

Report of the Chief Executive

APPLICATION NUMBER:	25/00223/VOC
LOCATION:	390 Nottingham Road, Newthorpe, Nottinghamshire, NG16 2ED
PROPOSAL:	Variation of conditions 2 and 3 (proposed change of external wall material) of planning permission 22/00675/FUL

The application has been called to Planning Committee by Councillor M Brown and Councillor P J Owen due to the concerns that the structure of the garage does not, and will not, accord with its surroundings and with planning policy.

1. Purpose of the Report

The application seeks planning permission for the variation of conditions 2 and 3 (proposed change of external wall material) of planning permission 22/00675/FUL.

2. Recommendation

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

3. Detail

The application seeks planning permission for the variation of conditions 2 and 3 (proposed change of external wall material) of planning permission 22/00675/FUL. The detached garage is located within the rear (south-west) garden of the application site, with the frame of the garage already erected. The principle of the garage was deemed acceptable under the assessment of the original application (planning reference: 22/00675/FUL), with a decision notice issued on 24 November 2022. It must also be noted it was considered the reduction in footprint of the garage was deemed non-material (planning reference: 25/00222/NMA), with a decision notice issued on 27 March 2025.

Condition 2 of 22/00675/FUL states: ‘The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250), Proposed Block Plan (1:500) received by the Local Planning Authority on 18 August 2022, Amended Proposed Dimensioned Site Plan showing Floor Plan, Elevations and Roof Plan (Drawing Number: TDB186/P01, Revision: B) received by the Local Planning Authority on 4 November 2022.

Condition 3 of 22/00675/FUL states: ‘The rear detached garage shall be constructed using materials as annotated on the submitted plans and as per the material contained in the website link received by the Local Planning Authority on 4 November 2022, unless otherwise agreed in writing by the Local Planning Authority’. The material contained within the website link received by the Local Planning Authority on 4 November 2022 was 41/1000 Tile Form 0.6 Thick Mica Coated Roof Sheet.

On the submitted plans as part of the original application 22/00675/FUL it was stated the proposed garage walls would be constructed using new fairfaced blockwork to Local Planning Authority approval. Therefore, this variation of condition application 25/00223/VOC has been submitted to vary conditions 2 & 3 of 22/00675/FUL in relation to changing the proposed material for the external walls of the detached garage.

The main issues relate to whether the principle of the variation of conditions 2 and 3 (proposed change of external wall material) of planning permission 22/00675/FUL is acceptable, whether the design and appearance of the proposal is acceptable and whether the impact upon the amenity and access (highway safety) of the adjacent neighbouring properties is acceptable.

The benefit of the proposal is that it is considered there would be an improvement in terms of the design and appearance of the detached garage. It is considered there would not be a negative impact regarding the proposed change of external wall material.

The Committee is asked to resolve that planning consent be granted subject to the conditions outlined in the **Appendix**.

4. Financial Implications

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

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

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 Application

1.1 The application seeks planning permission for the variation of conditions 2 and 3 (proposed change of external wall material) of planning permission 22/00675/FUL. On the submitted plans as part of planning permission 22/00675/FUL it was stated the proposed garage walls would be constructed using new fairfaced blockwork to Local Planning Authority approval. Therefore, this variation of condition application 25/00223/VOC has been submitted to vary conditions 2 and 3 of 22/00675/FUL in relation to changing the proposed material for the walls of the detached garage. The proposed new material for the walls of the detached garage would be Steel Woodgrain Wall Cladding Panels.

2. Location and Site Characteristics

2.1 The application site consists of a two storey semi-detached dwelling, with a rear garden of significant length located south-west of the dwelling. The detached garage is located within the rear (south-west) garden of the application site, with the frame of the garage already erected. The access to and from the application site is to the front (north-east) of the dwelling, which leads to adjacent road Nottingham Road, located north-east of the application site. The adjacent neighbouring semi-detached dwelling which is adjoined to 390 Nottingham Road is 392 Nottingham Road, located east of the application site. Adjacent neighbouring property 388 Nottingham Road is located west of the application site. The neighbouring properties located on Portland Road are located south-east of the application site, whilst the neighbouring properties on Gorse Close are located south-west of the application site. The application site is located within the Coal Referral Area.

3. Relevant Planning History

3.1

Planning		
22/00675/FUL	Construct detached garage in rear garden	PERC
25/00222/NMA	Non-material amendment of planning permission 22/00675/FUL to allow reduction in footprint	PERU

4. Development Plan Policy

4.1 National Planning Policy

4.1.1 **National Planning Policy Framework 2024**

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 12 - Achieving well designed places

4.2 Local Planning Policies

4.2.1 **Part 1 Broxtowe Aligned Core Strategy 2014 and Part 2 Local Plan 2019:**

- Part 1 Policy 10 - Design and Enhancing Local Identity
- Part 2 Policy 17 - Place-making, Design and Amenity

5. **Consultee and Third Party Comments**

5.1 Consultees

5.1.1 No comments from technical consultees are required for this application.

5.1.2 Cllr M Brown – Greasley Ward – With reference to the above application to vary a condition, it has been brought to my attention by many concerned neighbours bordering this proposed garage that the structure does not, and will not, accord with its surroundings and indeed planning policy.

5.1.3 Cllr P J Owen – Nuthall East and Strelley Ward – For the avoidance of any doubt can I ask that this revised application be determined by committee please.

5.1.4 Cllr H L Crosby – Greasley Ward – No comments received.

5.1.5 Cllr A W G A Stockwell – No comments received.

5.2 Neighbours

5.2.1 There were eight responses received from adjacent neighbouring properties and contributors in respect of the original consultation period for the application. One response raised no objection to the application. The remaining seven responses objected to the application for the following reasons:

- The proposed domestic garage is excessively large and industrial in both size and height, creating an unsightly view for the neighbours on Portland Road, Nottingham Road and Gorse Close.
- The CR32 industrial standard ribbed sheeting material is entirely unsuitable for a domestic garage in a rear garden. The materials

being used are industrial in nature and are not in keeping with the domestic outbuildings such as sheds and outbuildings found in neighbouring gardens.

- Overshadowing created by a substantial steel framed structure to the rear gardens of the neighbouring properties.
- Concern the garage will be used for business operations, which would contravene the covenants of neighbouring properties.
- Concern that more neighbouring properties should've been consulted on the application.
- The proposal does not comply with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).
- Concern regarding run-off water as the area is prone to localised flooding.
- The proposal as built does not accord with the original submitted application in 2022 or comply with the associated Planning Officer's report dated 23 November 2022.
- The structure is an over-development to the area resulting in loss of privacy.
- CR32 cladding can effect both airborne and sound impact transmission. If this building material also has little or no insulation it could contribute to noise disturbance, due to its construction could amplify sound and violate noise standards.
- If the garage is used for parking large vehicles and roller shutter doors opening and closing frequently this will generate unwanted noise.
- If the garage is equipped with security lights this could lead to light pollution especially if it is illuminated during late hours disrupting the sleep of nearby neighbours.
- Concern in regard to poor ventilation – steel structures without proper ventilation can trap fumes which can generate health concerns.
- Concern the garage will have a detrimental impact upon the property values of neighbouring properties.

5.2.2 There was a re-consultation period regarding the new proposed steel woodgrain wall cladding panels. There have been three responses received during the re-consultation period. The following concerns in regards to the new proposed steel woodgrain wall cladding panels were raised:

- Not in accordance with the original plans approved as part of the initial application (reference: 22/00675/FUL)
- The revised dark brown cladding materials proposed are almost black and little different to the anthracite colour originally proposed.
- The revised cladding materials proposed will not help the structure blend into the local landscape which is entirely green and made up only of neighbours back gardens.
- Supporting documents not clear on the proposed colour of new material.

5.2.3 Any further responses received as a result of the re-consultation period will be reported as late items.

6. Assessment

6.1 The main issue relates to whether the principle of the proposed variation of conditions 2 and 3 (proposed change of external wall material) of planning permission 22/00675/FUL is acceptable. Considerations regarding design, neighbour amenity and the impact upon access (highway safety) will also be assessed as part of the report.

6.2 Principle of Development

6.2.1 The principle of the detached garage was determined to be acceptable in the assessment of the original planning application (reference: 22/00675/FUL). This application 25/00223/VOC seeks planning permission for the proposed variation of conditions 2 and 3 (proposed change of external wall material) of planning permission 22/00675/FUL. On the submitted plans as part of planning permission 22/00675/FUL it was stated the proposed garage walls would be constructed using new fairfaced blockwork to Local Planning Authority approval. Therefore, this variation of condition application 25/00223/VOC has been submitted to vary conditions 2 and 3 of 22/00675/FUL, in relation to changing the proposed material for the external walls of the detached garage. The proposed new material for the walls of the detached garage would be steel woodgrain wall cladding panels. It is considered the principle of the proposed new material to be used for the walls of the detached garage is acceptable.

6.3 Design

6.3.1 Policy 10 of the Aligned Core Strategy (2014) 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 (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.

6.3.2 Firstly, it must be noted the principle of the design of the detached garage was considered acceptable in the assessment of the original planning application 22/00675/FUL. This current application 25/00223/VOC is an assessment regarding the proposed variation of conditions 2 and 3 (proposed change of external wall material) of planning permission 22/00675/FUL. The proposed variation includes changing the material of the external walls of the detached garage from new fairfaced blockwork (as approved) to steel woodgrain wall cladding panels.

6.3.3 It is considered the proposed steel woodgrain wall cladding panels would be an improvement in terms of design compared to the fairfaced blockwork proposed as part of the original application 22/00675/FUL. This is because the proposed steel woodgrain wall cladding panels are considered to be more

in keeping the residential character of the application site and surrounding area. This is because the dark matte timber appearance of the steel woodgrain wall cladding panels are considered to be less visually prominent and provide a more subtle impact compared to the fairfaced blockwork proposed as part of the original application 22/00675/FUL.

- 6.3.4 The material originally proposed as part of the variation would not have been supported due to it failing to respect the residential character of the surroundings. Therefore, it was requested the applicant provide a new material which would be more in keeping with the residential character of the site and surrounding area. It is considered the steel woodgrain wall cladding panels subsequently proposed by the applicant would provide a more residential character. This is because the new proposed steel woodgrain wall cladding panels would provide the appearance of a dark matte timber, whereas the originally proposed C32 insulated cladding in anthracite provided a metallic industrial appearance. It is considered the dark matte appearance of the steel woodgrain wall cladding panels would be less visually prominent and provide less of an impact to the surrounding area. This is because the dark matte colour of the of the proposed steel woodgrain wall cladding panels are considered to provide a more subtle impact compared to the metallic colour and appearance of the originally proposed C32 insulated cladding in anthracite. Furthermore, the appearance of the dark matter timber of the steel woodgrain wall cladding panels is considered to be more in keeping with the residential area compared to the industrial metallic colour and appearance of the originally proposed C32 insulated cladding in anthracite.
- 6.3.5 To conclude, the proposed steel woodgrain wall cladding panels are considered to be an acceptable material for the detached garage, therefore, the proposed variation of conditions 2 and 3 (proposed change of external wall material) of planning permission 22/00675/FUL is considered acceptable.

6.4 Neighbour Amenity

- 6.4.1 Policy 10 of the Aligned Core Strategy (2014) states that impact on the amenity of nearby residents or occupiers will be a consideration. Policy 17 of the Part 2 Local Plan (2019) states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.
- 6.4.2 There were eight responses received in respect of the application. One response raised no objections to the application, whilst the remaining seven responses all objected to the application. The reasons for the objections are stated above in the neighbour consultee section of the committee report. It must be noted the principle of the detached garage and its impact upon the amenity of the adjacent neighbouring properties was assessed in the original planning application (reference: 22/00675/FUL). It was determined in the assessment of the original planning application (refence: 22/00675/FUL) that the detached garage was unlikely to result in a significant impact upon the amenity of the adjacent neighbouring properties.
- 6.4.3 It is considered the proposed variation of conditions 2 and 3 (proposed

change of external wall material) of planning permission 22/00675/FUL is unlikely to result in a significant impact upon the amenity of the adjacent neighbouring properties. This is because the proposed variation of conditions 2 and 3 (proposed change of external wall material) of planning permission 22/00675/FUL would include changing the proposed material used for the external walls of the garage from fairfaced blockwork to steel woodgrain effect wall cladding panels. It is considered the proposed change in external wall material from fairfaced blockwork to steel woodgrain effect wall cladding panels is unlikely to result in a significant impact upon the amenity of the adjacent neighbouring properties. This is because it is considered the new proposed steel woodgrain wall cladding panels would be more visually attractive compared to the fairfaced blockwork assessed under the original application (reference: 22/00675/FUL). Furthermore, it is considered the dark timber matte colour and appearance of the proposed steel woodgrain wall cladding panels are considered to provide a more subtle impact compared to the metallic colour and appearance of the originally proposed C32 insulated cladding in anthracite.

6.4.4

For the avoidance of doubt, in regard to the concerns raised above in the neighbour consultee section of the appraisal, it is considered that: the use of the garage cannot be determined until in operation and if any commercial use occurs in breach of planning permission then appropriate planning enforcement action would be considered. Restrictive covenants are not material planning matters to be considered in the assessment of a planning application. All properties which sit adjacent to the application site were notified as per the statutory requirements set out in the Planning Regulations (that is, to notify all properties which adjoin the common boundary). It is considered the separation distance between the detached garage and the adjacent neighbouring properties is satisfactory to mean that a significant impact in terms of loss of privacy, loss of light, sense of enclosure, noise, smell and disturbance would be unlikely to occur to the adjacent neighbouring properties. Should unreasonable levels of noise, smell and disturbance be experienced this can be reported to the Environmental Health Department of the Council for investigation. Loss of view and impact upon property values are not material planning matters that would carry any significant weight in the assessment of a planning application.

6.4.5 It is considered the concern raised in regards to run-off water does not carry significant planning weight in the assessment of this application, which relates to change in external materials to the elevations only. There was a concern raised that the proposal as built does not accord with the original submitted application in 2022 or comply with the associated Planning Officer's report dated 23 November 2022. This is because there was a non-material amendment application (reference: 25/00222/NMA), which was approved on 27 March 2025, to allow for a reduction in footprint of the detached garage.

6.4.6 To conclude, it is considered variation of conditions 2 and 3 (proposed change of external wall material) of planning permission 22/00675/FUL is unlikely to result in a significant impact upon the amenity of the adjacent neighbouring properties.

6.5. Access (Highway Safety)

6.5.1 Policy 17 of the Broxtowe Local Plan Part 2 (2019) states that development (including fences, walls and other structures) should not cause risk to pedestrians or road users by reducing visibility for drivers when entering or exiting the driveway.

6.5.2 It must be noted the principle of the detached garage and its impact upon access (highway safety) was assessed in the original planning application (reference: 22/00675/FUL). It was determined in the assessment of the original planning application (reference: 22/00675/FUL) that the detached garage was unlikely to result in a significant impact upon the highway safety of the occupiers and the adjacent neighbouring properties.

6.5.3 It is considered the proposed variation of conditions 2 and 3 (proposed change of external wall material) of planning permission 22/00675/FUL is unlikely to result in a significant impact upon the highway safety of the occupiers and the adjacent neighbouring properties.

6.6 Biodiversity Net Gain

6.6.1 The application is exempt from biodiversity net gain because it is not applicable for this type of application.

7. Planning Balance

7.1 The benefit of the proposal is that it is considered there would be an improvement in terms of the proposed material used for the walls of the detached garage. The proposal is considered to reflect an acceptable level of design for the reasons outlined above. The proposal is considered to not result in a significant impact upon the amenity and highway safety of the adjacent neighbouring properties for the reasons outlined above. It is considered there would be no negative impact in regard to the proposed change in external wall material. Taking all of the above into account, it is considered on balance, the proposal is acceptable and conditional planning permission should be granted.

8. Conclusion

8.1 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 Duty and comments raised in the representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

<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 hereby permitted shall be commenced before 24.11.25, that is, three years from the expiration of planning permission reference 22/00675/FUL.</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 the drawings</p> <p>Received by the Local Planning Authority on 18 August 2022:</p> <ul style="list-style-type: none"> • Site Location Plan (1:1250) <p>Received by the Local Planning Authority on 20 May 2025:</p> <ul style="list-style-type: none"> • Proposed Site Plan (1:100), Proposed Roof Plan (1:100), Garage Section (1:50) & Amended Elevations (1:50) (Drawing Number: FURN05/2025, Revision: F) <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The external walls of the detached garage shall be constructed using steel woodgrain effect wall cladding panels as shown in the website link received by the Local Planning Authority on 8 April 2025.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and 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.	<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>

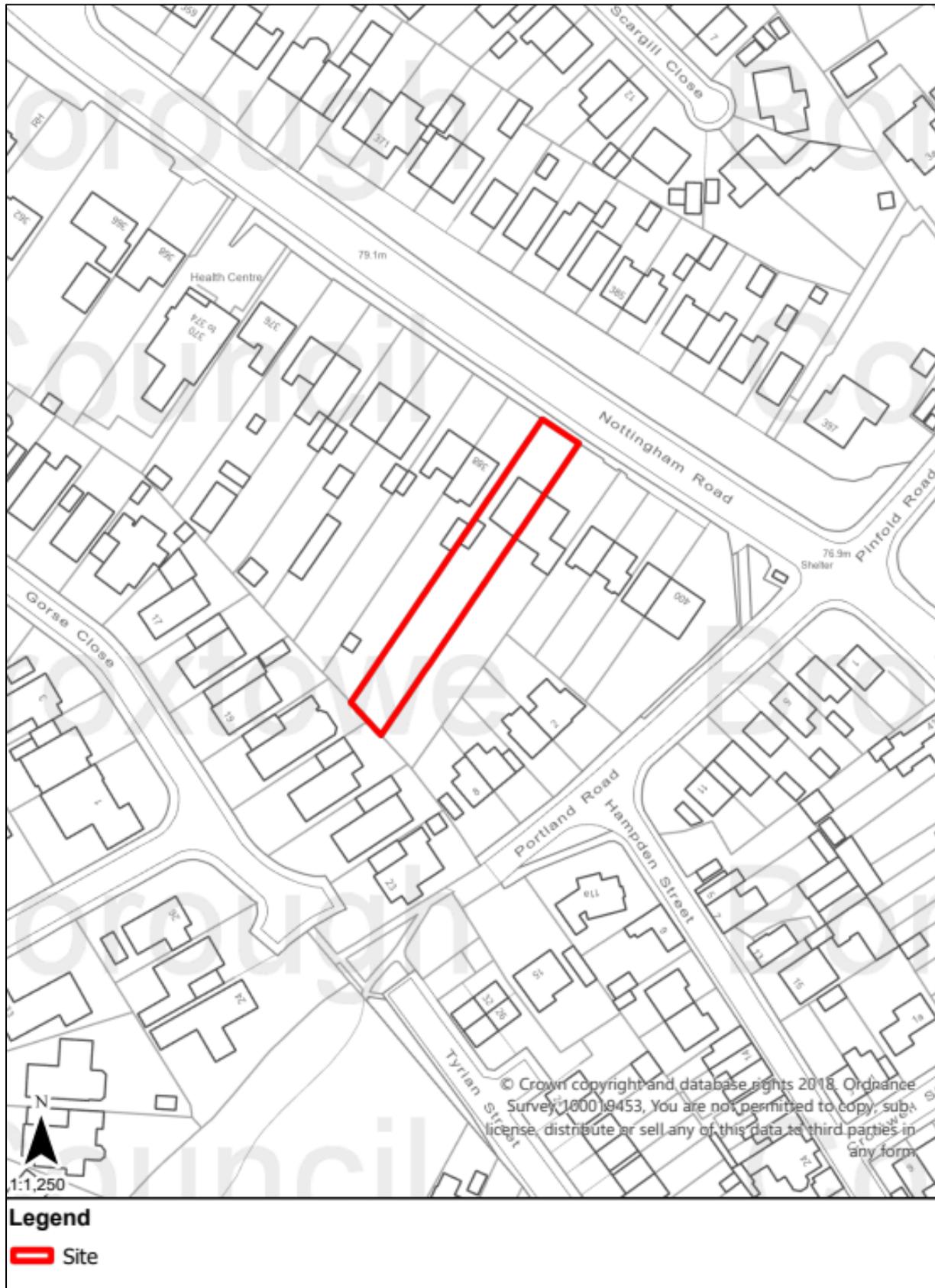
<p>2.</p>	<p>You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).</p>
<p>3.</p>	<p>The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.</p> <p>Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at: Building on or within the influencing distance of mine entries - GOV.UK</p> <p>Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property</p> <p>What is a permit and how to get one? - GOV.UK (www.gov.uk)</p>

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

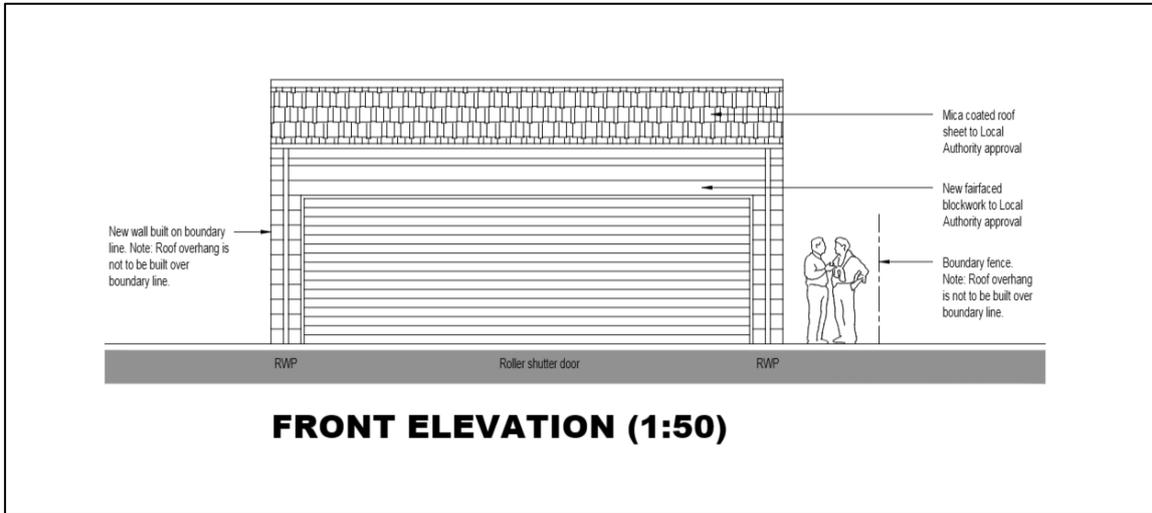
If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Site Map – 25/00223/VOC – 390 Nottingham Road, Newthorpe, NG16 2ED

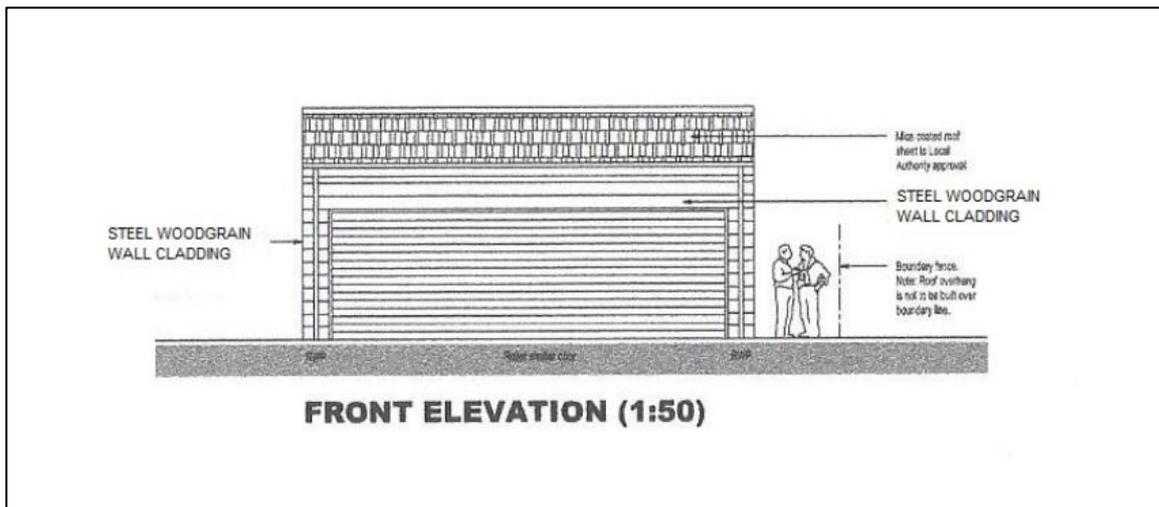


Plans (Not to scale)

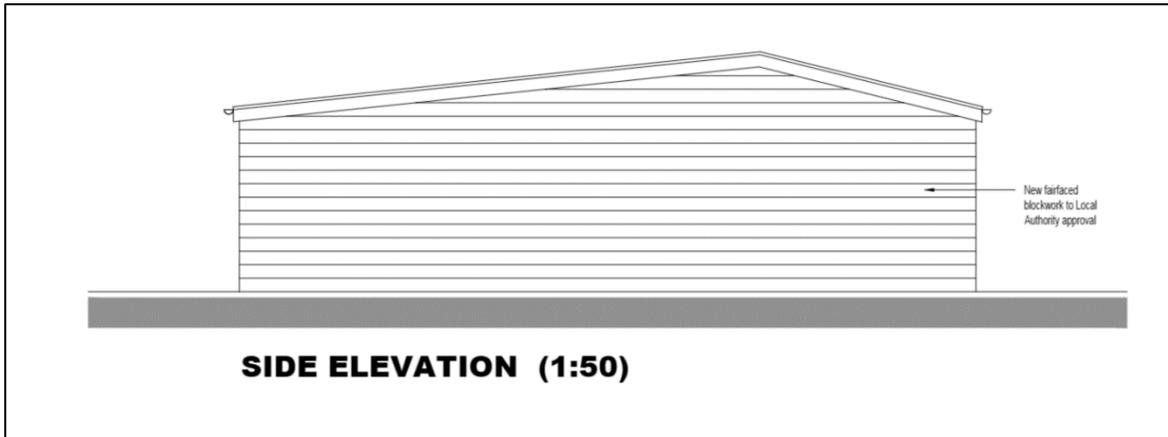
Front elevation approved as part of original planning application 22/00675/FUL



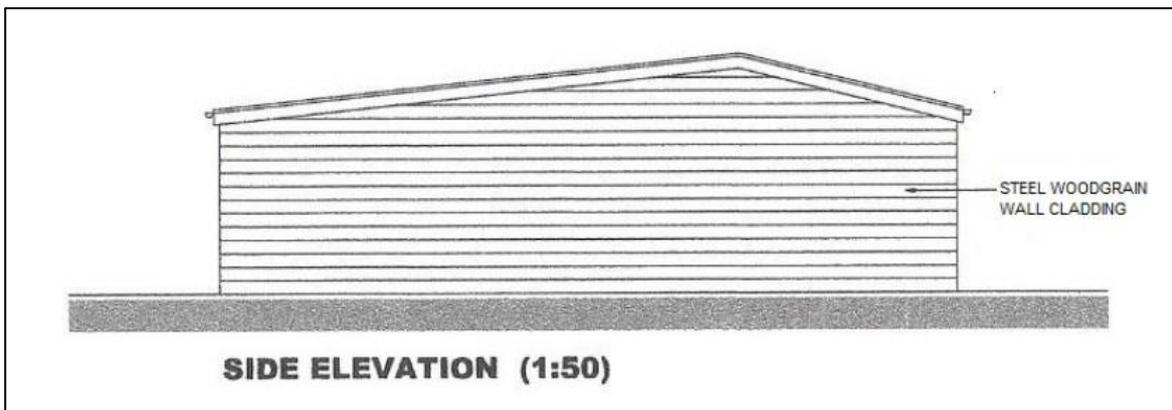
Amended front elevation proposed as part of current application 25/00223/VOC



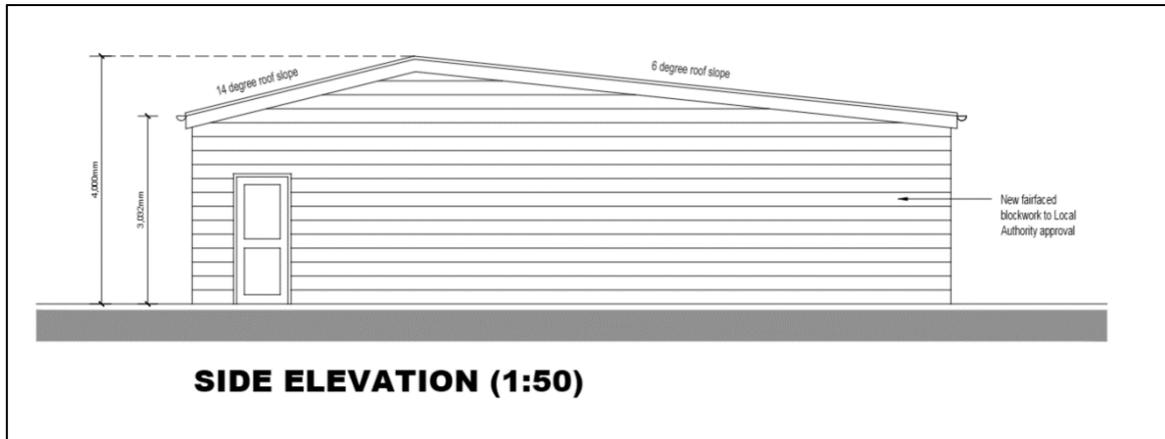
Side (south-east) elevation approved as part of original planning application 22/00675/FUL



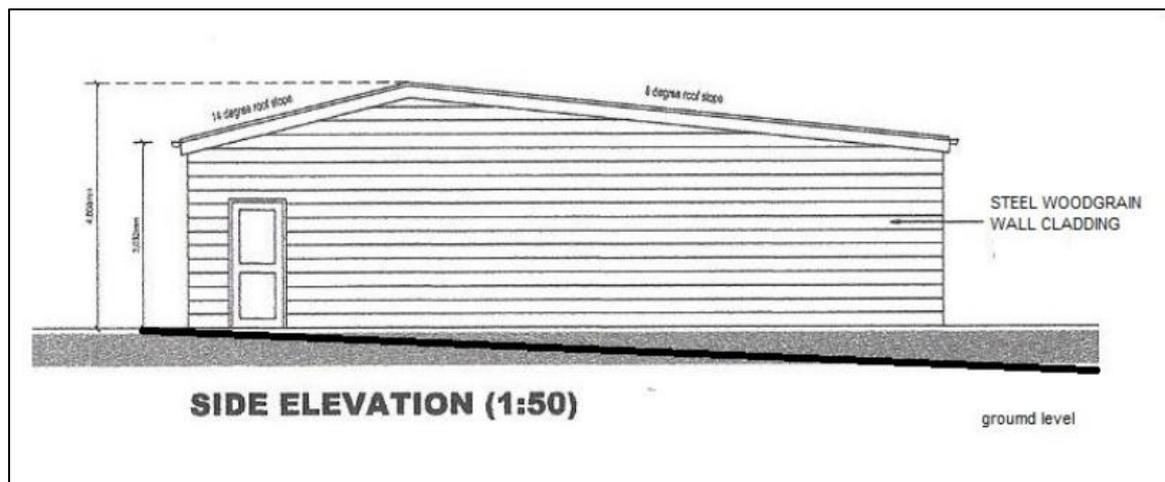
Amended side (south-east) elevation proposed as part of current application 25/00223/VOC



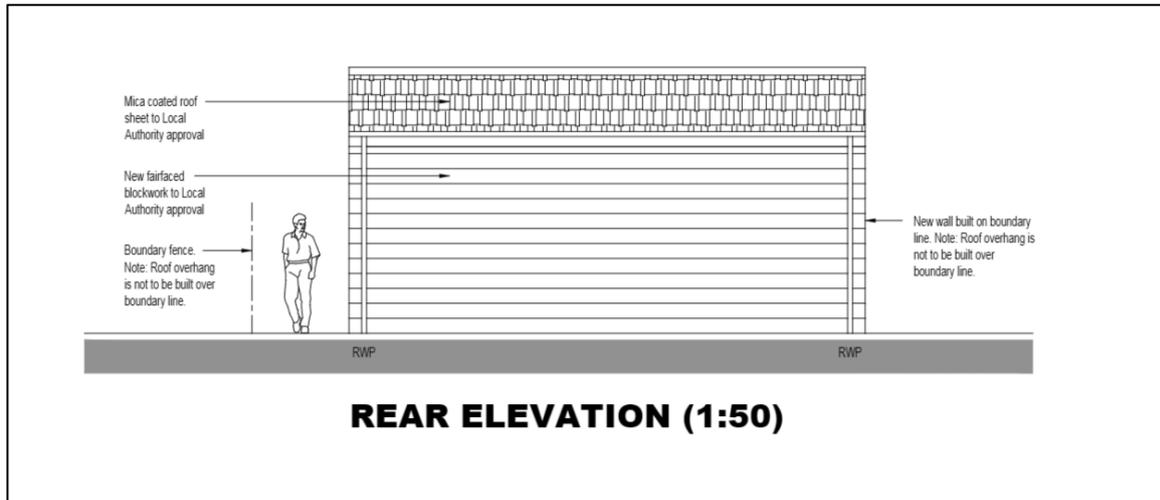
Side (north-west) elevation approved as part of original planning application 22/00675/FUL



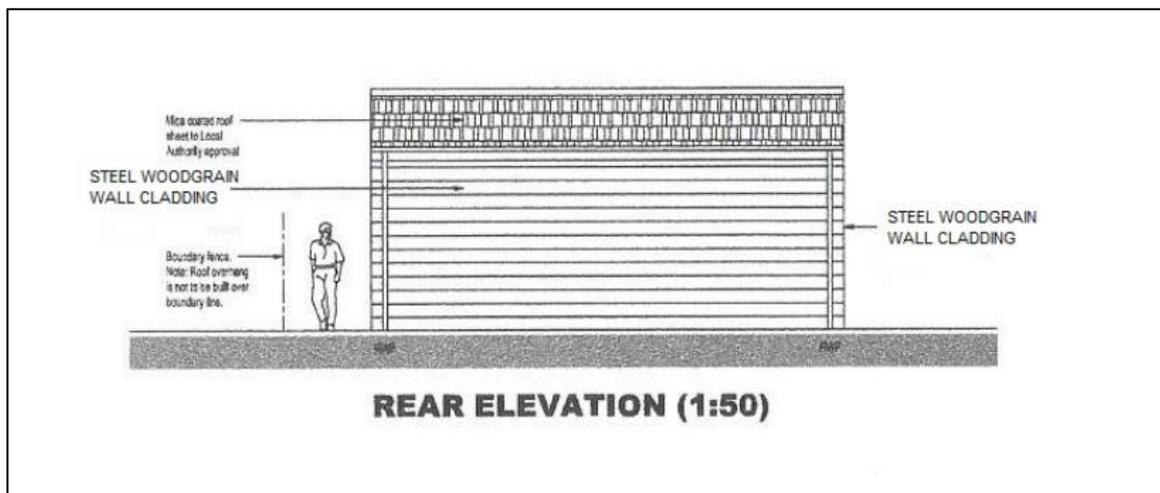
Amended side (north-west) elevation proposed as part of current application 25/00223/VOC



Rear elevation approved as part of original planning application 22/00675/FUL

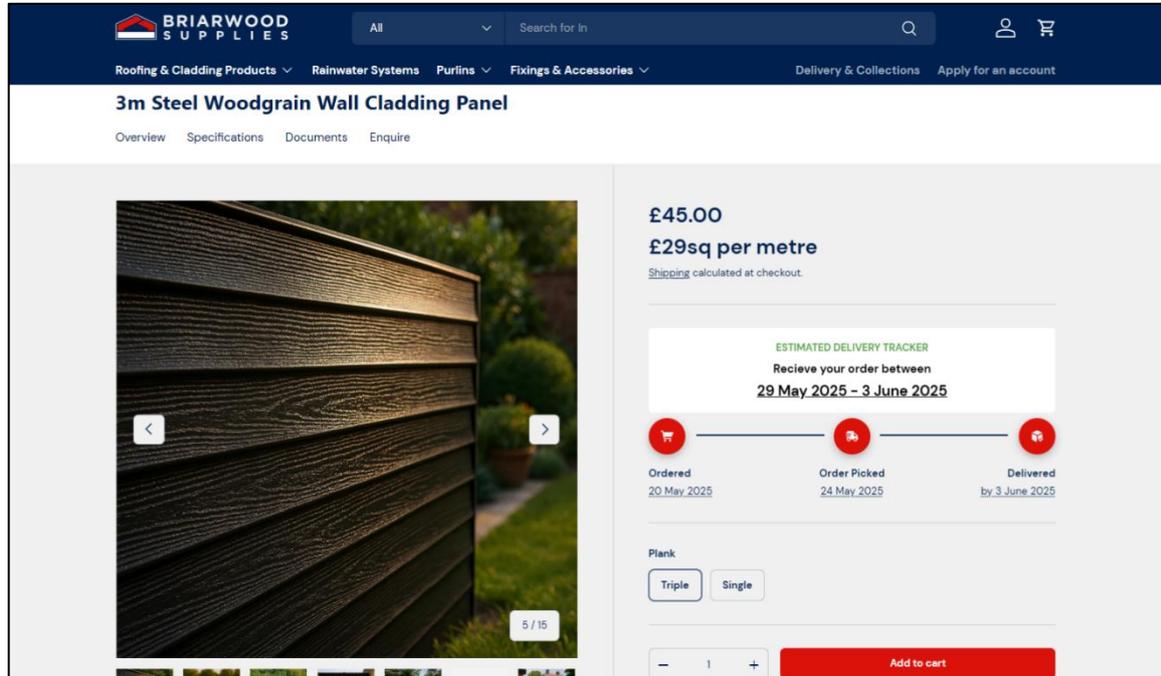


Amended rear elevation proposed as part of current application 25/00223/VOC

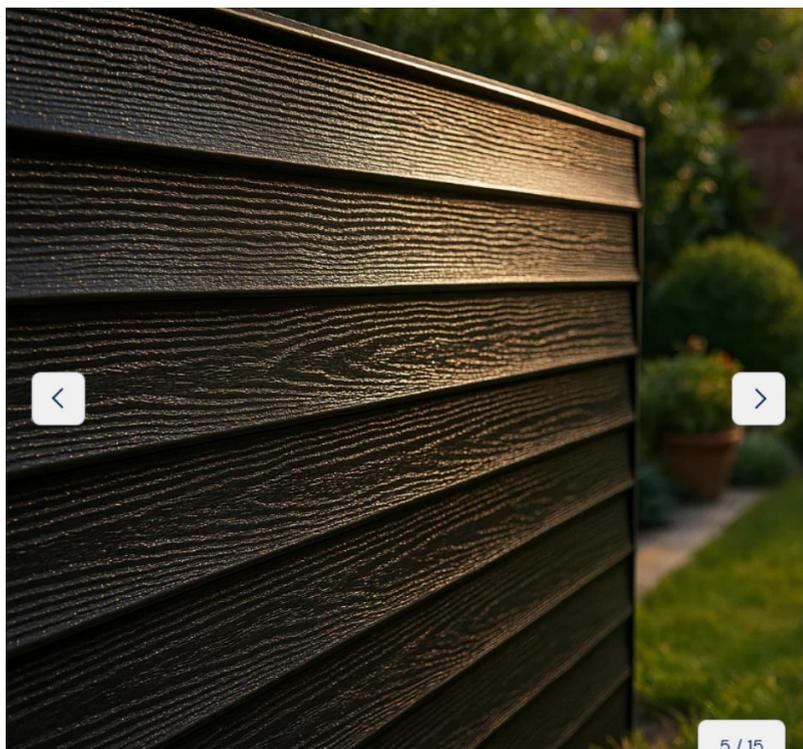


Website link images and site visit photographs showing the proposed steel woodgrain wall cladding panel

Website link image showing the proposed steel woodgrain wall cladding panel



Another website link image showing the proposed steel woodgrain wall cladding panel



Site visit photograph showing sample of the proposed steel woodgrain wall cladding panel



Site visit photograph showing sample the proposed steel woodgrain wall cladding panel



Another site visit photograph showing sample the proposed steel woodgrain wall cladding panel

