

- (d) 97/00565/OUT  
Outline Application for Residential Development  
Chambers Packaging, Stapleford Lane, Toton

**RESOLVED** that provided the applicant is first willing to enter into a voluntary agreement under Section 106 of the Town and Country Planning Act 1990, in order to secure an acceptable element of affordable housing, including its future maintenance and control within the proposed residential development, to be minded to grant planning permission subject to the following conditions and to advertise the application as a departure from the Broxtowe Local Plan:-

- (i) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission;
- (ii) The development hereby permitted shall be commenced either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- (iii) Before any development is commenced detailed drawings and particulars showing the following shall be submitted to and approved by the local planning authority;
  - (a) the siting, design and external appearance of all buildings;
  - (b) the particulars of the materials to be used in the facing of the external surfaces of all buildings;
  - (c) the means of access to the site and the provision for vehicle parking and garaging facilities and
  - (d) the means of enclosure of the curtilage of the site and all individual dwellings.

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

- (iv) No development shall take place until a landscaping scheme has been submitted to and approved by the local planning authority. This scheme shall include the following details:-
  - (a) numbers, types, sizes and positions of proposed trees and shrubs
  - (b) proposed boundary treatments
  - (c) proposed hard surfacing treatment
  - (d) planting, seeding/turfing of other soft landscape areas
- (v) The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the buildings, whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or 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.

- (vi) The proposed boundary treatment/fencing for each dwelling shall be erected in accordance with the approved plans and details prior to the occupation of that dwelling.
- (vii) Any garages shall be kept available for the accommodation of private vehicles only, shall not be converted to living accommodation and no trade or business shall be carried out therefrom.

(In accordance with Standing Order 14(12) Councillor S. Holloway, Ward Member, attended the meeting and spoke on the above application).

- (e) 97/00745/REG3  
Renew Permission to Site Building  
For Use by Citizens' Advice Bureau, Albion Street, Beeston

**RESOLVED** that permission be granted subject to the following conditions:-

1. The building hereby permitted shall be removed, and the land restored to its former condition, on or before 31 December 2002, unless a further permission has been granted for its retention.
2. The building shall be painted in a colour to be agreed beforehand with the local planning authority and the painting shall be completed within one month of the erection of the new section hereby permitted.
3. No windows or other openings shall be installed in the south-east elevation of the building without the prior written approval of the local planning authority.

- (f) 97/00733/FUL  
Construct Office and Isolation Buildings  
Gate House, New Farm Lane, Nuthall

**RESOLVED** to notify the Secretary of State for the Environment that the committee is minded to grant planning permission subject to the following conditions:-

1. The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
2. No building operations shall be carried out until details of the materials to be used in facing external walls and roofs have been submitted to and approved in writing by the local planning authority, and the development shall be carried out only in accordance with those details.
3. The office and isolation buildings shall only be used in conjunction with the existing branch shelter for the temporary holding of rescued cats and shall not form separate uses.

Report of the Director of Planning and Development

97/00565/OUT

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT  
CHAMBERS PACKAGING, STAPLEFORD LANE, TOTON**

Details of Application

The application seeks outline permission to use the Chambers Packaging site for residential development. All details of the proposal have been reserved for later approval, though a sketch scheme has been submitted for illustrative purposes which shows the main access off Stapleford Lane and the siting of 40 dwellings. In support of the application, the agent has pointed out that the authorised use of the site is for B2 General Industry, and has referred to the amenity concerns which have been raised by local residents over recent years in relation to his client's operations on the site. The company is to relocate elsewhere in the near future and residential development is put forward as the most appropriate alternative use having regard to the character of surrounding development. In recognition of the Council's adopted policies, the agent has also confirmed that the applicant is prepared to enter into an agreement to ensure that a proportion of the site is reserved for affordable housing. This proportion would comprise affordable housing units of 30% of the total number of units on the site.

The Site and Surroundings

The site measures approximately 1.33 hectares and is currently used for the manufacture of packaging materials. A large industrial building with ancillary offices covers the majority of the site and there are extensive parking and servicing facilities with access from Stapleford lane and Carrfield Avenue. The normal working hours of the present company are between 6.00 am and 10.00 pm. The site is located in a predominantly residential area with housing adjoining the site on three sides.

Policy Context

Policy HO8 of the local plan states that residential development will not normally be allowed on unallocated sites outside the green belt over approximately 0.5 hectares except where the development comprises affordable housing. Policy HO9 provides the opportunity for planning permission to be granted exceptionally for affordable housing on land outside the green belt that would not normally be released for development. Any such scheme should meet a genuine local need that would otherwise not be met, and incorporate arrangements to ensure that benefits will be passed on to subsequent, as well as initial, occupants. It is noted that these arrangements will normally require the involvement of a housing association.

The Nottinghamshire Structure Plan Review 1996, Policy 2/8, relating to the protection of employment sites and buildings, states that permission will not normally be given for the use for other purposes of employment sites or buildings which already exist or are identified in local plans. This objective is reaffirmed in the Broxtowe Local Plan under Policy EM8 which seeks to protect the existing and available supply of employment land over the plan period and resist pressure for release of further, unallocated land, including in the green belt. The policies do allow for a change of use in special circumstances, defined as being where suitable sites exist for employment purposes over the short and long term, where the existing use produces unacceptable traffic and environmental problems, or where the applicant has demonstrated that the premises are no longer capable of providing satisfactory accommodation for employment purposes.

### Site History

The main factory building was understood to have been built in the 1920s. A large number of applications have been granted for various extensions and alterations, but in 1995 an application to raise the roof of the existing finished goods store was refused permission because of the loss of residential amenity and potential noise and disturbance to local residents.

### Consultations

The County Director of Planning and Economic Development has drawn attention to the Structure Plan objective to protect existing employment land. He expresses concern about the lack of employment sites in the immediate and wider area and would strongly resist changing the use of this site from employment purposes. He considers that a change to a different employment use on the site could alleviate problems caused by the current occupiers, and that the applicant has not adequately demonstrated that the premises on the site are no longer capable of providing an acceptable standard of accommodation for employment purposes. The proposal is therefore contrary to the structure plan policy and the County Director raises strategic objections.

The County Director of Construction and Design and the Director of Technical and Leisure Services raise no highway objections. The County Director recommends certain detail measures including that access be gained via Stapleford Lane.

Seven letters of support for the development have been received from local residents, including one representing the Carrfield Avenue Residents Committee. Notwithstanding the overall support in principle, detail concerns are raised relating to matters of security of existing properties, the level of traffic, the ability for local schools to cater for an influx in children, and landscaping and boundary treatment.

A copy of the minutes of a Chambers Packaging Residents Group meeting has been received noting that attendance included the applicant and agent, as well as 35 local residents. The group were unanimous in their support of the application though did raise similar issues to those already detailed.

### Appraisal

I consider that the main issues relate to the loss of employment land, the release of an unallocated site for residential development, and the potential provision of affordable housing.

I acknowledge that the site lies within a predominantly residential area. However the site has provided an important source of employment and contributes to the overall supply of industrial land within the borough. Members may be aware that there is a general shortage of employment land in the south of the borough where pockets of unemployment are above average. Adopted planning policies seek to protect such land from other types of development in the light of the council's objective to achieve a prosperous local economy through industrial and commercial growth. The local plan recognises that pressure for alternative developments on employment sites can be high, and concludes that such developments should generally be resisted in view of the tight green belt constraints on the provision of replacement sites. Central government advice in PPG1 also encourages a more sustainable approach to development and notes that a mixture of uses can reduce the need to travel. Nevertheless the PPG recognises that there is no universal approach for mixed-use developments and particular local conditions must be taken into account.

Notwithstanding the concerns about loss of employment land, the local plan policies do permit changes of use where, amongst other issues, the current employment use causes traffic or environmental problems. I recognise that this site has a well documented history of problems, in particular regarding noise and disturbance experienced by local residents through the existing operations on site.

Turning now to housing land issues, the site is not allocated for residential development in the local plan and there is accordingly a presumption against housing development. In accordance with Policy HO9, however, planning permission may be granted for residential development on unallocated sites if it is for affordable housing (which includes specialist housing for the elderly). The agent has stated that his client is prepared to dedicate part of the site for affordable housing. It is understood that some discussions have taken place between the applicants and both officers of the Director of Housing and Health and a Housing Association, but further investigation will be needed to identify the most appropriate type of affordable housing for the site.

The committee is therefore asked to pay particular regard to the objectives of adopted policies designed to protect the supply of employment land, to recognise the precedent which could be set by the erosion of such sites in favour of alternative forms of development, and to ensure the residential land supply for the borough is not compromised by the ad hoc development of unallocated sites. Nevertheless the committee will be aware that the review of the local plan is underway and the consultation draft is nearing publication. Accordingly if the site is to be released for residential development, then there is an early opportunity to redress any short term loss in employment land through the current comprehensive review of the local plan. Moreover the affordable housing element would contribute towards the housing needs requirement in the southern part of the borough and this goes some way towards meeting the objectives of Policy HO9. In conclusion, taking into account the amenity issues raised by continuing industrial use of the site and the contribution towards affordable housing now proposed, I consider that the development now represents an acceptable compromise which could be supported. In order to secure the affordable housing, however, it will be necessary to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 with the applicants before permission could be granted. As the proposal would represent a departure from the Broxtowe Local Plan, it will also be necessary to advertise the application accordingly and take into account any additional representations received.

### **Recommendation**

The committee is asked to **RESOLVE** that provided the applicant is first willing to enter into a voluntary agreement under Section 106 of the Town and Country Planning Act 1990, in order to secure an acceptable element of affordable housing, including its future maintenance and control within the proposed residential development, to be minded to grant planning permission subject to the following conditions and to advertise the application as a departure from the Broxtowe Local Plan:

- (i) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission;
- (ii) The development hereby permitted shall be commenced either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- (iii) Before any development is commenced detailed drawings and particulars showing the following shall be submitted to and approved by the local planning authority;

- (a) the siting, design and external appearance of all buildings;
- (b) the particulars of the materials to be used in the facing of the external surfaces of all buildings;
- (c) the means of access to the site and the provision for vehicle parking and garaging facilities and
- (d) the means of enclosure of the curtilage of the site and all individual dwellings.

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

- (iv) No development shall take place until a landscaping scheme has been submitted to and approved by the local planning authority. This scheme shall include the following details:
  - (a) numbers, types, sizes and positions of proposed trees and shrubs
  - (b) proposed boundary treatments
  - (c) proposed hard surfacing treatment
  - (d) planting, seeding/turfing of other soft landscape areas
- (v) The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the buildings, whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or 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.
- (vi) The proposed boundary treatment/fencing for each dwelling shall be erected in accordance with the approved plans and details prior to the occupation of that dwelling.
- (vii) Any garages shall be kept available for the accommodation of private vehicles only, shall not be converted to living accommodation and no trade or business shall be carried out therefrom.

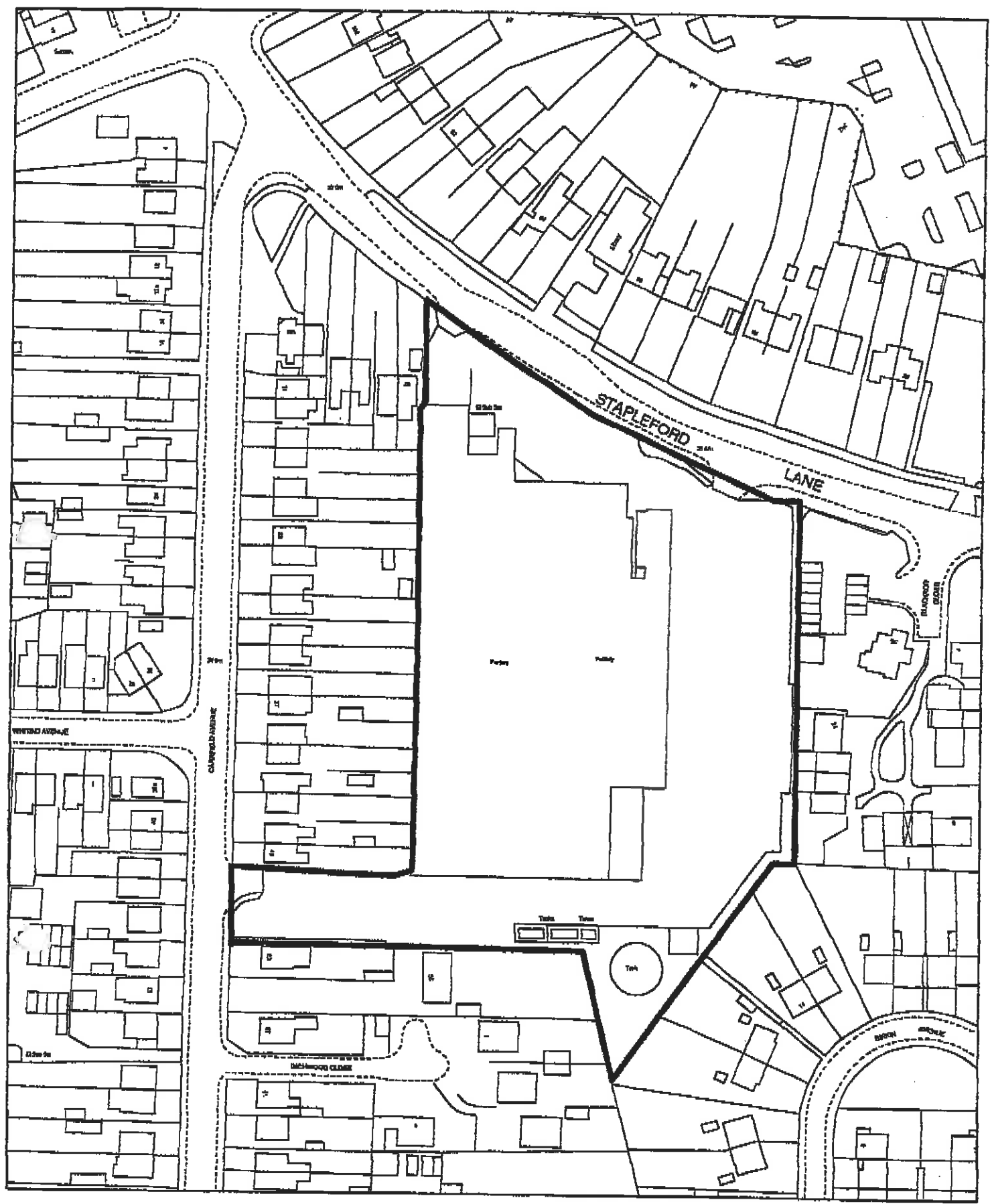
### Background Papers

Observations by the County Director of Construction & Design dated 9/9/97

Observations by the County Director of Planning & Economic Development dated 14/10/97

Observations by the Director of Technical and Leisure Services dated 11/9/97

Letters from local residents dated 14/9, 18/9, 01/10, 02/10, 10/10 and 17/10



**CHAMBERS PACKAGING, STAPLEFORD LANE, TON  
 USE LAND AS SITE FOR RESIDENTIAL DEVELOPMENT**



Ref. 97/00565/OUT Committee.. PLANNING Date.. 19. 1. 98

Scale: 1:0

**DIRECTORATE  
 OF  
 PLANNING & DEVELOPMENT  
 DIRECTOR D.J. CLACK**

Reproduced from the Ordnance Survey  
 map with the permission of the Controller  
 of Her Majesty's Stationary Office  
 © Crown Copyright 1995  
 BROXTOWE BOROUGH COUNCIL LA077356