any potential overlooking, overbearing or overshadowing impact.
 - 6.44 On balance, it is considered that any potential concerns would be outweighed by the benefits of the scheme, which is considered to be in accordance with the policies contained within the development plan. This is given significant weight.
7. Conclusion
- 7.1 It is recommended that conditional planning permission be granted subject to the S106 Agreement.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to:	
(i) the prior completion of an agreement under section 106 of the Town & Country Planning Act 1990; and	
(ii) the following conditions:	
1.	The development hereby approved shall be begun before the expiration of 3 years from 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.	This permission shall be read in accordance with the following plans: Existing Site Plan No. 20232-02-002_P2, Site Location Plan No. 20232-00-001 (Received by the Local Planning Authority 08/02/22), Proposed Site Plan No. 20232-20-003_P6, Proposed Block Plan No. 20232-00-002_P2, Proposed Ground Floor Plan No. 20232-20-004_P15, Proposed First Floor Plan No. 20232-20-005_P9, Proposed Second Floor Plan No. 20232-20-006_P9,

	<p>Proposed Front Elevation No. 20232-21-001_P6, Proposed Rear Elevation No. 20232-21-002_P4, Proposed Gable Elevation No. 20232-21-003_P4 (Received by the Local Planning Authority 05/08/22).</p> <p>Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.</p>
<p>3.</p>	<p>No development above slab level shall commence until samples/details of the proposed external facing materials have been submitted to and agreed in writing by the Local Planning Authority and the development shall be constructed only in accordance with those details.</p> <p>Reason: To ensure the satisfactory appearance of the development in accordance with Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</p>
<p>4.</p>	<p>a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p>b) No building to be erected pursuant to this permission shall be occupied or brought into use until:-</p> <p>(i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and</p> <p>(ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p>Reason: In the interest of public health and safety in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
<p>5.</p>	<p>No development shall commence until details of any necessary piling or other penetrative foundation design have been submitted to and approved in writing by the Local Planning Authority</p>

	<p>including details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be implemented on accordance with the approved details.</p> <p>Reason: To protect nearby occupants from excessive construction noise and vibration in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
<p>6.</p>	<p>No development within the full planning permission phase hereby approved shall take place until a Construction / Demolition Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:</p> <ul style="list-style-type: none"> a) The means of access for construction traffic; b) parking provision for site operatives and visitors; c) the loading and unloading of plant and materials; d) the storage of plant and materials used in construction / demolition of the development; e) a scheme for the recycling/disposal of waste resulting from construction / demolition works; f) details of dust and noise suppression to be used during the construction phase; and g) a report identifying any asbestos and documenting its safe removal. <p>The approved statement shall be adhered to throughout the construction period.</p> <p>Reason: To protect the amenity of neighbouring residents in accordance with Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</p>
<p>7.</p>	<p>Prior to the commencement of the development, a detailed Landscape and Ecological Management Plan shall be submitted to and approved and by the Local Planning Authority. The Landscape and Ecological Management Plan shall include enhancement measures and detail precautionary working measures to prevent impacting species that may access the site from adjacent habitats. The development shall be implemented in accordance with the approved Landscape and Ecological Management Plan unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of securing an environmental net gain in accordance with Policy 17 - Biodiversity of the Broxtowe Aligned</p>

	<p>Core Strategy Part 1 Local Plan 2014 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.</p>
<p>8.</p>	<p>No development shall commence until;</p> <p>a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and</p> <p>b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.</p> <p>The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.</p> <p>Reason: To ensure the safety and stability of the proposed development in accordance with Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
<p>9.</p>	<p>No part of the development hereby approved shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:</p> <p>-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.</p> <p>-Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA</p> <p>-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</p>

	<p>of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.</p> <ul style="list-style-type: none"> -For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm. -Details of STW 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 to ensure long term. <p>Reason: To ensure sufficient surface water management in accordance with Policy 1 - Climate Change of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 1 - Flood Risk of the Part 2 Local Plan 2019.</p>
<p>10.</p>	<p>The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available, as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.</p> <p>Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy 1 - Climate Change of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 1 - Flood Risk of the Part 2 Local Plan 2019.</p>
<p>11.</p>	<p>No above ground works shall take place until a landscaping scheme has been submitted to and approved by the Local</p>

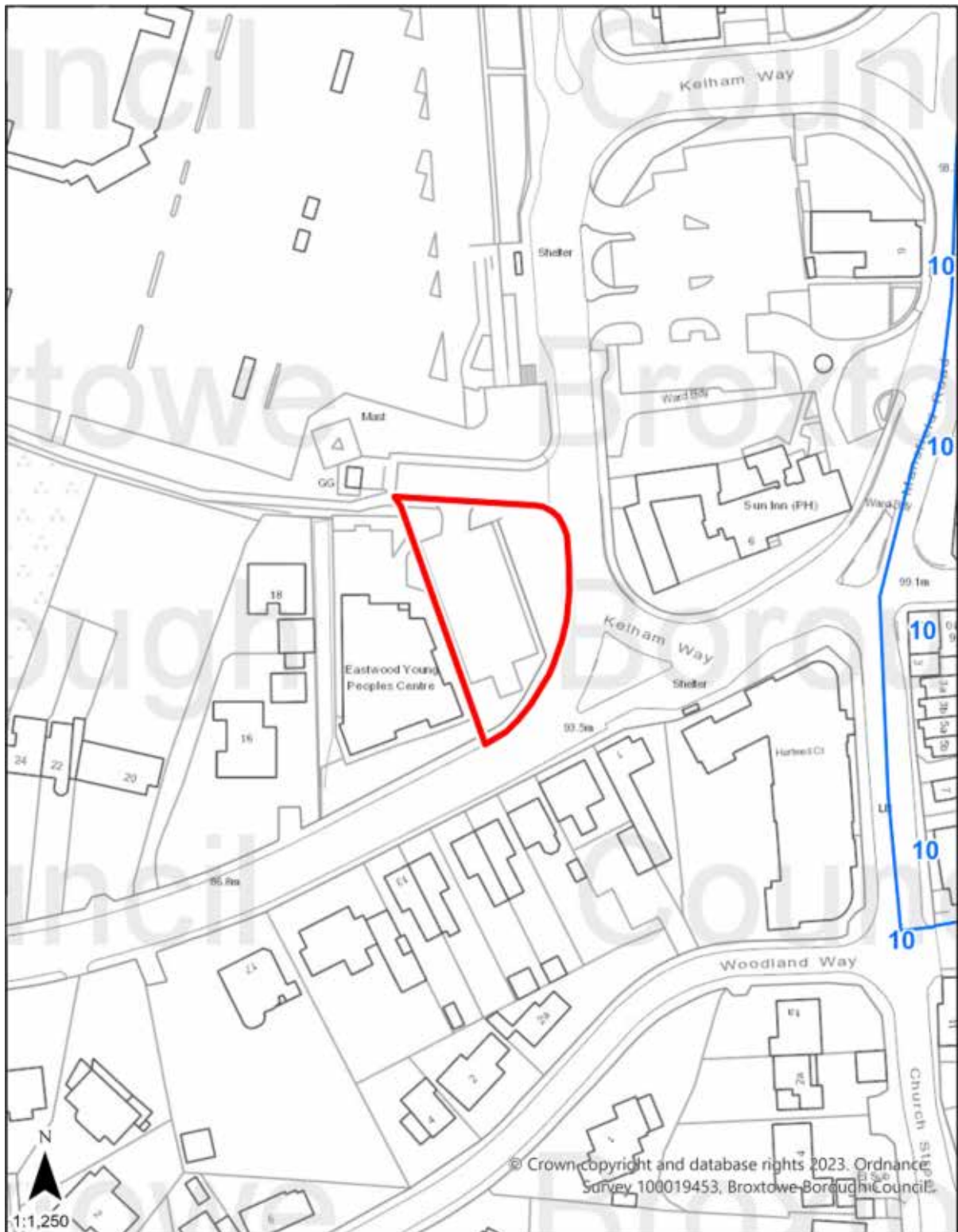
	<p>Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> (a) numbers, types, sizes and positions of proposed trees and shrubs (b) proposed boundary treatments (c) proposed hard surfacing treatment (d) proposed lighting details (e) planting, seeding/turfing of other soft landscape areas (f) proposed retaining walls or similar structures <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with Policy 10 - Design and Enhancing Local Identity of the of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</p>
<p>12.</p>	<p>The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with Policy 10 - Design and Enhancing Local Identity of the of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan (2019).</p>
<p>13.</p>	<p>No development above slab level shall commence until a waste management plan has been submitted to and agreed in writing with the Local Planning Authority. The approved waste management plan shall be implemented in full accordance with the agreed details.</p> <p>Reason: Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure sufficient provision is made for bin storage on the site in the interests of highway safety and residential</p>

	<p>amenity and in accordance with Policy 10 – Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Part 2 Local Plan (2019).</p>
14.	<p>No development shall take place above slab level until details showing the provision of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To future proof the development and in the interests of air quality in accordance with Policy 1 - Climate Change of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
15.	<p>No part of the development hereby permitted shall be brought into use until the parking and turning areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 20232-20-003 P6. The parking and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking and turning of vehicles.</p> <p>Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area in accordance with Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</p>
16.	<p>Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.</p> <p>Reason: To ensure the safety and stability of the proposed development in accordance with Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
17.	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00</p>

	<p>Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.</p> <p>Reason: To protect nearby occupants from excessive construction noise and vibration in accordance with Policy 10 - Design and Enhancing Local Identity of the of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019. of the Broxtowe Part 2 Local Plan 2019.</p>
18.	<p>The pedestrian access serving the Eastwood Young People's Centre Kelham Way, Eastwood, within the north-east corner of the site shall be kept open for use and maintained for the lifetime of the development.</p> <p>Reason: To ensure pedestrian access serving the Eastwood Young People's Centre Kelham Way, Eastwood shall be kept open.</p>
19.	<p>The development hereby permitted shall be carried out in accordance with noise mitigation measures contained within Section 8 and 10 of the noise report by Acute Acoustics Ltd, ref 2668 Eastwood Land off Kelham Way (Rev A), dated 22nd March 2022.</p> <p>Reason: To protect future occupiers from excessive noise in accordance with Policy 17 - Place-making, Design and Amenity and Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	<p>Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.</p> <p>If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on</p>

	www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.
3.	Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.
4.	Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
5.	Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Site Location Plan (not to scale)



Legend

- Site Outline
- Town or District Centre

Photos

View from A608



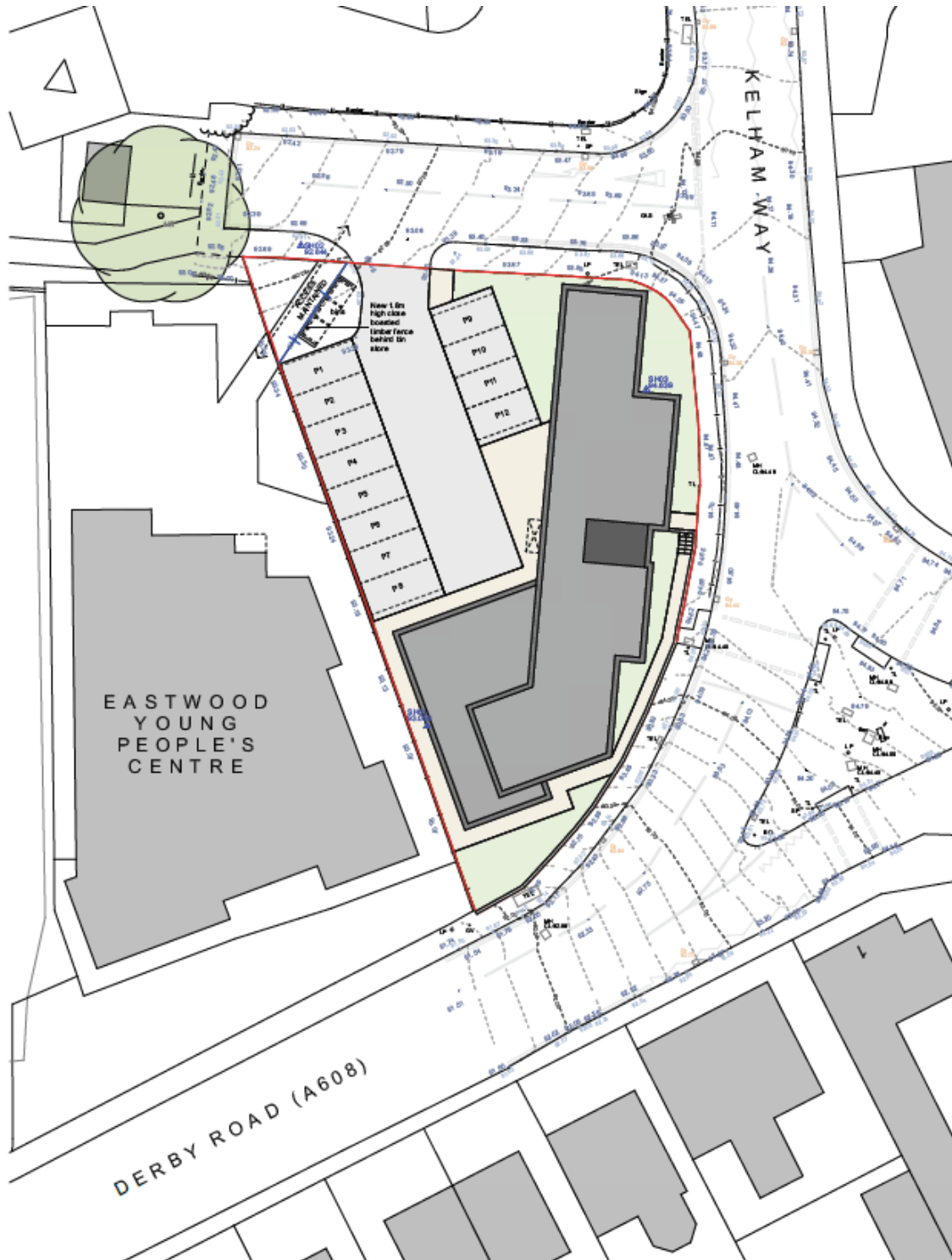
View from Kelham Way junction

View of private car park



View from Kelham Way junction

Plans (not to scale)



Proposed Site Plan



Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed First Floor Plan



FRONT A ELEVATION (EAST)
1:100

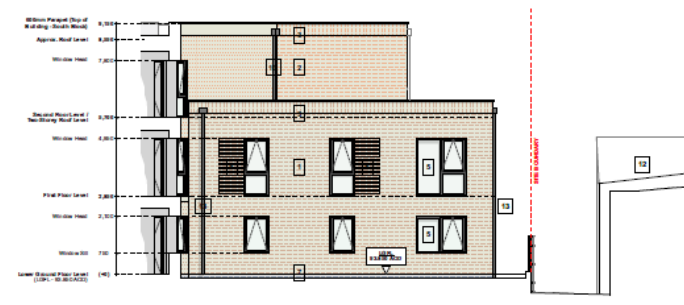


FRONT B ELEVATION (SOUTH)
1:100

Proposed Front Elevations



REAR A ELEVATION (WEST A)
1:100



REAR B ELEVATION (NORTH)
1:100

Proposed Rear Elevations



GABLE A ELEVATION (NORTH)
1:100



GABLE B ELEVATION (WEST)
1:100

Proposed Gable North and West Elevations



Main elevation fronting Kelham Way



Corner elevation fronting Kelham Way junction

Report of the Chief Executive

APPLICATION NUMBER:	22/00301/FUL
LOCATION:	31 Humber Road Beeston Nottingham NG9 2EJ
PROPOSAL:	Change of use from hot food takeaway and self-contained flat to larger house in multiple occupation (sui generis). Construction of single storey extensions to front and rear and external alterations to ground floor front, side and rear elevations.

Councillor L Lally has requested this application to be determined by Committee

1.1 Purpose of Report

The application seeks full planning permission for the change of use from hot food takeaway and self-contained flat to form a larger house in multiple occupation (sui generis), including single storey front and rear extensions and external alterations.

1.2 Recommendation

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

1.3 Detail

1.3.1 This application seeks full planning permission to change the use of the building from a hot food takeaway and self-contained flat to a larger seven bed roomed house in multiple occupation (HMO) (sui generis) along with the construction of single storey extensions to the front and rear and external alterations to ground floor front, side and rear elevations.

1.3.2 The original plans submitted with the planning application proposed the provision of an eight bed roomed house in multiple occupation (HMO). Given concerns raised by the Private Sector Housing Officer in respect of room sizes, amended plans have been submitted to reduce the number of rooms from eight to seven.

1.3.3 The main issues relate to whether the principle of the change of use from a hot food takeaway (Sui Generis) to a seven bed roomed HMO (Sui Generis) would be acceptable, if there is an acceptable level of amenity for occupiers and existing neighbours and impacts on parking.

1.3.4 The benefits of the proposal are that it would provide additional space in an existing house which will contribute to the mix of housing in the area. Although there will be some impact on neighbour amenity and parking, it is considered this will not be detrimental. The change of use would not appear out of character with the surrounding area that would be in accordance with policies contained within the development plan which is given significant weight. On balance, the scheme is acceptable and should be approved.

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

1.4 Financial Implications

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

1.5 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.

1.6 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.

1.7 Background Papers

Nil.

APPENDIX

1. Details of the Application

- 1.1 This application seeks full planning permission to change the use of the building from a hot food takeaway and self-contained flat to larger seven bed roomed house in multiple occupation (sui generis) along with the construction of single storey extensions to front and rear and external alterations to ground floor front, side and rear elevations.
- 1.2 The internal layout of the building will consist of three small bedrooms and one large bedroom on the ground floor along with a kitchen/dining area, sitting area, and shower room on the ground floor and two large and one small bedrooms and shower on the first floor.
- 1.3 A variety of external alterations are proposed including the provision of a single storey extension to the front and rear.

2. Site and Surroundings

- 2.1 The application site is located on a corner plot and consists of a semi-detached property with a hipped roof, which is extended to the rear in the form of a flat roof ground floor extension. The property consists of red brick at ground floor level and a cream render finish at first floor level. The internal configuration consists of a hot food takeaway at ground floor with a self-contained flat at first floor.

3. Relevant Planning History

- 3.1 Planning permission was granted under reference number 86/00734/FUL to construct an extension to a shop.
- 3.2 Planning permission was granted under reference number 94/00092/FUL to construct a front and side extension.
- 3.3 Planning permission was granted under reference number 08/00049/FUL to retain a refrigeration compressor to the rear of the property.

4. Relevant Policies and Guidance**4.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

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

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

4.2 Part 2 Local Plan 2019

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

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

4.3 National Planning Policy Framework (NPPF) 2021:

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

5. Consultations

5.1 **Cadent Gas** – No objections.

5.2 **Private Sector Housing Officer**

First Consultation – Advised the property if allowed will require a mandatory HMO licence. Also advised that some of the room sizes were below the requirements set out within the Broxtowe HMO property standards.

Second Consultation – Advise the bedrooms all meet the property standards now for the size with the reduction down to 7 and all rooms are noted to have escape windows. A HMO licence will still be required.

5.3 10 neighbouring properties were consulted on the application along with the posting of a site notice, with three letters of objection having been received raising concerns in respect of:

- To many HMO's in the locality;
- Lack of parking;
- The site being within the Article 4 area;
- Over development of the site.

6. Assessment

6.1 The main issues relate to whether the principle of the change of use from a hot food takeaway (Sui Generis) to an eight bedroomed HMO (Sui Generis) would be acceptable, if there is an acceptable level of amenity for occupiers and existing neighbours and impacts on parking.

6.2 **Principle**

6.2.1 Policy 8 of the Broxtowe Aligned Core Strategy requires that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. Residential developments should also contain adequate internal living space. Policy 15 of the Broxtowe Part 2 Local Plan seeks to ensure that residential

developments provide a mix of housing to ensure that the needs of the residents of all parts of the borough, and all age groups, are met. It is considered that the creation of a seven-bedroom HMO would contribute to providing a mix of housing types, and is in a highly sustainable location.

- 6.2.2 The property is located within a residential area with a mix of different housing tenures comprising flats, family homes, houses in multiple occupancy. The site is located within walking distance of Beeston town centre which provides access to regular bus and tram links. The site is within an urban, sustainable location with access to regular transport links and provides additional space in a property.
- 6.2.3 It is acknowledged that a number of properties in the area have been changed into houses in multiple occupancy and the Article 4 Direction is in place to remove permitted development for houses (Class C3) to convert to C4 use of between three to six unrelated residents living together without the need to apply for a change of use. However, this is not a family dwelling and there are no policies or Article 4 Directions that currently restrict this change of use to a larger House in Multiple Occupation (Sui Generis use) and given the location being within walking distance to Beeston town centre and to Nottingham University, it is considered the principle of the change of use is acceptable. Furthermore, there are still a large number of properties in the surrounding area that are occupied by families.
- 6.2.4 To conclude, this development would add to the housing mix and it is considered that the character of the area would not be harmed given the proximity to Beeston town centre, the property's previous commercial use and there being a large number of family homes still occupying the surrounding area. The site is within walking distance of Beeston town centre which reduces the reliance on private car ownership. The principle of the development is therefore considered to be acceptable.

6.3 **Design and Visual Amenity**

- 6.3.1 Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of massing, scale and proportion, materials and the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.
- 6.3.2 To the front of the property a small extension is proposed to create an entrance lobby which will be served by a door with the roof extending across from the existing front extension. The existing shop front serving the chip shop will be removed along with the entrance door with two new windows being inserted to the front and one to the side to serve bedrooms 1, 2 and 3. To the rear there is currently a L shaped flat roof extension. The application proposes the provision of a flat roof extension which will be in line with the rear elevation and also the side elevation.
- 6.3.3 Information provided on the submitted application form and plans indicates the use of matching materials. Given the prominent location of the property it is considered a condition is required for the submission of materials to be approved.

6.3.4 The proposal is not considered to have any significant detrimental impact upon the character of the street scene or visual amenity of the area.

6.4 Residential Amenity

6.4.1 The property that will be mostly affected by the change of use is number 6 Fletcher Road. Along the boundary of the application site and the neighbouring property there is an existing 1.8m high close boarded timber fence. The proposed rear extension will be sited 1.1m from the boundary and will have an overall height to the flat roof of 2.7m, with utility door and bedroom window facing onto the fence. Within the side elevation of the immediate neighbouring property there are two small low level obscurely glazed windows. It is considered that the proposal will not have any significant impact on the amenity of the immediate neighbouring property number 6 Fletcher Road.

6.4.2 Given the location of the property on a corner, it is considered there will be no significant impact upon the residential amenity of other residential properties within the vicinity.

6.4.3 The internal layout of the building will consist of three small bedrooms and one large bedroom on the ground floor along with a kitchen/dining area, sitting area, and shower room on the ground floor and two large and one small bedrooms and shower on the first floor. All bedrooms will be served by adequate natural light and ventilation and the property will be served by appropriate facilities and a suitable communal space. The HMO layout conforms with the space standards set out within the Council's House in Multiple Occupation (HMO) Standards. This is not an adopted planning policy document and would be enforced by the Council's Private Sector House section.

6.5 Parking

6.5.1 Whilst no parking provision will be provided, the site is within walking distance of Beeston town centre and the University of Nottingham campus and is in close proximity to the tram and regular bus services along Fletcher Road and car ownership associated with this property is likely to be low.

7. Planning Balance

7.1 The benefits of the proposal are that it would provide additional space in an existing house which will contribute to the mix of housing in the area. Although there will be some impact on neighbour amenity and no parking provision, it is considered this will not be detrimental. The change of use would not appear out of character with the surrounding area that would be in accordance with policies contained within the development plan which is given significant weight. On balance, the scheme is acceptable and should be approved.

8. Conclusion

8.1 To conclude, it is considered the change of use is acceptable and there would not be a significant impact on the amenity of surrounding neighbours, or traffic/parking in the area and therefore the application should be approved.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with Site Location Plan/Block Plan, 406.P05B received by the Local Planning Authority on 23 May 2022, proposed Elevations, 406.P04D, proposed Floor Plans, 406.P03D received by the Local Planning Authority on 26 January 2023.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No building operations above ground level shall be carried out until details of the manufacturer, type and colour of the materials to be used have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: To ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.



Legend

-  Site Outline
-  Classified Road
-  Tram Route
-  Article 4 Direction

Photographs

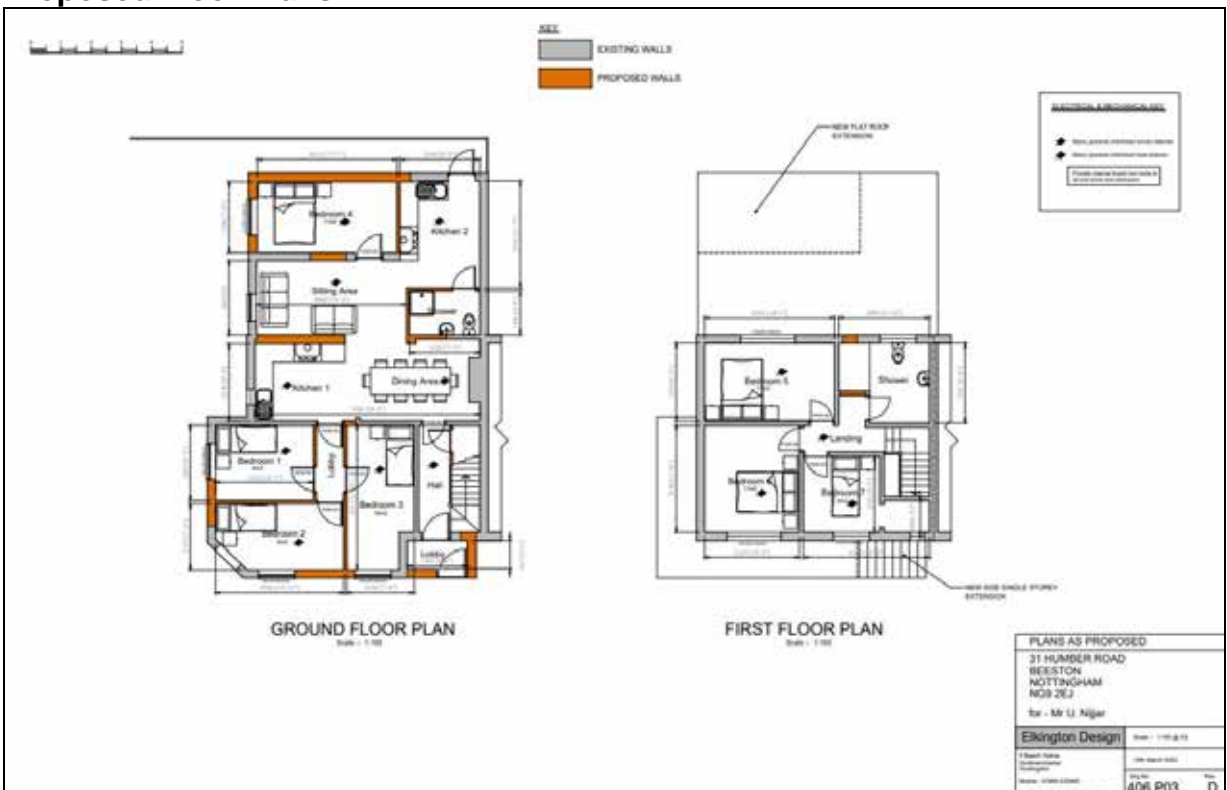


Plans (not to scale)

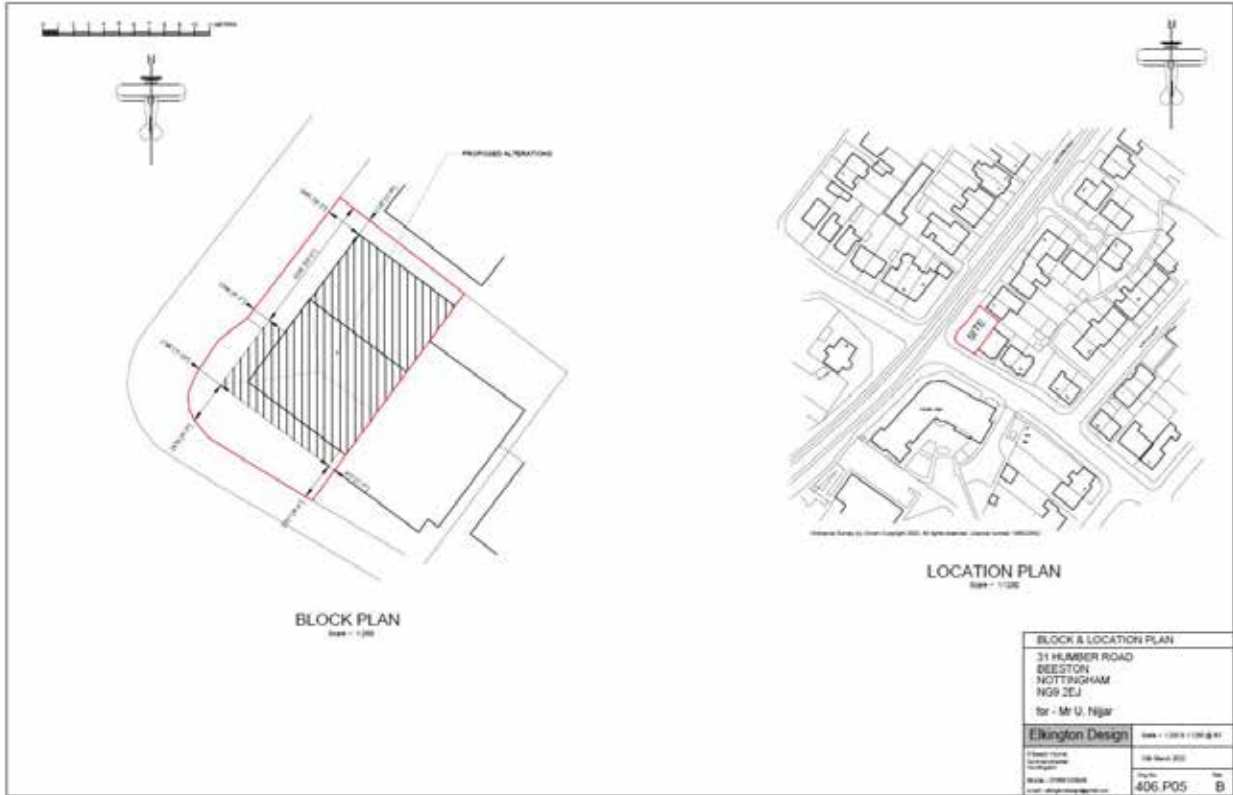
Proposed Elevations



Proposed Floor Plans



Proposed Block Plan



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Report of the Chief Executive

APPLICATION NUMBER:	23/00046/REG3
LOCATION:	Land at 131 - 133 Derby Road, Stapleford, Nottingham NG9 7AS
PROPOSAL:	Creation of public car park with 46 parking spaces and cycle stand.

As this is an application for planning permission by the Borough Council to develop land within the Borough, it must be determined by Committee.

1.1 Purpose of Report

To report an application for full planning permission to lay out a public car park to replace one at Victoria Street further north within the town centre, which is being developed as an 'Enterprise Hub' as part of the Stapleford Town Deal.

1.2 Recommendation

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

1.3 Detail

- 1.3.1 The application site is on the east side of Derby Road towards the southern end of Stapleford Town Centre and was formerly occupied by a now-demolished shop and warehouse with vehicular access to a car park that extended further south behind the remaining frontage plot, so that the site forms an L-shape. The site bounds residential properties to the north and east, and a telephone exchange to the front part and a service area and warehouse to the rear part of its southern boundary.
- 1.3.2 Vehicular access would be moved north to the centre to the site frontage, 10 metres south of a zebra crossing on Derby Road. The car park would have 46 spaces, including six for blue badge users and four for electric vehicles. Stands with space for eight cycles, CCTV, lighting and payment machines are also proposed together with soft landscaping, including boundary treatments.
- 1.3.3 The main issues relate to the principle of a replacement public car park for the town centre, impact on highway safety, impact on neighbour (particularly residential) amenity, and, related to this, the crime and safety implications for neighbours and future users. As a new area of hard surface is proposed, overall surface water permeability and drainage are relevant, as are opportunities to effect a net gain to biodiversity.
- 1.3.4 On balance, the economic benefits of a smaller replacement public car park and net biodiversity and surface water permeability gains from soft landscape outweigh the limited impacts to residential amenity and safety, which can be mitigated by conditions requiring closure of the Victoria Street car park, and the installation of electric vehicle charging points, boundary treatments, low-spill lighting and CCTV prior to first use. The latter two requirements and a condition requiring marking out

and retention of disabled spaces are necessary to ensure the safety of and equality of access for future users, and would therefore be neutral in the balance.

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

1.4 Financial Implications

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

1.5 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.

1.6 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.

1.7 Background Papers

Nil.

APPENDIX

1. Details of the Application

- 1.1 A relocated vehicular access is proposed central to the frontage, 10 metres south of a zebra crossing on Derby Road. The car park would have a central aisle turning within the site, serving 46 parking spaces to either side, including six for blue badge users and four for electric vehicle charging points (EVCPs) nearest to the access.
- 1.2 A footway would run along the southern boundary of the front part of the site to a point where the car park would turn behind the telephone exchange. Four stands with space for eight bicycles, CCTV, lighting and payment machines are proposed together with soft landscape, including boundary treatments.

2. Site and Surroundings

- 2.1 This 0.15-hectare site is on the east side of Derby Road towards the southern end of Stapleford Town Centre as designated, although retail uses continue south to the railway. The site is L-shaped with a 22-metre frontage, but 39-metre rear width, and was formerly occupied by a now-demolished shop and warehouse abutting its northern and eastern boundaries. Vehicular access along the southern boundary led to a rear car park that extended further south.
- 2.2 The 48-metre north boundary is shared along its front 37 metres with a two-storey end terrace house fronting Derby Road but served to its rear by a side road off of Broad Oak Drive. This house presents a blank side elevation set 1.5 metres away with front and rear gardens all behind a timber fence. The turning head of the side road forms the remaining length of the north boundary, together with a small part of the front garden of a further house it serves.
- 2.3 The northern 16 metres of the east boundary is formed by an unattractive remnant wall of the warehouse, which appears buttressed by sections of internal return wall. A principal elevation of a three-storey block of flats, Aria Court, faces this part of the site behind five metres of amenity space. Further south, the block steps back to 11 metres away behind a boundary wall facing the site across a car park. The latter wall has unattractive blockwork and more attractive brick sections.
- 2.4 South of the front part of the site is a telephone exchange with palisade fence. The site wraps behind it and has a 13-metre western boundary to its rear. Further south on Derby Road is a parade of shops, four metres of the back of which buildings abut a further length of western boundary. The southernmost boundary at the rear is adjoined by the service area for the shops and abutted by a warehouse unit.

3. Relevant Planning History

- 3.1 Prior approval was granted on 21st July 2022 under reference 22/00516/DEM to demolish. This was completed in January 2023.

4. Relevant Policies and Guidance

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

4.1.1 The Council adopted the Aligned Core Strategy (ACS) on 17th September 2014.

- Policy 1: Climate Change
- Policy 4: Employment Provision and Economic Development
- Policy 6: Role of Town and Local Centres
- Policy 7: Regeneration
- Policy 10: Design and Enhancing Local Identity
- Policy 14: Managing Travel Demand
- Policy 17: Biodiversity

4.2 Part 2 Local Plan 2019

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

- Policy 1: Flood Risk
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 31: Biodiversity Assets

4.3 National Planning Policy Framework (NPPF) 2021:

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

5. Consultations

5.1 **Nottinghamshire County Council Highways** – No objection subject to conditions requiring visibility splays to be kept clear and implementation of other matters already covered by recommended conditions.

5.2 **Nottinghamshire County Council Flood Risk** – Comments awaited, particularly in relation to required run-off rates and drainage systems.

5.3 **Stapleford Town Council** – Comments awaited after meeting on 24th February.

5.4 **Broxtowe Borough Council Parks and Environment** – No objection: trees on site have little amenity value and should be replaced with new trees and shrubs.

5.5 Neighbouring properties were consulted by letter and a notice posted at the site, with letters received raising the following points:

- Too far from centre for disabled or elderly people
- Needs season tickets as residents struggle to park
- Would be better to improve Victoria Street car park

- Better used for community hub or additional parking
- Needs at least two electric vehicle charging points
- Would improve parking facilities for this area of town
- Needs motorcycle parking with bar or ground anchors
- Motorcycles more environmentally friendly than cars
- Stapleford lacks secure motorcycle parking leading to theft
- Already have perfectly good car park at Victoria Street
- Lack of noise assessment – house to north previously shielded
- Need acoustic and visual barrier to house to the north
- Existing fence to house to the north inadequate for purpose

6. Assessment

6.1 The main issues relate to the principle of a replacement public car park for the town centre, highway safety, neighbour (particularly residential) amenity, and, related to this, the crime and safety implications for neighbours and future users. As a new area of hard surface is proposed, overall surface water permeability and drainage are relevant, as are opportunities to effect a net gain to biodiversity. As the site was previously used for industrial purposes, potential land contamination is relevant.

6.2 The proposal would enable redevelopment of an existing public car park on Victoria Street for an ‘enterprise hub’ that would both benefit footfall in Stapleford Town Centre and promote economic development by providing employment and training opportunities to assist residents. That site cannot be redeveloped without affecting the vitality and viability of the Town Centre until a replacement public car park has been provided elsewhere within or close to the Town Centre.

6.3 Whilst removal of the previous commercial use would have been a benefit to noise environment, it largely took place within buildings and the baseline is now a nil use, so opening the site to public as car park increases potential noise, light and crime impacts, but these could be mitigated by conditions.

6.4 Principle

6.4.1 ACS Policy 6 requires the vitality and viability of centres (including Stapleford Town Centre, within which the site is located) to be maintained and enhanced, including environmental enhancements and improvements to access, which should take account of equality. ACS Policy 7 supports local initiatives in areas of recognised regeneration need. Whilst not as central to the designated town centre as the car park it would replace, the site is reasonably central to the actual retail area along Derby Road. As a replacement for a facility being redeveloped for regeneration purposes that will enhance the vitality and viability of Stapleford Town Centre, the proposal complies with both of these policies.

6.4.2 ACS Policy 1 requires development to mitigate against climate change – the proposal provides EVCPs, which are integral to the shift away from fossil fuels. ACS Policy 14 seeks to minimise the need to travel, especially by private car, and to provide improvements to cycling facilities to encourage and prioritise sustainable modes of transport. Whilst the proposal replaces car parking spaces, it does so at less than parity and provides cycle parking thereby on balance encouraging and prioritising

sustainable modes of transport. A condition requiring closure of the existing car park and provision of cycle stands prior to first use would secure this.

6.5 Design and Amenity

- 6.5.1 ACS Policy 10 and Broxtowe Part 2 Local Plan (2019) Policy 17 require development to contribute to public realm and to create an attractive, legible, safe and inclusive environment convenient to use by people with limited mobility, which encourages walking and cycling and incorporates features to reduce crime and fear of crime. The proposed layout is such that conditions to secure surface materials to create attractive and legible public realm accessible by people with limited mobility, cycle stands to encourage cycling, and boundary treatments, CCTV and lighting to deter crime and provision, and retention of clear visibility splays would ensure compliance with these policies.
- 6.5.2 ACS Policy 10 and Broxtowe Part 2 Local Plan (2019) Policies 17 and 19 seek to protect neighbour amenity and limit lighting schemes to only that necessary for their purposes whilst minimising off site impacts on neighbour amenity. Whilst the removal of the former commercial use would have benefitted the noise environment, it largely took place within buildings and the baseline post-demolition is now nil use, so opening the site to the public as a car park increases potential for noise, light, visual and crime impacts. However, this can be mitigated by conditions requiring boundary treatments of appropriate height and acoustic performance, planting, lighting and CCTV.
- 6.5.3 A layout that located planting along the rear boundary with the block of flats, instead of that with telephone exchange, would be better for the visual amenity of residents of those flats. This has been communicated to the applicant and a revised layout could improve on this impact. Notwithstanding this, the scheme as it stands is acceptable.

6.6 Surface water and biodiversity

- 6.6.1 ACS Policy 1 requires development to take account of the impacts of climate change, including intense rain and storms, and incorporate measures to reduce surface water runoff with sustainable drainage systems unless they are not viable or feasible. Broxtowe Part 2 Local Plan (2019) Policy 1 would not permit development on previously developed sites in areas at risk from flooding without measures to reduce surface run off by a minimum of 30%. The site is at some risk of surface water flooding and a condition requiring submission of a drainage strategy informed by results of a site investigation prior to the commencement of development, to be implemented prior to first use, could secure compliance.
- 6.6.2 ACS Policy 17 seeks to ensure that development provides new and improves existing biodiversity features wherever appropriate. Broxtowe Part 2 Local Plan (2019) Policy 17 seeks development that incorporates ecologically sensitive design with a high standard of planting and features for biodiversity, and uses native trees, shrubs and wild-flower species in landscape proposals. Broxtowe Part 2 Local Plan (2019) Policy 31 requires all development to seek to deliver a net gain in biodiversity and geodiversity and contribute to the Borough's ecological network. A condition requiring submission of a landscape plan with details of planting (including habitat creation) prior to the

commencement of development, to be implemented prior to first use, could secure compliance with these policies.

6.7 Contamination

6.7.1 ACS Policy 10 would assess development on its impact on ground conditions and Broxtowe Part 2 Local Plan (2019) Policy 19 would not permit development, that might result in the infiltration of contaminants into groundwater, or that is on land potentially affected by contamination until a site investigation has been carried out and, if necessary, details of effective and sustainable remedial measures have been agreed. The standard conditions requiring the submission of a desktop assessment, site investigation, remediation measures and validation at the appropriate stages of development would secure this and would inform the drainage strategy to avoid any risk of poor or contaminative percolation.

7. Planning Balance

7.1 The economic benefits of a smaller replacement public car park and net biodiversity and surface water permeability gains from soft landscape outweigh limited impacts to residential amenity and safety, which can be mitigated by conditions that would also ensure the safety of and equality of access for future users.

7.2 Notwithstanding neighbour comments, developing this site for the enterprise hub and retaining the existing car park does not form part of this application and there is no reason to doubt the benefits of the proposal. In respect of EVCPs, four are proposed exceeding the two suggested by neighbours. Motorcycle parking spaces were considered unnecessary, there is no specific policy supporting their provision and the highway authority has not objected to their absence.

8. Conclusion

8.1 The proposed development is acceptable subject to conditions to avoid noise, light and community safety impacts to neighbours, and therefore the application should be granted planning permission.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission. <i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The development hereby permitted shall be carried out in accordance with Site Layout Plan drawing number 2250769-VIA-O-

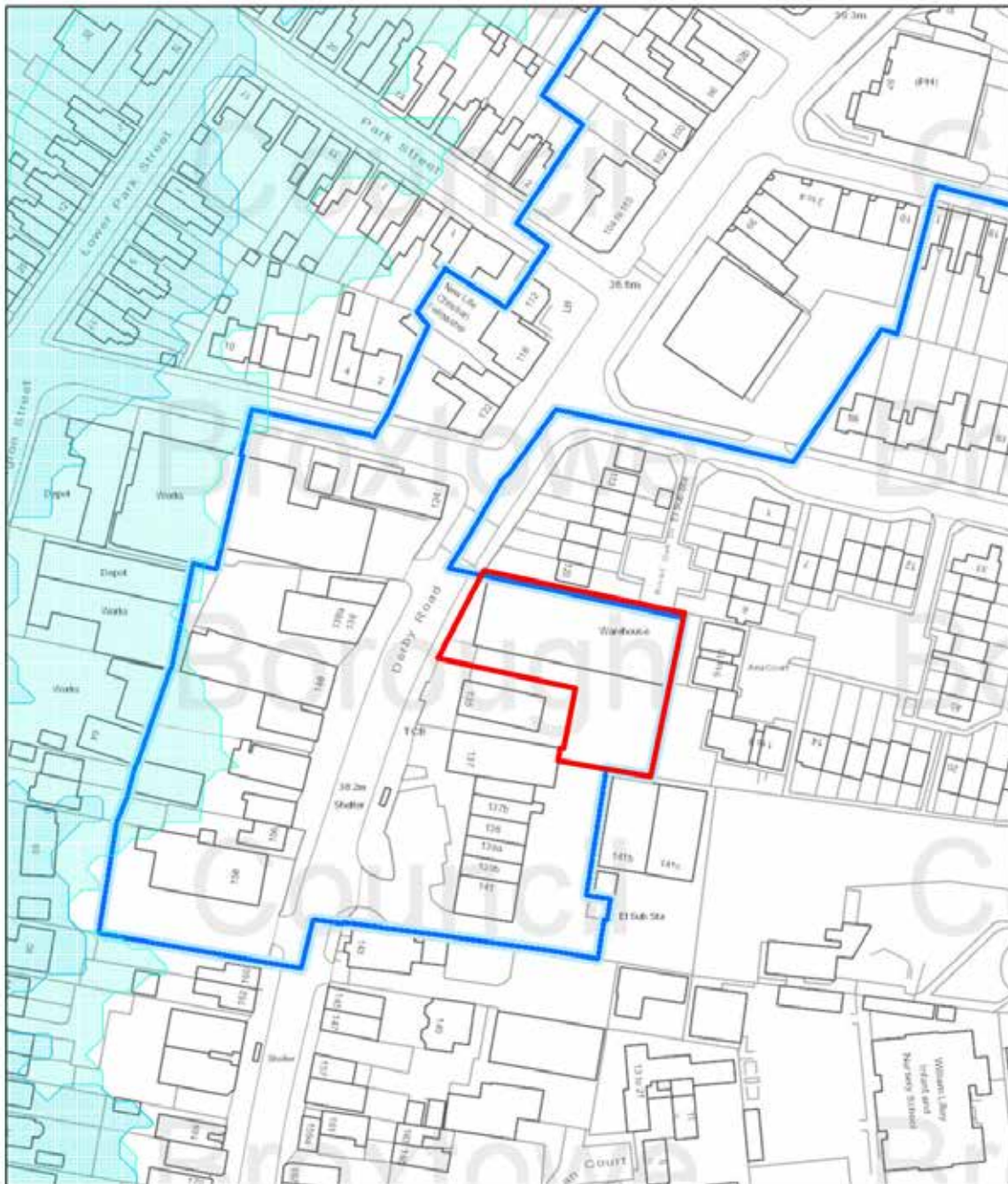
	<p>EX-00001 received by the Local Planning Authority on 19 January 2023.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>3.</p>	<p>Development shall not commence until an assessment of ground contamination been submitted to and approved in writing by the Local Planning Authority with details of:</p> <ul style="list-style-type: none"> · a desktop survey of potential sources · a site investigation and test results · a remediation strategy for contamination · a validation strategy for certification <p><i>Reason: To ensure that the risk to site users from contamination, is minimised in accordance with Broxtowe Part 2 Local Plan (2019) Policy 19.</i></p>
<p>4.</p>	<p>Development shall not commence until a drainage strategy has been submitted to and approved in writing by the Local Planning Authority with details of:</p> <ul style="list-style-type: none"> · the results of percolation testing · sustainable methods possible · the methods and layout proposed <p><i>Reason: To ensure a net reduction in surface water run-off, in accordance with Broxtowe Aligned Core Strategy (2014) Policy 1 and with Broxtowe Part 2 Local Plan (2019) Policy 1.</i></p>
<p>5.</p>	<p>Development shall not commence until a landscape plan has been submitted to and approved in writing by the Local Planning Authority with details of:</p> <ul style="list-style-type: none"> · hard surface materials across the site · EVCPs and pay and display machines · cycle stands and boundary treatments · a planting schedule of native species · an assessment of biodiversity net gain · a future landscape management plan <p><i>Reason: To ensure that the need to use fossil fuels is minimised in accordance with Broxtowe Aligned Core Strategy (2014) Policy 1 and Broxtowe Part 2 Local Plan (2019) Policy 19, and to ensure the site is attractive, legible, safe, inclusive, protects neighbour amenity and effects a net gain in biodiversity and surface water run-off, in accordance with Broxtowe Aligned Core Strategy (2014) Policies 10 and 17 and with Broxtowe Part 2 Local Plan (2019) Policies 1, 17 and 31.</i></p>

<p>6.</p>	<p>Development shall not commence until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority with details of:</p> <ul style="list-style-type: none"> · heights, locations and specifications of luminaires · an assessment of on and off-site illumination levels <p><i>Reason: To ensure that the site is attractive, legible, safe, inclusive and protects neighbour amenity, in accordance with Broxtowe Aligned Core Strategy (2014) Policies 10 and 17 and with Broxtowe Part 2 Local Plan (2019) Policies 17 and 19.</i></p>
<p>7.</p>	<p>Development shall not commence until a CCTV scheme has been submitted to and approved in writing by the Local Planning Authority with details of:</p> <ul style="list-style-type: none"> · heights, locations and specifications of cameras · an assessment of areas surveilled <p><i>Reason: To ensure that site is safe, inclusive, and protects the safety of neighbours, in accordance with Broxtowe Aligned Core Strategy (2014) Policy 10 and with Broxtowe Part 2 Local Plan (2019) Policy 17.</i></p>
<p>8.</p>	<p>The car park shall not be first brought into use until the existing car park at Victoria Street has been closed or reduced in capacity by at least as many spaces as hereby provide and the four EVCPs are provided in locations convenient to spaces marked on site for the purposes of their use.</p> <p><i>Reason: To ensure that the need to travel by car or use fossil fuels is minimised in accordance with Broxtowe Aligned Core Strategy (2014) Policy 1 and Broxtowe Part 2 Local Plan (2019) Policy 19.</i></p>
<p>9.</p>	<p>The car park shall not be first brought into use until the following have been implemented in accordance with approved details:</p> <ul style="list-style-type: none"> · the remediation strategy · the drainage strategy · the landscape plan · the lighting scheme · the CCTV scheme <p><i>Reason: To ensure that the risk to site users from contamination is minimised in accordance with Broxtowe Part 2 Local Plan (2019) Policy 19, and to ensure the site is attractive, legible, safe, inclusive, protects neighbour amenity and effects a net gain in biodiversity and a net reduction in surface water run-off, in accordance with Broxtowe Aligned Core Strategy (2014) Policies 10 and 17 and with Broxtowe Part 2 Local Plan (2019) Policies 1, 17, 19 and 31.</i></p>

<p>10.</p>	<p>The car park shall not be brought into use until the visibility splays shown on the submitted drawing are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures, or erections.</p> <p><i>Reason: To ensure that the development provides safe access in accordance with Broxtowe Part 2 Local Plan (2019) Policy 17.</i></p>
	<p>NOTES TO APPLICANT</p>
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>

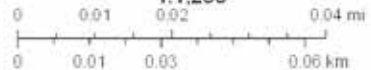
Site Plan

Land at 131-133 Derby Road, Stapleford, NG9 7AS



2/21/2023, 10:19:00 AM

1:1,250



-  Flood Zone 2
-  Site
-  Flood Zone 3
-  Town Centre Boundaries

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Photographs



Plans (not to scale)

Proposed Layout Plan



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Report of the Chief Executive

APPEAL DECISION

APPLICATION NUMBER:	21/00101/FUL
LOCATION:	42 - 48 Henry Road, Beeston, Nottinghamshire, NG9 2BE
PROPOSAL:	Convert existing ground floor garages and alterations to 2 no. first floor apartments to create 2 no. (4 bedroomed) C4 Apartments

RECOMMENDATION BY OFFICER - APPROVE

LEVEL OF DECISION: PLANNING COMMITTEE RESOLVED THAT PERMISSION BE REFUSED

REASON FOR REFUSAL –

1. The proposed and potential further intensification of residential use within Class C4, the decrease in off-street parking and location near a turning head at the end of a long residential cul-de-sac would result in a concentration of houses in multiple occupation, a loss of relatively greater-needed housing, and a harmful impact on the character of the area and on safe and convenient access, contrary to the draft Houses in Multiple Occupation Supplementary Planning Document (2022), Policies 8 and 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Section 12 of the NPPF (2021).
2. The proximity of nearby buildings to the proposed new windows would result in an insufficient outlook for future occupiers contrary to Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Section 12 of the NPPF (2021).

APPEAL ALLOWED

The Inspector considered the main issues to be the effect of the proposed development on the character of the surrounding area, the greater-needed housing in the Borough, highway safety and the living conditions of future occupiers, with particular reference to outlook.

The Inspector considered information supplied in relation to the number of HMOs in the area and the Houses in Multiple Occupation Supplementary Planning Document (SPD) – that since the decision the draft version has been adopted with changes made. The Inspector noted that the information provided suggests that the proposal would not lead to a cluster or concentration of HMOs in this part of the Borough. That the concentration of housing in the street and surrounding area is Use Class C3 dwellings and therefore the proposal would add to the mix of dwelling types in the surrounding area. The proposal would therefore support the creation of a sustainable, balanced, inclusive, and mixed community and comply with the SPD.

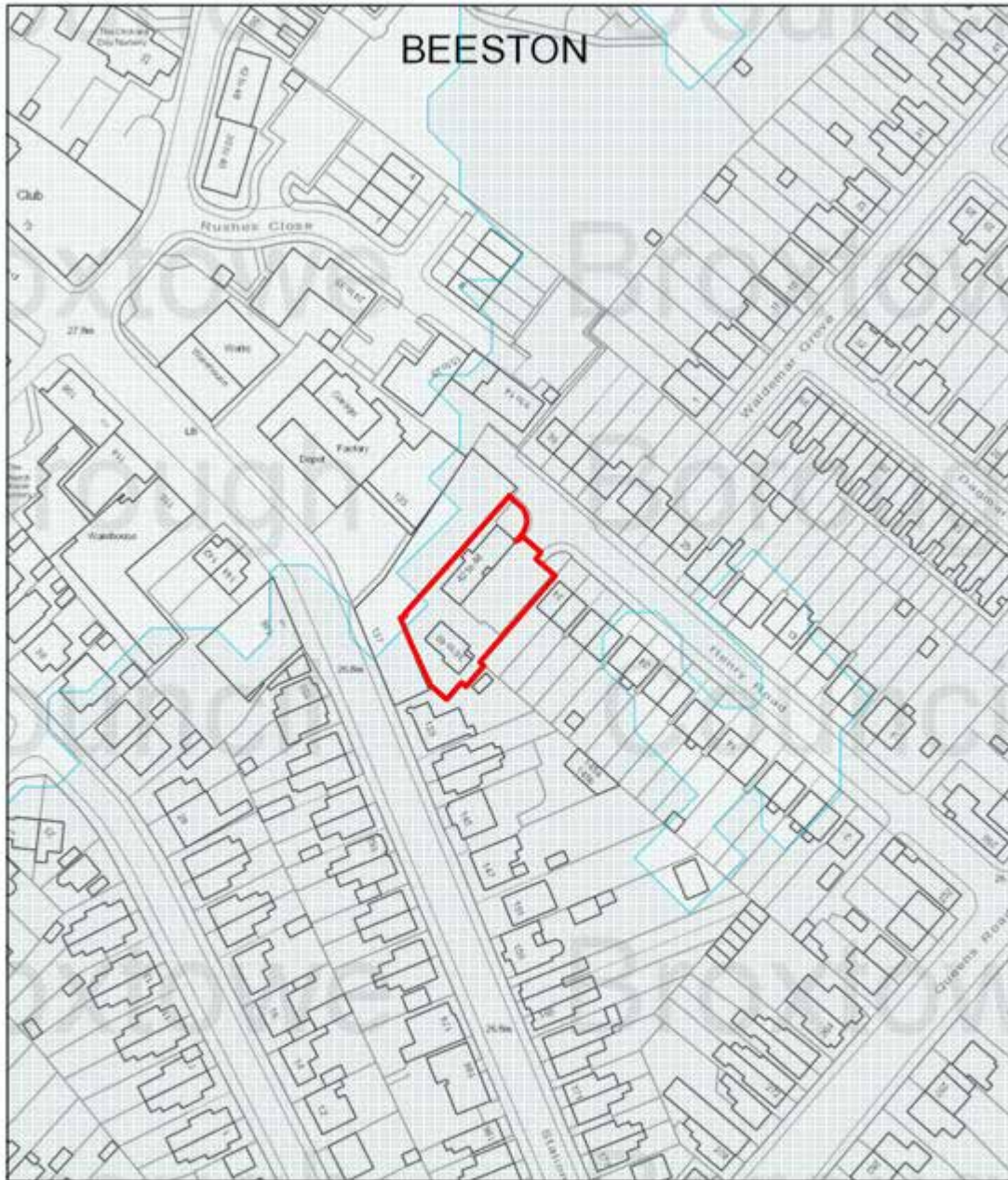
In terms of housing type, no evidence had been provided that the current housing type has a greater need than that proposed, the proposal would not lead to a loss of greater-needed housing type and that the apartments would still be available to rent. The proposal would also utilise a purpose built apartment where currently the second bedroom size does not meet

minimum size as set out in the national housing standards and adds to the mix of housing within Henry Road.

In regards to Highway Safety, the Inspector noted concerns that parking is already problematic within the surrounding area and that the proposed change of use could further exacerbate this problem. However, this would not in itself cause harm to highway safety. In respect of the loss of garages, both parties concede that the garages are not of a size that can accommodate a vehicle. Parking spaces to the front would increase from 8 to 10 spaces, and access to the site would not be altered with vehicles able to turn and exit the site in a forward gear. Transport options are nearby and services are within walking distance, therefore, future occupiers of the proposal would have access to a range of services, facilities and sustainable modes of transport without reliance on the private car. Therefore, the proposed change of use would not result in an intensification of parking in the surrounding area that would lead to a highway safety issue.

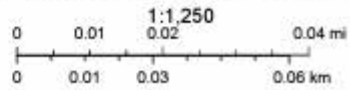
In respect of outlook, the Inspector found that the proposed development would not adversely affect the living conditions of future occupiers.

42-48 Henry Rd, Beeston



5/11/2022, 4:18:05 PM

-  Flood Zone 2
-  Flood Zone 3
-  Site



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BROXTOWE BOROUGH COUNCIL DEVELOPMENT CONTROL – PLANNING & COMMUNITY DEVELOPMENT

**PLANNING APPLICATIONS DEALT WITH FROM
9 JANUARY 2023 TO 10 FEBRUARY 2023**

CONTENTS

Planning applications dealt with under Delegated Powers

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

BROXTOWE BOROUGH COUNCIL
DEVELOPMENT CONTROL – PLANNING & COMMUNITY DEVELOPMENT

**PLANNING APPLICATIONS DETERMINED BY
DEVELOPMENT CONTROL**

ATTENBOROUGH & CHILWELL EAST WARD

Applicant : Mr A Baldwin Peveril Homes Limited 22/00840/FUL
Site Address : Land Off Karen Gardens Chilwell Nottinghamshire
Proposal : **Demolition of industrial buildings (including rebuilding of side wall to 158 Bye Pass Road) and construct 7 detached dwellings and garages and associated infrastructure**
Decision : **Conditional Permission**

Applicant : Mr C Law 22/00882/FUL
Site Address : 7 Riverdale Road Attenborough Nottinghamshire NG9 5HU
Proposal : **Construct two storey side extension with garage at ground floor level (revised scheme)**
Decision : **Conditional Permission**

Applicant : Mr Andrew Fissaegola Bartons PLC 22/00959/TPOW
Site Address : Land Off Bridge Avenue And Queens Road West Chilwell Nottinghamshire
Proposal : **G12 (Lime) - Remove surface growth from base
G13a (Lime) - Crown lift to 3m off parking spaces and prune 1m from light column
G13 BCEF (4 limes) - Crown lift 3m off parking spaces
G16F (Sycamore) - Prune to make 1m clearance from light column**
Decision : **Conditional Permission**

Applicant : Mr & Mrs D Barrett 22/00979/FUL
Site Address : 17 Abingdon Gardens Chilwell Nottinghamshire NG9 5BJ
Proposal : **Construct two storey side extension and single storey extension to front elevation**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Luke Taylor 22/00981/FUL
Site Address : 13 Bye Pass Road Chilwell Nottinghamshire NG9 5BN
Proposal : **Construct two storey and first floor side extensions**
Decision : **Conditional Permission**

Applicant : Mr James Downs 22/01005/CAT
Site Address : 21 Long Lane Attenborough Nottinghamshire NG9 6BG
Proposal : **7 x Lime to be maintained as pollards**
Decision : **No Objection**

AWSWORTH, COSSALL & TROWELL WARD

Applicant : Mr Tom Richards Tom Richards Tree Services 22/00854/CAT
Site Address : Chestnut Croft 40 Church Lane Cossall Nottinghamshire NG16 2RW
Proposal : **T1 Deodar cedar Reduce height by 50% - To Allow more light on to the solar panels.
T2 Blue Atlas cedar Crown reduce by 2.5 metres leaving a balanced crown**
Decision : **No Objection**

Applicant : Mr Paul Marson 22/00973/FUL
Site Address : 39 Nottingham Road Trowell Nottinghamshire NG9 3PF
Proposal : **Construct two storey rear extension**
Decision : **Conditional Permission**

BEESTON CENTRAL WARD

Applicant : Ms Vera Swincoe 22/00442/FUL
Site Address : 196 And 198 Station Road Beeston Nottinghamshire NG9 2AY
Proposal : **Retain change of use from four separate dwellinghouses (C3) (two flats at 194, nos. 196 and 198) to a residential institution (C2)**
Decision : **Conditional Permission**

Applicant : Mr Phil Collins Framework Housing Association 22/00604/FUL
Site Address : 166 Station Road Beeston Nottinghamshire NG9 2AY
Proposal : **Subdivide house into two flats including external alterations to windows and doors**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Younis 22/00751/CLUE
Site Address : 66 Salisbury Street Beeston Nottinghamshire NG9 2EQ
Proposal : **Certificate of lawfulness for existing use as a house in multiple occupation (Class C4)**
Decision : **Approval - CLU**

Applicant : Alison Dudley Zenith Planning and Design 22/00832/FUL
Site Address : 178 - 180 Queens Road Beeston Nottinghamshire NG9 2FF
Proposal : **Change of use pawnbrokers (Sui Generis) with living accommodation above to form two separate x four bed Houses in Multiple Occupation (Class C4). External alterations to front, side and rear elevations including replacement of shopfront with door and windows; re-installment of windows to first floor front elevation; insertion of windows to rear and side elevations, and reinstatement of dormer windows to the front elevation**
Decision : **Conditional Permission**

Applicant : Mr J Martin 22/00926/TPOW
Site Address : 72 Broadgate Beeston Nottinghamshire NG9 2FW
Proposal : **EMAS 032 Holly - Prune away from building (shortening of lateral limbs by 0.5 to 1m)
EMAS 033 Holly - Prune away from building (shortening of lateral limbs by 0.5 to 1m)
EMAS 034 Holly - Prune away from building to achieve a 2m clearance
EMAS 035 Cherry - Reduce away from building with a 0.5m crown reduction.
EMAS 036 Sycamore - 30 % crown reduction and crown lift 4 to 5m.
EMAS 051, 053, 054, 055 - Remove**
Decision : **Conditional Permission**

Applicant : Mr C Burton 23/00024/PNH
Site Address : 66 Middle Street Beeston Nottinghamshire NG9 2AR
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.5 metres, with a maximum height of 3 metres, and an eaves height of 3 metres.**
Decision : **PNH Approval Not Required**

BEESTON NORTH WARD

Applicant : Mr C Burton 22/00861/FUL
Site Address : 76 Abbey Road Beeston Nottinghamshire NG9 2QH
Proposal : **Construct two storey side extension, single storey rear extension and loft conversion (revised scheme)**
Decision : **Refusal**

Applicant : Vik Lalli 22/00898/FUL
Site Address : 101 - 103 Central Avenue Beeston Nottinghamshire NG9 2QS
Proposal : **Construct single storey extension to rear to extend retail space; creation of self-contained apartment within roof level including insertion of rooflights to rear roof slope, insertion of door at first floor level rear elevation and construction of external stair to serve all upper floor accommodation**
Decision : **Conditional Permission**

BEESTON RYLANDS WARD

Applicant : Mr Richard Dean 22/00863/FUL
Site Address : 8 Stornoway Court Alford Close Beeston Nottinghamshire NG9 1QR
Proposal : **Construct single storey wrap around rear and side extension (revised scheme)**
Decision : **Conditional Permission**

Applicant : Mr James Goodchild 22/00884/FUL
Site Address : 1 - 6 Clayton Court Queens Road Beeston Nottinghamshire
Proposal : **Construct third floor extension to create a 3 bedroom C4 flat and external alterations**
Decision : **Conditional Permission**

Applicant : Mr Janarthanan Balasundaram 22/00905/FUL
Site Address : Sri Thurkkai Amman Temple West Crescent Beeston Nottinghamshire NG9 1QE
Proposal : **Construct single storey side extension to north elevation. Replacement of existing roof tiles and installation of two roof lanterns and 3 roof mount vent extractor fans to the roof.**
Decision : **Conditional Permission**

BEESTON WEST WARD

Applicant : Mr Paul Landa DSL Holdings Ltd 22/00540/FUL
Site Address : Lock Up Garages Middleton Street Beeston Nottinghamshire NG9 1BB
Proposal : **Construct three storey detached building to accommodate 10 apartments and provision of parking area to rear**
Decision : **Conditional Permission**

Applicant : Mr Ben Bourne Ellis-Fermor & Negus Solicitors 22/00744/FUL
Site Address : 2 Devonshire Avenue Beeston Nottinghamshire NG9 1BS
Proposal : **Demolish rockery and remove part of the existing railing to create hardstanding to provide 2 additional parking spaces**
Decision : **Refusal**

Applicant : Mr Adrian Juffs 22/00802/CAT
Site Address : 12 Elm Avenue Beeston Nottinghamshire NG9 1BU
Proposal : **T7 Purple Plum - Remove deadwood and thin. T8 Yew - Cut back. T9 Apple, T10 - Cut back regrowth. T11 Bay - Trim. T12 Apple - Clear out centre and crown. T13 Variegated Holly - Reduce by approx. 50%. T14 Holly- Fell to ground level.**
Decision : **No Objection**

Applicant : Mr ANTHONY REILLY THE ROYAL BANK OF SCOTLAND PLC 22/00848/FUL
Site Address : National Westminster Bank 19 High Road Beeston Nottinghamshire NG9 2JX
Proposal : **External alterations and remove signage**
Decision : **Conditional Permission**

Applicant : Mr A Sadja 22/00901/FUL
Site Address : 10 Sidney Road Beeston Nottinghamshire NG9 1AN
Proposal : **Construct a two storey rear extension with roof alterations and formation of loft room with rear dormer and the reconfiguration of the front entrance porch (resubmission of 22/00299/FUL)**
Decision : **Withdrawn**

Applicant	:	Mr C Horton	22/00916/TPOW
Site Address	:	167 Wollaton Road Beeston Nottinghamshire NG9 2NQ	
Proposal	:	Pine tree to front garden (T1): Cut back the branches that overhang applicants house, considered to be a health and safety issue	
Decision	:	Refusal	
Applicant	:	Mr James Brydon JB Tree Care	22/00986/TPOW
Site Address	:	24 Park Road Chilwell Nottinghamshire NG9 4DA	
Proposal	:	T1 - Silver Birch - 2m crown reduction and crown clean (prune back to previous points).	
Decision	:	Conditional Permission	
Applicant	:	JB Tree Care James Brydon JB Tree Care	22/00968/CAT
Site Address	:	13 Elm Avenue Beeston Nottinghamshire NG9 1BU	
Proposal	:	Works to Trees in a Conservation Area: T1 - Beech: 2m crown reduction and prune away from property T2 - Yew: 1m crown reduction and prune away from property T3 - Weeping willow: Partial re pollard (leave some growth on for shape) T4 - Hazel: 1.5m crown reduction T5 - Sweet chestnut: 1.5m crown reduction T6 - Copper beech: Fell to ground level	
Decision	:	No Objection	
Applicant	:	Mr Ahmed	22/00975/FUL
Site Address	:	57 Sidney Road Beeston Nottinghamshire NG9 1AN	
Proposal	:	Single storey side/rear extension, increase in length to rear raised patio and increase size of ground floor side window.	
Decision	:	Conditional Permission	
Applicant	:	Ms Christine Elliot	22/00990/CAT
Site Address	:	9A Devonshire Avenue Beeston Nottinghamshire NG9 1BS	
Proposal	:	Cedar tree - Fell	
Decision	:	No Objection	
Applicant	:	Professor And Mrs J And C Beckett	23/00028/NMA
Site Address	:	44 Park Road Chilwell Nottinghamshire NG9 4DA	
Proposal	:	Non material amendment to planning permission 21/00934/FUL to reduce the length of the front boundary wall from 1.8m to 1.25m	
Decision	:	Conditional Permission	
BRAMCOTE WARD			
Applicant	:	Mr and Mrs Cunningham	22/00720/FUL
Site Address	:	17 Finsbury Road Bramcote Nottinghamshire NG9 3FZ	
Proposal	:	Construct single storey side and front extensions and detached garage to the rear and construct detached garage, new dropped kerb and drive to the front	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Tan	22/00797/FUL
Site Address	:	The Old Cottage Common Lane Bramcote Nottinghamshire NG9 3DT	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	
Applicant	:	Mr Ali Qader	22/00798/FUL
Site Address	:	11 Ilkeston Road Bramcote Nottinghamshire NG9 3JP	
Proposal	:	Construct two storey and single storey extensions	
Decision	:	Conditional Permission	

Applicant : Mr & Mrs Coutts 22/00902/FUL
Site Address : 7 Somerby Court Bramcote Nottinghamshire NG9 3NB
Proposal : **Construct single storey side and rear extension and install external air conditioning unit on west elevation.**
Decision : **Conditional Permission**

BRINSLEY WARD

Applicant : Mr D Green 22/00743/FUL
Site Address : 182 Broad Lane Brinsley Nottinghamshire NG16 5BE
Proposal : **Change of use from residential institution (Class C2) to dwelling house (Class C3) including annexe auxiliary to the main dwelling**
Decision : **Conditional Permission**

CHILWELL WEST WARD

Applicant : Mr M Lucas Spencer Academies Trust 22/00777/FUL
Site Address : Sunnyside Spencer Academy Great Hoggett Drive Chilwell Nottinghamshire NG9 4HQ
Proposal : **Alteration to parking and turning area to provide seven additional car parking spaces and enclosed gated timber bin store.**
Decision : **Conditional Permission**

Applicant : Mr P West 22/00989/FUL
Site Address : 55 Penrhyn Crescent Chilwell Nottinghamshire NG9 5PA
Proposal : **Construct single storey side extension and two storey rear extension**
Decision : **Conditional Permission**

EASTWOOD HALL WARD

Applicant : Miss S Perkins 21/00858/FUL
Site Address : 170 Greenhills Road Eastwood Nottinghamshire NG16 3FR
Proposal : **Retain garage/workshop**
Decision : **Conditional Permission**

Applicant : Mr Christopher Bampton 22/00649/FUL
Site Address : 25 Mansfield Road Nether Green Eastwood Nottinghamshire NG16 3DW
Proposal : **Construct two storey side extension**
Decision : **Conditional Permission**

EASTWOOD HILLTOP WARD

Applicant : Emmanuel Ononye 22/00876/FUL
Site Address : 30 Barber Street Eastwood Nottinghamshire NG16 3EW
Proposal : **Construct single / two storey rear extension**
Decision : **Conditional Permission**

Applicant : Ms Michelle Davis 22/00893/FUL
Site Address : 210 Nottingham Road Eastwood Nottinghamshire NG16 3GL
Proposal : **Retrospective change of use to beauty salon from fitness studio**
Decision : **Conditional Permission**

Applicant : Mr A Widdowson A & G Commercial 22/00960/FUL
Site Address : 191 Nottingham Road Eastwood Nottinghamshire NG16 3GS
Proposal : **Change of use from beauty/hairdressing to self contained studio apartment**
Decision : **Conditional Permission**

EASTWOOD ST MARY'S WARD

Applicant : Mr M Pour 22/00517/FUL
Site Address : 38 Nottingham Road Eastwood Nottinghamshire NG16 3NQ
Proposal : **Retention of shop front and roller shutters**
Decision : **Conditional Permission**

Applicant : Mr Stuart Atkins Raleigh UK Ltd 22/00674/FUL
Site Address : 136 Church Street Eastwood Nottinghamshire NG16 3HT
Proposal : **Retain three ancillary storage buildings on existing hardstanding for a temporary period of 18 months**
Decision : **Conditional Permission**

Applicant : Mr Richard Broughton 22/00974/FUL
Site Address : 4 Church Walk Eastwood Nottinghamshire NG16 3BG
Proposal : **Two storey side extension (Revised Scheme)**
Decision : **Conditional Permission**

GREASLEY WARD

Applicant : Mrs Naomi Carlyle 22/00752/FUL
Site Address : 41 Moorgreen Newthorpe Nottinghamshire NG16 2FD
Proposal : **Construct two storey rear extension, timber fencing, raised patio area and dropped kerb and render to the existing dwelling**
Decision : **Conditional Permission**

Applicant : Mrs H Anthony 22/00780/FUL
Site Address : Land At 470A Nottingham Road Giltbrook Nottinghamshire NG16 2GE
Proposal : **Construct detached two storey dwelling and garage**
Decision : **Withdrawn**

Applicant : John Blashkiw Line Equipment Ltd 22/00873/FUL
Site Address : 4A Coombe Road Moorgreen Industrial Park Newthorpe Nottinghamshire NG16 3SU
Proposal : **Construct extension to existing factory and office building**
Decision : **Conditional Permission**

Applicant : Mr Alex Wells Langridge Homes Ltd 22/00888/TPOW
Site Address : 22 Alton Drive Giltbrook Nottinghamshire NG16 2WN
Proposal : **Removal of Tree reference T19, T20, T21, T22 and T23**
Decision : **Conditional Permission**

Applicant : Mr J Wakefield 22/00970/FUL
Site Address : 10 Brook Close Newthorpe Nottinghamshire NG16 2DU
Proposal : **Construct single storey front extension**
Decision : **Conditional Permission**

KIMBERLEY WARD

Applicant : Mr M Vindhani Amfaah Investments Limited 22/00543/FUL
Site Address : Bank Cottage 6 Eastwood Road Kimberley Nottinghamshire NG16 2HZ
Proposal : **Retain opening in boundary wall to allow for parking**
Decision : **Conditional Permission**

Applicant : Mr Simon Tuckwell 22/00707/FUL
Site Address : 12 Chapel Street Kimberley Nottinghamshire NG16 2NP
Proposal : **Construct single storey front extension**
Decision : **Refusal**

Applicant : Kamaljit Heer 22/00758/FUL
Site Address : 107 Babbington Lane Kimberley Nottinghamshire NG16 2PT
Proposal : **Construct two storey front and side extensions and balcony to rear.**
Decision : **Conditional Permission**

Applicant : Debra Alvey 22/00825/FUL
Site Address : 119 Nottingham Road Kimberley Nottinghamshire NG16 2ND
Proposal : **Construct single storey rear extension and alterations garage doors**
Decision : **Conditional Permission**

Applicant : Mr D Baker 22/00881/VOC
Site Address : Land Adjacent To 3 Edinboro Row Kimberley Nottinghamshire NG16 2JD
Proposal : **Variation of condition 2 of 21/00101/FUL to regularise the situation of the new build dwelling (distance from west boundary)**
The development shall be carried out in accordance with drawing RS/DB/15/11/01 revision F submitted 10th November 2022
Decision : **Conditional Permission**

NUTHALL EAST & STRELLEY WARD

Applicant : Mrs Vishal Sohal VKS 22/00564/FUL
Site Address : 2 Croxley Gardens Nuthall Nottinghamshire NG16 1RR
Proposal : **Retention of opening window with obscurely glazed window film to side elevation (north) at 1st floor level**
Decision : **Conditional Permission**

Applicant : Julian C/O Agent Blakemore Property Ltd 22/00727/VOC
Site Address : 205 Nottingham Road Nuthall Nottinghamshire NG16 1AE
Proposal : **Variation of Condition 2 of application reference number: 22/00033/FUL (the development hereby permitted shall be carried out with drawings) - updated plans received relating to layout and elevation changes**
Decision : **Conditional Permission**

Applicant : Mrs Shyno Punnoose 22/00856/FUL
Site Address : 8 Kenton Avenue Nuthall Nottinghamshire NG16 1PX
Proposal : **Change from first floor extension to single and two storey rear extension.**
Decision : **Refusal**

Applicant : Kerry and Steven Papp 22/00857/FUL
Site Address : 19 Perivale Close Nuthall Nottinghamshire NG16 1QG
Proposal : **Construct single-storey extension to rear of existing garage**
Decision : **Conditional Permission**

Applicant : Mr and Mrs Patterson 22/00897/FUL
Site Address : 10 Highfield Road Nuthall Nottinghamshire NG16 1BS
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr P Walker 22/00904/FUL
Site Address : Old Rectory Farm Cottage Main Street Strelley Nottinghamshire NG8 6PE
Proposal : **Retention of asphalt drive and drainage**
Decision : **Conditional Permission**

STAPLEFORD NORTH WARD

Applicant : Mr Hamson 22/00828/FUL
Site Address : Land Adjacent 142A Pasture Road Stapleford Nottinghamshire NG9 8GQ
Proposal : **Construct detached two storey dwelling**
Decision : **Conditional Permission**

Applicant : Mrs Sue Dickinson 22/00836/FUL
Site Address : 7 Trowell Road Stapleford Nottinghamshire NG9 8HB
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

STAPLEFORD SOUTH EAST WARD

Applicant : Mr Mohammed Mahruf 22/00527/FUL
Site Address : Land North Of 52 Nottingham Road Stapleford Nottinghamshire NG9 8AA
Proposal : **Construct 3 storey detached building comprising 6 x one bed apartments Land North Of 52 Nottingham Road Stapleford Nottinghamshire NG9 8AA**
Decision : **Refusal**

Applicant	:	Mr A Ali	22/00651/FUL
Site Address	:	Manor Garage 92 Church Street Stapleford Nottinghamshire NG9 8DJ	
Proposal	:	Retain the change of use to car wash and car valeting business (revised scheme)	
Decision	:	Refusal	
Applicant	:	Mr AMIR ALI	22/00700/ADV
Site Address	:	Manor Garage 92 Church Street Stapleford Nottinghamshire NG9 8DJ	
Proposal	:	Freestanding signage to Church Street elevation and banner signage to rear fence	
Decision	:	Conditional Permission	
Applicant	:	Mr Demetriou	22/00842/FUL
Site Address	:	113 Nottingham Road Stapleford Nottinghamshire NG9 8AT	
Proposal	:	Replacement front garden boundary wall	
Decision	:	Conditional Permission	
STAPLEFORD SOUTH WEST WARD			
Applicant	:	Ms Darby	22/00824/FUL
Site Address	:	59 Wellington Street Stapleford Nottinghamshire NG9 7BE	
Proposal	:	Construct single storey rear extension and conversion of garage to habitable room	
Decision	:	Conditional Permission	
Applicant	:	Mr Simon Frost	22/00880/FUL
Site Address	:	116 Brookhill Street Stapleford Nottinghamshire NG9 7GG	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	
Applicant	:	Mr TOM BRADLEY Tom Bradley Estate Agents	22/00961/FUL
Site Address	:	64 Derby Road Stapleford Nottinghamshire NG9 7AB	
Proposal	:	Construct detached building comprising two units (small offices (Class E) and storage (Class B8)) to the rear of building	
Decision	:	Conditional Permission	
tOTON & CHILWELL MEADOWS WARD			
Applicant	:	Mr & Mrs Goodridge	22/00711/FUL
Site Address	:	3 Leyland Close Toton Nottinghamshire NG9 6HB	
Proposal	:	Construct two-storey side extension, first-floor roof dormer to side and roof alterations, porch to front elevation. Render external finish to all elevations. Boundary wall and hardstanding to the front of the property including demolition of detached garage	
Decision	:	Conditional Permission	
Applicant	:	Mr N Dean	22/00764/FUL
Site Address	:	64 Stapleford Lane Toton Nottinghamshire NG9 6GA	
Proposal	:	Retain carport sited within front garden	
Decision	:	Refusal	
Applicant	:	Mr David Fry	22/00835/FUL
Site Address	:	31 Bispham Drive Toton Nottinghamshire NG9 6GH	
Proposal	:	Construct rear and side single storey extension	
Decision	:	Conditional Permission	
Applicant	:	Mr Patrick Kumah	22/00899/FUL
Site Address	:	15 St Georges Drive Toton Nottinghamshire NG9 6PR	
Proposal	:	Retain gazebo	
Decision	:	Conditional Permission	
Applicant	:	Mr R Bancroft	22/00913/FUL
Site Address	:	1 Epsom Road Toton Nottinghamshire NG9 6HQ	
Proposal	:	Construct single-storey side extension	
Decision	:	Conditional Permission	

Applicant	:	Mr Joe Dix	22/00956/FUL
Site Address	:	54 Woodstock Road Toton Nottinghamshire NG9 6JQ	
Proposal	:	Construct single storey side and rear extension	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Challen	22/00962/FUL
Site Address	:	3 Cheltenham Close Toton Nottinghamshire NG9 6LD	
Proposal	:	Construct single storey rear and front extension	
Decision	:	Conditional Permission	
Applicant	:	Ms T Lau	22/00965/FUL
Site Address	:	39 Sandown Road Toton Nottinghamshire NG9 6JW	
Proposal	:	Construct two storey side and rear extension, single storey rear and side extension, and detached garden building	
Decision	:	Conditional Permission	
Applicant	:	Ms Lynne Goldsbrough	22/00993/FUL
Site Address	:	6 Whitburn Road Toton Nottinghamshire NG9 6HP	
Proposal	:	Single storey front, rear and side extension	
Decision	:	Conditional Permission	
WATNALL & NUTHALL WEST WARD			
Applicant	:	Peter Goodrick Broxtowe Borough Council	22/00721/REG3
Site Address	:	Garages At Chilton Drive Watnall Nottinghamshire	
Proposal	:	Demolition of garages to south of 84 Chilton Drive and construction of 2 x two bedroom semi-detached dwellings and private amenity space. Creation of parking area with landscaping	
Decision	:	Conditional Permission	
Applicant	:	Mr Peter Burton	22/00789/FUL
Site Address	:	Hollybush Farm Long Lane Watnall Nottinghamshire NG16 1HU	
Proposal	:	Installation of patio doors and balcony to first floor side elevation. Stone cladding to part front, rear and side elevation	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Taylor	22/00891/CLUP
Site Address	:	Vergewood Kimberley Road Nuthall Nottinghamshire NG16 1DD	
Proposal	:	Certificate of Lawfulness to construct two storey rear extension and height increase of existing rear roof	
Decision	:	Refusal	
Applicant	:	mrs Grace Guan	22/00911/FUL
Site Address	:	9 Kirtley Close Watnall Nottinghamshire NG16 1FX	
Proposal	:	Construct rear extension and convert part of existing garage, insertion of two windows to side (west) elevation.	
Decision	:	Conditional Permission	
Applicant	:	Mr R Wilmot	22/00984/TPOW
Site Address	:	28 Carman Close Watnall Nottinghamshire NG16 1JX	
Proposal	:	T1 Franxinus excelsior, fell to ground level. Tree is located within 1.5m of the property T2 Replacement tree, Magnolia	
Decision	:	Conditional Permission	
Applicant	:	Mr A Beckett	22/00983/TPOW
Site Address	:	55 Holly Road Watnall Nottinghamshire NG16 1HP	
Proposal	:	T3 - Crown thin, reduce and lift, T2 - Crown, thin and reduce lateral growth. Holly - Crown, reduce and lift to increase clearance. Yew - Crown, reduce and lift to increase clearance.	
Decision	:	Conditional Permission	

Report of the Chief Executive

CLIMATE CHANGE SUPPLEMENTARY PLANNING DOCUMENT1. Purpose of Report

To provide an update on the progress of the Climate Change Supplementary Planning Document (SPD), which is currently being worked on within the Planning Policy team.

2. Recommendation

The Committee is asked to NOTE the report.

3. Detail**Background**

Broxtowe Borough Council is committed to tackling the effects which arise from a changing climate and is dedicated to becoming carbon neutral by 2027 for its own operations. The Aligned Core Strategy (ACS) and the Council's Part 2 Local Plan (P2LP) outline the importance of addressing climate change through the planning system. The Aligned Core Strategy contains a number of strategic policies which are directly linked to climate change, and the Part 2 Local Plan sets the content and objectives for how climate change may be tackled through specific localised policies on Flood Risk; Travel Plans; Green Infrastructure Assets; and Landscape.

The production of an SPD focussing on climate change and how development should respond to this, has been a priority of Members for some time. Once adopted, the SPD will be used by Planning Officers to help determine planning applications. It will also provide guidance and advice to developers and members of the public in how they can implement measures which help to address the impacts of climate change.

Scoping work and research is underway in the preparation of the SPD and a general layout and an introduction of the document has been drafted. When a draft of the entire document has been completed, the SPD will be subject to a wide-ranging consultation and all comments received will be considered when finalising the document.

A number of different topics and sections have been put forward for inclusion within the SPD. These are given below:

- **Existing Legislation, Policy and Guidance**
- **Household Improvements (Existing Homes)**
 - a. Permitted Development
 - b. Other Improvements
- **Commercial Improvements (Existing Buildings)**

- a. Permitted Development
- b. Other Improvements

- **New Buildings and Developments**
 - a. Layout / Orientation
 - b. Insulation and Ventilation
 - c. Energy / Heating (including electric charging points)
 - d. Water efficiency
 - e. Drainage / Flooding / SUDs
 - f. Green infrastructure
 - g. Sustainable Transport and Travel

- **Energy Generation and Storage**
 - a. Solar
 - b. Wind
 - c. Battery Storage
 - d. Mine Water Heat
 - e. Landscape Considerations