

Report of the Chief Executive

APPLICATION NUMBER:	19/00267/OUT
LOCATION:	198 CATOR LANE, CHILWELL, NOTTINGHAMSHIRE, NG9 4BE
PROPOSAL:	OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR CONSTRUCTION OF A BUILDING CONTAINING 10 FLATS WITH PARKING (FOLLOWING DEMOLITION OF EXISTING COMMERCIAL PREMISES)

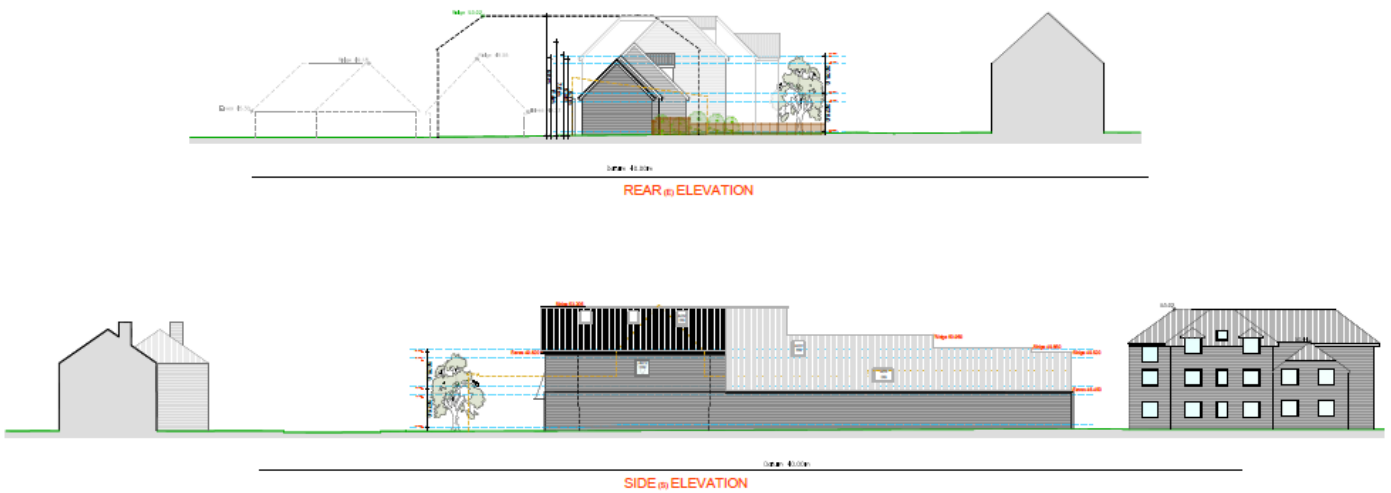
1 Executive Summary

- 1.1 This major application was first brought before Planning Committee on 4 September 2019 (appendix 2) with a recommendation for approval. Members deferred making a decision on the application to allow for a site visit and suggested various alterations to the proposal which included scaling down the massing and size to reduce the dominance of the building on the corner and to provide a plan to show the existing building in relation to the proposed building.
- 1.2 A meeting on site was conducted with the planning officer, architect, applicants, ward member and neighbour. The purpose of the meeting was to provide an understanding of the application and to discuss any requests for further changes to the application. Concerns were raised in relation to the retention of the southern boundary wall with no. 196 Cator Lane. No changes to the application were requested at the meeting and if any further amendments are requested by neighbours, then these will be reported under the late items process.
- 1.3 The application is brought back to Planning Committee with no additional changes to the plans as none were requested at the site meeting and the applicant and agent consider the proposal to be compliant with adopted policy. In relation to the comments raised by members at Planning Committee on 4 September, these will be discussed in appendix 1.
- 1.4 It remains the recommendation that the proposal be approved, subject to the conditions set out in appendix 1.

APPENDIX 1

1 Details of the Application

1.1 The rear (E) and side (S) elevations on drawing reference (04)04 - 03 Rev G show the proposed building in relation to the existing building which is highlighted by the yellow dashed line. The black dashed line on the side (S) elevation shows the outline of no. 196 Cator Lane, the neighbouring property and the solid black line shows the outline of the lowered wall along the southern boundary. On the rear (E) elevation, the faint dashed lines show the outline of the two neighbouring properties, nos. 196 and 194 and the larger, bolder dashed outline shows the Park View Court flats building to the east. The 3D visuals demonstrate the different sloping roofs and massing of the building.



1.2 During the course of the application, the plans were amended to reduce the overall height of the three storey element of the building by approximately 2.5m so the maximum height did not exceed that of Park View Court flats and did not appear out of character with this neighbouring building. Furthermore, this reduced the bulk of the roof to create a building of acceptable design. Whilst it is acknowledged the bulk of the building is an increase in comparison to the existing building on site, the overall height does not exceed that of the existing building. The building is set back 11.5m from Cator Lane and 7.8m at its closest point from Bramcote Avenue. It is considered a building of this size, design and separation distance from adjoining roads addresses the street corner positively and it will not appear overbearing in the street scene. Furthermore, it is considered the building reflects a more cohesive design than the existing buildings on site.

1.3 The existing southern boundary wall with no. 196 extends for approximately 48m, between 4.4m and 4.8m in height and is formed by the existing buildings on site. This wall will be reduced to approximately 43m in length and 3.2m in height and will be reinforced. The approximate 5m length will be removed towards the front of no. 196 which forms part of the side elevation of the retail unit. Condition 6c of the recommendation includes details to be submitted of a scheme of works to modify the wall on the southern boundary through a reserved matters application and this neighbour would be consulted on such an application.

2 Conclusion

2.1 To conclude, whilst it is acknowledged that no amendments have been made to the application since the previous Planning Committee meeting, it is considered that during the course of the application a significant number of changes have been made to ensure the scheme is acceptable in relation to neighbour impact and design. The benefits of the proposal would mean 10 additional homes within a sustainable, urban location with access to regular sustainable transport links which would be in accordance with policies contained within the development plan and is given significant weight. Access and landscaping are reserved matters and details of such would be required to be provided in any reserved matters application. The recommendation for approval remains the same.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.</p> <p><i>Reason: To comply with S92 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 commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
3.	<p>The outline permission relates to drawings:</p> <ul style="list-style-type: none"> • (04)03 – 00 Rev D, (04)03 – 01 Rev D and (04)03 – 03 Rev D received by the Local Planning Authority on 15 July 2019; • (04)01 – 00 Rev A and (04)04 – 01 Rev F received by the Local Planning Authority on 16 July 2019; • (04)03 – 04 Rev D and (04)03 – 02 Rev D received by the Local Planning Authority on 17 July 2019; • (04)00 – 01 Rev A received by the Local Planning Authority on 23 July 2019; and • (04)04 – 03 Rev G and (04)04 – 02 Rev F received by the Local Planning Authority on 19 September 2019.

	<p><i>Reason: For the avoidance of doubt.</i></p>
<p>4.</p>	<p>Before any development is commenced, detailed drawings and particulars showing the following (the 'Reserved Matters') shall be submitted to and approved by the Local Planning Authority:</p> <ul style="list-style-type: none"> a) the means of access and parking provision within the site and b) the landscaping treatment of the site. <p>The development shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of the development commencing in the interests of ensuring the details of the development are acceptable to the Local Planning Authority.</i></p>
<p>5.</p>	<p>The detailed drawings and particulars required under condition 4(a) shall include the following details:</p> <ul style="list-style-type: none"> a) access width; b) surfacing treatments; c) visibility splays; and d) drainage of parking/turning areas. <p>All details shall comply with Nottinghamshire County Councils 6'Cs Design Guide and the access and parking areas shall be provided strictly in accordance with the approved details prior to the first occupation of the building.</p> <p><i>Reason: In the interests of highway safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>The detailed drawings and particulars required under condition 4(b) shall include the following details:</p> <ul style="list-style-type: none"> a. trees to be retained and measures for their protection during the course of development; b. numbers, types, sizes and positions of proposed trees and shrubs; c. details of boundary treatments (including a scheme of works to modify the wall on southern boundary); d. proposed hard surfacing treatment planting, seeding/turfing of other soft landscape areas; and e. a timetable for implementation of the scheme. <p>The approved scheme shall be carried out strictly in accordance with the approved details. Soft landscaping shall be carried out not later than the first planting season following the substantial</p>

	<p>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.</p> <p><i>Reason: No such details were submitted with the application and to ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>7.</p>	<p>No development, including site clearance, shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall include:</p> <ul style="list-style-type: none"> • Details of a proven outfall from the site in accordance with the drainage hierarchy. The following options should be considered in order of preference: infiltration, discharge to watercourse and discharge to surface water sewer or discharge to combined sewer; • Justification for the use or not of infiltration, including the results of soakaway testing, in accordance with BRE 365; • Evidence the maximum discharge is set to the QBar Greenfield run-off rate for the positively drained area of development; • Demonstrate the site drainage system should cater for all rainfall events up to and including the 1 in 100-year event, including a 40% allowance for climate change; • Provide details for exceedance flows; surface water should be contained within the site boundary without flooding any properties in a 1 in 100year+CC storm; • Show that SuDS systems will be incorporated into the surface water management scheme for the site, preference should be given to above ground SuDS which provide multi-functional benefits; and • Details of who will manage and maintain all drainage features for the lifetime of the development. <p><i>Reason: The development cannot proceed satisfactorily without the</i></p>

	<p><i>outstanding matters being agreed and no such details were submitted with the application. Further to improve and protect water quality and to ensure the future maintenance of the sustainable drainage structures in accordance with the aims of Policy E27 of the Broxtowe Local Plan (2004) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
8.	<p>No development, including site clearance, shall commence until a scheme of works to identify and remove asbestos and asbestos containing material is submitted to and approved in writing by the Local Planning Authority. The removal of any asbestos material shall be undertaken strictly in accordance with the approved details.</p> <p><i>Reason: No such details were submitted with the application and in the interests of public health and safety and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
9.	<p>Notwithstanding the submitted details, no above ground works shall commence until details of the location of the bins has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details.</p> <p><i>Reason: To ensure the safe manoeuvrability of bins by refuse operatives and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
10.	<p>No above ground works shall commence until samples of external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details.</p> <p><i>Reason: Full details were not submitted with the application and in the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).</i></p>
11.	<p>The openings annotated as ‘AOV’ shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and retained in this form for the lifetime of the development.</p> <p><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
12.	<p>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.</p>

	<p>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.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</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 seeking positive amendments and working to determine it within the agreed determination timescale.</p>
<p>2.</p>	<p>The submitted plans are for indicative purposes only in relation to landscaping and access and this decision does not approve the landscaping or access as shown.</p>
<p>3.</p>	<p>No construction waste shall be burnt on site at any time.</p>
<p>4.</p>	<p>The applicant is advised to contact the Council's Waste and Recycling Section (0115 917 7777) to discuss waste and refuse collection requirements.</p>

Photographs

West (front) elevation



West (front) and south (side) elevations and no. 196's driveway



East (rear) elevation and northern boundary wall



Southern boundary of site viewed from no. 196 Cator Lane's rear garden



North (front) and west (side) elevation of Park View Court flats



View of outbuildings to the east (rear) of site





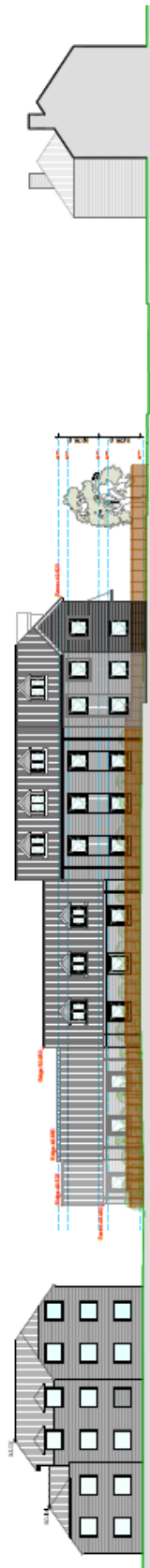
Legend

 Site

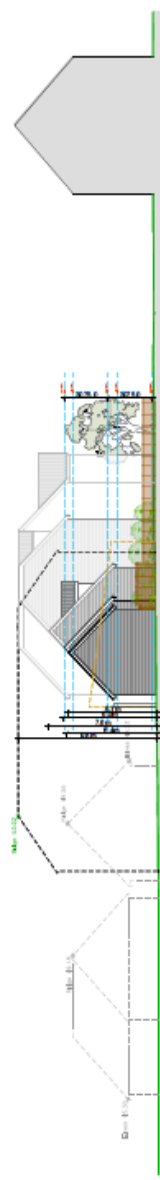
Plans (not to scale)



FRONT (N) ELEVATION



SIDE (W) ELEVATION



REAR (S) ELEVATION



SIDE (E) ELEVATION