

Report of the Chief Executive

APPLICATION NUMBER:	24/00480/FUL
LOCATION:	The Park Bistro, 79A Long Lane, Attenborough, Nottinghamshire, NG9 6BN
PROPOSAL:	Retain enclosed dining area

The application is brought to the Committee as the Council own the building.

1. Purpose of the Report

- 1.1 The application seeks planning permission to retain an enclosed dining area located to the rear of the bistro and additions of bi fold windows facing out towards the recreation ground and a pedestrian door giving access from the carpark.

2. Recommendation

The Committee is asked to RESOLVE that the Assistant Director of Planning and Economic Development be given delegated authority to grant planning permission subject to the conditions contained in the appendix.

3. Detail

- 3.1 The application site is located within flood zone 3 and is within Long Lane Recreation Ground. The existing café created an external seating area located on the northern elevation and which consists of a treated timber framed structure with a mono pitched roof using polycarbonate roofing material with hit and miss low level treated timber panels.
- 3.2 The application seeks to modify the existing external seating area by enclosing the seating area with treated timber framed bi-fold windows with polycarbonate glazing and a pedestrian door leading from the car park into the seating area.
- 3.3 The covered seating area has become a well-used community facility used by both the wider community and those that visit the football pitches when in use.
- 3.4 The proposal, including the addition of bi fold windows and pedestrian doors is considered to be acceptable in terms of the design and appearance and is not considered to result in an unacceptable loss of living conditions for the residents of neighbouring properties. It is considered there are no highway or flood risk issues.
- 3.5 The committee is asked to resolve that planning permission be approved.

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:

- 7.1 Nil.

Appendix

1. Details of the application

- 1.1 The application seeks planning permission to retain an enclosed dining area located to the rear of the bistro and to add of bi fold windows facing out towards the recreation ground and a pedestrian door giving access from the carpark, securing the area when not in use.

2. Site and surroundings

- 2.1 The application site is set within Long Lane Recreation Ground, the covered seating area is situated on the northern elevation of an established café with views looking out over the recreation ground and play park. The site is accessed via the adjacent existing car park which is accessed via Long Lane. The existing café is situated on the south side of the recreation ground with neighbouring properties located each side of the recreation ground, a reasonable distance from the café. The land is relatively flat, there is an existing access to the site and no vegetation of significance will be affected.

3. Relevant Planning History

- 3.1 An application was approved by Planning Committee for the change of use from changing facility to café, addition of a mono pitched roof, render the building and siting of cabin for changing facility, 21/00291/FUL refers.

4. Relevant Policies and Guidance4.1 **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 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 1: Flood Risk
- Policy 17: Place-making, design and amity
- Policy 28: Green Infrastructure Assets

4.3 **National Planning Policy Framework (NPPF) 2024**

- Section 2: Achieving Sustainable Development
- Section 4: Decision-making
- Section 12: Achieving well-designed Places
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5. Consultations

5.1 **Environment Agency** – The EA has received the Flood Risk Assessment (FRA) compiled by Oakshire Environmental dated 24 December 2024. The EA has not raised any objection subject to the FRA recommendations and the applicant accepting the risk should the structure be flooded.

5.2 **Environmental Health** – The Environmental Health Officer has assessed the information and states no objections or comments to make in relation to the above proposed development.

5.3 **Broxtowe Borough Council Parks and Green Spaces Manager** – Any comments received will be reported as a late item

5.4 7 neighbours were consulted on the application. One response was received supporting the scheme. Comments that the café has become a valuable community asset which needs protecting from anti-social behaviour.

- 5.5
- Councillor H Faccio –No comments received
 - Councillor Tyler J Marsh –No comments received
 - Cllr P Smith - Attenborough & Chilwell East Ward –No comments received

6. Assessment

6.1 Principle

6.1.1 The principal of development was accepted under the planning permission for the café, 21/000291/FUL refers. The changes to retain and add to the existing covered seating are acceptable subject to no impact on flooding, visual amenity and neighbour amenity.

6.2 Design and Appearance

6.2.1 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 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 2019 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.

6.2.2 The existing covered dining area and the proposed changes to install bi fold windows are located to the rear of the café and have an element of temporary structure and materials. The installation of a pedestrian door is to be located on the north eastern elevation providing access to the covered dining area from the carpark and play area. The windows and door will enable the existing

structure to be secured when the café is not in use and provide shelter in the inclement weather.

6.2.3 The retention and alteration of the existing covered dining area is an acceptable design and would not be highly visible from along Long Lane.

6.3 Amenity

6.3.1 Policy 10 states that the impact of a development on neighbour amenity will be a consideration. Policy 17 states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

6.3.2 The covered dining area is located to the north of the café and is approximately 15.5m from the covered area and the western boundary, neighbour at 39 Long Lane. It is more than 40m eastern boundary of the site and the neighbour to the east, neighbour at 79 Long Lane. Taking into consideration the position of the covered seating area and neighbouring dwellings there would not be any impact on these dwellings through overlooking, loss of light or overbearing.

6.3.3 The main consideration in terms of impact on neighbouring amenity is the potential for an increased noise generation as the covered dining area can be used in all weather conditions. Given the hours the café is open and the type of food/drink being served, and that the area would be enclosed, the use is unlikely to generate overly noisy conditions.

6.3.4 The Environmental Health Officer has checked the details of the application and has not raised any objection to the application. To ensure no impact on the neighbouring amenity the same conditions for hours and no amplified music will be added to the decision notice as per the cafe.

6.3.5 It is considered the application is acceptable and would not have any impact on the neighbouring amenity of properties around Long Lane Recreation Ground subject to conditions for use.

6.4 Flood Risk

6.4.1 The application site lies in flood zone 3. The application was accompanied with a Flood Risk Assessment (FRA) and this has been assessed by the Environment Agency (EA), who has not raised any objection to the application. Taking into account the scale of the development it is considered that the proposal will not increase the flood risk for the sounding area.

6.5. Biodiversity Net Gain

The application is exempt from biodiversity net gain because it is a retrospective planning application.

7. Planning Balance

7.1 The retention and modification of the existing covered dining area will allow the café to provide additional seating and shelter to customers. The proposal is considered not to have an impact on the character of the area, or result in the loss of amenity for neighbouring dwellings. On balance it is therefore considered that the proposal is acceptable.

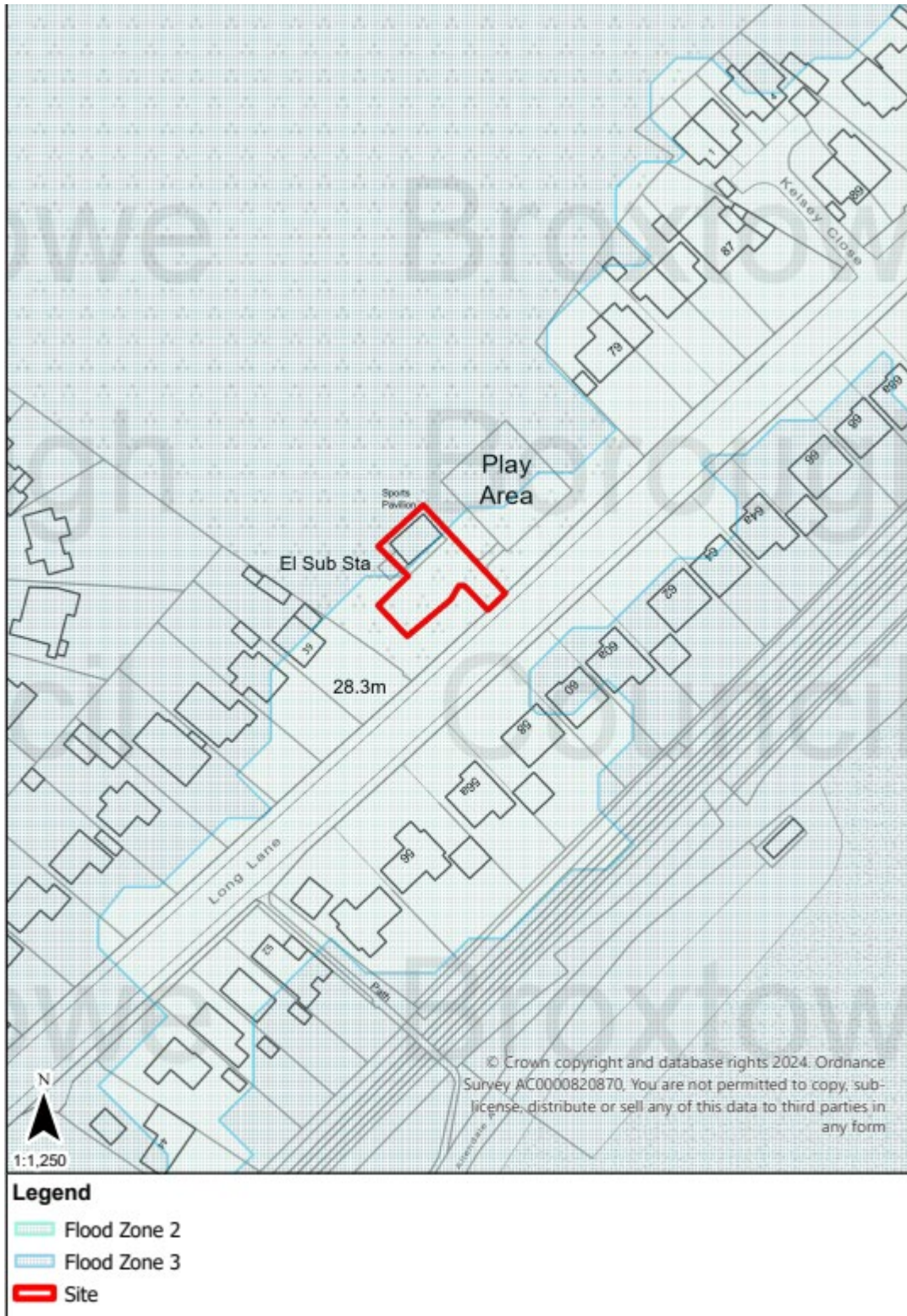
8. Conclusion

It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality and comments raised in representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that the Assistant Director of Planning and Economic Development be given delegated authority to grant planning permission subject to the conditions contained in the appendix.	
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 drawing number 3519/02 received by the Local Planning Authority on 8 August 2024. <i>Reason: For the avoidance of doubt</i>
3.	The premises and outside area of the cafe shall not be used except between 08.00 and 20.00 Monday to Sunday. <i>Reason: To protect nearby residents from excessive operational noise.</i>

<p>4.</p>	<p>No amplified speech or music shall be operated within the outside area with drawing number 3519/02 of the café hereby approved at any time.</p> <p><i>Reason: To protect nearby residents from excessive operational noise.</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>

Map



Plans

