

## Report of the Chief Executive

**18/00538/FUL  
CONSTRUCT 15 APARTMENTS, FOLLOWING DEMOLITION OF  
WAREHOUSE  
THE RAVEN GROUP, ELLIS GROVE, BEESTON NG9 1EP**

Councillor J C Patrick requested this application be determined by the Committee.

1 Details of the Application

1.1 This is a major planning application for the construction of 15 apartments following the demolition of the existing warehouse. The apartments would be accommodated in a three storey detached building, in a broadly rectangular block, which would have its principal aspects to the front and rear. Secondary windows are proposed in the side elevations. A Juliette balcony would be provided to each flat on the upper floors, with patio doors to each on the ground floor. The proposed building would be located to the south east of the site. A 15 space car parking area with bin and cycle store, would be located to the front of the site, which is accessed from Ellis Grove.

2 Site and Surroundings

2.1 The application site is currently occupied by a warehouse, the footprint of which occupies the whole site. The building is set directly to the back edge of the highway, and has a roller shutter door for goods, along with a pedestrian door and windows to the office. To the north of the site, also fronting Ellis Grove, there is a separate building housing a car repairs business. The application site extends 21m to the rear of this. Two storey terraced housing runs along the remainder of Ellis Grove on this side, and also opposite the site, to the north west.

2.2 To the north east of the site, there is a social club and associated car park, which is housed in a detached building, and accessed from Hall Croft. The side elevation of this building is adjacent to the north east boundary of the site. Beyond that, to the north east, there are residential properties which front Hall Croft.

2.3 To the south east and south west (rear and side) of the application site, the land is undeveloped but formerly occupied by Myfords. A planning application for a care facility, supported living apartments and associated facilities is currently being considered (planning reference 18/00268/FUL). This site wraps around the application site and forms a buffer between it and the properties on Barrydale Avenue, which is to the south east of the site. Barrydale Avenue is typified by two storey semi-detached and terraced properties. Further to the south west of this site, there is an extant planning permission for a residential and retail development of two and three storey houses, and apartments above retail of four storeys in height. (Planning reference 17/00723/FUL).



Site frontage



View north east along Ellis Grove



View north east along Ellis Grove



View from Wilmot Lane, across Myfords



View from Hall Croft



Rear of properties on Ellis Grove



View from Chilwell Road tram stop



View from garden on Barrydale Avenue



View from upper floor of property on Barrydale Avenue

### 3 Relevant Planning History

3.1 There are two relevant planning applications prior to the submission of the current application. In 2007, planning permission was granted for the change of use from car mechanics workshop (Class B2) to education (Class D1). Planning reference 07/00546/FUL.

3.2 In 2011, planning permission was granted for a change of use from motor repair shop to offices (Class B1) and electrical / plumbing warehouse (Class B8).

### 4 Policy Context

#### 4.1 **National policy**

4.1.1 The revised National Planning Policy Framework (NPPF) July 2018, outlines a presumption in favour of sustainable development, that planning should be planned, decisions should be approached in a positive and creative way and high quality design should be sought.

- 4.1.2 Weight may be given to emerging plan policies according to the stage of plan preparation, the extent to which there are unresolved objections to the policies, and the degree of consistency of the emerging policies to the NPPF.
- 4.1.3 Planning conditions and obligations should only be used where they meet the requirements set out in paragraphs 54-56.
- 4.1.4 The document outlines that the government's key housing objective is to significantly boost the supply of homes and states that there should be a sufficient number and range of homes within safe and well-designed environments. It advises that the needs of groups with specific housing requirements should be addressed.
- 4.1.5 Paragraph 59 states that a sufficient amount and variety of land should come forward where needed, and that land with permission is developed without unnecessary delay.
- 4.1.6 Paragraph 64 deals with the requirement to provide affordable housing when major residential schemes are proposed and stipulates that at least 10 per cent of homes should be available for affordable home ownership.
- 4.1.7 To promote healthy and safe communities, social interaction should be promoted through active street frontages, places should be safe and accessible and enable and support healthy lifestyles (e.g. through the provision of safe and accessible green infrastructure).
- 4.1.8 In relation to assessing the highway impacts of a proposal, the NPPF states that development should only be 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. Development should be designed so as to give priority to pedestrians and cyclists, meet the needs of disabled people, avoid unnecessary street clutter, allow for efficient goods delivery and access by emergency vehicles and enable charging of electric/ultra-low emission vehicles.
- 4.1.9 Section 11 outlines the need to make effective use of land, particularly previously-developed land. To achieve appropriate development density, consideration should be given to the identified need for different housing types, local market conditions, viability, the availability and capacity of infrastructure and services, promotion of sustainable transport, desirability of maintaining an area's character and setting or promoting regeneration and change and the importance of securing well-designed, attractive and healthy places. Where there is an existing or anticipated shortage of housing land, low density housing schemes should be avoided.
- 4.1.10 A fundamental aim of the planning process should be to create high quality buildings and places and section 12 includes guidance on achieving this aim. Developments should function well and add to the quality of an area for the lifetime of the development; be visually attractive; be sympathetic to local character and history whilst not discouraging change; establish or maintain a strong sense of place; make efficient use of land and create safe, inclusive and accessible places with a high standard of amenity for existing and future users.

Design should take into account the views of the community and where early, proactive and effective engagement with the community has occurred, such schemes should be looked on more favourably.

4.1.11 Paragraph 94 states that it is important that a sufficient amount of school places are available to meet the needs of existing and new communities.

4.1.12 Paragraph 127 states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible.

4.1.13 Paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

## **4.2 Broxtowe Aligned Core Strategy**

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

4.2.2 ‘Policy A: Presumption in Favour of Sustainable Development’ reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

4.2.3 ‘Policy 1: Climate Change’ sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings.

4.2.4 ‘Policy 2: The Spatial Strategy’ sets the overarching strategy for how growth in Greater Nottingham will be accommodated and distributed. It sets the required number of homes for Greater Nottingham (GN) between 2011 and 2028 (6150 in the Broxtowe Borough part of GN, of which 3800 are in or adjoining the existing built up area of Nottingham) and outlines a settlement hierarchy.

4.2.5 ‘Policy 4: Employment Provision and Economic Development refers to the need to appropriately manage existing employment sites to cater for the full range of employment uses by releasing sites no longer attractive to the market/those that are not good quality.

4.2.6 ‘Policy 8: Housing Size, Mix and Choice’. 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. All residential developments should contain adequate internal living space.

4.2.7 ‘Policy 10: Design and Enhancing Local Identity’. Aims to ensure that all new development should aspire to the highest standards of design, including construction methods and materials, and consideration of residential amenity should be integrated in the design.

4.2.8 'Policy 14: Managing Travel Demand' makes it a priority to select sites which are accessible by the most sustainable means of transport. It sets out measures to encourage a switch to sustainable forms of transport first before major highway capacity improvements are considered.

4.2.9 'Policy 16: Green Infrastructure, Parks and Open Spaces' sets out a strategic approach to the provision of new Green Infrastructure.

4.2.10 'Policy 19: Developer Contributions'. Developments will be expected to meet the reasonable cost of or contribute to the provision of new infrastructure where required by the proposal.

### **4.3 Saved Policies of the Broxtowe Local Plan**

4.3.1 The Part 2 Local Plan is currently awaiting Examination hearing sessions. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:

4.3.2 Policy E29: Contaminated Land. Seeks to ensure development on land which may be contaminated will not be permitted unless a site investigation report has been carried out and remedial measures approved with the Local Planning Authority.

4.3.3 Policy E34: Control of Noise Nuisance – planning permission will not be granted for housing and other noise sensitive development if the occupants would experience significant noise disturbance.

4.3.4 Policy H6: Housing Density. Seeks to ensure an appropriate density of housing for sites, which should be higher where close to frequent public transport services.

4.3.5 Policy H7: Land not allocated for Housing Purposes. Residential development will be permitted subject to the development provided that a satisfactory degree of privacy for the future occupiers is achieved; the development would not result in an undesirable change in the character or appearance of the area or be piecemeal in character; access and parking is appropriate to the scheme; privacy and amenity of the occupiers of nearby property is safeguarded; and the site is not of significant value to nature conservation or required to be retained for another purpose in the Local Plan.

4.3.6 Policy T11 and Appendix 4 require satisfactory provision of vehicle parking and servicing, in accordance with the latest standards.

4.3.7 Policy RC4: Developer Contributions to Education and Community Facilities. Where a development would result in an identified need for additional capacity to be achieved in educational or community facilities, a contribution towards meeting these needs would be required.

4.3.8 Policy RC6: Open Space Requirements for New Developments. Where a development is proposed for ten or more dwellings, provision shall be made for

public open space within the site, or through developer contributions toward the provision of or improvement of facilities related to the site.

**4.4 Part 2 Local Plan (Draft)**

4.4.1 The Part 2 Local Plan 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. The representations on the plan included 12 no. representations in relation to Policy 15, 11 no. representations in relation to Policies 17 and 32, 4 no. representations in relation to Policy 19, and 7 no. representations in relation to Policy 26. Given that there remain outstanding objections to Policies 15, 17, 19, 26 and 32 that will need to be considered through the Local Plan examination process, these policies can be afforded only limited weight.

4.4.2 Policy 15 ‘Housing Size, Mix and Choice’ seeks to ensure that housing developments provide a mix of house type, size, tenure and density to ensure the needs of the residents of all parts of the borough are met.

4.4.3 Policy 17 ‘Place-making, design and amenity’ states that permission will be granted for development which meets a number of criteria including that it should integrate into its surroundings, have good access to public transport and ensure a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.

4.4.4 Policy 19 ‘Pollution, Hazardous Substances and Ground Conditions’ states that permission would not be granted for developments until site investigations have been carried out to assess contamination and measures to deal with contamination have been agreed prior to occupation of the development.

4.4.5 Policy 26: Travel Plans – A Travel Plan will be expected to be submitted for developments of 10 or more dwellings or 1000 sq m or more gross floorspace.

4.4.6 Policy 32: Developer contributions – financial contributions may be sought from developments of 10 or more dwellings or 1000 sq m or more gross floorspace for provision, improvement or maintenance, where relevant, of: affordable housing; health; community facilities; green space; biodiversity; education and highways.

**5 Consultations**

5.1 The Business and Projects Manager (Environment) would not require on-site provision of open space but would require a financial contribution to off-site provision, which would be allocated to be spent on upgrades to the play area at Dovecote Lane Recreation Ground.

5.2 The County Council as Highway Authority initially queried the extent of the application site in regard to Highway land ownership. This matter has been resolved and an amended site location plan and block plan have been received, to the satisfaction of Highways. The proposal is considered acceptable subject to conditions in relation to provision of a dropped vehicular crossing, footway, surfaced parking and turning areas, drainage and visibility splays.

- 5.3 The County Council as Lead Local Flood Authority object and require details of the drainage system to be agreed prior to the determination of the application.
- 5.4 The Private Sector Housing Officer has no objections.
- 5.5 The NET team have no objections subject to a condition outlining measures to protect overhead wires and other NET equipment, and measures to prevent debris from the development being embedded into the tracks. All works to be carried out in accordance with the 'Working near NET' leaflet.
- 5.6 The Waste and Recycling Officer makes recommendations in regard to size of refuse containers and location of the storage area in relation to the collection point.
- 5.7 The Conservation Advisor has no comments.
- 5.8 The Environmental Health Technical Officer has no objections subject to a condition relating to the remediation of contaminated land, the details of which to be agreed prior to the commencement of the development.
- 5.9 The County Council Policy team would require no contributions in regard to transport. A developer contribution toward education provision would be required and will be secured by way of a Section 106 Agreement.
- 5.10 Nineteen neighbouring properties were consulted. Five letters have been received in regard to the proposal. Two of the letters make observations in regard to the development, and three letters are in objection, one of which has been submitted on behalf of four properties. Two further letters of objection have been received following re-consultation on amended plans. One letter re-iterates concerns regarding loss of daylight and sense of enclosure. The second letter is a joint letter from nearby residents. This letter updates a previously received objection.
- 5.11 The observations make note of: the provision of parking on site is excellent, but Ellis Grove has the potential to become a very busy small road, given the three nearby developments (this site, the Myfords site and the Hive site to Chilwell Road, nearby) and consideration should be made to the residents and the state of the road; consideration of the boundary between the two development sites; proximity of proposal to boundaries, in regard to aspect and to proposed car park (on adjacent site); levels between the two sites need consideration; proposed emergency generator (on the Belong site) is close to the site boundary.
- 5.12 The objections raise concerns in regard to: height of building, at three storeys, is not in keeping with the surrounding two storey housing leading to a sense of enclosure; loss of privacy for occupiers of dwellings on Barrydale Avenue by virtue of overlooking from the rear elevation, in particular as the openings are full height; loss of daylight and sunlight; dust and noise during demolition and construction; noise, air and light pollution; increase in volume of traffic resulting in air pollution on Chilwell Road; design of building not in keeping with the character of the area; proposed hedge to boundary with British Legion social club would not be suitable and represents a security concern; unclear where bin store is to be



located, should this be near the cycle store this would represent an unacceptable risk of smell and poor hygiene for the properties overlooking the development; building would appear unduly prominent and out of scale with the surroundings and would set an undesirable precedent for taller buildings within the existing low rise environment of the area; the building is disconnected from the streetscape on Ellis Grove by virtue of its set back within the site; concerns regarding layout and levels; concerns regarding information on the boundary treatment; no landscaping proposed; lack of identified pedestrian/disabled access through the site; concerns regarding access for larger vehicles or emergency vehicles into the site; no provision of electric vehicle charging points; less parking would be preferable (due to sustainable location) which would free up space to make the building less intensive; cycle store needs to be covered and secure; absence of a travel plan; concerns regarding internal space standards and lack of outdoor amenity space; lack of information regarding drainage; lack of community engagement; question if building a sustainable development; no assessment in regard to Building for Life standard; inaccurate or partial information in the Design and Access statement or on the proposed floor plans (the latter in regard to internal measurements).

- 5.13 An updated objection has been received following re-consultation on amended plans. This re-iterates most of the previous concerns and raises new objections in regard to the accuracy of the site sections, adequacy of the noise assessment and the potential for bins to obstruct the public highway on collection day. The writer also requests that the agent is asked to consider measures to protect the privacy of residents to the south, which could include the removal of the Juliet balconies and replacement with traditional windows.

6 Appraisal

- 6.1 The main considerations relate to the principle of residential accommodation in this location, impact on the occupiers of neighbouring property, and the design and appearance of the proposed building.

6.2 **Principle**

- 6.2.1 Whilst the site is not allocated for housing purposes in the adopted Local Plan, it is recognised that aside from the motor repairs garage and the social club, the surrounding area, to the north, north east and south east, is predominantly residential in character. The adjacent site (Myfords) had outline permission for a number of uses including residential development and the proposed use would be consistent with this. Subject to the design and an assessment of the proposal in terms of its' impact on the amenities of neighbouring uses, the principle of residential on this site is acceptable.

6.3 **Amenity**

- 6.3.1 The closest residential properties to the proposed building would be the terrace to the north of the site, which front Ellis Grove. 11 Ellis Grove is the last dwelling in the terrace, and has its side elevation adjacent to the motor repair garage. Whilst there are windows in the rear elevation and in the side of the two storey rear addition which face the site, it is considered that as the angle of view would be oblique, and as the motor vehicle garage is to remain, there would not be a

significant impact on the amenities of the occupiers of this property in terms of loss of privacy, loss of light or overlooking.

- 6.3.2 It is considered that the occupiers of other residential properties on Ellis Grove, and those on Hall Croft, which are beyond the social club building, would not be significantly affected due to the angle of view and the distances between the proposal and any existing property (a minimum of 55m to closest rear elevation on Hall Croft).
- 6.3.3 In regard to the adjacent development site, previously known as Myfords, the proposed layout submitted as part of planning reference 18/00268/FUL indicates car parking to the area directly to the side of and behind the application site. A bin store and an emergency generator are included as part of that scheme, adjacent to the side boundary, and are proposed to be located next to the proposed car park of the Raven Group site. There is a proposed distance of 20 metres between the boundary and the building on the adjacent Myford site. The nearest element of the proposed building on that site, facing Raven Group site, would be three storey in height and would be a care facility. Whilst some bedroom windows within the care facility would face the application site, and the side elevation of the proposed residential development on the application site would have some windows to bathrooms and kitchens, it is considered that the distance between the two proposed buildings, at 20m, would not result in a loss of privacy for the future residents of either scheme. As the application on this neighbouring site has not yet been determined, only limited weight can be attached to this proposal.
- 6.3.4 There are two storey residential properties to the south east of the site, on Barrydale Avenue. These properties are separated from the application site by the adjacent Myfords site. As noted above, this part of the development as proposed under that scheme (also own as the 'Belong' scheme) would be a parking area. This would provide a buffer between the houses on Barrydale Avenue and the proposed residential development on Ellis Grove. Whilst it is noted that the ground level is higher on the application site than the properties on Barrydale Avenue (by 2m), it is considered that the distance between them, at a minimum of 49m, is adequate and would not result in a significant loss of light or privacy, or appear overbearing to the occupiers of the properties on Barrydale Avenue. It is also noted that there are several mature trees adjacent to the rear boundary of these properties, within the Myfords site. Whilst it is acknowledged that the trees cannot be relied upon to always provide privacy for the occupiers, the majority of these trees are shown to be retained in the proposed layout plan submitted as part of planning reference 18/00268/FUL.
- 6.3.5 The future occupiers of the apartments would benefit from an adequate level of internal space and have access to both natural light and to an acceptable outlook. There are sources of potential noise in close proximity (these being the motor repair garage, the social club and the proposed generator in the adjacent site), and to traffic noise from Chilwell Road. A noise assessment has been received and the contents accepted. The mitigation measures identified can be conditioned to secure installation prior to occupation, in order to safeguard the amenities of the future occupants.

**6.4 Design and scale**

6.4.1 The building would be of three storeys (9.3m high) and would have a flat roof. The materials proposed would be a combination of two brick colours, with feature brick panels. The window and door frames are proposed to be black upvc. It is considered that the scale of the building, at three storeys, is acceptable and would not be out of character with the surrounding area, given the approved four storey retail and residential scheme to the western section of the Myford site, the proposed three / four storey building to the adjacent 'Belong' site, and other recent approvals in the immediate area. Subject to details of the materials, which shall be conditioned, it is considered that the design, appearance and scale of the building is acceptable.

## 6.5 Highways and layout

6.5.1 Subject to conditions relating to dropped crossing, details of footpath, drainage and that the parking area shall be surfaced prior to occupation, the County Council as Highway Authority have no objections to the proposal. The site is in a highly sustainable location, with frequent bus and tram services within close proximity to the site, and close to services such as shopping, health, education and leisure facilities. As such it is considered that it would be unreasonable to require a travel plan for this development. The proposal would also provide an adequate level of off-street parking sufficient to discourage parking on Ellis Grove. Given the previous use of the site, as an office / warehouse, it is considered that the use of Ellis Grove for access is established and therefore acceptable. The bin store would be located to the front of the site, in an enclosure, and a covered cycle store would be provided close to the entrance, which would be overlooked by the residents. The proposed layout makes good use of the available space, which is constrained in part by the presence of the adjacent motor repair garage, which is a separate site. Details of boundary treatments and landscaping can be secured by condition.

## 6.6 Other Matters

### 6.7 Concerns Raised by Objectors, not Addressed Above

6.7.1 Dust and noise created during demolition and construction, should this cause a statutory nuisance, would be best controlled through Environmental Health legislation, and similarly light pollution. However construction hours (and demolition) will be conditioned in order to protect the occupiers of nearby housing and to be consistent with nearby permissions. Air pollution caused by additional traffic generated by the development has not been raised as a concern by Environmental Health.

6.7.2 In regard to the lack of community involvement, whilst this would have been welcomed, consultation was undertaken as part of this application.

6.7.3 In regard to the sustainability credentials of the proposed building, aside from its' location, the development would need to comply with any requirements of the Building Regulations in force at the time of the construction. No electric vehicle charging points have been proposed. However the provision is not a requirement of the adopted planning policies.

6.7.4 Drainage

It is understood that details of a drainage strategy would be submitted and agreed prior to a decision being issued. Notwithstanding this, a pre-commencement condition has been included in the draft decision notice in order to ensure that the details are agreed prior to commencement of the development.

6.8 Section 106 Obligations

6.8.1 The development would attract a requirement for a contribution to education and a financial contribution for off-site open space and this is to be secured by a Section 106 Agreement.

6.9 Housing Land Supply

6.9.1 The proposal for 15 dwellings would be of benefit as the Council do not currently have a 5 year land supply. The development is considered to provide much needed housing in a sustainable location.

7. Conclusion

7.1 It is concluded the proposal of 15 apartments, external alterations and extensions to the rear is acceptable and will not have an adverse effect on neighbouring amenity or highway safety. The proposal therefore accords with Policies E29, H6, H7, RC4 and RC6 of the Broxtowe Local Plan, with Policies 8 and 10 of the Aligned Core Strategy, Policies 15 and 17 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

**Recommendation**

**The Committee is asked to RESOLVE that:**

**The Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission subject to:**

- (i) the prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and**
- (ii) the following conditions:**
  - 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
  - 2. The development hereby permitted shall be carried out in accordance with drawing numbers 456 002 Rev D received by the Local Planning Authority on 5 September 2018, 456 004 rev D received by the Local Planning Authority on 2 October 2018, and 456 003 Rev B received by the Local Planning Authority on 12 October 2018.**

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

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

  - (i) All necessary remedial measures have been completed in accordance with details approved in writing by the Local Planning Authority; and**
  - (ii) It has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.**
- 4. No part of the development hereby approved shall be commenced until details of a scheme for drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: details of proven outfall from the site; details of infiltration including soakaway testing; details of discharge for run off rate; demonstrate that the drainage system can cater for the 1 in 100 year event including 40% allowance for climate change; details of exceedance flows; details of a SuDS system; and details of management and maintenance for the drainage system. Thereafter, the development shall be carried out in accordance with the approved details.**
- 5. No part of the development hereby permitted shall be brought into use until the access / parking / turning areas are constructed with provision to prevent the unregulated discharge of surface water from the access /parking / turning areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall thereafter be retained for the life of the development.**
- 6. No part of the development hereby permitted shall be brought into use until a footway has been provided to the frontage of the development as indicated on plan ref: 456 004 Rev D and constructed in accordance with the Highway Authority specification; the parking and turning areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 456 002 Rev D and maintained in the bound material for the lifetime of the development; and the visibility splays shown on drawing no 456 04 Rev D have been provided. The area within the visibility splays shall thereafter be kept free of all obstructions, structures or erections and the parking area shall not be used for any purpose other than the parking and turning of vehicles.**

7. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification.
8. No development above slab level shall be carried out until details of the manufacturer, type and colour of the materials to be used in the facing walls and roofs 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.
9. No development above slab level shall take place until a landscaping scheme has been submitted to and approved in writing 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 hard surfacing treatment
  - (c) planting, seeding/turfing of other soft landscape areas,
  - (d) proposed boundary treatments
  - (e) a timetable for implementation.

The approved scheme shall be carried out strictly in accordance with the approved details.
10. The approved landscaping shall be carried out not later than the first planting season following the practical completion of the development 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.
11. No development shall take place until detailed plans showing the means of enclosure of the application site have been submitted to and approved in writing by the Local Planning Authority: no part of the development shall be occupied until it has been enclosed in accordance with those details, and thereafter retained for the lifetime of the development.
12. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.

### Reasons

1. 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. For the avoidance of doubt.

3. No such details were provided and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure that the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy E29 of the Broxtowe Local Plan (2004).
4. No such details were provided and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure that the details are satisfactory, in accordance with Policy 1 of the Aligned Core Strategy.
5. In the interests of highway safety to ensure surface water is not deposited on the public highway causing danger to other road users, and in accordance with Policy 10 of the Aligned Core Strategy.
6. In the interests of highway safety and in accordance with Policy 10 of the Aligned Core Strategy.
7. In the interests of highway safety and in accordance with Policy 10 of the Aligned Core Strategy.
8. Full details were not agreed, in the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
9. Insufficient details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area, to ensure a satisfactory standard of amenity and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
10. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
11. In the interests of residential amenity and the appearance of the area and in accordance with Policy H7 of the Broxtowe Local Plan (2004).
12. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

#### Notes to Applicant

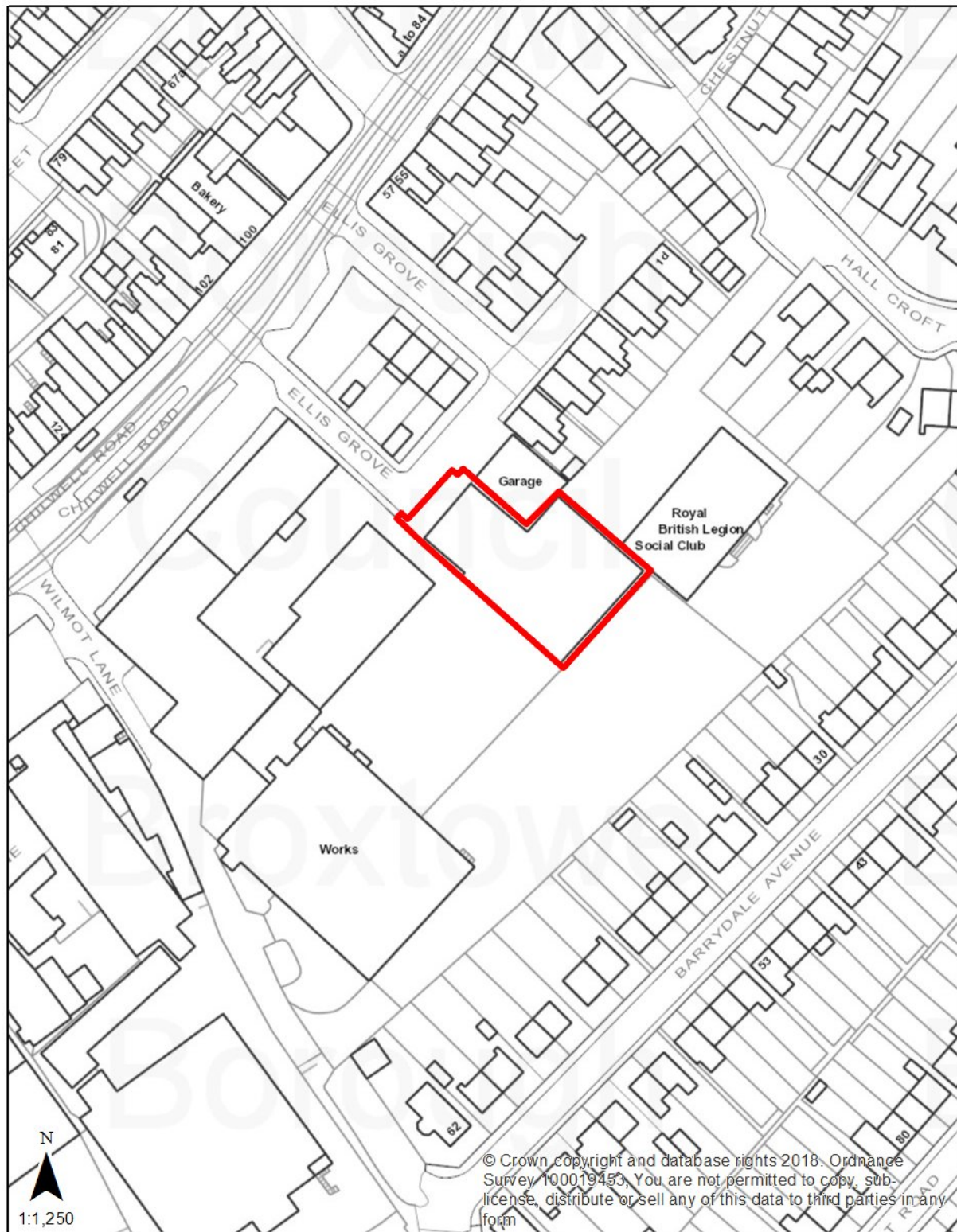
1. The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application and determining the application within the agreed period.
2. The Public Protection team advise the following:
  - (i) No bonfires to be on the site at any time. No materials produced as a result of the development or clearance shall be burned on site.

- (ii) All reasonable steps, including dampening down site roads, shall be taken to minimise dust and litter emissions whilst works of demolition and construction are in progress.
  - (iii) The Environmental Health pollution team will require sight of the Asbestos survey and documentation relating to its' safe removal from site prior to commencement of demolition.
  - (iv) The Environmental Health pollution team will need to be notified of the arrival on site of the Mobile Crushing plant for them to carry out inspection of the crushing equipment in lie with the operational permit issued under the Pollution Prevention and Control Act 1999 Environmental Permitting (England and Wales) Regulations 2010 (as amended).
3. The development makes it necessary to construct and improve the vehicular crossing over the footway together with reinstatement of the footway fronting the site of/on the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at:  
<http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>
4. It is not permitted for any vehicles to obstruct the tramway at any time and consideration should be given to erecting a warning sign at the construction site exit point to warn of overhead lines. Please contact the Nottingham Express Transit (NET) Project Office for further information (0115 876 4095).

Background papers

Application case file





**Legend**

Road Names

 Site