

Report of the Interim Chief Executive

APPLICATION NUMBER:	26/00084/FUL
LOCATION:	Land Off Vernon Court, Nuthall
PROPOSAL:	Construct two-storey building to provide two flats

The application is brought to the Committee at the request of Councillor P. Owen

1. Purpose of the Report

1.1 The application seeks planning permission for the erection of a two-storey building to accommodate two residential flats. The building will be a traditional two storey property with gable roof. Each flat will have a single bedroom, kitchen/dining/living room and shower room with toilet. A communal bin store to the front and a grassed area to the side and rear of the building will be provided. The building would have solar panels and an EV charging point which will be located to the side.

2. Recommendation

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

3. Detail

3.1 The application seeks permission for the construction of a two storey building to accommodate two residential flats as outlined in paragraph 1.1 above.

3.2 The main issues relate to whether the principle of two flats is acceptable in terms of location, design, scale, parking issues and impact on neighbour amenity.

3.3 The benefits of the proposal are that it would add to the housing supply within Broxtowe and be sited within an urban location with access to regular sustainable transport links in accordance with policies contained within the development plan which is given significant weight. There would be some impact on neighbour amenity but these matters are considered to be outweighed by the benefits of the scheme, as outlined in the appendix.

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 No background papers.

Appendix

1. Details of the application

- 1.1 The application seeks permission for a two-storey building comprising two flats. Each flat would have a single bedroom, kitchen/dining/living room and shower room with toilet. The ground floor flat would have an area of 41.05 sqm and the first floor flat would have an area of 44 sqm. A communal external bin store, EV charger and a shared private yard will be provided to the side and rear of the building.
- 1.2 The plans submitted specify the overall height being 7.3m to the ridge, 5.1m to the eaves. Access to the flat1 would be positioned on the front elevation and to Flat 2 in the rear elevation. The front elevation would have two windows at first floor level, a window and a door at ground floor level. The northeast elevation, facing the front elevations of 14 to 17 Vernon Court would have two windows at first floor level, and three windows at ground floor level, one serving the rear porch. The northwest elevation, facing 18 to 21 Vernon Court would have two windows one to each level and Flat 2's door. The southwest elevation facing numbers 24 to 32 Vernon Drive, would have a window at ground floor level.
- 1.3 The building would be built adjacent to the boundary with nos. 24 to 28 Vernon Drive and would be set in 10.5m from these properties' rear elevations. The northwest elevation would be 24.1m from nos. 19 and 21 Vernon Court's front elevation and would be 14.8m away from 14 to 17's front elevations.

2. Site and surroundings

- 2.1 The application site includes a hard standing courtyard off Vernon Court. There is a 1.6m high brick wall along the boundary with nos. 24 to 32 Vernon Court. Other properties in the vicinity have open frontages.
- 2.2 The site lies within a residential area and is within walking distance (approx. 11 minutes) to regular bus services. The site is mainly flat.
- 2.3 14 to 17 Vernon Court is a two storey block of flats positioned to the north east of the application site, 18 to 21 and 24 to 32 are terrace properties which are to the north west and south west of the application site respectively .

3. Relevant Planning History

- 3.1 An application to construct one building to form 2 apartments (ref. 24/00431/FUL) between nos.14-17 and 18-19 Vernon Court was refused for the following reasons: *The proposal represents an unsatisfactory form of development which is out of keeping with the pattern of development within the immediate vicinity of the application site. By virtue of its siting, layout and design the proposal fails to positively integrate into its surroundings. As a result, the development will be harmful to the appearance and character of the*

area and is therefore contrary to Policy 10 of the Broxtowe Aligned Core Strategy (2014), Policy 17 of the Broxtowe Part 2 Local Plan (2019), Policy 1 New Housing and Policy 5 Design and the Historic Environment of the Nuthall Neighbourhood Plan 2018. The application was appealed and the appeal was allowed.

- 3.3 The Planning Inspector stated that the development plan demonstrates that the proposed building would not result in a cramped relationship and the general scale and form of the development would complement adjacent built form allowing it to successfully integrate into its surroundings. The Inspector continues that the building would not appear isolated in this context and would not be out of character with the varied plot formations in the area. In respect of privacy, the Inspector concluded that the separation distances and relative window positioning would be sufficient to ensure no adverse overlooking issues would occur.

4. Relevant Policies and Guidance

4.1 **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 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity.
- Policy 14: Managing Travel Demand

4.2 **Part 2 Local Plan 2019**

The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, design and amenity.

4.3 **Nuthall Neighbourhood Plan 2018**

- Policy 1: New Housing
- Policy 5: Design and the Historic Environment

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

- Section 2: Achieving sustainable development
- Section 4: Decision-making.
- Section 5: Delivering a sufficient supply of homes
- Section 11: Making effective use of land
- Section 12: Achieving well-designed and beautiful places

5. Consultations

5.1 **Consultees**

- Cllr P Owen - called application in to committee
- Cllr J Couch – raised no objection to the proposed development as the land is pretty derelict. Recommended to consult the bungalows on Vernon Drive
- **Environmental Health** – raised no objections subject to the following conditions:
 - ✓ No construction hereby approved shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include:
 - a) The means of access for construction traffic;
 - b) parking provision for site operatives and visitors;
 - c) the loading and unloading of plant and materials;
 - d) the storage of plant and materials used in construction of the development;
 - e) a scheme for the recycling/disposal of waste resulting from construction / demolition works; and
 - f) details of dust and noise suppression to be used during the construction phase.

The approved statement shall be adhered to throughout the construction period.

- ✓ No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect nearby occupants from excessive construction noise and vibration.

- **NCC Highways** – requested a revised plan showing increased access width to 5.8m for the first 8m. Access drives will need to be hard surfaced with suitable drainage. Revised plans were received to address NCC Highways request.

5.2 25 Neighbours were consulted on the application and a site notice was posted on Vernon Court on 10th March 2026. Five responses were received from immediate neighbours, raising objections to the proposed development which can be summarised as follows:

- Disruption
- Noise and dust disturbance
- Loss of light
- Sense of enclosure
- Proposed development is not feasible
- Loss of privacy/overlooking

- Proximity of proposed building to neighbouring properties
- Lack of maintenance of the grounds by landlord
- Lack of consideration for residents
- Access to Vernon Court during construction works
- Impact on quality of life
- Loss of view
- Boundary issues
- Information about the tree on site is inadequate
- Impact on existing trees located beside the northern boundary
- Benefit of new dwellings
- Lack of construction plan

6. Assessment

6.1 Principle

6.1.1 The principle of a two-storey building to create two flats is deemed acceptable in regard to the character of the surrounding area. The site is located within an urban location close of Nuthall. It is therefore considered the principle of residential development on the land is acceptable.

6.2 Design and Layout

6.2.1 Policy 8 of the ACS paragraph 4 states that the appropriate mix of house size, tenure and density within housing development will be informed by c) local demographic context and trends, d) local evidence of housing need and demand, f) area character, site specific issues and design considerations, and g) the existing or proposed accessibility of a location by walking, cycling and public transport. Policy 15 of the P2LP states in Section 6 that development should provide an appropriate mix of house type, tenure and density to ensure that the needs of the residents of all parts of the Borough.

6.2.2 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 amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan 2019 states that new development should a) integrates into its surroundings, b) provides, or is close to, community facilities, c) has good access to public transport, k) provides adequate external storage and n) encourages walking and cycling.

6.2.3 The proposed building would have a gable roof and is of a size and scale that is in keeping with the surrounding area which is characterised by terrace properties/ block of flats with gable roofs, and detached bungalows. The front façade has been designed in a manner that is sympathetic to the surrounding properties. Considering the mix of designs and materials, it is considered that the proposed building would not appear out of character with the surrounding area.

- 6.2.4 Information provided on the submitted Planning Statement indicates that the proposed building will be constructed using brick, exterior cladding and with interlocking concrete roof tiles to reflect the materials used on neighbouring properties.
- 6.2.5 To summarise, it is considered the proposed development achieves an acceptable level of design that is not out of keeping with the surrounding area.

6.3 Amenity

- 6.3.1 Policy 10 (F) states that the impact of a development on neighbour amenity will be a consideration. Policy 17 (4d) states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.
- 6.3.2 Numbers 30 and 32 Vernon Drive and 20-21 Vernon Court are two storey terrace properties which are to the north west of the application site, and due to the orientation of these properties in relation to the proposed building, they will face the building's rear elevation. The proposed building will have one window to each floor level on the rear elevation, and will be 14.8m away from no.30's rear elevation and 24.1m away from nos.20-21's front elevations. Given the distance between these properties and the proposed building, it is considered this relationship is acceptable as there is already a mutual level of overlooking between the existing properties, so the impact of the building in terms of overlooking would be unlikely different to the existing situation.
- 6.3.3 Numbers 14, 15, 16 and 17 are to the north of the application site. Whilst the proposed building would have two windows at first floor level facing these properties' front elevations, taking into consideration the location of the building within the site (setback 3.4m from the site's front boundary) and the position of these windows in the facing elevation) it is considered that loss of privacy and overlooking should be minimal. Furthermore a separation distance of 14.7m from these properties has been proposed.
- 6.3.4 The properties most directly affected by the development will be numbers 24, 26, and 28 Vernon Drive due to the separation distance. These properties are located to the south west of the application site and have windows at first floor level facing the application site. However, the side elevation of the proposed building would have no windows at first floor level and will only have one window at ground floor level, facing mainly numbers 24 and 26's rear boundary wall. The Planning statement indicates that the building has been designed to prevent any impact in terms of overlooking. Furthermore, the nearest rear windows are 10.5m away from the proposed building.
- 6.3.5 Having regard to the overall height and scale of the proposed building, its siting in relation to neighbouring dwellings and there being only two windows at first floor level on the north east (side) and north west (rear) elevations which are at a suitable distance, and that whilst this would introduce a built form close to these properties where there is currently none, on balance and

due to these reasons it is considered the proposed development would not have a significantly detrimental impact on the occupants of these neighbouring properties.

6.3.6 Overall, it is considered that whilst there would be some degree of overlooking, this is a built up area which is already overlooked by first floor windows. To conclude, it is acknowledged that there will be some impact on neighbour amenity, however, the impact would not be so detrimental as to warrant a refusal.

6.3.7 In respect to the amenity of future occupiers, each flat would be for single occupancy and would have a minimum of 41 square metres gross internal floor space, which is in line with the Government's Technical Housing Standards. A small outdoor amenity space is provided and to store bins. Overall, it is considered that the amenity of future occupiers has been considered adequately.

6.4 Access

6.4.1 Some concerns have been raised regarding access to Vernon Court and lack of construction plan given the narrow nature of the street. However, the Council's Environmental Health Department has requested the inclusion of a pre-commencement condition that covers these issues.

6.4.2 In respect to access to the new building, NCC Highways has requested the following requirements: access drive to be 5.8m in width for the first 8m, hard surfaced with suitable drainage. A revised plan was submitted to address Highway's request.

6.4.3 With regard to the tree to the rear of the site, the proposed block plan shows that the tree will be retained.

7. Other matters

7.1.1 An observation was made regarding potential disruption during construction (noise). A degree of disturbance, is to be expected from construction works. Anything that is considered to be excessive could be dealt with by the Environmental Health Department.

7.1.2 Issues of site's lack of maintenance by landlord and boundary issues, whilst these are valid concerns, they are not material planning considerations as they are covered by other legislation. Loss of view is not a material planning consideration that would be afforded significant weight. Comments made about impact of proposed development on existing trees are related to planning permission 24/00431/FUL which was allowed by appeal.

7.1.3 In relation to the Ash tree located within the application site, the proposed block plan shows that the tree will be retained and although the proposed building will be close to the tree, there is a distance of approximately 1.4mm

between the rear elevation and the tree (which is not protected by a TPO). However, the tree report submitted states that this tree is infected with Chalara Ash Dieback and whilst no action is required at the moment, the report advice is that it should be removed and replaced with a new tree. As the tree will be retained and taking into consideration this observation, the applicant will be advised of the need to avoid any damage to this tree during the construction works.

8. Planning Balance

8.1 The benefits of the proposal are that it would provide two additional homes within an existing urban area, the new residential units would have an acceptable design and provide an appropriate density for this residential area and would be in accordance with policies contained within the development plan. Whilst it is acknowledged there will be some impact on the amenity of neighbours, this is outweighed by the benefits of the scheme.

9. 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>	
<p>The Committee is asked to RESOLVE that the Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:</p> <p>(i) the following conditions:</p>	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</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 Site Location Plan received by the Local Planning Authority on 10 February 2026 and the Proposed Block Plan, floor plans and Elevations Revision C (drawing numbered DB/RD/25/22/02) received by the Local Planning Authority on 17 March 2026.</p>

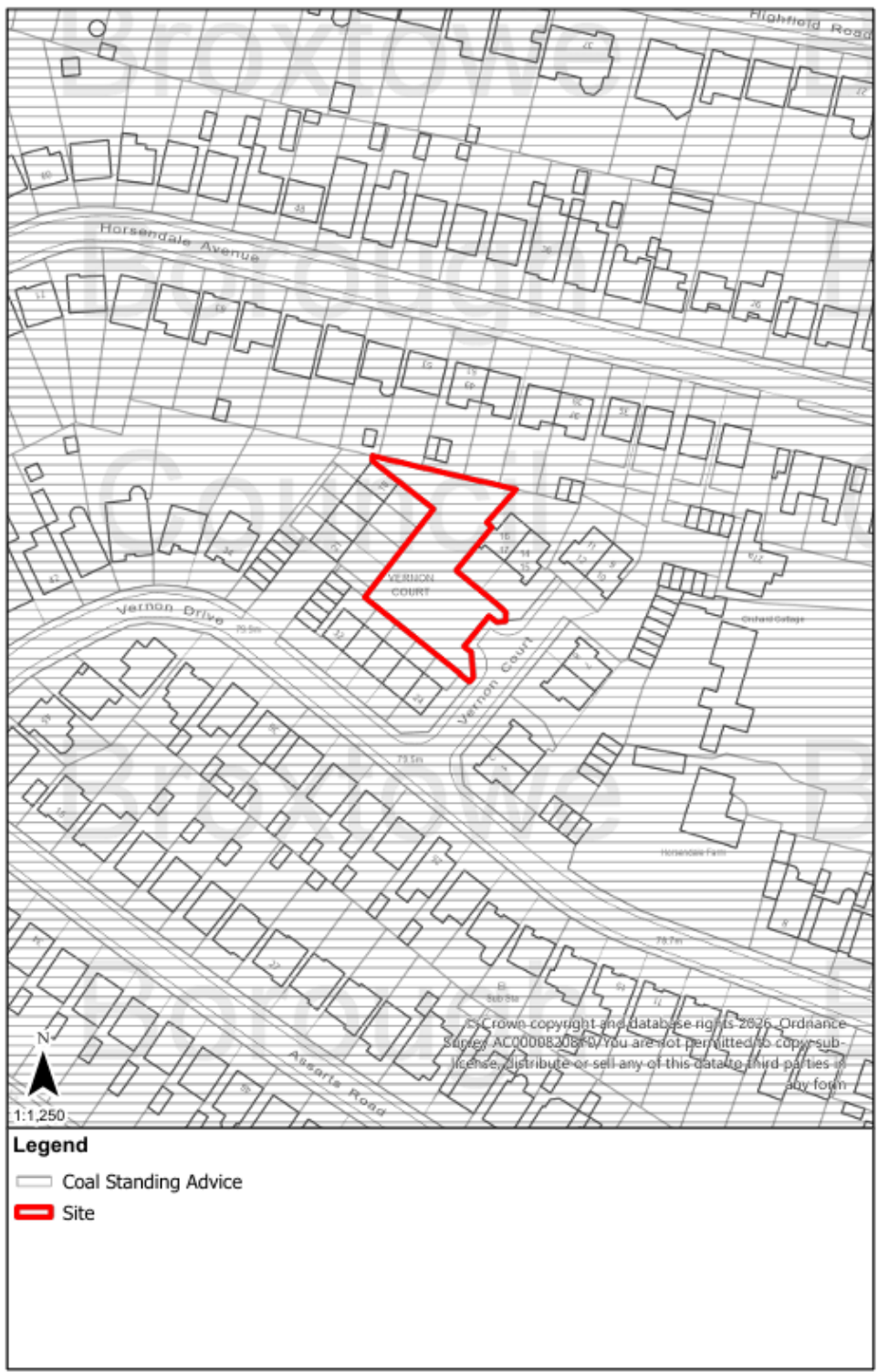
	<i>Reason: For the avoidance of doubt.</i>
3.	<p>The proposed development shall be constructed in accordance with the materials contained within the Supporting Statement ref. PG/2024/22, section Appearance received by the Local Planning Authority on 10 February 2026.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019) and Policies 1 and 5 of Nuthall Neighbourhood Plan 2018.</i></p>
4.	<p>No construction hereby approved shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include:</p> <ul style="list-style-type: none"> a) The means of access for construction traffic; b) parking provision for site operatives and visitors; c) the loading and unloading of plant and materials; d) the storage of plant and materials used in construction of the development; e) a scheme for the recycling/disposal of waste resulting from construction / demolition works; and f) details of dust and noise suppression to be used during the construction phase. <p>The approved statement shall be adhered to throughout the construction period.</p> <p><i>Reason: To protect nearby residents from excessive disturbance and loss of amenity and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
5.	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and in accordance with Policy 17 and 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe 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>
2.	<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-onyour-property What is a permit and how to get one? - GOV.UK (www.gov.uk)</p> <p>In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.</p> <p>If any future development has the potential to encounter coal seams which require excavating, for example excavation of</p>

	<p>building foundations, service trenches, development platforms, earthworks, noncoal 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</p> <p>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</p>
3.	<p>As this permission relates to the creation of new residential units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure an address is created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.</p>
4.	<p>The applicant is advised that during the construction works, no materials, equipment or machinery shall be stored beneath the branches of the existing tree.</p>

Map

Site Location Plan



Plans (not to scale)

Site Location Plan and Proposed Block Plan



SITE LOCATION PLAN



PROPOSED SITE BLOCK PLAN

Proposed Floor Plan



PROPOSED GROUND FLOOR

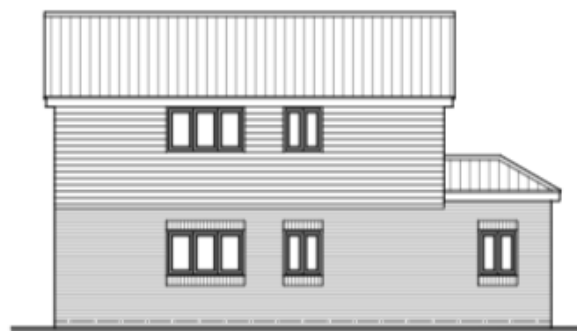


PROPOSED FIRST FLOOR

Proposed Elevations



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION