

APPENDIX

Report of the Chief Executive

**18/00158/ENF
BIN STORE NOT BUILT IN ACCORDANCE WITH THE APPROVED
PLANS (16/00646/FUL)
FORMER VICTORY CLUB, WALKER STREET, EASTWOOD,
NOTTINGHAMSHIRE, NG16 3EN**

1. Background

- 1.1 This matter was initially brought to the Council's attention in early June 2018. A visit to the site on 4 June 2018 confirmed that the compound initially proposed to house the bin store had not been constructed in accordance with the plans which were approved under condition 4 of planning reference 16/00646/FUL.
- 1.2 The developers agent was made aware of the situation on 12 June 2018 and questioned whether there was anything they could do to the design of the structure which would mean that relocation to its approved position was not necessary. They were advised on 18 June that the Council considered that its current location was not acceptable for a bin store for a number of reasons including noise, disturbance and smells.
- 1.3 The developers submitted a statement on 6 August 2018 highlighting the cost of moving the structure due to the drainage already installed and the problems associated with access due to the scheme being largely complete. They also suggested alterations to the bin store to make it a locked compound to improve security.
- 1.4 On 23 August the Head of Neighbourhoods and Prosperity met the developers on site to discuss the issue. He also met with the occupant of no. 145 Nottingham Road.
- 1.5 A compromise put forward by the developers has been to retain the enclosure as constructed, but make this the cycle store and put 4 fixed hoops in the area for secure bike storage. The bin store could then be relocated to the north of this, 4.5 meters from the boundary with the neighbour at no.145 Nottingham Road and screened by the cycle store.

2. Relevant Policies

- 2.1 Policy 10 of the Aligned Core Strategy 2014 states that all new developments should create a safe, attractive environment and that their impact on nearby residents should be assessed.
- 2.2 Policy H7 of the Broxtowe Local Plan 2004 states that the development should not have an unacceptable effect on the privacy and amenity of nearby properties.

2.3 The Part 2 Local Plan 2018 includes site allocations and specific development management policies. The draft plan has been submitted for Examination, with examination hearing sessions currently anticipated to take place toward the end of this year. There were 41 representations in relation to Policy 17. Given that there remain outstanding objections to Policy 17 that will need to be considered through the Local Plan examination process, this policy can be afforded only limited weight.

2.4 Policy 17: Place-making, Design and Amenity sets out design criteria that all new development must adhere to where relevant.

3. Appraisal

3.1 The development was approved by Planning Committee on 22 March 2017 and consists of 16 dwellings including semi-detached properties and a block of 4 maisonettes. The development is largely complete, in that all properties are constructed, but it is understood that there is currently no one occupying the properties.

3.2 A number of conditions were placed on the permission, one of which required details of the proposed bin store to the rear of the block of maisonettes to be submitted to and approved by the Local Planning Authority.

3.3 As required by the condition this detail was submitted and after consideration was approved in November 2017. This showed the bin store set in 2.3m from the boundary with no.145 Nottingham Road.

3.4 In June 2018 a complaint was received that the bin store had been erected in the incorrect location, which a site visit confirmed. It was also noted that its design differed from the approved detail of a 1.5 metre high timber hit and miss style fence. At this time the surfacing in the store area was concrete. The approved plans show that this should be laid in contrasting paving slabs. To the north of this would be an unenclosed bike store area with 4 hoops fixed in the ground.

3.5 The compound now proposed as a cycle store is located up to the boundary fence at no. 145 Nottingham Road, with a minimal gap between the two structures. The approved location for the bin store is 2.3 metres from this boundary.

3.6 It is considered that had the bin store been retained in the location adjacent to the boundary this would offer the opportunity for people to use the bins to climb over the fence and gain access into the rear gardens of a number of properties on Nottingham Road. In addition it is considered that had the bin store been retained in this position noise and disturbance, with use by the occupants of 4 dwellings and smells would be increased to the detriment of the amenity of the existing neighbouring properties.

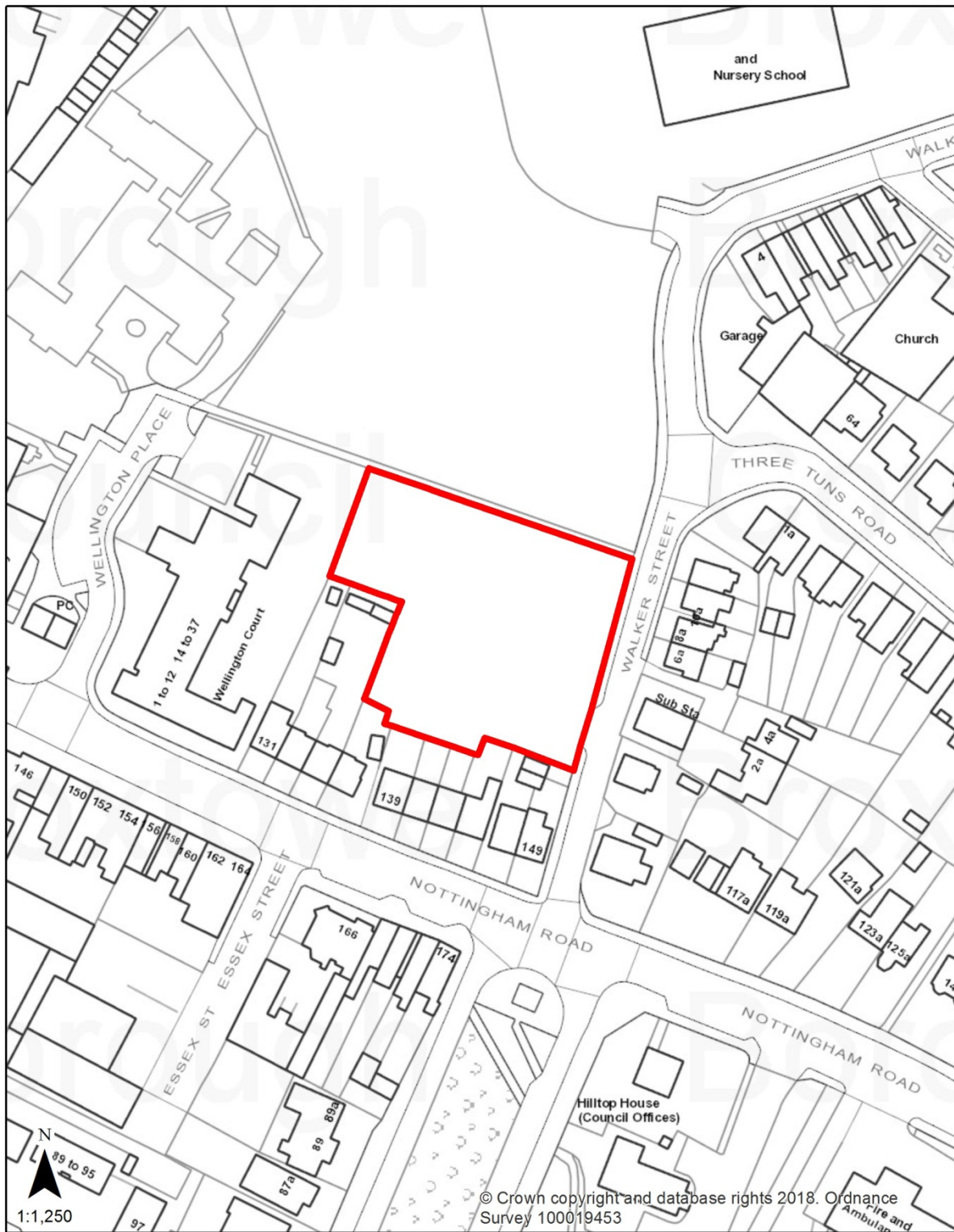
- 3.7 It is considered that these potential issues have been addressed with the proposal to have the cycle store adjacent to the boundary and the bin store 4.5m away.
- 3.8 It is considered that whilst the design of the cycle store (as now proposed) is not in accordance with the approved details in light of its location, with minimal views from public vantage points it would not be expedient to take enforcement action in relation to these matters.
- 3.9 it is considered to be an acceptable compromise to retain the enclosure as constructed, but make this the cycle store and put 4 fixed hoops in the area for secure bike storage. These are relatively low fixtures and it would be more difficult to use these to climb over the fence with no.145 Nottingham Road.
- 3.10 The bin store could then be relocated to the north of this, 4.5 meters from the boundary with the neighbour at no.145 Nottingham Road, 2 metres further away than approved. This would reduce any impact on noise, smells and disturbance and the additional enclosure around the cycle store area would act as a further buffer.
- 3.11 The Head of Neighbourhoods and Prosperity met with the occupier of no. 145 Nottingham Road and it is understood that she is content with this proposal as her main concern related to smells and disturbance, associated with the proximity of the bin store.

4. Conclusion

- 4.1 Having considered this suggested alternative location and the potential impact on the existing neighbouring properties it is not considered expedient to take enforcement action, but instead to invite amended plans which reflect the position set out above. It is considered this would be in accordance with Policy H7 of the Broxtowe Local Plan 2004, Policy 10 of the Aligned Core Strategy 2014 and Policy 17 of the Broxtowe Part 2 Local Plan 2018.

Recommendation

The committee is asked to RESOLVE that enforcement action not be taken in respect of the current breach of planning control and that amended plans should be sought and approved which reflects the alternative position set out in the report as proposed by the developer.



Legend

 Site