

**Report of the Chief Executive**

**APPENDIX**

<b>APPLICATION NUMBER:</b>	<b>18/00210/OUT</b>
<b>LOCATION:</b>	<b>PARK HOUSE, 15 NOTTINGHAM ROAD, KIMBERLEY, NOTTINGHAM, NG16 2NB</b>
<b>PROPOSAL:</b>	<b>OUTLINE APPLICATION TO CONSTRUCT A MAXIMUM OF 18 DWELLINGS WITH ALL MATTERS RESERVED</b>

Councillor S Easom has requested this application be determined by Planning Committee.

1 Executive Summary

- 1.1 The major application seeks outline planning permission to construct a maximum of 18 dwellings with all matters reserved for future consideration on land known as Park House situated off Nottingham Road.
- 1.2 The main issues relate to whether the principle of residential development on the land would be acceptable, visual amenity, impact upon residential amenity, highway safety and the loss of existing employment buildings.
- 1.3 The benefits of the proposal are that the proposed residential development would see the redevelopment of a brownfield site, remove an un-neighbourly employment use from a predominantly residential area and assist in meeting the Borough’s overall housing requirement as the Council does not have a five year housing supply. Whilst the proposal would lead to the loss of an established employment building, the potential loss of jobs is outweighed by the benefits of the scheme.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

## APPENDIX

1 Details of the Application

- 1.1 The application seeks outline planning permission with all matters reserved to construct a maximum of 18 dwellings on land known as Park House, Nottingham Road, Kimberley. Access to the proposed residential development will be via Noel Street which is located to the west of the site.
- 1.2 In support of the application, an indicative layout plan has been submitted indicating how a total of 18 dwellings can be accommodated on the site with adequate gardens and driveways serving the dwellings.

2 Site and surroundings

- 2.1 The application site contains a two storey detached dwelling with an associated driveway and garden land to the south and employment buildings with associated land and car parking area to the north.
- 2.2 To the rear of the properties located on Noel Street there is a Council owned public open space and play park. To the east, the site backs onto a school playing field.
- 2.3 The site is located in close proximity to Kimberley Town Centre and is within walking distance of local shops and public transport facilities.
- 2.4 There is a public right of way along the south west boundary of the site.

3 Relevant Planning History

- 3.1 Planning permission (reference 04/01182/FUL) was refused in 2005 to change the use of Park House from residential to a mixed residential office use. The access was proposed from the driveway/ road leading directly from Nottingham Road rather than from Noel Street. The application was refused due to the impact on the public right of way to the south of the site.

4 Relevant Policies and Guidance4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

- 4.1.1 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 4: Employment Provision and Economic Development
- Policy 8: Housing Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 14: Managing Travel Demand
- Policy 16: Green Infrastructure, Parks and Open Spaces
- Policy 19: Developer Contributions

## 4.2 **Saved Policies of the Broxtowe Local Plan (2004):**

4.2.1 The Part 2 Local Plan is currently under preparation (see paragraph 4.4). Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy H7: Residential Development
- Policy T11: Guidance for Parking Provision
- RC6: Open Space Requirements for New Developments
- RC14: Footpaths, Bridleways and Cycle Routes

## 4.3 **Part 2 Local Plan (Draft)**

4.3.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The representations on the plan included 3 representations in relation to Policy 9, 12 representations in relation to Policy 15 and 11 representations in relation to Policy 17. The Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. Whilst the note requested modifications to Policy 15, the note did not include a request that further modifications be undertaken to Policies 9 and 17. Whilst this is not the inspector's final report, and the examination into the local plan has not been concluded, it does mean Policies 9 and 17 can now be afforded moderate weight.

- Policy 9: Retention of good quality existing employment sites
- Policy 15: Housing Mix and Choice
- Policy 17: Place-making, design and amenity

## 4.4 **National Planning Policy Framework (NPPF) 2019:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.

## 5 Consultations

5.1 **Nottinghamshire County Council Rights of Way Officer:** Raises no objections to the proposal, subject to a standard informative note being added to any permission granted.

5.2 **Nottinghamshire County Council:** Request contributions via a S106 Agreement for education contributions.

5.3 **The County Council as The Highway Authority:** Raise no objections subject to a condition relating to reserved matters.

5.4 **The County Council as Lead Local Flood Authority:** Raise no objections subject to a condition requiring a detailed drainage strategy.

- 5.5 **Cadent Gas:** Recommend an informative note to the applicant advising of the presence of gas apparatus within the application site boundary and for the applicant to contact Cadent Gas prior to building works commencing.
- 5.6 **The Council's Waste and Environment Manager:** Provided information regarding refuse requirements serving the development.
- 5.7 **The Council's Parks and Environment Manager:** Confirmed that full developer contributions would be sought for open space.
- 5.8 **Kimberley School** raise concerns in respect of safeguarding of the pupils and request planting along the rear boundary of the dwellings.
- 5.9 **Kimberley Town Council** has raised objections to the proposal on the grounds of:
- Highway safety;
  - Parking;
  - Damage to vehicles parked on Noel Street;
  - Access for emergency vehicles;
  - The additional houses creating more sewage.
- 5.10 17 properties were consulted on the application along with the posting of four site notices. During the course of the application, 43 letters have been received objecting on the grounds of:
- Loss of parking spaces;
  - Restricted access for refuse lorries/emergency vehicles;
  - Damage of road surface with additional traffic;
  - Damage to cars parked on Noel Street due to additional traffic;
  - Loss of trees;
  - Additional noise;
  - Access restrictions;
  - Traffic generation.

## 6 Assessment

- 6.1 The main issues for consideration are whether the principle of residential development on the land would be acceptable and assess the impact of the loss of existing employment buildings, visual amenity, residential amenity and highway safety. These are discussed in turn as follows:
- 6.2 **Principle of Development and Loss of Existing Employment Buildings**
- 6.2.1 The application site is located to the north east of Nottingham Road, with Park House accessed off Nottingham Road and the existing employment buildings (Axiomatic) accessed via Noel Street. Park House is still in use as a residential dwelling. The business premises are in a poor state of repair and are not considered to be good quality employment premises. The proposal would remove an employment building from a residential area and improve the general area by opening up the site with the adjacent footpath and public open space. Policy 4 of

the Aligned Core Strategy – Employment Provision and Economic Development states that the economy of the area will be strengthened by appropriately managing existing employment sites and allocations to cater for the full range of employment uses by:

- i) Ensuring the allocations most attractive to the employment market remain available for employment uses;
- ii) Retaining good quality existing employment sites (including strategic employment areas) that are an important source of jobs, and sites that support less-skilled jobs in and near deprived areas, or have the potential to provide start up or grow-on space;
- iii) Considering the release of sites that do not meet criteria i and ii.

6.2.2 Whilst the proposal would lead to the loss of an employment site equating to a floor space of 180 square metres, the business could relocate to more purpose built facilities within the Borough, removing an employment building from a predominantly residential area. It should be noted that the existing building could be used for any business within the B1 use class which could result in increased noise and disturbance to residential properties above what is experienced from the existing business operations. The principle of development along with the loss of the employment building is considered acceptable, subject to the consideration of other material planning considerations.

### 6.3 Visual Amenity

6.3.1 Policy 8 of the Aligned Core Strategy 'Housing Mix and Choice' sets out the approach to ensuring that new housing development includes an appropriate mix of housing types, sizes and tenures. Local Plan Policy H7 'Land not allocated for housing purposes' states that small scale residential development within existing built-up areas will be permitted providing the residents of the new dwellings would have a satisfactory degree of privacy and amenity, that satisfactory arrangements can be made for access and parking and that the development would not result in an undesirable change in the character or appearance of the area. The development should not prejudice the potential for future development of a larger area and the development should not have an unacceptable effect on the privacy and amenity of the occupiers of nearby properties.

6.3.2 Whilst only indicative, the submitted site plan indicates the provision of 18 dwellings on the land in the form of four detached dwellings and 14 semi-detached dwellings set in a row backing onto the rear school playing field. The dwellings are set within large plots with adequate gardens to the front and rear and driveways to the front. No alterations are proposed to the existing public footpath which is situated between the application site and the adjacent public open space. Details of the design of the dwellings would be submitted as part of a reserved matters application, however it is considered that the site can form its own character in respect of two storey or single storey dwellings rather than having to replicate the terraced style of the surrounding properties.

6.3.3 The site is considered to be of an adequate size to accommodate a residential development, however appearance, scale and layout will be carefully considered at the reserved matters stage.

## 6.4 Residential Amenity

- 6.4.1 An indicative site plan has been submitted with the application which indicates the rear garden sizes to vary between 3m to 15m in depth. However, it is considered the plots with smaller rear garden spaces could be positioned within the site to have smaller front garden areas and longer rear gardens and the driveways could be repositioned to be located to the side of the properties. A close boarded timber fence or screening in the form of trees or a hedgerow could be provided as part of the landscaping scheme along the rear boundary of the dwellings with the school to alleviate the concerns of the school in respect of safeguarding issues. The design of the dwellings and positioning of the windows will be carefully assessed at the reserved matters stage to prevent overlooking or overshadowing of the neighbouring properties.
- 6.4.2 Concerns have been raised by local residents in respect of additional noise from construction traffic and dust and the additional noise and disruption a further 18 dwellings would bring to the area. It should be noted that there is an existing employment use situated within the buildings to the top of Noel Street which is operated as a B1C Business use (graphic printers), which employs a total of 20 staff, with regular visitors etc on a daily basis. With regards to additional cars, the proposed residential development would generate a degree of traffic, but not to the extent that it would be considered unacceptably detrimental to the area.

## 6.5 Highway Safety

- 6.5.1 Whilst access is reserved for future consideration, it is important to ascertain what access arrangements could work for this site. On-street parking does exist along Noel Street due to its terraced nature which restricts the carriageway to a single lane width. The initial indicative plan submitted with the application indicated the provision of 18 dwellings along with 11 private parking spaces along Parkview Close (new road) and 15 private parking spaces for residents of Noel Street. In addition a turning circle/roundabout was proposed to the top of Noel Street and adjacent the entrance into the site.
- 6.5.2 The Highway Authority originally commented that the turning circle/roundabout was not appropriate in its location and had no benefit. In addition, the Council's Waste and Environments manager also commented that the current collection service entails the collection vehicle to reverse up Noel Street due to there being nowhere to safely manoeuvre the vehicle to turn it due to parked cars. Were the development to be approved with the turning circle, concerns were raised as to whether the vehicle could drive up Noel Street and safely drive into the new road, and reversing up and over the turning circle would also be a concern and not acceptable. The additional on street parking spaces were deemed to be unacceptable as they could not be allocated to individual residents of Noel Street due to the spaces being within the public highway.
- 6.5.3 To overcome the above mentioned issues, the turning circle/roundabout and the additional parking spaces have now been removed from the application. Each plot is indicated on the amended indicative plan to have a minimum of two car parking spaces. In addition, the access to the new road serving the development has

been widened which would allow the refuse vehicles to drive forward along Noel Street and turn into the site and reverse out to drive forward down Noel Street, which would improve the current situation. The Highway Authority raise no objections to the proposal subject to a condition relating to the reserved matters and the design of the proposed development being in accordance with the 6 C's design guide.

6.5.4 In addition to the above, bollards have been introduced to the end of the proposed new road to prevent through traffic from rat running towards Nottingham Road by restricting access/egress for vehicles. This would not obstruct pedestrians on the adjacent public footpath which bounds the site and railings would be provided along the boundary of the footpath to delineate from the adjacent public highway. It is considered there are no highway safety issues that would justify the refusal of planning permission.

## 7 Developer Contributions

7.1 The application constitutes a major scheme and Policy 19 from the Aligned Core Strategy requires that a planning obligation is sought from the developer. In line with the NPPF any planning obligation should meet the tests of being necessary in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

7.2 Full open space contributions of £25,159.90 have been requested for the provision of capital and maintenance contributions at the nearby Stag Recreation Ground.

7.3 Nottinghamshire County Council have requested £54,624 towards the reconfiguration of classrooms to allow the provision of 4 additional key stage 1 places at Larkfields Infant School and £53,259 towards secondary school provision at Kimberley School to allow the delivery of 3 additional places.

7.4 It is considered that these requests are in accordance with the Community Infrastructure Levy (CIL) Regulations 2010 as they are necessary to make the development acceptable in planning terms; are directly related to the development; and fairly and reasonably related in scale and kind to the development.

## 8 Planning Balance

8.1 The benefits of the proposal are that the proposed residential development would see the redevelopment of an existing brownfield site, remove an un-neighbourly employment use from a predominantly residential area, assimilate the site into the immediate area by opening up a site currently enclosed by overgrown conifers, provided wider views of the adjacent school playing fields and public open space and assist in meeting the Borough's overall housing requirement as the Council does not have a five year housing supply. Whilst residents have raised concerns in respect of additional traffic along Noel Street, it is considered the proposal will not give rise to any additional traffic over and above the traffic associated with the existing employment building and there are no objections from the Highways Authority.

9 Conclusion

- 9.1 Having regard to the surrounding character of the area and the sites location in close proximity to Kimberley Town Centre, it is considered that the layout would not result in an unacceptable impact upon the character or visual amenity of the area, residential amenity for existing neighbouring properties and future occupiers of the dwellings and there are no highway safety issues that would justify the refusal of planning permission.
- 9.2 Having regard to all material considerations, the proposed development is required to assist in meeting the borough's overall housing requirement as the Council does not have a five year housing land supply. As the site is located in the urban area of Kimberley, this carries significant weight as the location is sustainable. Therefore, the proposal is considered to be in accordance with the relevant local and national policy guidance and there are no material considerations which would warrant a decision being taken at variance to this. It is recommended that the application be approved subject to conditions and the signing of a S106 agreement to secure education contributions and monies towards improving existing public open space.

**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) Prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and;**

**(ii) the following conditions:**

**1. 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**

***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.***

**2. 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.**

***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.***

**3. The outline permission relates to the 1: 1250 Site Location Plan received by the Local Planning Authority on 16 April 2018.**



- Reason: For the avoidance of doubt.*
4. No development shall commence until detailed drawings and particulars showing the following shall be submitted to and approved by the Local Planning Authority:
- (a) Access;
  - (b) Appearance;
  - (c) Landscaping;
  - (d) Layout;
  - (e) Scale
- Reason: The application was submitted in outline only and development cannot proceed 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.*
5. No development shall commence until details of the parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters) have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- Reason: In the interests of highway safety.*
6. No above ground works shall be carried out until a detailed surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme submitted shall include:
- a) The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to approval of Severn Trent Water;
  - b) Justification should be provided for the use or not of infiltration, including results of soakaway testing, in accordance with BRE 365;
  - c) For greenfield areas, the maximum discharge should be the greenfield run-off rate per hectare (Qbar);
  - d) For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change;
  - e) The site drainage system should cater for all rainfall events up to a 100 year +30% climate change allowance level of severity;
  - f) The underground drainage system should be designed to not

surcharge in a 1 year storm, not to flood in a 30 year storm;

- g) For all exceedance to be contained within the site boundary without flooding new properties in a 100year+30% storm;
- h) Any attenuation storage to be adequate for the surface water produced by the site, up to 100year+30% event;
- i) All major planning applications wherever possible should demonstrate the use of SUDS as part of their development;
- j) Details of who will maintain or adopt all drainage features will be required prior to construction.

*Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere and in accordance with Policy 1 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 applicant throughout the course of the application.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848 Further information is also available on the Coal Authority website at:  
[www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)
3. Notice will be served on the developer to purchase the first time provision of bins. The residents will need to place bins at the curtilage of the property for collection. For more information please contact Paul Wolverson on 0115 9173189 or email  
[recycling@broxtowe.gov.uk](mailto:recycling@broxtowe.gov.uk)
4. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

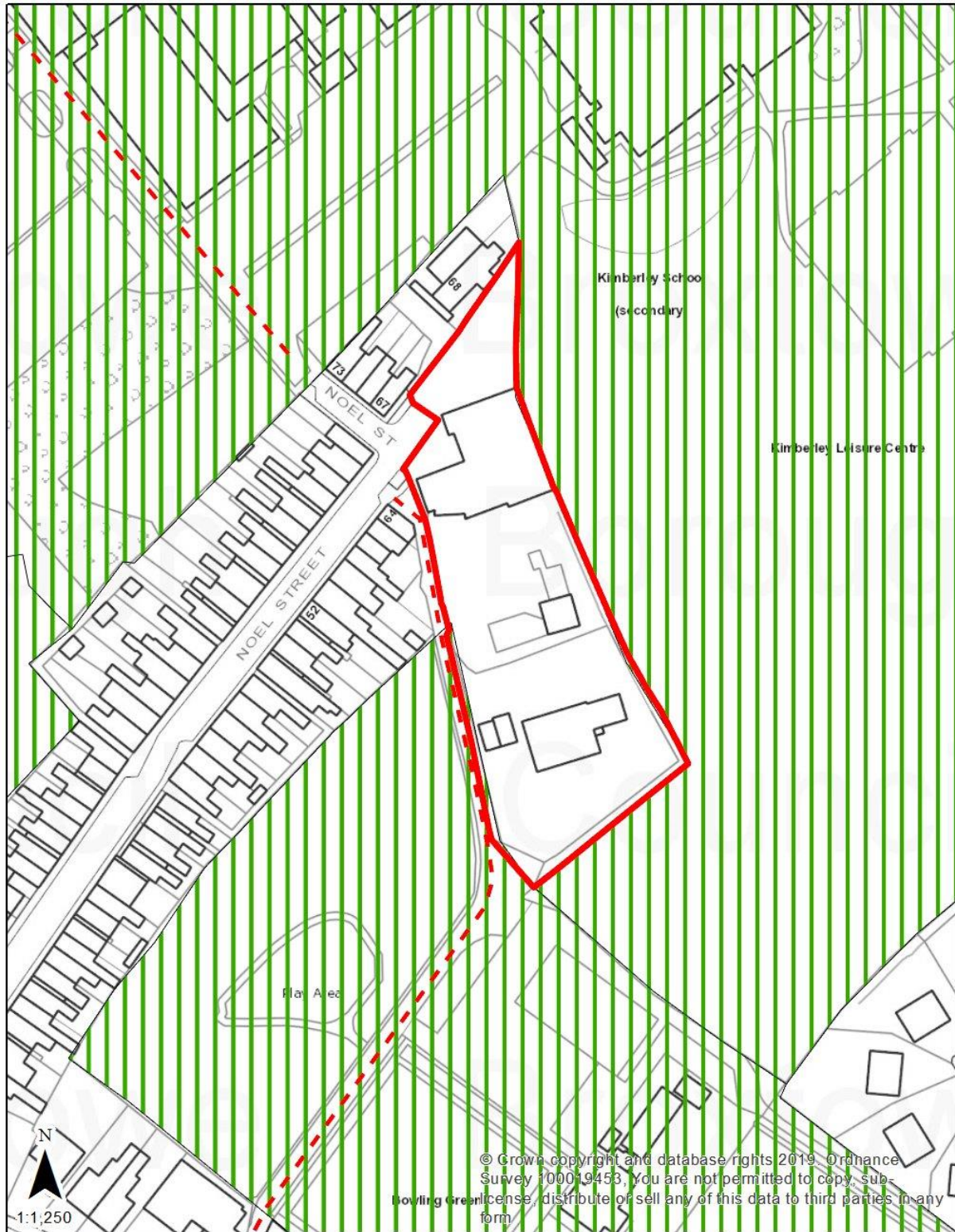
The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively

to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any works commence on site. Correspondence with the Highway Authority should be addressed to [hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk)

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such undertake every effort to prevent it occurring.

5. The applicant/developer is advised that no vehicular access via Nottingham Road will be allowed.
6. The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the right of way or materials unloaded or stored on the right of way so as to obstruct the path.
7. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified areas, the developers should contact Plant Protection before any works area carried out to ensure the apparatus is not affected by any of the proposed works. [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Telephone: 0800 688588
8. There is an associated S106 legal agreement with this development, and this decision should be read contemporaneously with such.



**Legend**



Site



Existing open spaces

**Public Rights of Way**



Byway open to all traffic



Bridleway



Footpath

**Photographs**

View of Park House



View of existing employment building.



Existing footpath entrance/exit from Noel Street.



Existing footpath entrance/exit from outside Park House.



View looking down Noel Street.



Access driveway off Nottingham Road.



Rear boundary with adjacent Kimberley School.



View of employment building from within Noel Street.



**Plans (not to scale)**

