



31 January 2017

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday 8 February 2017 in the New Council Chamber, Town Hall, Beeston at 7:00pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer or a member of his team at your earliest convenience.

Yours faithfully

Chief Executive

To: Councillors D Bagshaw A Harper  
L A Ball BEM (Vice Chair) R D MacRae  
J S Briggs G Marshall  
T P Brindley J K Marsters  
M Brown P J Owen  
M Handley (Chair) R S Robinson

## AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest, in any item on the agenda.

3. MINUTES

PAGES 1 - 8

The Committee is asked to confirm as a correct record the minutes of the meeting held on 11 January 2017.

4. NOTIFICATION OF LOBBYING

5. TREE PRESERVATION ORDER
- 5.1 Tree Preservation Order: PAGES 9 - 11  
Bramcote Hills Golf Course TPO/BRA/21
6. DEVELOPMENT CONTROL
- 6.1 16/00467/FUL PAGES 12 - 51  
Erection of 40 dwellings (following demolition of buildings and other associated structures) with associated vehicle access, car parking and landscaping.  
Change of use of St John's School of Mission from residential institution (class C2) to non-residential institution (class D1)  
16/00468/LBC  
Listed building consent to renovate and refurbish the academic block and demolish buildings and other associated structures  
St John's College, Peache Way, Bramcote NG9 3DX
- 6.2 16/00646/FUL PAGES 52 - 69  
Construct 17 dwellings, access road and associated landscaping including demolition of the Victory Club  
Eastwood and District Victory Club, Walker Street, Eastwood NG16 3EN
- 6.3 16/00716/FUL PAGES 70 - 74  
Change of use to offices (Class B1)  
The Chapel, Cemetery Walk, Eastwood, Nottinghamshire NG16 3JU
- 6.4 15/00104/ENF PAGES 75 - 77  
Consideration of enforcement action for unauthorised erection of outbuilding  
37 Edward Street, Stapleford NG9 8FH
7. INFORMATION ITEM
- 7.1 Delegated Decisions PAGES 78 - 85

# PLANNING COMMITTEE

11 JANUARY 2017

Present: Councillor M Handley, Chair

|                        |                       |
|------------------------|-----------------------|
| Councillors: D Bagshaw | L A Ball BEM          |
| J S Briggs             | T P Brindley          |
| M Brown                | M J Crow (substitute) |
| A Harper               | R D MacRae            |
| G Marshall             | J K Marsters          |
| P J Owen               | M Radulovic MBE       |
| R S Robinson           |                       |

## 39. DECLARATIONS OF INTEREST

Councillor R D MacRae declared a non-pecuniary interest in agenda item 5.1 since he was a patient of the applicant, minute no. 42.1 refers. Councillor L A Ball BEM declared a non-pecuniary interest in agenda item 5.3 since she was acquainted with a relative of one of the interested parties, minute no. 42.3 refers.

## 40. MINUTES

The minutes of the meeting held on 7 December 2016 were confirmed and signed.

## 41. NOTIFICATION OF LOBBYING

The Committee received notifications of lobbying in respect of the planning applications subject to consideration at the meeting.

## 42. DEVELOPMENT CONTROL

### 42.1 16/00781/FUL

Installation of air handling equipment on the flat roof to the rear of the building Hickings Lane Medical Centre, 120 Ryecroft Street, Stapleford NG9 8PN

The application, as detailed above, had been brought before the Committee since the applicant is a Borough Councillor. There were no late items submitted in respect of this application.

The applicant, Councillor John Doddy, addressed the Committee prior to the general debate.

**RESOLVED** that planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of the permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Proposed Elevations received by the Local Planning Authority on 06 December 2016.**
- 3. Within one month of the date of this decision notice, a noise report shall be submitted to the Local Planning Authority for approval in writing. The report shall be prepared in accordance with provisions of the current BS4142 to predict noise levels at the nearest residential boundary/nearest residential façade. Predictions shall be contained in a report which sets out: a large scale plan of the proposed development; noise sources and measurement/prediction points marked on plan; a list of noise sources; a list of assumed noise emission levels; details of noise mitigation measures; description of noise calculation procedures; noise levels at a representative sample of noise sensitive locations and a comparison of noise level with appropriate criteria. Where criteria are exceeded at any location the applicant should explain why that excess is immaterial or what further mitigation (including a timetable for provision) will be undertaken to ensure that criteria will be met. Any mitigation measures shall be installed in accordance with the agreed details and retained/maintained in the agreed form for the lifetime of the development**

### **Reasons**

- 1. To comply with S91 of the Town and Country Planning Act 1990.**
- 2. For the avoidance of doubt.**
- 3. To protect nearby residents from excessive noise and in accordance with Policy E34 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).**

### **Notes to Applicant**

- 1. The Council has acted positively and proactively in the determination of the application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by working to determine this application within the eight week determination timescale.**
- 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 01623 646 333.

Further information is also available on The Coal Authority website at [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service at [www.groundstability.com](http://www.groundstability.com)

Councillor J A Doddy left the chamber when he had concluded his speech as Applicant.

42.2 16/00674/FUL  
Construct single/two storey rear extension  
108 Marlborough Road, Beeston NG9 2HN

The application, as outlined above, had been called in to Committee by Councillor S J Carr for determination. There were no late items in respect of the application.

Mr Lee Elliott (objecting), Mr Ayub (applicant) and Councillor S J Carr (ward member) addressed the Committee prior to the general debate.

**RESOLVED that planning permission be granted subject to the following conditions:**

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Ordnance Survey Plan (1:1250), Proposed Block Plan (1:200) and Proposed First Floor Plan received by the Local Planning Authority on 26 September, Proposed Elevations and Proposed Ground Floor Plan received by the Local Planning Authority on 30 September 2016 and Proposed Roof Plan received by the Local Planning Authority on 25 October 2016.**
- 3. The extension shall be constructed using materials of a type, texture and colour so as to match those of the existing building.**

**Reasons**

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**

3. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

#### **Notes to Applicant**

1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by working to determine this application within the eight week determination timescale.
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 01623 646 333.

Further information is also available on The Coal Authority website at [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service at [www.groundstability.com](http://www.groundstability.com)

#### 42.3 16/00604/FUL

Construct single storey side and rear extension, raise roof height, including dormers and external alterations

5 Brown's Flats, Kimberley NG16 3DZ

The application, as outlined above, had been brought to Committee at the request of the Chief Executive. The application had been processed by officers at Erewash Borough Council and there were no late items in respect of the application.

Mr Robin Wilde (objecting) and Ms Rachel Slater (applicant) addressed the Committee prior to the general debate.

**RESOLVED** that planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the Proposed Floor Plans, Elevations, Site Block Plan and OS Plan, Project no. 363, drawing no. 002 Rev E received by the Local Planning Authority on 23 September 2016.

3. The development shall not commence until details and samples of the proposed materials to be used in the external construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
4. No part of the development hereby approved shall be commenced until details of appropriate gas protection measures have been submitted to and approved in writing by the Local Planning Authority No building to be completed pursuant to this permission shall be occupied or brought into use until:
  - (i) All appropriate measures have been completed in accordance with detail approved in writing by the Local Planning Authority; and
  - (ii) It has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures have been implemented in full.

#### **Reasons**

1. 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. For the avoidance of doubt.
3. No such details were submitted, in the interests of the appearance of the development and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Draft Aligned Core Strategy. The requirement is to be satisfied before new construction begins in order that potentially abortive works is avoided, if unacceptable materials are used.
4. In the interest of public health and safety.

#### **Notes to Applicant**

1. There were no problems for which the Local Planning Authority had to seek a solution in relation to this application.
2. This permission conveys no consent for an extension of the property's residential curtilage.

42.4 16/00777/FUL

Retain change of use from residential (class C3) to a mixed use as residential and use of existing outbuilding as micro brewery (including retention of flue)

7 Lime Grove, Stapleford NG9 7GF

The application, as outlined above, had been called in to Committee by Councillor R D MacRae for determination.

The Committee was referred to the summary of late items which included three emails from an objector to the development.

Mr Peter Roddis (objecting), Mr Nettleton (applicant) and Councillor R H Darby (ward member) addressed the Committee prior to the general debate.

Members debated the item and the following comments were noted:

- The activities on the site were likely to generate traffic in a residential area.
- Residents had commented that the activities had caused problems.
- If permission was granted there would be no control over output and vehicular movement and people were entitled to peace and quiet in a residential area.
- Members recalled a similar application in another area of the Borough which had been refused.

**RESOLVED that permission be refused on the grounds of adverse impact on the amenity of neighbours and enforcement action be taken for the cessation of the activities with the precise wording of refusal to be delegated to the Head of Neighbourhoods and Prosperity in conjunction with the Chair of the Planning Committee.**

42.5 16/00732/ROC

Removal of condition 3 of planning permission 15/00285/FUL to allow for the retail store to be open prior to the practical completion of all of the dwellings on the site

Pinfold Trading Estate and Nags Head, Nottingham Road,  
Stapleford NG9 6AD

The application, as outlined above, had been brought to Committee since the applicants sought removal of a condition resolved at Planning Committee on 13 January 2016 that the retail store approved should not be open to customers until practical completion of all residential dwellings on the site. The primary reason for the imposition of the condition was to ensure the deliverability of the housing element of the site.

The Committee was referred to the summary of late items which comprised three letters supporting the proposal.



Ms Elaine Dunham (supporting) and Mr Mark Taylor (applicant) addressed the Committee prior to the general debate.

The Committee debated the application and the following comments were noted:

- In January 2016 the Committee had acceded to residents' desire for a discount supermarket on the site. The decision to grant permission for the construction of a retail supermarket and ten houses, (as opposed to 50 houses only) on the condition that the ten houses be constructed prior to construction of the supermarket in order to guarantee housing deliverability, was considered to have been an ideal compromise.
- The applicant should be encouraged to go into partnership with a house builder to ensure deliverability of the housing element.
- Relaxation of Condition 3 would not guarantee that Aldi would build the store expediently.
- The frustration of local residents at the lack of progress was noted.

**RESOLVED that insufficient justification had been submitted to warrant the removal of the condition. There is a need for housing in sustainable locations in the Borough and if the condition was removed, it would render uncertain the provision of the ten dwellings. Accordingly, the proposal is contrary to Policy 2 of the Aligned Core Strategy, Policy H7 of the Broxtowe Local Plan and paragraph 47 of the NPPF and there are no other considerations that outweigh this harm, such as would justify treating this proposal as an exception.**

#### **Note to Applicant**

**The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by allowing the application to be decided at Planning Committee to ensure that the decision is made clearly and transparently.**

#### 43. **INFORMATION ITEMS**

##### 43.1 **Report on Proposed Government Changes to the Local Criteria for Designation of Local Planning Authorities**

The Committee noted the proposed changes to the designation criteria which would come into effect from April 2017. The matter was due for further discussion at a future meeting of the Jobs and Economy Committee.

**RESOLVED that the appeal statistics be reported to the Committee.**

#### 43.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 10 November and 6 December 2016.

Report of the Deputy Chief Executive

**TREE PRESERVATION ORDER: BRAMCOTE HILLS GOLF COURSE  
TPO/BRA/21**

1. Purpose of report

To seek an adjustment of the TPO/BRA/21 from an area TPO to individual TPOs.

2. Background

In December 2014 the Tree Officer applied for an emergency TPO to protect trees located at Bramcote Hills Golf Course from the threat of development. The TPO was applied as an area TPO which covered every tree on the site.

3. Appraisal

As an area TPO it is good practice to reassess the quality and significance of the trees that are covered and readjust the TPO to cover only the trees of special merit.

The Tree Officer has revisited the site and would now seek to remove the area TPO and seek individual protection for the trees listed below.

The code numbers for the trees as listed by the developers' Arboricultural Consultants (FPCR) are used for clarity and the Council's code numbers for future use on the TPO are included in brackets.

- T3 (T1) Ash (*Fraxinus excelsior*)
- T5 (T2) Scots Pine (*Pinus sylvestris*)
- T6 (T3) English Oak (*Quercus robur*)
- T8 (T4) Ash (*Fraxinus excelsior*)
- T10 (T5) English Oak (*Quercus robur*)
- T12 (T6) Austrian Pine (*Pinus nigra*)
- T13 (T7) English Oak (*Quercus robur*)
- T17 (T8) English Oak (*Quercus robur*)
- T21 (T9) English Oak (*Quercus robur*)

TG5 (G1) A group consisting of various species consisting of:

- English Oak (*Quercus robur*)
- Hawthorne (*Crataegus monogyna*)
- Silver Birch (*Betula pendula*)
- Sycamore (*Acer pseudoplatanus*)
- Wild Cherry (*Prunus avium*)
- Holly (*Ilex aquafolium*)
- Rowan (*Sorbus aucuparia*)

TG21 (G2) a group of 4 Scots Pines (Pinus sylvestris)

4. Conclusion

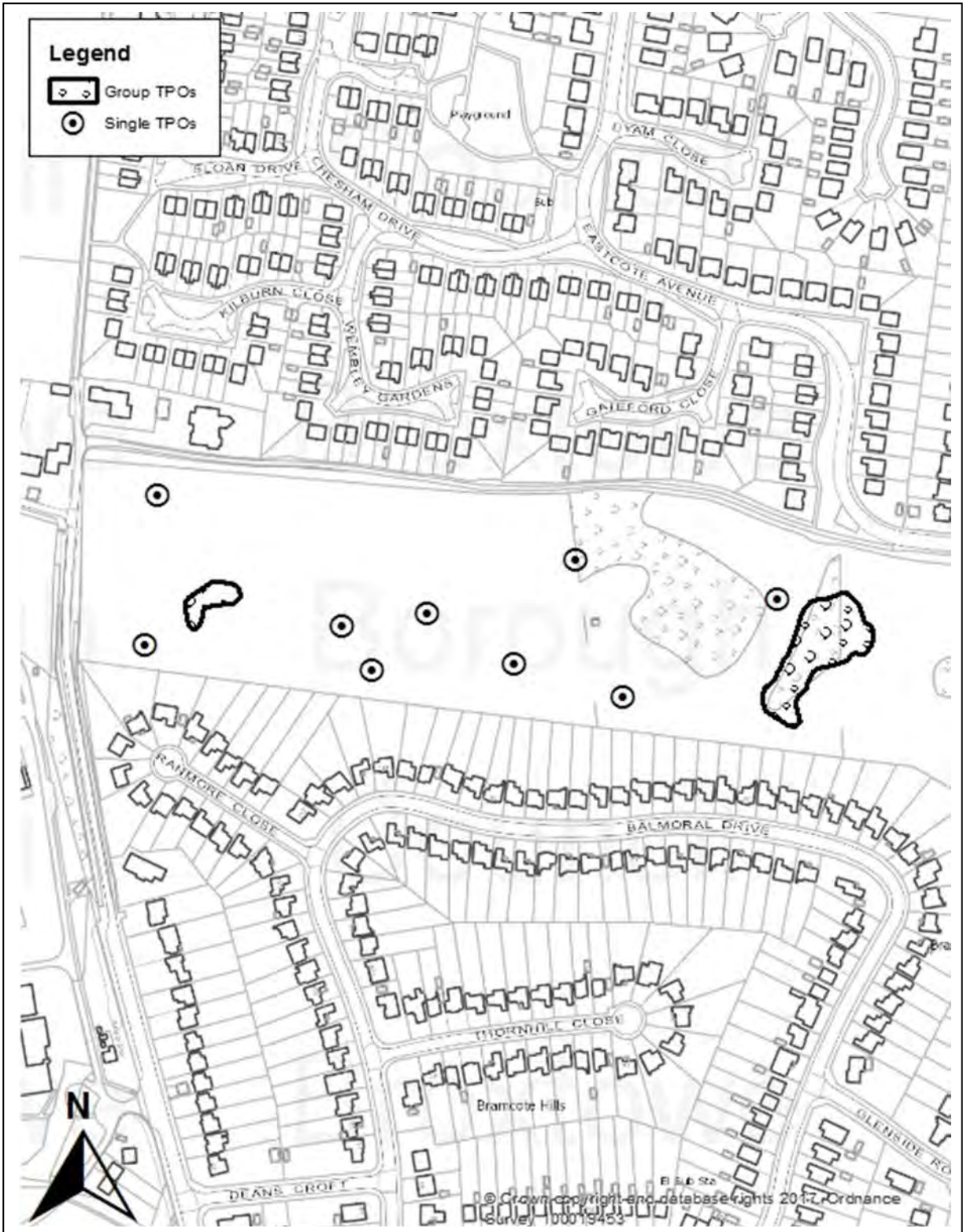
As per best practice the area TPO/BRA/21 should be upgraded to the individual and group protection order as listed above to reflect and protect the better quality tree stock on site.

**Recommendation**

**The Committee is asked to RESOLVE that the area TPO is upgraded to individual TPOs keeping the same TPO title of Bramcote Hills Golf Course TPO/BRA/21 to only protect the better quality/amenity value trees on site.**

Background papers

Nil



**Bramcote Hills Golf Course**  
 Tree Preservation order

Planning Committee 8 February 2017 Scale: 1: 3,000

**Directorate of Legal and Planning Services**

## Report of the Director of Legal and Planning Services

**16/00467/FUL****ERECTION OF 40 DWELLINGS (FOLLOWING DEMOLITION OF BUILDINGS AND OTHER ASSOCIATED STRUCTURES) WITH ASSOCIATED VEHICLE ACCESS, CAR PARKING AND LANDSCAPING****CHANGE OF USE OF ST JOHN'S SCHOOL OF MISSION FROM RESIDENTIAL INSTITUTION (CLASS C2) TO NON-RESIDENTIAL INSTITUTION (CLASS D1)****AND****16/00468/LBC****LISTED BUILDING CONSENT TO RENOVATE AND REFURBISH THE ACADEMIC BLOCK AND DEMOLISH BUILDINGS AND OTHER ASSOCIATED STRUCTURES  
ST JOHN'S COLLEGE, PEACHE WAY, BRAMCOTE NG9 3DX**

Due to the objections from Historic England and Sport England it is appropriate for the planning application and listed building consent to be determined by the Planning Committee.

1 Details of the applications

- 1.1 The planning application seeks permission for a mixed use development which includes 40 residential units following the demolition of selected existing buildings; external alterations to the Academic Block including the demolition of a small building attached to the north east elevation; the creation of a new access from Chilwell Lane linking through the site to Peache Way; and various forms of landscaping, including the removal of existing trees, throughout the site. A change of use is also proposed for the retained college buildings. The change of use from residential institution (Class C2) to non-residential institution (Class D1) reflects the change in how teaching is provided on the site. Whilst historically the college has been a residential based institution, it is in the process of transforming into a non-residential part time and contextual training centre.
- 1.2 In addition to planning permission, listed building consent is required in respect of making external alterations to The Grove (a Grade II listed building), including the removal of the walkway and associated wall to the north of the building; making external alterations to the Academic Block; repairs to listed curtilage structures (boundary walls and the remains of an orangery) and the demolition of buildings within the curtilage of The Grove.
- 1.3 The buildings to be demolished include the nursery and the two student residential buildings (Northwood and Peache Way flats). The nursery and Northwood are attached to the walkway which connects to The Grove. As part of

the planning application it is also proposed to demolish the existing houses and garages in the north east corner of the site.

1.4 The residential units (all three storey) would comprise the following:

- 15 apartments (mix of two and three bedrooms) arranged in three blocks to the north east of The Grove.
- 25 houses along the north east and south west boundaries of the site comprising:
  - 7 x 3 bedroom houses
  - 6 x 4 bedroom house
  - 12 x 5 bedroom houses

1.5 It is proposed that the open space to the south east of The Grove will be open to the public for use.

1.6 In addition to drawings showing the proposed site layout, proposed elevation drawings, proposed floorplans, demolition and restoration details for The Grove, and existing and proposed viewpoints, the following supporting documents were submitted with the application:

- Archaeological Assessment
- Bat Survey (Dusk Emergence Survey and Preliminary Bat Roost Assessment)
- Design and Access Statement
- Ecological Assessment
- Flood Risk Assessment and Drainage Strategy
- Heritage Impact Assessment
- Landscape Masterplan
- Phase 1 Environmental Assessment
- Planning Statement
- Statement of Community and Stakeholder Engagement
- Transport Statement
- Tree Survey and Tree Protection Plan
- Visual Impact Assessment.

1.7 Amended plans were submitted in December 2016, and all those who had previously been consulted or who had commented were consulted again. The main amendments to the original proposals were:

- Alteration to the three bedroom house type to include an obscurely glazed screen on the rear elevation of the second floor balcony area.
- Revisions to elevations for the academic block including the proposed materials, window and door details; signage and rainwater goods.
- Minor revisions to the road layout and position of the dwellings.

1.8 Additional supporting information was also submitted which included an updated tree survey, further details for the renovation and alterations to The Grove and an updated Visual Impact Assessment.

2 Site and surroundings

2.1 The site lies to the south east of Peache Way within the Bramcote Conservation Area. The application site comprises the land and buildings encompassing St John's School of Mission ('the college'), an Anglican theological college training men and women for Christian ministry and service. The site has an area of 3.7 ha.



Image 1: South east elevation of The Grove



Image 2: View towards The Grove from the south east



Image 3: View from Peache Way of the north west elevation



Image 4: The Academic Block viewed from the car park



Image 5: Existing houses in north east corner of the site



Image 6: Existing college residential accommodation



- 2.2 Historical records indicate that The Grove, a Grade II listed building, was constructed in 1810. Originally the building was a country house, with a driveway approach to the north west, formalised gardens surrounding the house and an area of parkland to the south east. A 'ha-ha' wall, which is still in place, acted as a separation buffer between the more formal gardens immediately to the south east of The Grove and the less formal parkland space which extends to the south east and sits on lower ground. The Grove is now used for office and meeting space by the college.
- 2.3 The college has been operating on the site since the early 1970s. Between 1969 and 1971, the majority of the academic and residential buildings were constructed including the Academic Block, which is a two storey building accommodating teaching rooms, a chapel, library and dining facilities; Northwood, a three storey accommodation block containing 43 student rooms; Peache Way Flats, a part three/part four storey accommodation block containing 14 flats previously used to accommodate students; a terrace of seven houses and associated garage block and a nursery. Other buildings and structures on the site to note are the car park along the south west boundary, the tennis courts in the south west corner (no longer in use), and the remains of an orangery along the north boundary of the site.
- 2.4 The trees also form a key part of the site with individual and group Tree Preservation Orders within the site. The south western, south eastern and north eastern boundaries of the site consist of dense foliage and mature trees. There are also various trees, areas of grassed amenity space containing footpaths and areas of formal and less formal planting to the south east of The Grove. The 'ha-ha' wall still acts as a separation buffer between the more formal gardens immediately to the south east of The Grove and the less formal parkland space which extends to the south east. This space is currently a grassed area and has previously been used as outdoor recreational space by the college.
- 2.5 The site generally slopes down to the south east although parts of the site are terraced including the raised car park area accessed from Chilwell Lane.
- 2.6 The site is bounded to the south east by the Alderman White School. To the north east of the site there is residential development (The Chancery). To the north west there is residential development accessed from Peache Way which is a public bridleway and an unadopted road. Beyond the south west boundary of the site there is Chilwell Lane with open fields (Green Belt) beyond.
- 2.7 The north west part of the site, in which the majority of the existing buildings are situated, lies within the buffer of the Green Infrastructure corridor 'Bramcote Corridor and Boundary Brook'. The south east part of the site, beyond the ha-ha wall, is designated as a Protected Open Area and an Existing Open Space by virtue of Saved Policies of the Broxtowe Local Plan (2004).

3 Relevant planning history

- 3.1 Between 1977 and 1983, various planning permissions were granted for buildings associated with the college including permission to construct the Academic Block and residential buildings.
- 3.2 Planning permission and listed building consent was granted in 2010 to construct an extension to provide space for the nursery (10/00395/FUL and 10/00396/LBC). These works have been completed and the nursery is still operational on the site.
- 3.3 In 2012, planning permission was granted for a learning resource centre and main reception to the north of The Grove (12/00232/FUL and 12/00234/LBC). This planning permission was not implemented.
- 3.4 In 2014, planning permission was granted to change the use of 1 to 6 Peache Way from a residential institution use (Class C2) to a residential dwellinghouse use (Class C3) (14/00359/FUL). Planning permission was also granted to change the use of 7 Peache Way to a dwellinghouse and to construct an extension to provide an additional residential dwelling. Whilst the changes of use have been implemented, the extension and creation of the additional dwelling have not taken place.

4 Policy context

4.1 National policy

- 4.1.1 The National Planning Policy Framework (NPPF) March 2012, contains a general presumption in favour of sustainable development whereby planning permission should be granted for proposals that accord with the development plan without delay. Paragraph 14 states that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of permitting the development significantly and demonstrably outweigh the benefits, or specific policies in the framework indicate development should be restricted. Specific policies can include policies relating to designated heritage assets.
- 4.1.2 The NPPF outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, high quality design and a good standard of amenity for existing and future occupants should be secured, full account should be taken of flood risk, the natural environment should be conserved and enhanced and developments should be located in sustainable locations. The document outlines that the government's key housing objective is to increase significantly the delivery of new homes and states that there should be a wide choice of high quality homes within safe and accessible environments. Applicants are encouraged to work with the local community to achieve this aim.
- 4.1.3 Paragraph 49 states if a local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing will not be considered to be up-to-date.

- 4.1.4 In relation to assessing the highway impacts of a proposal, paragraph 32 states that development should only be refused on transport grounds where the residual cumulative impacts are severe.
- 4.1.5 Section 7 states that good design is a key aspect of sustainable development. Paragraph 58 states that planning decisions should aim to ensure that developments create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments); respond to local character and history while not preventing or discouraging appropriate innovation; and are visually attractive as a result of good architecture and appropriate landscaping.
- 4.1.6 Paragraph 74 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has shown it is not needed, that equivalent or better provision is to be made by the development or that the development is for alternative sports/recreational provision.
- 4.1.7 Paragraph 109 advises that impacts on biodiversity should be minimised and that, if significant harm cannot be avoided, adequately mitigated or, as a last resort, compensated for, planning permission should be refused.
- 4.1.8 Section 12 of the NPPF relates to conservation of the historic environment. Paragraph 131 states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.1.9 Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.
- 4.1.10 Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or that each of the four tests set out in the paragraph are met.
- 4.1.11 Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.1.12 Paragraphs 203 – 206 advise on planning obligations and state that obligations should only be required when they are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. In addition, paragraph 205 of the NPPF advises that, where seeking obligations, local authorities need to take into account changes in market conditions over time and be flexible so as to prevent development stalling on such matters.

## 4.2 Broxtowe Aligned Core Strategy

4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014 and the overall strategy of this document is ‘urban concentration with regeneration’.

4.2.2 ‘Policy A: Presumption in Favour of Sustainable Development’ reflects the presumption in favour of sustainable development contained in the NPPF. It states the Council will work proactively with applicants to approve proposals wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

4.2.3 ‘Policy 1: Climate Change’ sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings. The policy sets out the approach to renewable energy, flood risk and sustainable drainage. It replicates the approach to development in flood zones outlined in the NPPF and seeks the inclusion of Sustainable Urban Drainage systems within new development where viable and technically feasible.

4.2.4 ‘Policy 2: The Spatial Strategy’ sets the overarching strategy for how growth in Greater Nottingham will be accommodated and distributed. It sets the required number of homes for Greater Nottingham (GN) between 2011 and 2028 (6,150 in the Broxtowe Borough part of GN, of which 3,800 are in or adjoining the existing built up area of Nottingham) and outlines a settlement hierarchy.

4.2.5 ‘Policy 8: Housing Mix and Choice’ sets out the approach to ensuring that new housing development includes an appropriate mix of housing types, sizes and tenures. It sets out the approach to affordable housing and establishes a 30% target for Broxtowe Borough.

4.2.6 ‘Policy 10: Design and Enhancing Local Identity’ sets design and layout principles to be applied to new development and looks to ensure that valued local characteristics are reinforced.

4.2.7 ‘Policy 11: Historic Environment’ sets out that proposals will be supported where the historic environment and heritage assets including their settings are conserved and/or enhanced in line with their interest and significance.

4.2.8 ‘Policy 16: Green Infrastructure, Parks and Open Spaces’ sets out a strategic approach to the provision of new Green Infrastructure. It states that existing Green Infrastructure corridors will be protected and enhanced. Criteria for

development impacting on existing open space are provided. Landscape Character should be protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment.

4.2.9 'Policy 17: Biodiversity' sets out the approach to biodiversity and how development affecting biodiversity assets should be considered. It states that designated sites will be protected in line with the hierarchy of designations.

4.2.10 'Policy 18: Infrastructure' seeks to ensure new development is provided with the necessary infrastructure.

4.2.11 'Policy 19: Developer Contributions' confirms the current use of Section 106 Agreements.

#### 4.3 Saved policies of the Broxtowe Local Plan

4.3.1 As the Core Strategy contains broad policies, a Development Management Policies Document is currently being prepared. In the meantime, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:

4.3.2 Policy E12: Development will not be permitted which would detract from the character or function of protected open areas.

4.3.3 Policy E24: Development which would adversely affect important trees and hedgerows will not be permitted.

4.3.4 Policy H5: On housing sites of over 1 hectare or over 25 dwellings, the Council will seek to ensure that at least 25% of dwellings built will be affordable or, exceptionally, that a financial contribution will be made to enable the provision of an equivalent amount of affordable housing off site.

4.3.5 Policy H6: Provides density requirements for residential development: where development is within 400m walking distance of frequent public transport services a minimum density of 40 dwellings per hectare is required and if the distance is beyond 400m, 35 dwellings per hectare.

4.3.6 Policy H7: Residential development in built up areas will be permitted providing there is no significant impact on the amenity of nearby residents and that the occupiers of the new dwellings would have a satisfactory degree of privacy and amenity. The development should not have an adverse impact on the character or appearance of the area and satisfactory arrangements for parking and access need to be made.

4.3.7 Policy T1: Planning permission for developments which generate a demand for travel will not be granted until a contribution towards transport infrastructure has been negotiated.

4.3.8 Policy T11 and appendix 4 require satisfactory provision of vehicle parking and servicing in accordance with the latest standards.

- 4.3.9 Policy RC5: The development of open spaces will not be permitted unless no local deficiency of open space will result or, where such a deficiency will result, either an equivalent area is laid out for open space purposes or redevelopment of a small part of the site will result in substantially enhanced sports or recreation facilities on the remainder of the site, or the development relates to the improvement of the recreational potential of the land or provides ancillary facilities and, in all cases, the development will not detract from the open character, environmental and landscape value of the land.
- 4.3.10 Policy RC6: Provision should be made for public open space and children’s play areas on residential development sites which exceed 0.5 hectares. The design of any open space provision should take into account the possible provision of features beneficial to wildlife.
- 4.3.11 Policy RC14: The Council will protect, maintain and where appropriate seek to extend the network of footpaths, bridleways and cycle routes in the Borough.
- 4.3.12 Policy RC16: Greenways are important links between built-up areas and the countryside. Opportunities to enhance their public access and environmental character and appearance will be taken. Planning permission will not be granted for development which would harm their function, or their environmental, ecological or recreational value.

4.4 Bramcote Conservation Area Appraisal

- 4.4.1 The Conservation Area Appraisal assesses and defines the special character of the Conservation Area, discusses positive, negative and neutral factors which are having an effect on that appearance and character and offers suggestions for the preservation and enhancement of the area. In respect of the application site, the Appraisal refers to the ‘early 19<sup>th</sup> century building listed as The Grove’ and the additional buildings constructed as part of the college which ‘oppress the setting of The Grove and this part of the conservation area.’ The Academic Block, the residential buildings, the nursery and the houses are identified as having a negative contribution on the Conservation Area. The Appraisal refers to the grounds to the south of the buildings as forming an ‘important open green area’ which, along with the fields to the west of Chilwell Lane, provide a green buffer between Bramcote village and Beeston and Chilwell.

4.5 Planning (Listed Buildings and Conservation Areas) Act 1990

- 4.5.1 Section 66 of the Act states that:

*“...in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

4.5.2 Section 72 then adds that:

*“...with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

## 5 Consultations

5.1 The comments below are made in relation to the applications as originally submitted. Where comments have been received on the amended plans, these are identified as such.

5.2 Historic England states that the proposed residential development and access drive will result in a high level of harm to the significance of The Grove, particularly to the setting, and will be harmful to the Bramcote Conservation Area. Historic England considers that the proposal is not sustainable in heritage terms and therefore does not support the planning application. The former parkland area to the south of The Grove is referred to as being important to the setting of The Grove and the landscaping is considered to contribute positively to the special character and appearance of the Bramcote Conservation Area. The harm caused by the existing post war buildings will be continued by the proposed apartment buildings as these follow the same footprint. If there is justification for the principle of replacement buildings it is recommended that the footprint is reduced. The proposed 25 new houses will change the character and appearance of the open space and setting of The Grove and will result in substantial loss of its historic landscaped setting. The new development would clearly diminish the experience of the setting, the historical significance of The Grove and would harm the aesthetic and communal value of the recreational space. Historic England considers that there is not clear or convincing justification for the scheme and there would not be sufficient public benefits. However, ultimately it is for the authority to weigh all planning considerations in determining these applications. Historic England has no objection to the demolition of the post war operational buildings. With regards to the works to the listed building the advice of the Conservation Officer should be sought. In respect of the amended plans, Historic England has reiterated its position that it considers the proposed residential development will result in a high level of harm to the significance of The Grove and would be harmful to the Bramcote Conservation Area.

5.3 The Council’s Conservation Officer has made comments in respect of the original and amended plans. It is considered that the proposed residential development (the apartments and new houses) will affect the setting of the listed building but not the heritage asset itself. Having regard to how The Grove is viewed from within the grounds (specifically the south elevation), and the views from The Grove into its garden and beyond the ha-ha wall into the informal parkland, it is considered that the harm is less than substantial due to the positioning, design and material choice.

5.4 The Conservation Officer considers that the relationship between the grounds and the listed building will continue to be legible; the original boundary will remain strong to the north, south and west of the site and the view from the most southern point to The Grove will remain undisturbed. From The Grove, the

position of the new development to the south will be set back to the boundary edges and the view to the southern most point of the grounds will remain undisturbed; new development will be obscured by existing planting and the position of mature trees have been utilised for the location of new development; and replacement housing will be on existing footprints and there will be no additional harm as a result. With regards to materials, it is considered that the residential development is of contemporary design to ensure that the evolution of the site is clearly defined and The Grove will remain the focal point of the site and the proposal improves the views and relationships of the listed asset within the setting. There is no objection to the demolition of the post war college accommodation buildings.

- 5.5 The Conservation Officer supports the proposal to remove the external walkways attached to The Grove but recommends a comprehensive review of The Grove's condition and that a specification for repair and reinstatement be incorporated into the programme. The repair to the listed curtilage structures (boundary walls and the remains of an orangery) are also supported but need to be undertaken sympathetically and a condition will be required to ensure a specification of works is submitted prior to works being undertaken on these structures. Following submission of the amended plans, the alterations to the Academic Block are supported and provide a balance between updating the building, whilst maintaining its original form and style.
- 5.6 With regards to the landscaping, following the submission of amended plans the approach is generally supported. The colour palette for the road and footpath would be acceptable and the boundary and vegetation details could be acceptable with the exception of fences to the front of the properties. Further information will be required in respect of the final boundary treatment, grounds maintenance, lighting and signage within the development. Further advice will need to be sought regarding the proposed planting within the site. Unnecessary clutter, including street furniture and signage, within the grounds should be avoided.
- 5.7 The Council's Business and Projects Manager (Environment) states that a green space management company would be required to manage onsite open space and Sustainable Drainage Systems (SuDS). It is stated that the central green space would create an attractive village green. A capital contribution towards the improvements to the play area at King George's Park is required as the play area has been identified as one of the key priority play areas requiring improvement (see Leisure, Parks and Cemeteries Committee - 6 September 2016).
- 5.8 The Council's Tree Officer raised concerns regarding the original plans and made recommendations including moving a section of the proposed road to prevent the need for works to an Oak (T302) and a Sycamore tree (T303). It was also recommended that some additional trees could be removed which would be in close proximity to the proposed houses. In respect of the amended plans, the additional removal of selected trees is supported and it is considered that the altered road layout reduces the impact on the root protection areas of the retained trees.



- 5.9 The Council's Environmental Health Officer has no objection subject to a condition requiring a Phase II Investigation, as recommended within the submitted Phase I Environmental Assessment to assess ground conditions for foundation design and drainage capacity, to identify if contamination is present and for any necessary remedial measures to be completed prior to any buildings being brought into use.
- 5.10 The Council's Director of Housing, Leisure and Culture states no objection.
- 5.11 Sport England objects to the application as the development will result in the loss of an area of playing field. The Playing Pitch Strategy (adopted by the Council's Leisure and Environment Committee on 10 January 2017) has identified a shortfall of accessible and secured pitches to meet the demands from clubs for mini-soccer and youth football in the south of the Borough. The main deficiency is in accessible and secured floodlit football turf pitches. Sport England has no objection in principle to the loss of the site but considers that there are investment opportunities in the local area which would be of benefit to football and would mitigate for the loss of this site, particularly around enhancing provision for boys and girls mini soccer. Therefore, Sport England submits a holding objection due to the loss of playing field unless the loss is mitigated through a financial contribution of around £70,000 to construct one pitch. Following the submission of additional information, Sport England maintain their objection to the application, stating the ownership of the playing field space is irrelevant and the proposed open space within the development would not acceptably replace the formal sports provision lost which is a requirement of the NPPF and Sport England's policy. Sport England considers that a financial contribution would provide mitigation for the loss of the playing field, would be directly related to the development and is fair and reasonable given the evidence available in the Playing Pitch Strategy. They highlight that if the Council is minded to approve the application, the Secretary of State for Communities and Local Government must first be notified prior to permission being granted.
- 5.12 Nottinghamshire County Council as Lead Local Flood Authority states no objection.
- 5.13 Nottinghamshire County Council as Highways Authority states that the development should result in a reduction in the number of vehicle movements. With regards to student numbers, there is concern that there will not be a sufficient number of parking spaces within the site. The Highways Authority requested additional information from the applicant to demonstrate the level of parking would be sufficient. Following submission of additional information, the Highways Authority still considers that there is not adequate evidence to demonstrate that there will be sufficient parking spaces within the site and this could lead to parking on Chilwell Lane and on surrounding streets. In the absence of a Travel Plan being submitted, it is recommended that a financial contribution is made to implement a Traffic Regulation Order should complaints be received in the future regarding indiscriminate parking within three years of the college being fully occupied. The Highways Authority also expresses concern that dwellings will be served by a private drive and this raises concerns regarding highway safety. However, it is stated that it is for Broxtowe Borough Council to determine whether this is acceptable.

- 5.14 Nottinghamshire County Council Planning Policy has made comments in respect of public rights of way, public transport, ecology, visual impact, landscaping and developer contributions. With regards to rights of way, it is highlighted that Peache Way is a public bridleway and the County Council has a maintenance responsibility for the surface of the route only so far as its intended public use. Additional residential properties, through vehicular movements, will cause additional damage to the right of way and it is likely that residents will expect the County Council to pay for repairs. To prevent this situation, the Rights of Way Section at the County Council request that Peache Way is brought up to adoptable standard. There is also concern regarding conflict between vehicles and cyclists. With regards to transport, improvements to bus stops on Chilwell Lane are sought. With regards to ecology, no significant concerns are raised provided the recommendations stated in the supporting information are followed. With regards to landscaping, it is highlighted that the site is located in Policy Zone SH60 Beeston and Stapleford Urban Fringe of the Greater Nottinghamshire Landscape Character Assessment. Reference is made to the important landscape features of the area and it is considered the proposed scheme will help to fulfil the actions of the Landscape Character Assessment by encouraging the management and conservation of existing trees within the site. With regards to visual impact, it is considered that there is likely to be no change in the view as a result of the development as the site is surrounded by mature vegetation but additional information was sought regarding the changes in views from properties to the north east, north and north west of the site and from the public rights of way. With regards to landscaping, it is recommended that a detailed landscape drawing is submitted and a maintenance specification is provided.
- 5.15 Nottinghamshire County Council's Developer Contributions Practitioner has stated that the proposed development would yield an additional eight primary places which would require a contribution of £91,640. Secondary school places can be accommodated in existing secondary schools.
- 5.16 Nottinghamshire County Council Archaeology considers the site to have archaeological potential and therefore if planning permission is granted, a condition should be included to require a written scheme for archaeological mitigation to be submitted and approved prior to works commencing.
- 5.17 The Coal Authority states that the application does not fall within the defined Development High Risk Area. If planning permission is granted, the Coal Authority's Standing Advice should be included within the decision notice.
- 5.18 Nottinghamshire Wildlife Trust has provided comments in respect of the Ecological Assessment, the Preliminary Bat Roost Assessment and the Dusk Emergence Bat Survey. In respect of Ecological Assessment, it was considered that the survey had been carried out to a satisfactory standard and the recommendations regarding tree protection and nesting birds, including the installation of bat and bird boxes and additional tree and shrub planting, were supported. In respect of the Preliminary Bat Roost Assessment, it is recommended that tree removal is undertaken with caution by an Arboriculturalist experienced in working on trees with bat potential and work should stop immediately if bats are found. It is recommended that this methodology is secured

by condition. It is also recommended that mitigation measures are implemented including producing a wildlife sensitive lighting scheme, compensatory planting for lost trees is secured and bat tubes are incorporated. As two areas were identified as offering potential for bats, a Dusk Emergency Bat Survey was undertaken. The Survey confirmed that, although an established roost was not identified, the site is used by foraging and commuting bats which highlights the importance of the mitigation measures stated above.

- 5.19 Bramcote Conservation Society objects to the planning application, raising serious reservations about the extent, design and future implications of the proposed development. The proposal threatens the parkland setting of the listed building; fails to preserve the character and appearance of the Conservation Area, particularly due to the modern design approach; will result in the loss of the protected open area and open break between Chilwell and Bramcote; will detract from the open character, environmental and landscape value of the land; and will result in the loss of mature trees. Concerns are also expressed regarding the proposed layout, the proposed design; the future pressure to erect a boundary between the houses and the college; and how access will be maintained to the public open space, particularly as access would be via a private road which could be gated in the future. Following a review of the amended plans, the Society has confirmed that they still object to the planning application.
- 5.20 A total of 14 neighbours were consulted on the original plans for the applications including properties on The Chancery to north east, on Manor Court and The Home Croft to the north west and Alderman White School to the south east. Three site notices were posted, one on Chilwell Lane, one on Peache Way and one on The Chancery.
- 5.21 In respect of the original plans, for the planning application and listed building consent application, 11 letters of objection were received, four letters stating observations and three letters of support. In respect of the amended plans an additional six letters of objection were received.
- 5.22 In relation to the observations and objections received, these can be categorised and summarised as follows:

Summary of objections

**Planning policy**

- The site is designated as a Protected Open Area and allowing development would effectively join up Bramcote and Chilwell. The southern half of the open land should be left open and free from development to maintain the break.
- There will be increased demand to build on land to the west of Chilwell Lane which is Green Belt.

**Amenity**

- Loss of amenity to the occupiers of houses on The Chancery including: loss of privacy; loss of sunlight and daylight; increased sense of enclosure and loss of outlook.

- Loss of privacy to residents at Manor Court from the proposed apartment building.
- Noise and disturbance to existing residents during the construction and once the development is completed.

### **Heritage**

- There will be harm to the setting of the listed building and to the character of the Conservation Area.

### **Access/ Traffic**

- The development will add to existing traffic problems and will create a highways safety issue due to the poor access, particularly at the junction between Peache Way and Chilwell Lane.
- Peache Way cannot cope with any additional traffic.
- There will be insufficient parking for the on-going educational use.
- Concerns regarding the condition of Peache Way and who would be responsible for the future maintenance.
- There will be an increased risk of conflict between vehicles and cyclists along Peache Way.

### **Design/Layout**

- The proposed design of the dwellings is out of keeping with the surroundings.
- The affordable housing appears too dense.
- Only the area above the 'Ha-Ha' wall should be developed to protect the open green space.
- The modern design makes little or no reference to the architectural characteristics of the Conservation Area.
- 40 houses is an excessive number.
- The layout is poor and will become car dominated.
- The layout focuses on a central open space which will eventually become private. There will also be pressure to separate the open space from buildings in use by the college.

### **Other Issues**

- Existing housing which is affordable will be lost and there has been a lack of communication with the existing residents of these houses.
- Neighbouring residents have not been kept updated or informed of the proposed development.
- The Tree Survey fails to recognise the value of the existing trees and mature trees will be lost.
- There will be a demand to remove additional trees in the future.
- Harm to ecology - the development will destroy the green corridor which is also important for wildlife.
- The financial position of the college should not influence the planning decision.

## 6 Appraisal

6.1 The main issue is to consider if the development would harm the setting of the listed building and the character or appearance of the conservation area. Following this assessment the impact of the proposal on the Protected Open Area, the existing open space, and the visual impact will be considered. Issues in respect of highways and access, ecology and neighbour amenity will also be assessed.

## 6.2 Heritage

6.2.1 In accordance with the statutory duty imposed by sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('Listed Buildings Act'), where it is considered that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, the harm must be given considerable importance and weight. Finding harm gives rise to a strong presumption against planning permission being granted and can only be outweighed by material planning considerations powerful enough to do so. This approach was made clear by the Court of Appeal in *Barnwell Manor Wind Energy Ltd v East Northants DC* [2014] EWCA Civ. 137. Even if the identified harm would be 'less than substantial', the balancing exercise must not ignore the statutory duty imposed by the Listed Buildings Act to give considerable weight to the preservation of the setting of a listed building.

6.2.2 The planning application and listed building consent can be divided into separate elements. Firstly, the Academic Block will be refurbished and a small building attached to the north east elevation will be demolished. In addition to internal alterations, the changes include a new roof, new windows, cladding to the north west and north east elevations and new signage. It is considered that the alterations have been designed sensitively to enhance the existing building whilst still maintaining the style and form of the original building. The design will also prevent the building from competing with The Grove, which will remain the focal point of the site, and the history of the site will still be evident through avoiding a design which seeks to match those of the new build apartments. The Conservation Officer supports this element of the proposed development and it is considered that the proposed alterations will preserve both the setting of the listed building and the character of the Conservation Area. It is important that high quality materials are used which can be secured by condition.

6.2.3 The second element relates to demolition and repair work within the curtilage of The Grove. This includes the demolition of the wall and covered walkway which links the Academic Block to The Grove. The walkway continues to the front of the Grove and extends to the north east to the existing residential buildings. The north west elevation of the Grove will then be repaired through restoring the rendered façade. The wall along the boundary with Peache Way and the remains of the orangery will also be repaired and existing buildings to the north east of The Grove, currently occupied by the nursery, will be demolished. Listed building consent is required for these works. The walkway, the wall and the nursery buildings are later additions to The Grove and it is considered that their removal would better reveal the significance of the heritage asset. Repairs to the wall and the orangery will also reduce the risk of further decline of these features in the

future. The proposed demolitions and repairs are supported by the Council's Conservation Officer, subject to a detailed specification of works and restoration being submitted prior to any works taking place. With the inclusion of a condition, it is considered that setting of the listed building and the character of the conservation area can be preserved.

- 6.2.4 The two elements described above require listed building consent. For the reasons stated above, it is considered that the proposed works would be acceptable and would enhance the listed building through removing poor quality structures and additions. Therefore, it is considered that listed building consent should be granted subject to the inclusion of conditions referred to above.
- 6.2.5 The third element relates to the new residential development. This includes the demolition of existing buildings including two student residential buildings (Northwood and Peache Way Flats) and the seven existing houses and associated garages in the north east corner of the site. Three apartment buildings are proposed which will primarily be in the same position as the existing residential buildings. The buildings will be three storey in height and will provide 15 apartments. A mixture of off-white render, aluminium windows and timber cladding will be used on the elevations with a zinc roof proposed. Along the north east, south east and south west sections of the site, 25 detached houses are proposed. These will be a mixture of three, four and five bedroom houses. The houses are all three storey in height and are of a contemporary design with mono-pitch roofs and external balcony areas at second floor level. The proposed materials are primarily off-white render with sections of timber cladding and a zinc roof.
- 6.2.6 Whilst the houses in the north east corner of the site will occupy a similar position to existing residential development, the remaining houses will occupy either space currently undeveloped and open or space currently used as a car park.
- 6.2.7 Historic England objects to this element of the planning application, stating that the proposed residential development and access drive will result in a high level of harm to the significance of The Grove, particularly to the setting, and will be harmful to the Bramcote Conservation Area. The former parkland area to the south of The Grove is referred to as being important to the setting of The Grove and the landscaping is considered to contribute positively to the special character and appearance of the Bramcote Conservation Area. Historic England considers that the development will diminish the experience of the setting, the historical significance of The Grove and would harm the aesthetic and communal value of the recreational space. Historic England also consider that the harm caused by the existing post war buildings will be continued by the proposed apartment buildings as these follow the same footprint.
- 6.2.8 The Council's Conservation Officer agrees with Historic England in that the proposed residential development (the apartments and new houses) will affect the setting of the listed building. However, the Conservation Officer considers that the relationship between the grounds and the listed building will continue to be legible, the original boundary will remain strong to the north, south and west of the site and the view from the most southern point to The Grove will remain undisturbed. The Conservation Officer also considers that the new apartments will

be on existing footprints and there will be no additional harm as a result. Therefore, having regard to how The Grove is viewed from within the grounds (specifically the south elevation), and the views from The Grove into its garden and beyond the Ha-Ha wall into the informal parkland, it is considered that the harm is less than substantial due to the positioning, design and material choice proposed as part of the residential development.

- 6.2.9 It is considered that the use of contemporary architecture which does not seek to imitate or compete with The Grove or other buildings within the conservation area is the correct approach. The Grove will remain the focal point of the site, and the choice of materials and colours will prevent competition of views. Various viewpoints have been submitted with the application comparing existing viewpoints with proposed viewpoints. The viewpoints demonstrate that the view from the most southern point of the site to The Grove will remain primarily undisturbed and the full extent of the grounds will remain legible. From The Grove, the position of the new development to the south will be set back to the boundary edges, and the view to the southern most point of the grounds will also remain primarily undisturbed with the new development obscured by existing planting. Details have also been provided in respect of the proposed landscaping throughout the site, including the material of roads and paths, planting in the area of open space, replacement trees and proposed boundary treatments. Whilst it is considered that further detailed specification would be required prior to works commencing, the details demonstrate that a high quality landscaping scheme can be delivered which provides a 'parkland' setting within the development and responds to the historic use of the site.
- 6.2.10 Local Plan Policy H6 states that within 400m walking distance of frequent public transport services a minimum density of 40 dwellings per hectare is required and if the distance is beyond 400m, 35 dwellings per hectare. The density of the development is 23.5 dwellings per hectare (accounting for the existing buildings the potential developable area is 1.7 hectares). This is significantly below the level required under Policy H6, however the density is considered to be appropriate for this site to ensure that a significant level of open space can be retained as part of the development and to limit the impact of the proposed development on the identified heritage assets.
- 6.2.11 Notwithstanding the above, as less than substantial harm has been identified, in accordance with paragraph 134 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The National Planning Policy Guidance advises that public benefits could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development and they should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit.
- 6.2.12 Within the supporting documents for the application the following benefits have been identified. With regards to economic progress, it is argued that the development will provide jobs during the construction period, will protect existing jobs at the college, new residents will provide an additional labour supply for local

employers and there will be financial benefits through increased council tax revenue and through the New Homes Bonus. With regards to social benefits, the development will provide 40 residential units, which is significant as the Council is currently unable to demonstrate a five year supply of housing land. A financial contribution would also be made to providing off-site affordable housing. The proposal includes allowing public access to the open space within the development. There is currently no public right of access into the development and allowing members of the public to use the space will allow more people to experience the setting of The Grove. The supporting documents also argue that the development would secure the long term future of the college, maintaining public benefits from the continued offer of theological training with students then serving the local community. With regards to environmental factors, it is argued that the enhancement of the Academic Block and the replacement of other buildings, which have been identified within the Conservation Area Appraisal as oppressing the setting of The Grove and the conservation area, is a positive benefit resulting from the development, particularly as there will be increased public accessibility to the site.

- 6.2.13 With regards to the economic benefits, it is considered that limited weight can be given to the supply of new construction jobs as these will only be for a temporary period. It is considered that there is not sufficient evidence contained within the application that jobs at the college would be lost if the development did not proceed. Therefore, this is only given very limited weight in favour of the application. With regards to the New Homes Bonus and increased council tax, Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. However, the National Planning Policy Guidance states that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.
- 6.2.14 With regards to social benefits, the provision of additional housing in a sustainable location is considered to be a significant benefit of the proposed development. The provision of a financial contribution towards off-site affordable housing is also a significant benefit. Therefore, it is considered that significant weight can be attached to the benefit arising from the provision of additional housing. Providing public access into the site and use of the open space is also considered to be a positive social benefit which can be given moderate weight. As referred to above, as there is not sufficient evidence contained within the application that the development is required to secure the long term future of the college, this can only be given very limited weight.
- 6.2.15 With regards to environmental benefits, whilst the improvements to the Academic block and the demolition of the residential buildings are considered to be positive aspects of the development, this is only given limited weight as the development as a whole is identified as resulting in less than substantial harm and therefore would not enhance the historic environment.
- 6.2.16 It has been identified that the harm to the setting of the listed building and to the character of the conservation area would be less than substantial. Due regard must be given to the Listed Buildings Act (1990) and the requirements of the NPPF, in attaching considerable importance and weight to the desirability of



preserving the setting of the listed building and the character of the conservation area. The public benefits arising from the development have been assessed and it is considered that there would be significant social benefits, specifically the provision of additional housing and the improved access to open space, and there would be some economic benefits arising from the development which can also be given limited weight. Taking into account the level of harm identified, which has been limited due to the positioning, design and material choice proposed as part of the development, and the significant overall public benefits arising from the development, it is considered that there would be sufficient weight attached to the public benefits to outweigh the level of harm identified.

### 6.3 Protected Open Area

- 6.3.1 Part of the application site is designated as a Protected Open Area (POA). The POA is described as 'Beeston Fields Golf Course and land to west'. Extending from the golf course, the designated area includes the playing fields at Alderman White School and includes the open area of the application site to the south east of the ha-ha wall. The existing houses and college buildings are outside of the designated area. The open fields to the south west of the site are within the Green Belt. 'Saved' Policy E12 states that development which would detract from the character or function of POAs will not be permitted. The supporting text refers to the important breaks in the built-up areas which the protected open areas provide, contributing to visual amenity and recreational activities. Green Belt designation would not be appropriate because they are located within the urban area but their environmental importance justifies strong protection.
- 6.3.2 Information submitted in support of the application acknowledges that the proposal will result in the loss of some openness. However, it is stated that the substantial boundary treatments which enclose the site will limit visibility into the site from public vantage points and therefore the perceived break in the built-up area will remain. It is highlighted that there are no public footpaths which cross the application site and when viewed from Peache Way, the existing views are limited by buildings and vegetation. It is stated that there is currently no public access to the site although this would change if the development was allowed to proceed.
- 6.3.3 It is considered that the development would detract from the open area by introducing development in an area which is currently open. Whilst there would still be an open and undeveloped area in the centre of the development, the construction of dwellings would have a detrimental impact on the open and undeveloped nature of the land. However, when viewed from public viewpoints, including from Chilwell Lane and Peache Way, the visual impact of the development would be limited. This is due to the extensive vegetation cover along the south west boundary which provides screening throughout the year and due to the existing buildings which are positioned between the POA and Peache Way. Whilst the south east corner of the application site is visible from the public right of way besides Beeston Fields Golf Course, due to the distance and extensive vegetation, the visual impact resulting from the development from this viewpoint would be limited. This differs from other sections of the POA to the east of the site which there are clearer views of the POA when viewed from public footpaths. There will however be some visual impact when viewed from properties on The

Chancery. Due to the well wooded nature of the boundary vegetation, the effects on the Green Belt beyond the site are considered to be limited. It is accepted that there is no public access into the site, although the site has previously provided recreational opportunities for students at the college. Allowing public access to the open space within the site is considered to be a positive element of the scheme. Concerns have been raised that this access could not be secured. However, the access could be secured by a legal agreement which can be enforced if access is denied at a point in the future. Whilst the visual impact and impact on recreational activities is limited, it is concluded that the development proposed would have an adverse impact on the function of the POA through introducing development into an important open break in the built up area.

#### 6.4 Existing Open Space

6.4.1 'Saved' Policy RC5 of the Broxtowe Local Plan designates the site as an 'Existing Open Space'. The Policy states that the development of open spaces will not be permitted unless no local deficiency of open space will result or, where such a deficiency will result, either an equivalent area is laid out for open space purposes or redevelopment of a small part of the site will result in substantially enhanced sports or recreation facilities on the remainder of the site, or the development relates to the improvement of the recreational potential of the land or provides ancillary facilities. In all cases, the development can not detract from the open character, environmental and landscape value of the land. The first criterion is that no local deficiency of open space will result. In the Broxtowe Green Infrastructure Strategy 2015-2030, Bramcote ward has the fourth highest (out of 21 wards) provision of unrestricted accessible open space in the borough. Therefore, no local deficiency of open space in Bramcote is considered to result from development of the site. However, the proposed development would detract from the open character of the site through introducing built development to an existing open space.

6.4.2 The play area at King George's Park, Town Street has been identified as part of the Play Value Assessment (see Leisure, Parks and Cemeteries Committee - 6 September 2016) as being one of the key priority play areas requiring improvement. A financial contribution has been requested to improve this play area which is likely to be used by residents within the development. It is considered that there is sufficient justification for this financial contribution due to the proximity of the development to King George's Park and due to the evidence that the park requires improvement.

#### 6.5 Loss of Playing Fields

6.5.1 Sport England has objected to the application as the development will result in the loss of an area of playing field. The open grassed area to the south east of The Grove has previously provided outdoor recreational space for the college. There are also tennis courts in the south west corner of the site. Sport England refer to the Playing Field Strategy (adopted by the Council's Leisure and Environment Committee on 10 January 2017) which has identified a shortfall of accessible and secured pitches in the area to meet the demands from clubs for mini-soccer and youth football. The main deficiency is in accessible and secured floodlit football

turf pitches. A contribution of £70,000 is therefore requested to construct one pitch to mitigate for the loss.

6.5.2 Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on with the exception of one of three circumstances. The first and second circumstances are concerned with whether the land is surplus to requirements and whether the loss would be replaced by equivalent or better provision. The third circumstance is where the proposed development is for alternative sports and recreational provision.

6.5.3 In response to this request, the applicant has highlighted that Sport England state that the site has not been assessed as part of the Playing Pitch Strategy. The site forms part of the open space associated with St John's School of Mission and is in private ownership and therefore not available for community use. The field has only been used infrequently for football in the past, generally for one to two games per year and the last game was played in 2012/13 season. The identified shortfall is in accessible and secured flood-lit pitches to meet the demand for mini-soccer and youth football. The land on the application site has never met this standard and does not make provision for this type of demand. The applicant considers that a financial contribution would not be in accordance with the legal tests as set out in regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 and the similar policy tests in Paragraph 204 of the NPPF. The tests are:

1. necessary to make the development acceptable in planning terms
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development

6.5.4 Following the submission of this additional information, Sport England has reiterated their holding objection, stating that ownership is irrelevant having regard to the NPPF and that the proposed open space would not replace the formal sports provision lost. Sport England also considers the financial requirement meets the legal tests set out above.

6.5.5 The site is currently in private ownership and is not accessible to the public. It is considered that there is not sufficient evidence that the loss of the site as a playing field would result in any additional shortfall in playing field space within the immediate area, particularly taking into consideration the previous infrequent use of the site for football and the period since formal sports were played. The site could also not be utilised for accessible and secured flood-lit pitches to meet the demand for mini-soccer and youth football and there are existing flood-lit pitches, for example at Bramcote Leisure Centre, which are in close proximity to the site. It is also noted that the development would improve accessibility into the site through providing public access to the open space, providing greater opportunities for informal recreational activities. Taking into consideration the current and previous use of the open space within the site, and taking into account the improved recreational opportunities for the public should the development be allowed, it is considered that the proposed development would not be contrary to paragraph 74 of the NPPF and a financial contribution would not pass the legal tests contained within the CIL Regulations as it would not be

necessary to make the development acceptable, nor would it be fairly and reasonably related in scale and kind to the development proposed.

- 6.5.6 If a local planning authority is minded to grant planning permission for an application, despite receiving an objection from Sport England, then the requirements of The Town and Country Planning (Consultation) (England) Direction 2009 apply. This instructs local planning authorities to notify the Secretary of State for Communities and Local Government of an application prior to issuing a planning permission.

## 6.6 Green Infrastructure Corridor

- 6.6.1 The north west part of the site, in which the majority of the existing buildings are situated, lies within the buffer of the Green Infrastructure Corridor 'Bramcote Corridor and Boundary Brook'. Policy 16 of the ACS states "a strategic approach to the delivery, protection and enhancement of Green Infrastructure (GI) will be taken, through the establishment of a network of regional and sub-regional Green Infrastructure corridors". The policy requires that such corridors be protected and enhanced; where new development has an adverse impact, alternative designs that have little or no impact should be considered before mitigation is provided and that the need for the development will be weighed against the harm caused. The majority of the site which lies within the GI corridor already contains built development. It is considered that the small section of site which is currently undeveloped and lies within the GI corridor would not be adversely impacted or harmed by the proposed development.

- 6.6.2 The Broxtowe Council Corporate Plan 2016-2020 details the Council's priorities over the next four years. Maintaining and improving the green infrastructure of Broxtowe was the fourth most important objective for residents and is included as one of the priorities in the Corporate Plan. As a landscaped buffer would remain to the north east, south east and south west of the site and as part of the site would be opened up to public access, the proposed development is not seen to conflict with the Corporate Plan.

## 6.7 Five year housing land supply and housing need

- 6.7.1 The NPPF (2012) states that planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of five per cent to ensure choice and competition in the market for land. Where there has been a record of persistent under-delivery of housing, local planning authorities should increase the buffer to 20 per cent. At paragraph 49, it states that "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".
- 6.7.2 As reported to the Council's Jobs and Economy Committee on 26 January 2017, the Council can currently only demonstrate a 3.6 year supply of housing land. Given the lack of a five year land supply, paragraph 49 of the NPPF is therefore engaged and the housing supply policies for Broxtowe cannot be considered up-

to-date. Under these circumstances, the approach to follow is contained within paragraph 14 of the NPPF, which in respect of decision-taking is:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date (underlined for emphasis), granting planning permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework, taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*

6.7.3 The High Court judgement in relation to Forest of Dean District Council and Secretary of State for Communities and Local Government and Gladman Developments Ltd [2016] EWHC 421 (Admin) established that in assessing paragraph 14 of the NPPF, if there is harm to designated heritage assets, it must first be considered if specific policies in the NPPF indicate development should be restricted. For this application, this means applying paragraph 134 of the NPPF first. Paragraph 134 has been considered and it was concluded that significant public benefits have been demonstrated which can outweigh the level of harm identified. It is considered that there are no other specific policies contained within the NPPF which would indicate the development should be restricted. Based on the above, it is considered that it must now be assessed if there would be any adverse impacts from granting planning permission which would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole.

6.7.4 The Court of Appeal, in a decision issued on 17 March 2016 in relation to Richborough Estates Partnership LLP (the developer) and Cheshire East Borough Council and Secretary of State for Communities and Local Government, concluded that Paragraph 49 should be interpreted widely and it applies to all policies which are restrictive of where housing development can go. The Court of Appeal made clear that the phrase “should not be considered up-to-date” in paragraph 49 has the same meaning as “out-of-date” in paragraph 14 of the NPPF and therefore, if there is no five year supply of housing land, environmental protection policies are to be seen as out-of-date. Local Plan policies E12 (Protected Open Areas) and RC5 (Protection of Open Spaces) and Core Strategy Policy 16 (Green Infrastructure, Parks and Open Spaces) are therefore out-of-date. However, it should be noted that the judges were equally clear that this does not mean that any policy a Council may rely upon to refuse a housing proposal, in the absence of a five year supply of deliverable housing sites, should be set aside or even given very limited weight. The weight to be given will depend on the individual circumstances and is a matter for the decision taker.

6.7.5 Reference should also be made to a five day inquiry in 2013 for an appeal which was allowed for a development of 116 dwellings on land adjacent to Hempshill Hall, Nuthall (reference 12/00539/OUT). The appeal site was designated as a Protected Open Area, formed part of the setting of listed buildings and contained a number of mature trees.

- 6.7.6 Although the Inspector agreed that the proposed development would have a significant adverse effect on the function and detract from the character of the Protected Open Area, the failure of the Council to demonstrate a five year housing land supply outweighed this harm. Policy E12 was not considered to be up-to-date and due to the Protected Open Area status being a local designation, the policy was afforded little weight by the Inspector. The provision of 116 dwellings (including 29 affordable homes) was viewed as an important contribution to the supply of housing in the Borough and was therefore accorded significant weight by the Inspector. The enhanced contribution the proposal would make to recreational opportunities in the area was noted by the Inspector as a benefit of the scheme. It was identified by the Inspector that less than substantial harm to the significance of the heritage assets adjacent to the site would occur. Given the similarities between this appeal case and the development proposed, it is considered that significant weight needs to be attached to the Inspector's decision.
- 6.7.7 Based on the Inspector's decision and in accordance with the NPPF, it is considered that only limited weight can be attached to the harm caused to the Protected Open Area. The Inspector for the Hempshill Hall appeal noted that there was no direct equivalent in national policy for the Protected Open Area policy. It is also considered that only limited weight can be attached to the harm to the existing open space arising from the proposed development detracting from the open character of the site through introducing built development to an existing open space.
- 6.7.8 The site is located within the main built-up area as defined in the Broxtowe Aligned Core Strategy so is in a sustainable location. The provision of additional housing, in addition to a financial contribution to off-site affordable housing, should carry significant weight. It should be noted that the NPPF outlines that the government's key housing objective is to increase significantly the delivery of new homes and states that there should be a wide choice of high quality homes within safe and accessible environments. The proposed development would accord with this objective. The development would also result in an accessible area of public open space, not currently available within the site. At 6.2.16 of this report, it was concluded that the public benefits in relation to the provision of housing and open space would be sufficient to outweigh the harm to the setting of the listed building and to the character of the conservation area. It is considered that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. From this, it is concluded that the proposal would accord with national policy for the provision of housing.
- 6.8 Amenity
- 6.8.1 There are existing residential properties to the north west (accessed from Peache Way, Manor Court and The Home Croft) and to the north east (The Chancery). It is considered that there would not be an unacceptable loss of amenity to any residential property as a result of the external alterations to the Academic Block or from the demolition of the buildings within the curtilage of The Grove given the nature of the works proposed.

- 6.8.2 Surrounding residents have expressed concerns regarding the impact resulting from the proposed residential buildings. In respect of the three storey apartment blocks, when viewed from Peache Way, the apartment block will appear as a two storey building (due to the change in levels). This will prevent this section of the apartment block from appearing overbearing or causing unacceptable overshadowing. Whilst there would be glazing in the elevation fronting Peache Way, it is considered that there would be a sufficient distance retained from properties on Manor Court and The Home Croft so as not to result in an unacceptable loss of privacy. The other sections of the apartment blocks would be a sufficient distance from existing residential properties to prevent an unacceptable loss of amenity occurring.
- 6.8.3 Existing properties on The Chancery lie beyond the north east boundary of the site. Objections have been received from the occupiers of properties on The Chancery raising concerns regarding loss of privacy, loss of sunlight and daylight, increased sense of enclosure and loss of outlook. The existing houses within the application site are positioned beyond the rear boundaries of 26, 27 and 33 The Chancery. Due to the maximum height of the proposed three storey houses (between 11.5m and 11.9m to the ridge) there will be an additional impact compared to the existing houses which are primarily two storey in height. During the course of the application, an obscurely glazed screen was added to the rear elevation of the second floor balcony area for the three bedroom houses. The four bedroom house does not include an obscurely glazed screen. There would be a distance of 18.5m at the closest point between 27 The Chancery and the rear elevation of the closest proposed dwelling and a back-to-back distance of 19m from the rear elevation of 26 The Chancery to the rear elevation of the closest proposed dwelling. From viewing this relationship, and taking into consideration the position of windows at the neighbouring properties and the windows in the proposed dwellings, it is considered that, whilst some overlooking would occur between properties, the distances are sufficient to prevent an unacceptable loss of privacy occurring. It is also noted that the houses are a 'non standard' dwelling type, with mono pitch roofs rather than full gables which reduces the overall bulk. The use of render and timber cladding will also reduce the visual impact of the proposed development compared to a brick finish. It is also noted that, whilst lower in height, there are existing dwellings in the north east corner of the site and therefore the houses in the north west corner of The Chancery do not have an existing outlook towards open space. It is accepted that there would be an impact on the occupiers of 26, 27 and 33 The Chancery however, due to the distances noted above and the design of the dwellings, it is considered that an unacceptable loss of amenity would not occur to the occupiers of these dwellings as a result of the development. 24 and 25 The Chancery lie further to the south east. The proposed dwellings which border these properties benefit from large rear gardens ranging between 27m and 35m in length, resulting in a sufficient buffer to the existing houses on The Chancery to prevent an unacceptable loss of amenity occurring.
- 6.8.4 It is considered that other neighbouring properties will be a sufficient distance from the proposed development to prevent an unacceptable loss of amenity occurring.

- 6.8.5 Prospective residents of the proposed houses will benefit from sufficiently sized gardens and the houses have been designed to provide a good level of amenity. Residents in the apartments will also have areas of open space accessible within the site.
- 6.8.6 There may be a level of noise and disturbance during the construction phase however this would be for a temporary period. A note to applicant can be included to advise that best practicable measures are followed to limit the potential disturbance to existing properties. It would not be expected that a significant level of noise or disturbance would arise from the additional residential development once constructed, particularly as the wider area is already a predominantly residential area. If noise disturbance did occur from a particular dwelling this would be a matter for the Council's Environmental Health Department.

## 6.9 Highways

- 6.9.1 The college is currently served by two separate accesses, at Peache Way and Chilwell Lane. The college has parking areas accessed from both of these entrances with 117 parking spaces provided. Peache Way is un-adopted, and in addition to the college, serves additional residential development including Manor Court and the Home Croft. The application proposes that 25 houses would be served via an unadopted shared surface driveway from a single point of access from Chilwell Lane. The 15 proposed apartments would share a communal car park with the college, accessed from Peache Way. An existing car park for the college, accessed from Chilwell Lane, would remain.
- 6.9.2 Nottinghamshire County Council, as Highways Authority, states that the development should result in a reduction in the number of vehicle movements. However, the Highways Authority requested additional information from the applicant to demonstrate the level of parking would be sufficient. Following submission of additional information, the Highways Authority still considers that there is not adequate evidence that there will be sufficient parking spaces within the site and this could lead to parking on Chilwell Lane and on surrounding streets. The Highways Authority therefore recommends that a financial contribution is sought to enable the implementation of a Traffic Regulation Order should complaints be received in the future regarding indiscriminate parking within 3 years of the college being fully occupied. However, the applicant disputes the level of parking provision required, stating that students at the college can use public transport links accessible from Chilwell Lane and the level of parking provision with 39 spaces is in excess of what would be expected for a college. The Highways Authority has also expressed concerns regarding the 25 dwellings being served by a private drive as the road would not be required to be at an adoptable standard with full width pavements.
- 6.9.3 In relation to assessing the highway impacts of a proposal, paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe. With regards to the level of parking proposed, it is considered likely that employees and students will use public transport to access the site. The Transport Assessment contains details of how the site can be accessed by sustainable transport methods, including by pedestrians, cyclists, buses and trams. Due to the sustainable transport



measures available, it is considered that it would not be reasonable or necessary to require a financial contribution towards implementing a Traffic Regulation Order should complaints be received in the future regarding indiscriminate parking and it would be difficult to justify that, if indiscriminate parking did occur, that this was a direct result of the development.

6.9.4 The volume of traffic on the proposed private drive accessed from Chilwell Lane will be low. Pavements are proposed to provide access into the site and to the area of open space. The shared surface for the remainder of the development will benefit from good levels of visibility due to the large central area of open space within the development. Furthermore, the appearance of the shared surface, including the proposed resin bonded gravel finish, is considered to be critical in making the application acceptable through significantly reducing the visual impact which would result compared to a tarmac road with associated pavements and street lighting. The Highways Authority has not raised specific concerns regarding the access arrangements from Chilwell Lane. Based on the above, it is considered that there would not be a severe highways impact resulting from the development which would justify refusing the application.

6.9.5 There has been concern regarding the on-going maintenance of Peache Way which is a bridleway. The County Council has highlighted that Peache Way is a public bridleway and the County Council has a maintenance responsibility for the surface of the route only so far as its intended public use. Additional residential properties, through vehicular movements, will cause additional damage to the right of way and it is likely that residents will expect the County Council to pay for repairs. To prevent this situation, the Rights of Way Section at the County Council request that Peache Way is brought up to adoptable standard. However, the supporting Transport Assessment has identified that the replacement of the existing residential accommodation at the College with the proposed 15 apartments would result in an overall reduction in daily traffic movements via Peache Way. This finding was agreed by the Highways Authority. Based on the above it is considered that it would not be necessary, or within the applicant's control, to upgrade Peache Way to an adoptable road. It should be noted that the applicant has expressed willingness to improve the road surface on Peache Way but, for the reasons stated above, this should not be conditioned as part of a planning permission.

## 6.10 Trees

6.10.1 A detailed tree survey and tree protection plan has been carried out and reviewed by the Council's Tree Officer. The trees, as a whole, are considered to offer a significant contribution to the site, both visually and ecologically. Careful attention has been given to which trees should be removed, and the need to retain the extensive tree cover along the north east, south east and south west boundaries of the site. Selective tree removal is proposed throughout the site to either enable the development or to prevent future conflict between occupiers of the new houses and the trees. Replacement trees are also proposed as part of the landscaping scheme to mitigate for the loss of trees. The Tree Officer made recommendations in respect of moving a section of the proposed road to protect important mature trees and removing additional trees which would be too close to the proposed residential development. The plans were amended in accordance

with these recommendations. Local Plan Policy E24 states that development which would adversely affect important trees and hedgerows will not be permitted. Taking into consideration the Visual Impact Appraisal and the proposed viewpoints which have been produced, it is considered that the important trees which contribute significantly to the character of the site and to the conservation area will be retained. Whilst the removal of trees on the south west section of the site adjacent to the existing car park is unfortunate, these trees do not offer the same amenity value as the trees which surround the edge of the site or those to the south east of The Grove and therefore their removal would not justify refusing the planning application. It is also considered that the selective removal of the trees would not harm the character of the Conservation Area. Appropriate conditions will be used to ensure the protection of the retained trees during construction and to ensure that the proposed planting occurs.

### 6.11 Ecology

6.11.1 The NPPF advises that impacts on biodiversity should be minimised and net gains in biodiversity should be provided where possible. Policy 17 of the ACS sets out measures for increasing biodiversity including that fragmentation of the Green Infrastructure network should be avoided where possible. An Ecological Assessment, a Preliminary Bat Roost Assessment and a Dusk Emergence Bat Survey were submitted with the application. The assessments made recommendations regarding tree protection and nesting birds, including the installation of bat and bird boxes and additional tree and shrub planting. It is considered that the recommended mitigation measures can be included as planning conditions. Nottinghamshire Wildlife Trust assessed the ecological information and stated no objection subject to the mitigation measures being implemented.

### 6.12 Section 106

6.12.1 A residential development generates the need for the provision of affordable housing and open space, and financial contributions towards education and integrated transport measures and maintenance of open space. In accordance with Policy 8 of the Broxtowe Aligned Core Strategy, 30% affordable housing would be required which would equate to 12 units. Following discussions with the Council's Director of Housing, Leisure and Culture, it is considered that an off-site contribution, which would equate to £540,000 towards affordable housing, would be acceptable. A contribution of £44,958.54 would be required towards the improvement to the play area at King Georges Park. The justification for this is that within the Council's Green Infrastructure Strategy the play area, which is within close proximity to the application site, is identified in the strategy as needing improvements. Nottinghamshire County Council has requested £91,640 to provide primary provision as there is not currently capacity at existing schools. A contribution of £51,000 would be required towards integrated transport measures. This is in accordance with Local Plan Policy T1.

6.12.2 The Section 106 agreement would also secure the long term public access to the open space within the site.

6.12.3 Discussions are on-going in respect of the Section 106 and the granting of planning permission would be subject to agreeing appropriate terms with the provisions set out in paragraph 6.12.1 above.

### 6.13 Other Issues

6.13.1 As part of the application, it is proposed to change the use of the buildings used by the college from a residential institution (Class C2) to non-residential institution (Class D1) and information has been provided in respect of changes in how the college operates. Whilst training would have previously been residential based, the college is in the process of transforming into a non-residential part time and contextual training centre. This will result in students visiting the college for two day teaching blocks once per fortnight. It is considered that the change of use is acceptable and reflects the change in how the college operates and the loss of residential accommodation on the site specifically for the college.

6.13.2 A Flood Risk Assessment and Drainage Strategy was submitted with the application. Attenuation is proposed in the form of a balancing pond/infiltration basin and soakaways. The balancing pond is located in the central open space but has been designed to have only a minimal visual impact. The drainage scheme would be managed by a separate management company. The Lead Local Flood Authority has stated no objection to the proposed development. Provided the recommendations outlined within the Strategy are implemented (which can be secured through condition), it is considered the development is acceptable in flood risk and drainage terms.

6.13.3 Whilst there would be loss of seven existing houses within the site, there will be a gain of 33 houses resulting from the proposed development and an off-site contribution to affordable housing will also be made.

6.13.4 Whilst reference has been made to changes in how the college operates and the applicant has highlighted the benefit of retaining the college on the site, the college's financial situation has not been given weight as a consideration as part of the planning application.

6.13.5 With regards to communication, the applicant held a public exhibition on the 22 April 2016. The Council has consulted adjoining neighbours in respect of the original and amended plans and have displayed site notices surrounding the site.

### 6.14 Conclusions

6.14.1 In respect of the listed building consent, the proposed demolition and external alterations are considered to be acceptable and will preserve and enhance The Grove. It is recommended that listed building consent is granted subject to the inclusion of conditions.

6.14.2 It has been identified that the harm to the setting of the listed building and to the character of the conservation area would be less than substantial. Due regard must be given to the Listed Buildings Act (1990) and the requirements of the NPPF, in attaching considerable importance and weight to the desirability of preserving the setting of the listed building and the character of the conservation

area. The public benefits arising from the development have been assessed and it is considered that there would be significant public benefits, specifically the provision of additional housing and the improved access to open space, to outweigh the level of harm identified.

6.14.3 The proposed development would be contrary to the Broxtowe Local Plan. However, the relevant policies are out-of-date and therefore carry limited weight. It is not considered that a refusal of permission on the basis of harm to the Protected Open Area or loss of existing open space could be substantiated given the similarities to the Hempshill Hall appeal case where the Council could not demonstrate a five year land supply and only local landscape designations were applicable to the site. 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 main built-up area, this carries significant weight as the location is sustainable. The provision of 40 residential units is considered to carry significant weight.

6.14.4 An objection has been received from Sport England. Whilst it is considered that the loss of the playing field would not justify refusing the planning application, should Committee resolve to grant planning permission, the application must be referred to the Secretary of State prior to issuing a planning permission. The granting of planning permission would also be subject to agreeing an acceptable Section 106 agreement.

**Recommendation**

**The Committee is asked to RESOLVE that:**

- 1. The Head of Neighbourhoods and Prosperity be given delegated authority to grant Listed Building Consent for application 16/00468/LBC.**
- 2. In accordance with the Town and Country Planning (Consultation) (England) Direction 2009 the application for planning permission 16/00467/FUL be referred to the Secretary of State for Communities and Local Government, advising him that the Local Planning Authority is minded to approve the application, and that:**
- 3. Subject to the application for planning permission 16/00467/FUL not being called in for determination by the Secretary of State, the Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission subject to prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and the conditions set out below.**

**CONDITIONS APPLICABLE TO LISTED BUILDING CONSENT APPLICATION 16/00468/LBC:**

- 1. The works hereby permitted shall be commenced before the expiration of three years beginning with the date of this consent.**
- 2. The works hereby permitted shall be carried out in accordance with**

**drawings (dates received by the Local Planning Authority are in brackets):**

- **001 GA LOCATION PLAN 1 TO 1250 (04.08.16)**
- **003 GA DEMOLITIONS PLAN REVISION P00 (04.08.16)**
- **004 GA BUILDINGS RETAINED REVISION P00 (04.08.16)**
- **005 GA PROPOSED SITE LAYOUT REVISION P01 (12.12.16)**
- **0494-026 PROPOSED COLLEGE ELEVATIONS REVISION P03 (12.12.16)**
- **0494 – 035 PROPOSED SITE SECTIONS REVISION P02 (12.12.16)**
- **0494 – 056 HERITAGE SHEET 2 REVISION P01 (12.12.16)**
- **0494 – 057 HERITAGE SHEET 3 REVISION P01 (12.12.16)**

**3. No building works (including site clearance and demolition) shall commence until a written scheme for archaeological mitigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.**

**4. Notwithstanding the details shown on the Landscape Masterplan (SJC 11 Revision C), no building works, including demolition, shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:**

- (a) numbers, types, sizes and positions of proposed trees and shrubs;**
- (b) proposed hard surfacing treatment;**
- (c) planting, seeding/ turfing of other soft landscape areas;**
- (d) details of the site boundary treatments and curtilage boundary treatments;**
- (e) details of any external lighting, including any lighting to buildings; and**
- (f) a timetable for implementation of the scheme.**

**The landscaping scheme shall be carried out in accordance with the approved timetable. If 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.**

**5. No building works (including demolition) shall commence until the existing trees are protected in accordance with the measures shown on the Tree Protection Plan (SJC 06 REVISION D). The fencing shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.**

**6. Notwithstanding the detailed plans, no building works relating to The Grove (including the removal of the attached covered walkway), shall take place until a detailed specification of works, including details of the mortar mix, the render and details of the replacement doors, has been submitted to and**

agreed in writing by the Local Planning Authority. The works shall take place in accordance with the agreed specification.

7. No building works or alterations (including demolition) relating to the Academic Block shall take place until details of the manufacturer, type, material, style and colour of any new materials to be used on any exterior surface, including cladding, roof materials, rainwater goods and details of any external windows and doors, have been submitted to and agreed in writing by the Local Planning Authority. The works shall take place in accordance with the approved details.
8. No building operations or alterations (including demolition) relating to the orangery and to the boundary wall attached to the north west of the orangery shall take place until a detailed specification of works, including details of the methods of repair and restoration and any proposed materials to be used, has been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

#### **REASONS FOR CONDITIONS APPLICABLE TO LISTED BUILDING CONSENT 16/00468/LBC**

1. To comply with S18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure any features of archaeological interest are identified and to identify mitigation measures if necessary and in accordance with the aims of the NPPF.
4. To ensure the development presents a more pleasant appearance in the locality, thereby protecting a designated heritage asset, and in accordance with the aims of Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014).
5. To ensure the existing trees are not adversely affected and in accordance with the aims of Policy E24 of the Broxtowe Local Plan.
6. Insufficient details were included with the application and to protect the historic fabric of the building, thereby protecting a designated heritage asset, in accordance with Section 12 of the NPPF and Policy 11 of the Broxtowe Aligned Core Strategy (2014).
7. To ensure the satisfactory appearance of the development and to protect the designated heritage asset, in accordance with Section 12 of the NPPF and Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014).
8. To ensure the satisfactory appearance of the development and to protect the designated heritage asset, in accordance with Section 12 of the NPPF

and Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014).

**NOTES TO APPLICANT APPLICABLE TO LISTED BUILDING CONSENT 16/00468/LBC**

1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework. The applicant and the Council have worked together during the course of the application to find solutions to issues arising relating to design and preserving the designated heritage asset.
2. The public right of way should remain unobstructed at all times. The County Council Rights of Way Officer for the Broxtowe area on 0115 9174898 should be contacted in advance of any works which may have an impact on the public right of way.
3. All tree works or felling should be undertaken with caution by an arboriculturalist experienced in working on trees with bat roost potential. If any evidence of bat roosts is identified, all works should cease immediately as bat species are statutorily protected from reckless killing, injuring and disturbance, and roost sites from damage and obstruction. For further advice, the Bat Conservation Trust can be contacted on 0345 1300228.
4. Vegetation clearance and other works which could disturb nesting birds should be avoided during the bird breeding season of March-August inclusive.

**CONDITIONS APPLICABLE TO THE PLANNING APPLICATION 16/00467/FUL**

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with drawings (dates received by the Local Planning Authority are in brackets):
  - 001 GA LOCATION PLAN 1 TO 1250 (04.08.16)
  - 003 GA DEMOLITIONS PLAN (04.08.16)
  - 004 GA BUILDINGS RETAINED (04.08.16)
  - 005 GA PROPOSED SITE LAYOUT REVISION P01 (12.12.16)
  - 007 - DEVELOPMENT AREA REVISION P01 (12.12.16)
  - 0494 021 - PROPOSED GROUND FLOOR MASTERPLAN LVL00 REVISION P01 (12.12.16)
  - 0494 021 – PROPOSED FIRST FLOOR MASTERPLAN LVL01 REVISION P01 (12.12.16)
  - 0494 022 – PROPOSED SECOND FLOOR MASTERPLAN LVL02 REVISION P01 (12.12.16)
  - 0494 023 – PROPOSED ROOF MASTERPLAN REVISION P01 (12.12.16)
  - 0494 027 – PROPOSED APARTMENT GROUND FLOOR PLANS (04.08.16)
  - 0494 028 – PROPOSED APARTMENT FIRST FLOOR PLANS (04.08.16)

- 0494 029 – PROPOSED APARTMENT SECOND FLOOR PLANS REVISION P00 (04.08.16)
- 0494 030 – PROPOSED 3 BED DRAWINGS REVISION P03 (12.12.16)
- 0494 031 – PROPOSED 4 BED DRAWINGS REVISION P01 (04.08.16)
- 0494 032 – PROPOSED 5 BED DRAWINGS REVISION P01 (04.08.16)
- 0494 035 - PROPOSED SITE SECTIONS REVISION P02 (12.12.16)
- 0494 040 – PROPOSED APARTMENT ELEVATION SHEET 1 REVISION P00 (04.08.16)
- 0494 041 – PROPOSED APARTMENT ELEVATION SHEET 2 REVISION P00 (04.08.16)
- 0494 042 – PROPOSED ELEVATION SHEET 3 (04.08.16)

3. No development shall commence until a written scheme for archaeological mitigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

4. Notwithstanding the details shown on the Landscape Masterplan (SJC 11 Revision C), no building works, including site clearance, shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- (a) numbers, types, sizes and positions of proposed trees and shrubs;
- (b) proposed hard surfacing treatment;
- (c) planting, seeding/ turfing of other soft landscape areas;
- (d) details of the site boundary treatments and curtilage boundary treatments
- (e) details of any external lighting including street lighting; and
- (f) a timetable for implementation of the scheme.

The landscaping scheme shall be carried out in accordance with the approved timetable. If any trees or plants, which, within a period of 10 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.

5. No demolition in respect of buildings F and G (as identified in the Preliminary Bat Roost Assessment Revision B) shall take place until a bat survey has been submitted to and approved in writing by the Local Planning Authority. The survey shall comprise one dusk emergence or one dawn re-entry survey and shall include appropriate mitigation measures. Any necessary mitigation shall be undertaken in accordance with the agreed details.

6. No above ground works shall commence until details of the manufacturer, type, material, style and colour of all materials to be used on any exterior surface of the apartment buildings and dwellings hereby approved, including render, cladding, roof materials, rainwater goods and details of any external windows and doors, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.



- 7. No above ground works shall commence on plots relating to the three bedroom dwellings until details and specification of the balcony screen, as shown on drawing 0494 030 – PROPOSED 3 BED DRAWINGS REVISION P03, has been submitted to and approved in writing by the Local Planning Authority. The agreed balcony screens shall remain in place for the lifetime of the development.**
- 8. a) No part of the development hereby approved shall be commenced until a Phase II Investigative Survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.**  
**b) No building to be erected pursuant to this permission shall be first occupied or brought into use until:-**
  - i. All the necessary remedial measures have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and**
  - ii. It has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.**
- 9. No building operations (including site clearance and demolition) shall commence until existing trees are protected in accordance with the measures shown on the Tree Protection Plan (SJC 06 REVISION D). The fencing shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.**
- 10. No apartment hereby approved shall be first occupied until the parking facilities have been provided in accordance with drawing 005 GA PROPOSED SITE LAYOUT REVISION P01 (12.12.16). The parking shall thereafter be retained in the agreed form for the lifetime of the development.**
- 11. No building hereby approved shall be first occupied until the drainage layout and SuDS features are implemented in accordance with the drawing 15579 - SK24 Proposed Drainage Strategy and the recommendations stated in section 4.0 of the Flood Risk Assessment and Drainage Strategy received by the Local Planning Authority on 4 August 2016. The drainage and attenuation system hereby approved shall be appropriately maintained throughout the life of the development to the satisfaction of the Local**

**Planning Authority.**

12. No dwelling hereby approved shall be first occupied until the new access from Chilwell Lane and visibility splays have been provided in accordance with the Proposed Residential Site Access Layout F15165/01. The visibility splays shall thereafter be kept free of all obstructions above 0.6 metres in height for the lifetime of the development.
13. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Classes A to E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification), no extensions, enlargements or alterations to the dwellings, nor the provision of any additional building within their curtilage, shall be constructed without the prior written permission of the Local Planning Authority by way of a formal planning permission.
14. Notwithstanding the provisions of Article 3 and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification), no new means of enclosure, including gates, fences and walls, shall be erected without the prior written permission of the Local Planning Authority by way of a formal planning permission.

**REASONS APPLICABLE TO THE PLANNING APPLICATION 16/00467/FUL**

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure any features of archaeological interest are identified and to identify mitigation measures if necessary and in accordance with the aims of the NPPF.
4. To ensure the development presents a more pleasant appearance in the locality, thereby protecting a designated heritage asset, and in accordance with the aims of Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014).
5. To minimise the impact of the development on bats and to provide opportunities for roosting bats and in accordance with the aims of the NPPF.
6. To ensure the satisfactory appearance of the development and to protect the designated heritage asset, in accordance with Section 12 of the NPPF and Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014).
7. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

8. In the interest of public health and safety in accordance with the aims of Policy E29 of the Broxtowe Local Plan (2004).
9. To ensure the existing trees are not adversely affected and in accordance with the aims of Policy E24 of the Broxtowe Local Plan (2004).
10. In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
11. To prevent an increase in flood risk, to ensure the future maintenance of sustainable drainage structures and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Section 10 of the NPPF.
12. In the interests of highway safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
13. & 14. To retain the appearance and character of the development and to prevent development which may harm the designated heritage asset. This is in accordance with Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014).

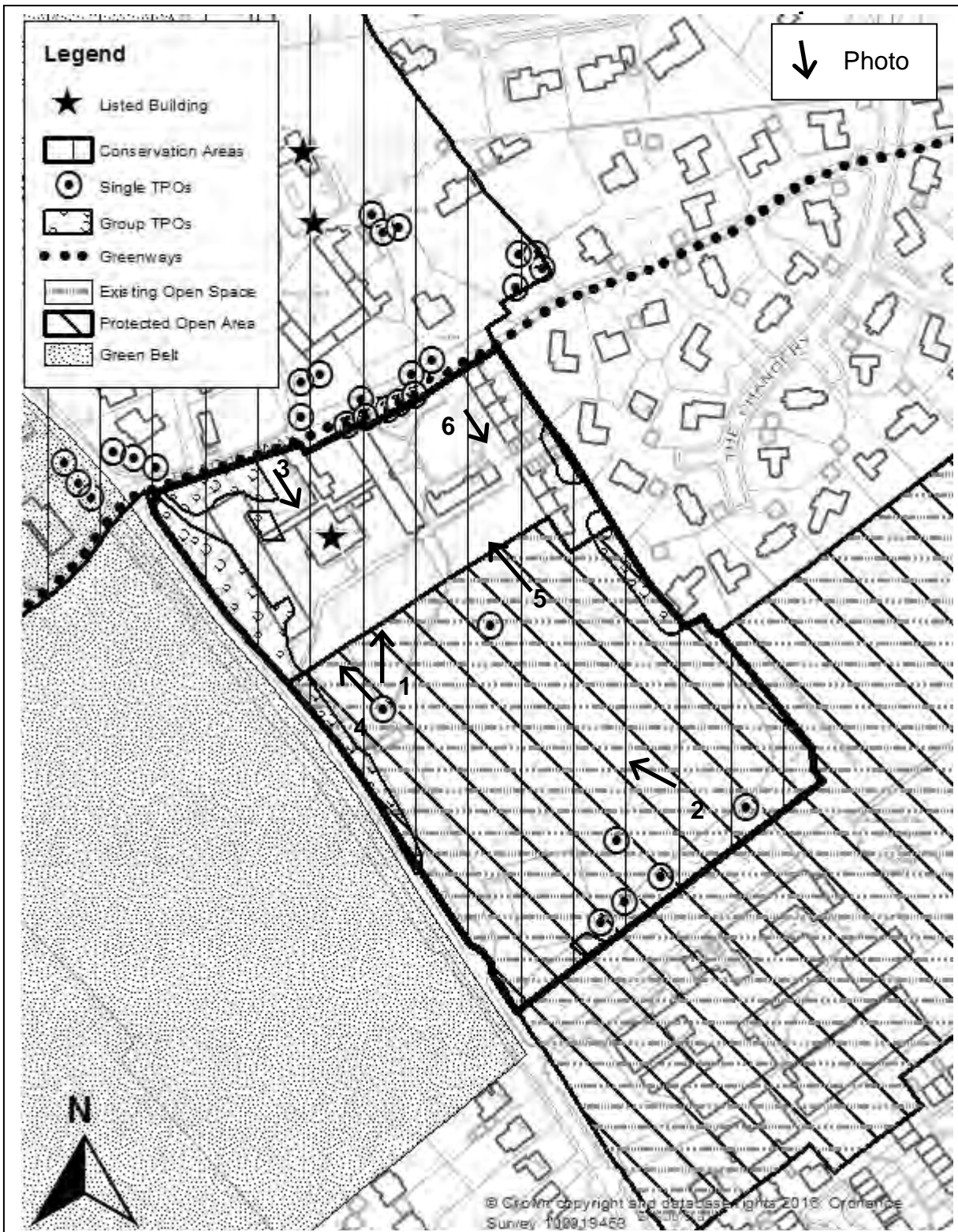
**NOTES TO APPLICANT APPLICABLE TO THE PLANNING APPLICATION 16/00467/FUL**

1. This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
2. Any works to be undertaken in the public highway are subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. In order for these works to proceed, you are required to enter into agreements under S278 of the Act. As a private drive is proposed, the Highways Authority will require provisions to be put in place to secure the future maintenance of the road. Please contact [hdcsouth@nottsc.gov.uk](mailto:hdcsouth@nottsc.gov.uk) for further information.
3. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see: <http://www.broxtowe.gov.uk/index.aspx?articleid=16928>
4. The public bridleway should not be obscured at any time. If works to the bridleway are required or if the bridleway needs to be temporary closed, the County Council Rights of Way Officer for the Broxtowe area must be contacted on 0115 9174898. A temporary closure must be arranged at least six weeks prior to the proposed works.
5. All tree works or felling should be undertaken with caution by an arboriculturalist experienced in working on trees with bat roost potential. If any evidence of bat roosts is identified, all works should cease immediately

as bat species are statutorily protected from reckless killing, injuring and disturbance, and roost sites from damage and obstruction. For further advice, the Bat Conservation Trust can be contacted on 0345 1300228.

6. Vegetation clearance and other works which could disturb nesting birds should be avoided during the bird breeding season of March-August inclusive.
7. The decision has been reached taking into account the guidance in paragraphs 186-187 of the National Planning Policy Framework, with positive amendments having actively been sought during the consideration of the application.

Background papers  
Application case file



**St John's College, Peache Way, Bramcote**

16/00467/FUL Erection of 40 dwellings (following demolition of buildings and other associated structures) with associated vehicle access, car parking and landscaping. Change of use of St John's school of mission from residential institution (Class C2) to non-residential institution (Class D1) and 16/00468/LBC Listed Building Consent to renovate and refurbish the academic block and demolish buildings and other associated structures

Planning Committee 8 February 2017

Scale: 1: 2,500

## Report of the Director of Legal and Planning Services

**16/00646/FUL  
CONSTRUCT 17 DWELLINGS, ACCESS ROAD AND ASSOCIATED  
LANDSCAPING INCLUDING DEMOLITION OF THE VICTORY CLUB  
EASTWOOD AND DISTRICT VICTORY CLUB, WALKER STREET,  
EASTWOOD NG16 3EN**

- 1.0 Details of the application
- 1.1 Due to the lower than policy compliant S106 contributions, it is appropriate for the application to be determined by the Planning Committee.
- 1.2 The application seeks planning permission for the construction of 17 dwellings comprising six 3 bed and six 2 bed two storey accommodation and a part three, part two storey apartment building containing five 2 bedroom flats.
- 1.3 There will be a single point of access from Walker Street, as is the current situation. However, this will be moved further to the north-east to facilitate the proposed layout.
- 1.4 The frontage onto Walker Street is made up of a terrace of three dwellings and the apartment block, with parking for these dwellings to the rear and side. Parking for the remainder of the dwellings will be located to the front or side of the individual plots.
- 1.5 The applicant proposes that the development would consist of 12 'affordable' homes which will be available on a 'shared ownership' scheme, and five units available at market level rental values. This could be secured by a S106 Agreement to ensure that the housing is made available at affordable levels.
- 1.6 In addition to drawings showing the proposed site layout and housing types, the following supporting documents were submitted with the application:
- design and access statement
  - topographical survey
  - surface water drainage information
  - assessment of market need
  - viability assessment
- 1.7 As a result of on-going discussions with the applicants, there have been a number of amendments made to the scheme which have resulted in significant alterations to the proposed layout of the site. However the applicant submitted a complete set of amended plans on 12 December 2016 and again on 17 January 2017 for determination by the Council. Further consultations have been carried out on both sets of the amended plans received.

2.0 Site and surroundings

2.1 The site is located on Walker Street within the urban area of Eastwood. It is largely laid to tarmac and has the vacant Victory Club at its centre, with vehicle access to the south west of the building. It has a site area of 0.25 hectares. According to the information submitted with the application, the club closed in 2014 and after an unsuccessful marketing campaign alternative uses were sought for the site.



View of site in a north-easterly direction.



Eastwood Footpath No.26, site to the SW

2.2 Directly adjoining the site to the north is Eastwood Footpath No. 26 and beyond this is a vacant piece of land, owned by Nottinghamshire County Council. It is understood that planning permission has recently been granted to construct a replacement school on part of this site. To the north-west of the site is an elderly person's complex, Wellington Court, and to the south-west, north-east and south-east are residential properties of varying forms and architectural designs. To the north-west is a commercial vehicle repair garage.

2.3 The site is within an urban location, on the edge of Eastwood Town Centre, with many facilities including open space, shops and frequent bus routes within walking distance. The land slopes up slightly from the south east to the north-western boundary and consequently the properties on Nottingham Road that border the site are largely at a lower level than the application site.



Rear of properties on Nottingham Road



Rear of Wellington Court to the NW

### 3.0 Relevant planning history

- 3.1 Planning permission was granted in 1976 for an extension to the club assembly room (76/00050/FUL).
- 3.2 In 1977 (77/00785/FUL) planning permission was granted for an extension to the car park.
- 3.3 Planning permission was refused for a rear extension to the building in 2004 (04/00186/FUL) as it was considered that the siting and proximity to the rear boundary would lead to an unacceptable level of noise and disturbance.
- 3.4 An application (15/00048/FUL) for the demolition of the former Victory Club and the construction of 12 dormer bungalows, access road and associated landscaping was granted in 2015. Works have not commenced on site in relation to this permission. However, the permission could be implemented at any point until June 2018.

### 4.0 Policy Context

#### 4.1 National policy

- 4.1.1 The National Planning Policy Framework (NPPF) March 2012, contains a general presumption in favour of sustainable development whereby planning permission should be granted for proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of permitting the development significantly and demonstrably outweigh the benefits, or specific policies in the framework indicate development should be restricted. It outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, high quality design and a good standard of amenity for existing and future occupants should be secured, full account should be taken of flood risk and developments should be located in sustainable locations. The document outlines that the government's key housing objective is to increase significantly the delivery of new homes and states that there should be a wide choice of high quality homes within safe and accessible environments. If a local planning authority cannot demonstrate a five year supply of deliverable housing sites, policies for the supply of housing will not be considered to be up-to-date.
- 4.1.2 In relation to assessing the highway impacts of a proposal, the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe.
- 4.1.3 Section 6: Delivering a Wide Choice of High Quality Homes states that housing applications should be considered in the context of the presumption in favour of sustainable development. Local authorities should plan for a mix of housing based on the needs of different groups in the community.



- 4.1.4 Section 7: Requiring Good Design advises that developments should function well and add to the overall quality of the area, establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Decisions should also aim to ensure that developments optimise the potential of the site and are visually attractive as a result of good architecture and appropriate landscaping.

Paragraphs 203 – 206 of the NPPF advise on planning obligations and state that obligations should only be required when they are necessary to make the development acceptable in planning terms, be directly related to the development and be fairly and reasonably related in scale and kind to the development. In addition, paragraph 205 of the NPPF advises that, where seeking obligations, local authorities need to take into account changes in market conditions over time and be flexible so as to prevent development stalling on such matters.

## 4.2 Broxtowe Aligned Core Strategy

- 4.2.1 ‘Policy A: Presumption in Favour of Sustainable Development’ reflects the presumption in favour of sustainable development contained in the NPPF. It states the Council will work proactively with applicants to approve proposals wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 4.2.2 ‘Policy 1: Climate Change’ sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings. It states that development should demonstrate how carbon dioxide emissions have been minimised. The policy goes on to set out the approach to renewable energy, flood risk and sustainable drainage. It replicates the approach to development in flood zones outlined in the NPPF and seeks the inclusion of Sustainable Urban Drainage systems within new development where viable and technically feasible.
- 4.2.3 ‘Policy 2: The Spatial Strategy’ sets the overarching strategy for how growth in Greater Nottingham will be accommodated and distributed. It sets the required number of homes for Greater Nottingham (GN) between 2011 and 2028 (6,150 in the Broxtowe Borough part of GN, of which 3,800 are in or adjoining the existing built up area of Nottingham) and outlines a settlement hierarchy.
- 4.2.4 ‘Policy 8: Housing Mix and Choice’ sets out the approach to ensuring that new housing development includes an appropriate mix of housing types, sizes and tenures. It sets out the approach to affordable housing and establishes a 30 per cent target for Broxtowe Borough.
- 4.2.5 ‘Policy 10: Design and Enhancing Local Identity’ sets design and layout principles to be applied to new development and looks to ensure that valued local characteristics are reinforced.

- 4.2.6 'Policy 14: Managing Travel Demand' sets out the priority for new development is in firstly selecting sites already accessible by walking, cycling and public transport.
- 4.2.7 'Policy 16: Green Infrastructure, Parks and Open Spaces' sets out a strategic approach to the provision of new Green Infrastructure. It states that existing Green Infrastructure corridors will be protected and enhanced. Criteria for development impacting on existing open space are provided.
- 4.2.8 'Policy 19: Developer Contributions' states that all developments will be expected to meet the reasonable cost of new infrastructure required as a consequence of the proposal. The supporting justification text states that contributions from a particular development will be fairly and reasonably related in scale and kind to the relevant scheme and directly related to the development.
- 4.3 Saved Policies of the Broxtowe Local Plan
  - 4.3.1 As the Core Strategy contains broad policies, a Development Management Policies Document will be developed in due course. In the meantime, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
    - 4.3.2 Policy H5: On housing sites of over 1 hectare or over 25 dwellings, the Council will seek to ensure that at least 25% of dwellings built will be affordable or, exceptionally, that a financial contribution will be made to enable the provision of an equivalent amount of affordable housing off site.
    - 4.3.3 Policy H6: Provides density requirements for residential development: where development is within 400m walking distance of frequent public transport services a minimum density of 40 dwellings per hectare is required and if the distance is beyond 400m, 35 dwellings per hectare.
    - 4.3.4 Policy H7: Residential development in built up areas will be permitted providing there is no significant impact on the amenity of nearby residents and that the occupiers of the new dwellings would have a satisfactory degree of privacy and amenity. The development should not have an adverse impact on the character or appearance of the area and satisfactory arrangements for parking and access need to be made.
    - 4.3.5 Policy T1: Planning permission for developments which generate a demand for travel will not be granted until a contribution towards transport infrastructure has been negotiated.
    - 4.3.6 Policy T11 and appendix 4 require satisfactory provision of vehicle parking and servicing in accordance with the latest standards.
    - 4.3.7 Policy RC6: Provision should be made for public open space and children's play areas on residential development sites which exceed 0.5 hectares. The design of any open space provision should take into account the possible provision of features beneficial to wildlife.

- 4.3.8 Policy RC14: The Council will protect, maintain and where appropriate seek to extend the network of footpaths, bridleways and cycle routes in the Borough.
- 5.0 Consultations
- 5.1 In response to the original plans submitted, the County Council Rights of Way Officer raised concerns with the proximity of the apartment block to the adjacent footpath, considering this to be overbearing which would lead to a reduction in the amenity of the path. No response has been received in respect of the amended site layout.
- 5.2 The County Council as highway authority originally objected to the proposal as the layout failed to comply with the standards set out in the 6 Council's Design Guide and would not be constructed to an adoptable standard. It outlined the measures which needed to be introduced and layout changes required to ensure the proposal met the standards set out in this document.
- 5.3 In response to the first set of amended plans the Highways Officer comments on the lack of parking spaces and some minor concerns regarding the service strip around the turning head and width of parking spaces for plot 7.
- 5.4 The County Council as Lead Local Flood Authority initially objected to the development due to the lack of information submitted regarding surface water drainage. The applicants submitted a foul and surface water drainage strategy and the Lead Local Flood Authority have removed its objection to the scheme having regard to this.
- 5.5 Eastwood Town Council objects to the development, considering it to be over intensification of the site.
- 5.6 The Council's Environmental Health Officer raises no objections with the development, but recommends a condition concerning land contamination.
- 5.7 The Council's Parks and Environment Manager has confirmed that full developer contributions would be sought for open space.
- 5.8 The County Council as Education Authority comments that the development would yield four primary and three secondary school places. Based on the latest data they consider that the secondary school places can be accommodated. However, there is insufficient primary school provision and therefore it would request a contribution of £45,820 (4x 11,455) be secured through a Section 106 Agreement.
- 5.9 The Council's Waste and Recycling Manager has confirmed that the developer would need to purchase bins and has provided the dimensions of these. The bin storage provided for the original layout in specific regard to the apartments was considered insufficient. He comments that the access road would need to be constructed to adoptable standards if the refuse lorry is to enter the site.
- 5.10 In response to the amended plans, the Refuse Manager comments that the bin store for the flats would need to be adjacent to the access point to avoid crews

having to move the bins an unacceptable distance. The width of a refuse vehicle is 2.53. If the road is 4.6m there would not be enough space for this vehicle and another to pass which could cause a potential access issue. The turning circle for a vehicle is 19.9m.

- 5.11 The Ramblers Association has commented on the application and seek assurances that the development would not impact on Footpath No. 26 and that this will be available throughout the development. The Association raise no objections to the amended plans, considering the development will not impact on Footpath No. 26.
- 5.12 The Council's Housing Services section has raised no objections to the development and provided a supporting statement advising that the proposal supports two of the five key themes of the Housing Strategy, identifying 'shared ownership' as a option not currently available within the Borough. They also note that the scheme would achieve two objectives of the Corporate Plan.
- 5.13 A total of 40 neighbours have been consulted on the application including properties on Nottingham Road, Walker Street and in Wellington Court complex. One site notice has been posted outside the site on Walker Street.
- 5.14 A total of six representations have been received in relation to the application from five addresses. Of these, two support the application, one raises no objections and three are objections. The objections raise the following issues:
- Over intensification
  - Traffic generation and access
  - Loss of privacy
  - Sense of enclosure
  - Removal of private access rights
  - Noise and disturbance during construction
  - Site 'gifted' to provide a social club only
  - Road already busy, the site should be used for community land.
  - Concerns regarding new occupants.
  - Previous application offered a better layout, this application just for profit.

6.0 Appraisal

- 6.1 The main issues relevant to the assessment and determination of this application relate to the principle of the development, the design and appearance of the proposed development and its contribution to the wider area and impact on the streetscene and whether the proposal would have an acceptable impact on the amenity of neighbouring properties and occupiers, as well as providing satisfactory levels of amenity for future occupiers and parking and access. Finally, the merits of any Section 106 Agreement or reduction in contributions sought will be weighed against the desirability of bringing the scheme forward.
- 6.2 The site is within an urban location, on previously developed land, on the edge of the town of Eastwood with many facilities including open space, shops and frequent bus routes within walking distance. Within the Local Plan the site has

no special environmental designations and is not a protected open space. There is a need for new housing developments in the Borough to meet the housing land supply targets. This is considered to be an appropriate location for housing.

#### 7.0 Layout, design and density

7.1 Local Plan policy requires housing density to be 40 dwellings per hectare. The proposal equates to a net density of approximately 71 dwellings per hectare, well above this figure. However, the guidance in the more recent NPPF moves away from the prescriptive density figures contained within previous policy guidance and suggests that local authorities should set their own approach to density to reflect local circumstances.

7.2 Eastwood is generally mixed in character with the older housing stock largely being terraced properties of higher densities and newer developments consisting of semi-detached and detached properties, both bungalows and two storey dwellings of lower densities.

7.3 Due to this mix of properties, the density of the surrounding area varies greatly and it is not considered that the scheme would appear overly dense in the surrounding context.

7.4 The scheme layout has been designed with plots addressing the frontage on Walker Street, either side of the new access road. Further dwellings are proposed within the south-western and north-western areas of the site with an internal road serving these properties. A part two, part three storey apartment block provides a feature at the entrance to the site and two and one and a half storey semi-detached and terraced dwellings form the remainder of the site. These groupings form staggered building lines and the mix of dwelling types offer variety to the proposed streetscene.

7.5 Whilst a lot of the parking on site is to the front of the properties, attempts have been made, where possible, to place these to the side of dwellings or reduce parking levels. It is considered that, given the constraints of the site, on balance this is acceptable and the proposed landscaping to the front of some properties will visually enhance the development and break up the mass of parking.

7.6 The individual house types are relatively simple and modest in their form and massing, but include some detailing and different materials to help break up the brickwork and add interest to the different elevations of the properties.

7.7 Plots 8 and 8A are the only one bedroom dwellings within the site and, due to constraints, they have been designed with a lower ridge level and a dormer window in the roof of each of the dwellings at the front to provide living accommodation in the roofspace. The latest amended plans for these properties show the eaves at the front of these two dwellings set at a lower level than the rear to reduce the brickwork above the ground floor windows. This lower eaves level is not achievable at the rear, whilst providing a bed and bathroom within the roof. On balance, due to the simple form of these two dwellings and

positioning within the site, their design is not regarded to represent such a poor addition to the development that permission should not be forthcoming.

7.8 The apartment block at the entrance to the site has been designed to 'step up' from Nottingham Road, with a two storey section immediately adjacent to the properties on Nottingham Road before reaching its full height on the corner at the entrance into the site and facing onto the new internal road. It has been designed to form a feature building to the entrance of the site and addresses both road frontages with fenestration detailing, glazed sections and a mixed palette of materials to add interest to the building. Having regard to the mixture of properties within this part of Eastwood specifically, it is thought that the building represents an acceptable addition to the streetscene. The different heights and projecting elements help to break down the massing of the building to ensure it fits comfortably within its plot and the wider area.

7.9 Overall it is considered that the scheme layout, design and massing of the built form would add to the character and appearance of the streetscene, which would have a positive effect on the wider pattern of development and character in the area.

#### 8.0 Amenity

8.1 There are a mix of one bed, two and three bed dwellings within the site, accommodated within 1.5 storey, two and three storey buildings. Only plots 1 and 2 have garden depths of approximately 10m and these are considered to have acceptable levels of amenity provision in regard to outdoor space and privacy. Existing residential properties which have a direct relationship with these two plots are across Nottingham Road and have a facing distance to first floor windows of almost 14 metres. Having regard to the fact that these are front windows facing onto an existing highway, it is considered that this is an acceptable relationship, which is not uncommon to many residential properties in the Borough.

8.2 Plots 3-7 and 9-11 have gardens over 8 metres in depth, which falls short of what the Council would generally seek for new dwellings to ensure amenity provision is acceptable. However, having regard to the existing pattern of development in the surrounding area and the proximity to Coronation Park, it is considered that these gardens provide sufficient outdoor amenity provision. Whilst these properties have a minimum of 8 metre garden depths, there are facing distances from first floor windows of these proposed dwellings to existing properties of between approximately 17.5 and 20.5 metres which is considered to be a sufficient distance to ensure that both existing residents and future residents of the development would have satisfactory levels of privacy.

8.3 Plots 8 and 8A have the smallest individual gardens on the site, although they have been sited and designed so as not to have any detrimental impact on the amenity of existing residents through loss of privacy. To this end they have a reduced ridge height and no windows in the rear facing elevations, the single bedroom being served by a dormer window to the front of the properties and the first floor bathroom by a rooflight at the rear. Having regard to the overall height of these dwellings and their distance to existing properties, there will be no overbearing impact caused. The dwellings each contain single bedrooms and

having regard to the nature of these property types and their likely future occupants, the outdoor amenity provision proposed is considered to be acceptable.

- 8.4 The apartment block at the entrance to the site has been redesigned due to concerns relating to its design and impact on the amenity of existing residents and those future residents. It is considered that the latest amendments address all the concerns raised.
- 8.5 The two storey section of the apartment block will be located closest to the existing residential properties on Nottingham Road and contain no facing windows in the side elevation. The occupants of the nearest dwellings to this section of the site on Nottingham Road have a garage along their rear boundary with the application site. This intervening structure will help to minimise any impact on the occupants of this property and due to the absence of any windows and the massing of the building at this point, there is not considered to be any loss of amenity through overbearing or loss of privacy.
- 8.6 Due to the intervening highway on Walker Street and positioning of the existing properties in relation to the apartment block there will be no significant impact on the amenity of the existing residents, with the higher elements of the block being sited at an angle to these properties and a distance of between 11 and 18 metres away at its closest point away.
- 8.7 The layouts of the apartments have been arranged so that the windows are positioned largely facing into the development itself and the internal access road, specifically those at second floor. To the rear of the building windows facing the south-west boundary (with properties on Nottingham Road) serve bathrooms and windows facing north-west onto proposed plot 11 are 7 metres away from the gable end of this property. Whilst this distance is not ideal it is considered that prospective purchasers of the properties will be aware of the site circumstances when they come to view the properties. In addition, these windows serve bedrooms and bathrooms where arguably less time is spent looking out these openings as opposed to living rooms.
- 8.8 There will be some usable outdoor amenity provision around the apartment block which will provide a cycle and bin store, however it is considered that the site is in close proximity to open space within Eastwood and by their very nature these types of dwellings are not associated with large private gardens.
- 8.9 Due to the layout of the site and the majority of garden depths being shorter than the Council would generally consider to be appropriate to allow property owners to alter and extend their dwellings over time, it is recommended that a condition be placed on any permission to remove permitted development rights for extensions to the rear of the new properties. This is to ensure that the impact of new additions to these properties is considered in full to help protect the amenity of existing and future residents.

9.0 Flood risk and drainage

- 9.1 The site lies outside of any area at risk of flooding during a 1 in 1000 year critical storm event and is thus within flood zone 1, an area of land least likely to flood. However, as the application is classed as ‘major’ development with over 10 dwellings proposed, the applicants have submitted a surface water drainage strategy to identify how any increase in surface water will be managed to ensure that the risk of flooding is not increased.
- 9.2 The Lead Local Flood Authority has raised no objections to the development as proposed based on this information, which demonstrates how surface water drainage will be dealt with within the site

10.0 Highways

- 10.1 The Highways Authority initially objected to the proposed development due to the design of the internal road not being to adoptable standards and issues concerning the provision of and size of parking spaces. Amended plans were submitted in an attempt to address these concerns and those raised by the planning officer.
- 10.2 In response to the first amended plans, the Highways Authority raised no major objections to the layout proposed or the formation of a new access onto Walker Street. With some concern expressed regarding the levels of parking proposed within the site and the location of these spaces, concerns have been expressed from local residents regarding the traffic implications of the development. However, the Highways Authority raises no objections to this, considering that a development of this size would be unlikely to generate significant traffic movements and has not requested a Transport Statement in light of this and its sustainable location, close to the Town Centre and several local bus routes.
- 10.3 The Highways Authority would generally require two spaces per each three bed unit and one for each two bed property. The proposed parking levels are below these thresholds across the site and it therefore raises objections to this. However, given the location of the site and its proximity to public transport services and the town centre, on balance it is considered that the improvements to the layout of the scheme outweigh these concerns as each property will have access to a minimum of one off-road parking space, save for the five apartments which will share four unallocated parking spaces but have a cycle store within their shared amenity space.
- 10.4 There are no significant highway issues which would warrant refusal of the application based on guidance contained in the NPPF and the Highways Authority has confirmed that any other outstanding matters can be dealt with by the conditions as recommended.

11.0 Developer contributions

- 11.1 The application constitutes a major scheme and Policy 19 from the Aligned Core Strategies 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.

- 11.2 Full open space contributions of £23,160.46 have been requested for provision of footpath resurfacing works and maintenance at the nearby Coronation Park.
- 11.3 The Education Authority has calculated that for 17 new dwellings the impact would be that an additional four primary age children would need to be accommodated locally. A contribution of £48,820 is therefore required and would be used to provide primary school places.
- 11.4 The proposed scheme would not exceed 25 dwellings and as a result there is no policy requirement to provide affordable housing units either on-site or financial contributions to enable any provision off-site. However, the application is for a scheme that would provide 12 affordable units through a shared ownership scheme and five units available at market rent.
- 11.5 A viability appraisal has been submitted during the course of the application which concludes the scheme as proposed is only viable with a significant grant, due to the substantial affordable element of the development. The developers therefore conclude that they cannot afford to make any financial contributions to either fund education provision or open space. They are, however, willing to enter into a Section 106 Agreement to ensure that the levels of affordable housing proposed are delivered on the site.
- 11.6 The housing market in the Eastwood area has been found to be weak through work undertaken in the preparation of the Aligned Core Strategy. Having regard to the need to provide not only additional housing but housing which is affordable, it is considered that on balance the delivery of affordable housing on this site outweighs the need for the contributions which the development would normally yield.
- 12.0 Other issues
- 12.1 Private access rights and property values are not for consideration as part of the planning application process. Disruption during construction is an inevitable part of any development and if permission were granted, Environmental Health has the power to take action against nuisance.
- 12.2 Comments regarding the gifting of land and any legal covenants on land again are not for consideration under the planning application process, however the granting of permission would not waive any legal rights or restrictions on the land.
- 12.3 The landscaping plan shows the bin storage area to the rear of the apartment block. Whilst this is not ideal from a refuse point of view, it is preferable to have this located where it is shielded from view rather than on the road frontage in a prominent position. It is 15 metres away from the internal access road and the area around it will be hard surfaced which will make it more manageable on collection day to pull out to the refuse vehicle.

13.0 Conclusion

- 13.1 The scheme would provide 17 dwellings on this highly sustainable brownfield site. Whilst the density would be higher than that contained within Policy H6 of the Broxtowe Local Plan, having regard to the surrounding character of the area, the mix of dwelling types proposed and its location in close proximity to Eastwood Town Centre, it is considered that the amended layout would not result in an unacceptable impact upon the amenity of surrounding properties whilst there are no overriding traffic concerns in the opinion of the Highways Authority.
- 13.2 Whilst the scheme is unable to make any financial contribution towards education and open space provision within the Borough, having regard to the market conditions within this area and the fact that 12 of the 17 dwellings will provide affordable housing which can be secured through a Section 106 Agreement, it is considered that on balance the benefit of bringing forward the site for housing demonstrably outweighs the harm of receiving zero contributions.
- 13.3 In conclusion therefore and 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 Eastwood, this carries significant weight as the location is sustainable and therefore in the absence of any significant harm to the amenity of existing surrounding residents and the character and appearance of the area it is recommended that the application be approved subject to conditions.

**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) the prior completion of an agreement under section 106 of the Town & Country Planning Act 1990, and**
- (ii) the following conditions:**
  - 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
  - 2. The development hereby permitted shall be carried out in accordance with drawings numbered EKV01836 – 003 RevH, EKV01836 – 004 RevG, EKV01836 – 103 RevE, EKV01836 – 203 RevE, received by the Local Planning Authority on 17<sup>th</sup> January 2017, EKV01836 – 001 RevA, EKV01836 – 002 RevA, EKV01836 – 100 RevB, EKV01836 – 101 RevB, EKV01836 – 102 RevC, EKV01836 – 104 RevB, EKV01836 – 200 RevC, EKV01836 – 201 RevC, EKV01836 – 202 RevC, EKV01836 – 204 RevO, received by the Local Planning Authority on 12 December 2017 and EKV01836 – 205 Rev B, received by the Local Planning Authority on 18 January 2017.**

- 3. No building operations, above the existing ground level shall be carried out until details of the manufacturer, type and colour of the materials to be used in facing walls and roofs have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.**
- 4. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:**

  - (a) trees, hedges and shrubs 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) proposed boundary treatments**
  - (d) proposed hard surfacing treatment**
  - (e) proposed lighting details**
  - (f) planting, seeding/turfing of other soft landscape areas**
  - (g) proposed bin and cycle storage facilities**

**The approved scheme shall be carried out strictly in accordance with the agreed details.**
- 5. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner 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.**
- 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no extensions shall be constructed to the rear of the properties hereby approved.**
- 7. No part of the development hereby permitted shall take place until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, visibility splays, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.**

8. No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent and as shown on plan ref: 4496 (20) 201. Is permanently closed and the access crossing reinstated as footway in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.
9. Each of the dwellings hereby permitted shall be first occupied unless its respective access and driveway/parking area has been constructed in a hard bound material (not loose gravel) with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
10. No development hereby permitted shall commence until wheel washing facilities have been installed on the site in accordance with details first submitted to and approved in writing by the LPA. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no extensions shall be constructed to the rear of the properties hereby approved.

#### Reasons

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. No such details were submitted, in the interests of the appearance of the development and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Draft Aligned Core Strategy. The requirement is to be satisfied before new construction begins in order that potentially abortive works is avoided, if unacceptable materials are used.
4. No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy 2014. The requirement is to be satisfied before new construction begins in order that protection measures are put in place and potentially abortive works are avoided, if unacceptable materials and planting is proposed.

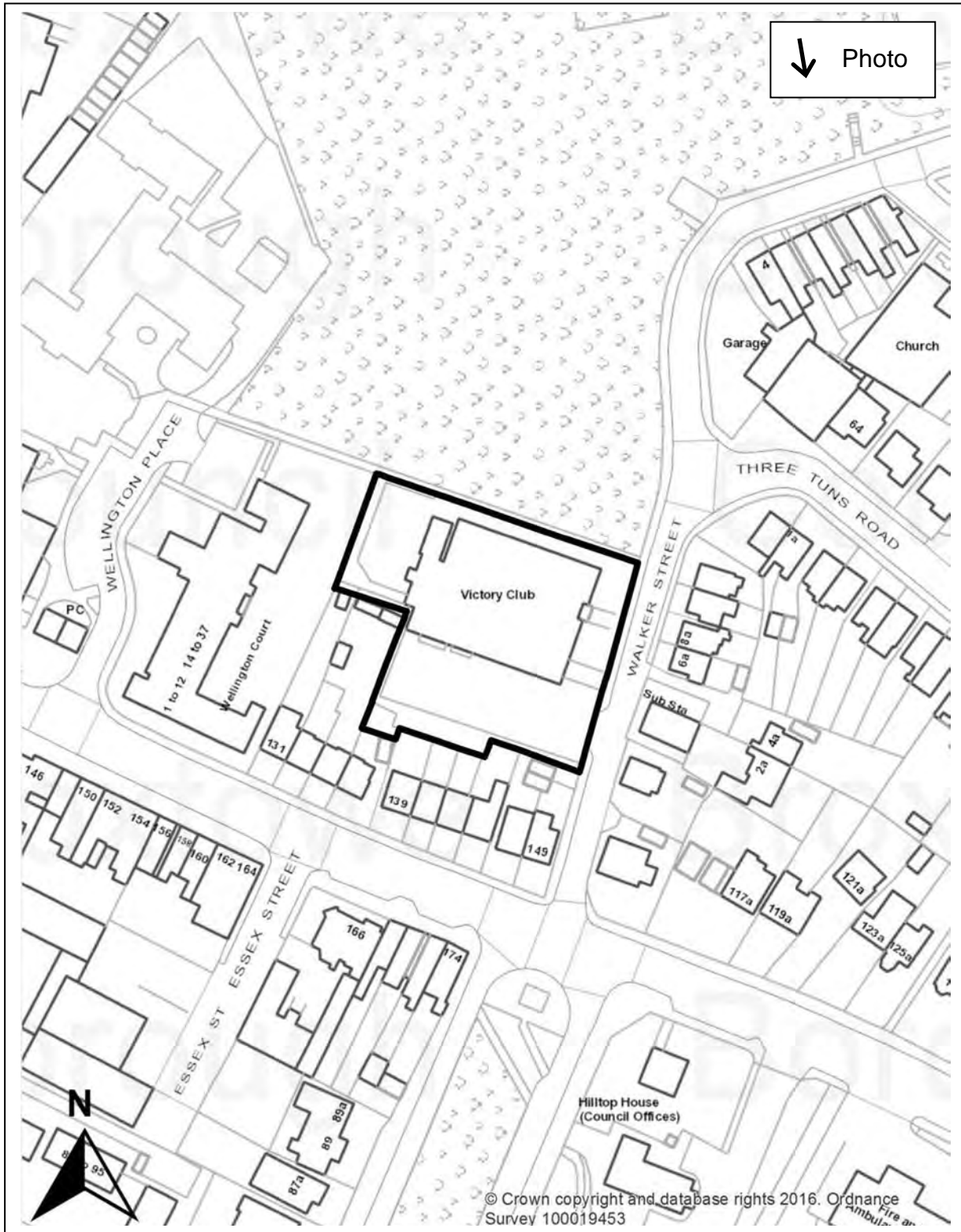
5. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy.
6. In the interests of residential amenity and in accordance with policy H7 of the Broxtowe Local Plan 2004 and Policy 10 of the ACS.
7. No such details were submitted, in the interests of the appearance of the development and highway safety and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Draft Aligned Core Strategy. The requirement is to be satisfied before new construction begins in order that potentially abortive works are avoided, and all measures to ensure that the road meets adoptable standards are implemented from the start of construction.
8. In the interests of Highway safety and in accordance with the aims of Policy 10 of the Broxtowe Draft Aligned Core Strategy. The requirement is to be satisfied before the new dwellings are occupied to ensure that all measures that avoid any highway conflict and therefore improve highway safety are in place, creating a safe highway network.
9. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) and to ensure surface water from the site is not deposited on the public highway causing dangers to road users.
10. No such details were submitted with the application and in the interests of Highway safety, wheel washing facilities shall be in place prior to the commencement of the development to ensure that any mud, dirt or other debris does not leave to the site, ensuring that highway safety is not compromised.
11. In the interests of residential amenity and in accordance with policy H7 of the Broxtowe Local Plan 2004 and Policy 10 of the Aligned Core Strategy 2014.

#### **Notes to Applicant**

1. This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
2. The decision has been reached taking into account the guidance in paragraphs 186-187 of the National Planning Policy Framework (NPPF) 2012. The Council has worked proactively to engage directly with the developer at the earliest opportunity to discuss concerns, request further information, find solutions and negotiate amended plans which improve the design and layout of the scheme.

3. The development makes it necessary to relocate the street lighting column outside the site on Walker Street. These works should be carried out at the expense of the applicant and it is essential that you contact the Highways Department at Nottinghamshire County Council on 03005008080 to arrange for these works.
4. In order to carry out the off-site works required, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact the County Council Highways team for details on Tel: 0115 9772210.
5. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
6. This consent will require approval under Section 19 of the Nottinghamshire County Council Act 1985 and where the new streets are to be adopted an Agreement pursuant to Section 38 of the Highways Act 1980 will be required. Please contact Nottinghamshire County Council to ensure that approvals and agreements are secured before commencement of works.
7. 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.
8. 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.
9. 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 work commences on site.

Background papers  
Application case file



**Eastwood & District Victory Club, Walker Street, Eastwood**  
Construct 17 dwellings, access road and associated landscaping including demolition of the Victory club

Planning Committee 8 February 2017

Scale: 1: 1,250

**Directorate of Legal and Planning Services**

Report of the Director of Legal and Planning Services

**16/00716/FUL  
CHANGE OF USE TO OFFICES (CLASS B1)  
THE CHAPEL, CEMETERY WALK,  
EASTWOOD, NOTTINGHAMSHIRE NG16 3JU**

This application is brought before the Committee as the Council is the developer.

1. Details of the application

1.1. Retrospective permission is sought for the change of use of a former chapel building into use as offices. The use has already commenced without the need for any external alterations to the building.

2. Site and surroundings

2.1. The former chapel is in an elevated position located within the heart of Eastwood Cemetery. The application site consists of the building and the immediate surrounding hardstanding areas. Two metre high wrought iron perimeter fences help to secure the application site.



2.2. The site is accessed via Cemetery Walk which serves as both a vehicle access and public footpath from where Main Street meets Chewton Street to the south. The entire application site falls outside of any specific designations and is not within Green Belt.





3. Policy context

3.1. Broxtowe Local Plan (2004):

3.1.1. Saved Policy EM3 – Expansion/Redevelopment of Existing Employment Premises: Permission will be granted for employment uses to redevelop within existing sites provided that environmental and traffic effects are acceptable.

3.2. Aligned Core Strategies 2014:

3.2.1. Policy 4 – Employment Provision and Economic Development: The economy of the area will be strengthened and diversified with new floorspace provided across all employment sectors. This policy also aims to retain good quality employment sites that are an important source of jobs.

3.2.2. Policy 10 – Design and Enhancing Local Identity: New development should be designed to create an attractive, safe, inclusive and healthy environment. Development should conserve locally important assets and preserve their settings.

3.3. National Planning Policy Framework (NPPF) 2012:

3.3.1. Section 1 – Building a Strong, Competitive Economy: Applications for alternative uses of buildings should be treated on their merits having regards to market signals and the relative need for different land uses to support sustainable communities.

3.3.2. Section 7 – Requiring Good Design: Decisions should aim to ensure that developments function well and optimise the potential of the site.

4. Relevant Planning History

4.1. In 2007 under application ref: 07/00999/FUL permission was granted for change of use of the cemetery chapel into a gym/training facility for a boxing club. It is understood that this approved change of use was implemented, however the leisure facility only stayed open for business for a short period of time.

5. Consultations

5.1. The Council's Environmental Health Technical Officer has confirmed no comments in respect of the development.

5.2. Eastwood Town Council has raised no objections.

5.3. The occupiers of No.113 Church Street have made observations stating that the area is a cemetery and that the development should respect its location.

6. Appraisal
- 6.1. The main issues relate to the principle of change of use and any traffic and parking effects.
- 6.2. Any application should first be determined against the Local Development Plan with the NPPF as a material consideration. However, weight is also given to the General Permitted Development Order and the scenarios for when development does not require permission. In relation to this case it should be taken into account that under Part 3 Class I (General Business Conversions) of the Town & Country Planning (General Permitted Development Order) a building can change from Storage or Distribution (Class B8) to Business Offices (Class B1) without the need for a planning application.
- 6.3. Notwithstanding the above, Saved Policy EM3 from the Local Plan and Policy 4 from the Core Strategies look positively on creating viable business premises. It is considered that the principle of development for the site to operate as offices is not unacceptable. Furthermore on the proviso that prior to the development being undertaken if the use of the building was as storage under Class B8, the change of use would actually fall under permitted development.
- 6.4. A supporting statement has been received which clarifies that the original use of the building as a cemetery chapel ceased in 2007 soon after permission was granted for a leisure facility. However, the leisure facility was only open for business for a short period of time and since around 2008 the building fell into disuse until it was eventually used for storage. The storage use has been on-going for a number of years and the site has sometimes been subject to anti-social behaviour and suffered vandalism. It is considered that a viable business use for the building with increased operations could help to deter any further damage.
- 6.5. Although the building is not a listed heritage asset it does have architectural merit and holds historical value. For the new use to proceed there has been no external alterations, therefore the view of the building within the cemetery surroundings still remains. In accordance with Policy 10 of the Core Strategies this locally important asset has been conserved.
- 6.6. In terms of any traffic or parking issues it is considered that there are insufficient grounds for a refusal. The hardstanding areas within the application site can reasonably accommodate a number of vehicles, which should ensure that Cemetery Walk is kept clear and available for use by visitors to the cemetery.
- 6.7. The Council's Environmental Health Technical Officer has raised no concerns in relation to the proposal. The site is surrounded by the cemetery and the nearest residential dwellings are not in close proximity. With this in mind, it would be unreasonable to limit the hours of business use. It is

anticipated that the offices would be in use during normal working hours during the day.

7. Conclusion

- 7.1. The building has been used for storage since 2008 without the benefit of planning permission, but without any complaints being raised. Had this been its 'lawful' use the current proposed use would have benefited from falling within permitted development. Overall, it is desirable for the building to be used as viable business premises where the original character as a cemetery chapel is not harmed and there are no overriding traffic or parking issues due to the existing access arrangement and parking provision within the site. Accordingly the use of the building sought by this application does not conflict with the aims and principles of Saved Policies EM3 of the Broxtowe Local Plan 2004, Policies 4 & 10 of the Aligned Core Strategies 2014 and the NPPF 2012.

**Recommendation**

**The Committee is asked to RESOLVE that planning permission be granted subject to the following condition:**

**The development hereby approved shall remain in accordance with the Proposed Plan, Elevations and Sections Drawing No: CW15:006:002 Rev A received by the Local Planning Authority on 31 October 2016 and Amended Site Location Plan Drawing No: CW15:015:001 Rev A received by the Local Planning Authority on 03 January 2017.**

**Reason**

**For the avoidance of doubt.**

**Note to Applicant**

**The decision has been reached taking into account the guidance in paragraphs 186-187 of the National Planning Policy Framework (NPPF) 2012. The Council has worked proactively to request additional information which was reasonably required.**

Background papers  
Application case file



**The Chapel, Cemetery Walk, Eastwood**  
Change of use to offices (Class B1)

Planning Committee 8 February 2017

Scale: 1: 1,250

**Directorate of Legal and Planning Services**

## Report of the Director of Legal and Planning Services

**15/00104/ENF  
CONSIDERATION OF ENFORCEMENT ACTION FOR  
UNAUTHORISED ERECTION OF OUTBUILDING  
37 EDWARD STREET, STAPLEFORD, NOTTINGHAM NG9 8FH**

Councillor R H Darby has requested that this matter be considered by the Planning Committee.

1. Background

This matter was brought to the attention of the Council in late May 2015. The complaint relates to the erection of a wooden outbuilding which had a roof area intended for storage purposes.

An initial visit was made to the property in June 2015. At the time of the site visit, the roof structure of the building was incomplete although the frame had been built. The highest point of the roof structure measured 3.8m in height and the structure was situated within 2 metres of the rear boundary and the north boundary adjoining number 39 Edward Street.

The structure as originally erected would have required the benefit of planning permission because the roof height exceeded 2.5m in height within 2 metres of a boundary.

Following discussion with the occupier, the majority of the roof structure was removed, although not completely. What remains are wooden upright struts which form part of the original roof structure, these measure approximately 2.7m from ground level and therefore the breach of planning control has failed to be remedied in full.

2. Policy

Policy 10 of the Aligned Core Strategy requires an assessment taking into account the design of development and its impact on neighbours.

3. Appraisal

Despite lengthy negotiations, the property owner has failed to reduce the height of the structure to within the limitations set out within the Town and Country Planning (GPDO) 2015. Whilst the height of the building originally under construction had the potential to affect the amenity of the immediate neighbouring property, the reduction in the height which has already taken place has significantly reduced this impact.

The remaining upright struts measure approximately 2.7m from ground level which is 20cm more than would be allowed within the TCP (GPDO) 2015 Part 1 Class E. The removal of the struts as requested would reduce the height to

within permitted development limits and. due to the small increase above the permitted development limits and the location of the outbuilding, it is not considered that the structure in the rear garden results in any conflict with policy that would require enforcement action to be taken.

**Recommendation**

**The Committee is asked to RESOLVE to use its discretion not to take any enforcement action.**

Background papers  
Application case file



**37 Edward Street, Stapleford**  
Erection of Unauthorised Outbuilding

Planning Committee 8 February 2017

Scale: 1: 1,250

**Directorate of Legal and Planning Services**

**BROXTOWE BOROUGH COUNCIL**  
**DEVELOPMENT CONTROL – NEIGHBOURHOODS & PROSPERITY**

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**PLANNING APPLICATIONS DEALT WITH FROM**  
**7 December 2016 to 6 January 2017**

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**CONTENTS**

Planning applications dealt with under delegated powers.

Please note: This list is now prepared in WARD order (alphabetically)



**BROXTOWE BOROUGH COUNCIL**  
**DEVELOPMENT CONTROL – NEIGHBOURHOODS & PROSPERITY**

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**P L A N N I N G   A P P L I C A T I O N S   D E T E R M I N E D   B Y**  
**D E V E L O P M E N T   C O N T R O L**

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**ATTENBOROUGH & CHILWELL EAST WARD**

Applicant : Mrs C Feeley 16/00721/FUL  
Site Address : 136 Long Lane Attenborough Nottinghamshire NG9 6BW  
Proposal : **Construct single storey rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr Ian Haines 16/00740/FUL  
Site Address : 2 Gwenbrook Avenue Chilwell Nottingham NG9 4BA  
Proposal : **Construct 2 storey side extension and single storey rear extension**  
Decision : **Conditional Permission**

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Applicant : Mrs G Martin 16/00749/FUL  
Site Address : 20 Brookland Drive Chilwell Nottingham NG9 4BD  
Proposal : **Construct single storey side and rear extensions**  
Decision : **Conditional Permission**

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Applicant : Mr Puddy 16/00751/FUL  
Site Address : 4 The Twitchell Chilwell Nottinghamshire NG9 5BD  
Proposal : **Construct rear conservatory**  
Decision : **Conditional Permission**

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**AWSWORTH, COSSALL & TROWELL WARD**

Applicant : Ms Susan Flemming 16/00710/FUL  
Site Address : 23 Wordsworth Road Awsworth Nottinghamshire NG16 2SW  
Proposal : **Erect timber deck with handrail and steps**  
Decision : **Conditional Permission**

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Applicant : Mr S Haggerty 16/00803/PNH  
Site Address : 21 Ilkeston Road Trowell Nottinghamshire NG9 3PY  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6.075 metres, with a maximum height of 3 metres and an eaves height of 2.5 metres**  
Decision : **Refusal**

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**BEESTON CENTRAL WARD**

Applicant : Mr Julian Dumelow 16/00626/OUT  
Site Address : 12 - 14 Moore Gate Beeston Nottinghamshire NG9 1FX  
Proposal : **Outline planning application to construct three storey building with up to 14 apartments with all matters reserved following demolition of existing warehouse**  
Decision : **Conditional Permission**

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Applicant : Mr Iaan Prentice 16/00712/FUL  
Site Address : 249 Queens Road Beeston Nottinghamshire NG9 2BB  
Proposal : **Retain outbuilding**  
Decision : **Conditional Permission**

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Applicant : Mr Peter Fowke 16/00691/FUL  
Site Address : 40A High Road Beeston Nottinghamshire NG9 2JP  
Proposal : **Change of use from office (Class B1) to Beauty Salon (to include laser treatment) and on-line publishing service**  
Decision : **Conditional Permission**

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|-----------------------------|---|--|---------------|
| Applicant                   | : | Mr & Mrs Beech   | 16/00725/FUL  |
| Site Address                | : | 43 Pelham Crescent Beeston Nottingham NG9 2ER  |               |
| Proposal                    | : | <b>Construct single/two storey side extension and single storey rear extension</b>   |               |
| Decision                    | : | <b>Conditional Permission</b>  |               |
| Applicant                   | : | Jo Booth   | 16/00737/FUL  |
| Site Address                | : | 17 Melrose Avenue Beeston Nottingham NG9 1HW   |               |
| Proposal                    | : | <b>Construct single storey side and rear extension</b>   |               |
| Decision                    | : | <b>Conditional Permission</b>  |               |
| Applicant                   | : | Mr J Williams  | 16/00711/FUL  |
| Site Address                | : | 54 Middle Street Beeston Nottinghamshire NG9 2AR   |               |
| Proposal                    | : | <b>Subdivide house to form two flats and construct two/ single storey rear extension and dormer</b>  |               |
| Decision                    | : | <b>Conditional Permission</b>  |               |
| Applicant                   | : | Mr Terence Tsang   | 16/00845/PNH  |
| Site Address                | : | 18 Herald Close Beeston Nottinghamshire NG9 2DW  |               |
| Proposal                    | : | <b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5 metres, with a maximum height of 3 metres, and an eaves height of 3 metres</b>     |               |
| Decision                    | : | <b>Withdrawn</b>   |               |
| <b>BEESTON NORTH WARD</b>   |   |  |               |
| Applicant                   | : | Mr Tom Ringrose  | 16/00773/FUL  |
| Site Address                | : | 5 Wollaton Crescent Beeston Nottinghamshire NG9 2PJ  |               |
| Proposal                    | : | <b>Construct single storey rear extension</b>  |               |
| Decision                    | : | <b>Conditional Permission</b>  |               |
| Applicant                   | : | Mr R Walker C P Walker & Son   | 16/00815/PNH  |
| Site Address                | : | 40 Marlborough Road Beeston Nottinghamshire NG9 2HG  |               |
| Proposal                    | : | <b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6 metres, with a maximum height of 3.6 metres, and an eaves height of 2.5 metres</b> |               |
| Decision                    | : | <b>Prior Approval Not Required</b>   |               |
| <b>BEESTON RYLANDS WARD</b> |   |  |               |
| Applicant                   | : | Ms Wendy Kane The Pearson Centre for Young People  | 16/00739/FUL  |
| Site Address                | : | 10 Ireland Avenue Beeston Nottingham NG9 1JD   |               |
| Proposal                    | : | <b>Construct garage</b>  |               |
| Decision                    | : | <b>Conditional Permission</b>  |               |
| Applicant                   | : | Mr Steve Goldson   | 16/00761/CLUP |
| Site Address                | : | 113 Trent Road Beeston Nottinghamshire NG9 1LP   |               |
| Proposal                    | : | <b>Certificate of Lawful development to extend rear dormer</b>   |               |
| Decision                    | : | <b>Approval - CLU</b>  |               |
| Applicant                   | : | Mrs Emma Walsh   | 16/00776/ADV  |
| Site Address                | : | W Block Beeston Business Park Technology Drive Beeston NG9 1LA   |               |
| Proposal                    | : | <b>Display 3 non illuminated fascia signs</b>  |               |
| Decision                    | : | <b>Conditional Permission</b>  |               |
| Applicant                   | : | Mr Janrathanan Balasundaram  | 16/00788/ROC  |
| Site Address                | : | Sri Thurkkai Amman Temple West Crescent Beeston Nottingham NG9 1QE   |               |
| Proposal                    | : | <b>Variation of Condition 2 of planning reference 15/00366/FUL to allow for the retention of double doors</b>  |               |
| Decision                    | : | <b>Conditional Permission</b>  |               |

## BEESTON WEST WARD

Applicant : Mr & Mrs S Williams 16/00666/FUL  
Site Address : 34 Park Road Chilwell Nottinghamshire NG9 4DA  
Proposal : **Construct two storey side/rear extension with juliet balcony, single storey rear extension, single storey front extension, gates and boundary wall (revised scheme).**  
Decision : **Conditional Permission**

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Applicant : Ms Anne Jennings 16/00708/FUL  
Site Address : 21 Elm Avenue Beeston Nottinghamshire NG9 1BU  
Proposal : **Construct artist's studio, following demolition of existing outbuilding**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Neal 16/00755/FUL  
Site Address : 55 Hope Street Beeston Nottinghamshire NG9 1DR  
Proposal : **Construct two storey side extensions, single storey side and rear extensions and first floor rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr A Forsyth Oaking Developments 2 Ltd 16/00763/P3PPA  
Site Address : 29A Imperial Road Beeston Nottinghamshire NG9 1FN  
Proposal : **Prior Notification under Class P - change of use from storage building (Class B8) to 6 apartments (Class C3)**  
Decision : **Refusal**

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## BRAMCOTE WARD

Applicant : Mr Ian Bowley 16/00573/FUL  
Site Address : 83 Town Street Bramcote Nottinghamshire NG9 3HL  
Proposal : **Replace flat roof with pitched roof and new cladding on front gable**  
Decision : **Conditional Permission**

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Applicant : Mr Graeme Renton BDP 16/00671/FUL  
Site Address : St Michaels Church Centre Church Street Bramcote NG9 3HD  
Proposal : **Construct ramp and install new doors**  
Decision : **Conditional Permission**

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Applicant : Mr Gurbinder Sandhu 16/00689/FUL  
Site Address : 12 Thoresby Road Bramcote Nottingham NG9 3EY  
Proposal : **Form gables to existing hipped roof and construct dormer windows to rear**  
Decision : **Conditional Permission**

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Applicant : Mrs Tracey Clegg T E Clegg Building Design Ltd 16/00696/REM  
Site Address : 75 Derby Road Bramcote Nottinghamshire NG9 3GY  
Proposal : **Construct three dwellings (approval of reserved matters relating to design, landscaping, layout and scale)**  
Decision : **Conditional Permission**

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Applicant : Divya Sawhney 16/00730/FUL  
Site Address : 54 Beeston Fields Drive Beeston Nottinghamshire NG9 3DD  
Proposal : **Construct new roof, first floor extensions, two storey front and single storey rear extension and juliet balcony (revised scheme)**  
Decision : **Conditional Permission**

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Applicant : Mr Z Khan 16/00758/FUL  
Site Address : 32 Rivergreen Crescent Bramcote Nottinghamshire NG9 3EQ  
Proposal : **Retain single storey rear extension, replacement of flat roof with pitched roof and new front canopy roof**  
Decision : **Conditional Permission**

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|---------------------------|---|---|--------------|
| Applicant                 | : | Mr Paul Watkin  | 16/00774/FUL |
| Site Address              | : | 49 Ilkeston Road Bramcote Nottinghamshire NG9 3JP   |              |
| Proposal                  | : | <b>Construct dropped kerb</b>   |              |
| Decision                  | : | <b>Conditional Permission</b>   |              |
| Applicant                 | : | Mrs D Grundy  | 16/00778/OUT |
| Site Address              | : | Land Adjacent 3 The Jardines Bramcote Nottinghamshire NG9 3BH   |              |
| Proposal                  | : | <b>Outline application to construct one dwelling with all matters reserved</b>  |              |
| Decision                  | : | <b>Conditional Permission</b>   |              |
| Applicant                 | : | Mr & Mrs Yerkess  | 16/00789/FUL |
| Site Address              | : | 111 Arundel Drive Bramcote Nottingham NG9 3FQ   |              |
| Proposal                  | : | <b>Construct two storey rear extension, single storey side/rear extension and front porch (revised scheme)</b>  |              |
| Decision                  | : | <b>Conditional Permission</b>   |              |
| <b>BRINSLEY WARD</b>      |   |   |              |
| Applicant                 | : | Ms N Travis   | 16/00650/FUL |
| Site Address              | : | 1 Church Lane Brinsley Nottinghamshire NG16 5AD   |              |
| Proposal                  | : | <b>Construct two storey side/rear extension and single storey rear extension including balcony</b>  |              |
| Decision                  | : | <b>Conditional Permission</b>   |              |
| Applicant                 | : | Mr David Kerry  | 16/00729/FUL |
| Site Address              | : | 17 Windsmoor Road Brinsley Nottingham NG16 5DA  |              |
| Proposal                  | : | <b>Erect close boarded boundary fence</b>   |              |
| Decision                  | : | <b>Conditional Permission</b>   |              |
| <b>CHILWELL WEST WARD</b> |   |   |              |
| Applicant                 | : | Mr Imran Arfridi  | 16/00733/FUL |
| Site Address              | : | 4 Inham Road Chilwell Nottinghamshire NG9 4FL   |              |
| Proposal                  | : | <b>Subdivide dwelling to form two dwellings, including front and side extensions and new roof with dormers and construct front boundary wall with railings and gates</b>                  |              |
| Decision                  | : | <b>Conditional Permission</b>   |              |
| Applicant                 | : | Mr & Mrs Barker   | 16/00771/FUL |
| Site Address              | : | 20 Longleat Crescent Chilwell Nottinghamshire NG9 5EU   |              |
| Proposal                  | : | <b>Insert second floor side window</b>  |              |
| Decision                  | : | <b>Conditional Permission</b>   |              |
| <b>EASTWOOD HALL WARD</b> |   |   |              |
| Applicant                 | : | Mrs Michele Anne Davis The Beauty Lounge  | 16/00720/FUL |
| Site Address              | : | Durban House Heritage Centre Mansfield Road Eastwood Nottinghamshire NG16 3DZ   |              |
| Proposal                  | : | <b>Change of Use from heritage centre (Class D1) to day spa and beauty salon and tea room incorporating D H Lawrence exhibition</b>   |              |
| Decision                  | : | <b>Conditional Permission</b>   |              |
| Applicant                 | : | Mrs Sonya Bingham   | 16/00786/FUL |
| Site Address              | : | 95 Mill Road Newthorpe Nottinghamshire NG16 3QE   |              |
| Proposal                  | : | <b>Construct single storey front and rear extensions</b>  |              |
| Decision                  | : | <b>Conditional Permission</b>   |              |
| Applicant                 | : | Mrs J Brocklehurst  | 16/00798/PNH |
| Site Address              | : | 51 Garden Road Eastwood Nottinghamshire NG16 3FY  |              |
| Proposal                  | : | <b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4 metres, with a maximum height of 3.3 metres and an eaves height of 2.9 metres</b> |              |
| Decision                  | : | <b>Prior Approval Not Required</b>  |              |

## EASTWOOD HILLTOP WARD

Applicant : Mr Russell Skellett 16/00607/FUL  
Site Address : 40 Percy Street Eastwood Nottinghamshire NG16 3EP  
Proposal : **Demolish existing building and construct two dwellings**  
Decision : **Conditional Permission**

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Applicant : Mr Lee Humphries S&G Enterprise LTD 16/00701/ADV  
Site Address : Unit 3 226 Nottingham Road Eastwood Nottinghamshire NG16 3GR  
Proposal : **Retain illuminated fascia sign**  
Decision : **Conditional Permission**

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Applicant : Mrs M Phillis 16/00727/OUT  
Site Address : Land Adjacent 143A Nottingham Road Eastwood Nottinghamshire NG16 3GJ  
Proposal : **Outline application for single detached dwelling with some matters reserved**  
Decision : **Conditional Permission**

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## EASTWOOD ST MARY'S WARD

Applicant : Mr Martyn Cater Specsavers Opticians 16/00630/FUL  
Site Address : 99 Nottingham Road Eastwood Nottinghamshire NG16 3AJ  
Proposal : **Install new shopfront and 2 outdoor AC condensing units to the rear of the building**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Dave & Kathryn Boam 16/00693/FUL  
Site Address : 13 Nottingham Road Eastwood Nottinghamshire NG16 3AP  
Proposal : **Change of use from retail (Class A1) to public house (Class A4)**  
Decision : **Conditional Permission**

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Applicant : Mr Gary Oliver 16/00709/FUL  
Site Address : Lord Nelson 20 Nottingham Road Eastwood NG16 3NQ  
Proposal : **Change use of first floor offices, storage and accommodation to form restaurant and external alterations to front elevation**  
Decision : **Conditional Permission**

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## GREASLEY WARD

Applicant : Mr Peter Gallagher 16/00547/LBC  
Site Address : 108-110 Moorgreen Newthorpe Nottinghamshire  
Proposal : **Listed Building Consent to convert chapel into dwelling, erect fence/gates and associated building works in accordance with applications 09/00197/FUL and 09/00199/LBC**  
Decision : **Conditional Permission**

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Applicant : Mr Robert Brookes 16/00606/FUL  
Site Address : 17 Main Street Newthorpe Nottinghamshire NG16 2EX  
Proposal : **Erect timber garage**  
Decision : **Conditional Permission**

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Applicant : Mr Peter Gallagher 16/00620/FUL  
Site Address : 108 - 110 Moorgreen Newthorpe Nottingham NG16 2FE  
Proposal : **Erect fencing and alterations to the parking area**  
Decision : **Conditional Permission**

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Applicant : Giltbrook Retail Park PODs Giltbrook Retail Park Nottingham Ltd 16/00655/FUL  
Site Address : Giltbrook Retail Park Ikea Way Giltbrook Nottinghamshire  
Proposal : **Erection of two retail units and air conditioning unit**  
Decision : **Conditional Permission**

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|                       |   |  |              |
|-----------------------|---|--|--------------|
| Applicant             | : | c/o agent Giltbrook Retail Park Nottingham Ltd   | 16/00656/ADV |
| Site Address          | : | Giltbrook Retail Park Ikea Way Giltbrook Nottinghamshire   |              |
| Proposal              | : | <b>Display 4 illuminated and 4 non-illuminated signs</b>   |              |
| Decision              | : | <b>Conditional Permission</b>  |              |
| Applicant             | : | Mr C Foulds R. Whitehead (Concrete) Ltd  | 16/00659/FUL |
| Site Address          | : | R Whitehead (Concrete) Ltd Viaduct Works Gin Close Way Awsworth Nottinghamshire NG16 2TA                                   |              |
| Proposal              | : | <b>Construct concrete batching plant, including demolition of existing concrete batching plant and all associated work</b> |              |
| Decision              | : | <b>Conditional Permission</b>  |              |
| Applicant             | : | Mrs Carole Harwood Carole's Snack Bar  | 16/00660/FUL |
| Site Address          | : | 12 Giltway Giltbrook Nottinghamshire NG16 2GN  |              |
| Proposal              | : | <b>Change of use from office (Class B1) to mixed use cafe (Class A3) and takeaway (Class A5)</b>                           |              |
| Decision              | : | <b>Conditional Permission</b>  |              |
| Applicant             | : | Mr & Mrs Kurt Fletcher   | 16/00680/FUL |
| Site Address          | : | 16 Lodge Road Newthorpe Nottingham NG16 2AZ  |              |
| Proposal              | : | <b>Construct first floor extension above existing garage and utility area</b>  |              |
| Decision              | : | <b>Conditional Permission</b>  |              |
| Applicant             | : | Mr R Schofield   | 16/00667/FUL |
| Site Address          | : | Wren Cottage 39 Moorgreen Newthorpe Nottinghamshire NG16 2FD   |              |
| Proposal              | : | <b>Construct single storey rear extension and front porch</b>  |              |
| Decision              | : | <b>Withdrawn</b>   |              |
| Applicant             | : | Mr Chris Johnston  | 16/00715/FUL |
| Site Address          | : | 6 Peters Close Newthorpe Nottingham NG16 2ER   |              |
| Proposal              | : | <b>Construct single storey extension to create additional habitable space, provide pitched roof to garage</b>              |              |
| Decision              | : | <b>Conditional Permission</b>  |              |
| Applicant             | : | Miss Harriette Doxey Central England Cooperative   | 16/00735/FUL |
| Site Address          | : | New White Bull 519 Nottingham Road Giltbrook NG16 2GS  |              |
| Proposal              | : | <b>Retrospective permission for installation of external plant equipment in connection with convenience store</b>          |              |
| Decision              | : | <b>Conditional Permission</b>  |              |
| <b>KIMBERLEY WARD</b> |   |  |              |
| Applicant             | : | Mr Matt Winwood  | 16/00608/FUL |
| Site Address          | : | 64 Alma Hill Kimberley Nottinghamshire NG16 2JF  |              |
| Proposal              | : | <b>Construct first floor side extension and dormers in the front elevation</b>   |              |
| Decision              | : | <b>Conditional Permission</b>  |              |
| Applicant             | : | Mr Stephen Richardson  | 16/00662/FUL |
| Site Address          | : | 75 Swingate Kimberley Nottinghamshire NG16 2PU   |              |
| Proposal              | : | <b>Construct two storey side extension (revised application)</b>   |              |
| Decision              | : | <b>Conditional Permission</b>  |              |
| Applicant             | : | Mr D Coxon   | 16/00690/FUL |
| Site Address          | : | 53 Dorchester Road Kimberley Nottinghamshire NG16 2TN  |              |
| Proposal              | : | <b>Enclose existing car port</b>   |              |
| Decision              | : | <b>Conditional Permission</b>  |              |
| Applicant             | : | Mr & Mrs Gregory   | 16/00734/FUL |
| Site Address          | : | 26 Oak Drive Nuthall Nottinghamshire NG16 1FJ  |              |
| Proposal              | : | <b>Convert existing detached double garage into one dwelling</b>   |              |
| Decision              | : | <b>Conditional Permission</b>  |              |

Applicant : Miss Kerstine Herbert KHPhysiotherapy 16/00752/FUL  
Site Address : 11 James Street Kimberley Nottinghamshire NG16 2LP  
Proposal : **Change of use from retail (Class A1) to physiotherapy clinic (Class D1)**  
Decision : **Conditional Permission**

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#### NUTHALL EAST & STRELLEY WARD

Applicant : Red Kangaroo 16/00552/FUL  
Site Address : Unit 2 Dabell Avenue Blenheim Industrial Estate Nuthall Nottinghamshire NG6 8WA  
Proposal : **Change of use from warehouse (Class B8) to trampoline park (Class D2)**  
Decision : **Conditional Permission**

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#### STAPLEFORD NORTH WARD

Applicant : Mr V Smedley 16/00855/P3MPA  
Site Address : Building On Land Off Meadow View Stapleford Nottinghamshire  
Proposal : **Prior notification under Class R - Part Change of use from Agricultural Building to Storage (Class B8)**  
Decision : **File Closed**

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#### STAPLEFORD SOUTH EAST WARD

Applicant : Mr Ian Jowett 16/00571/FUL  
Site Address : Whiteley Mill 39 Nottingham Road Stapleford Nottinghamshire NG9 8AD  
Proposal : **Change of use from restaurant (Class A3) to hotel (Class C1) and retention of window and door alterations.**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs T Wright 16/00678/FUL  
Site Address : 62 Central Avenue Stapleford Nottingham NG9 8ED  
Proposal : **Construct two storey side extension and single storey rear extension and retain storage unit**  
Decision : **Conditional Permission**

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Applicant : Mr Matthew Downes St John's Church of England Primary School 16/00722/FUL  
Site Address : 80 Nottingham Road Stapleford Nottinghamshire NG9 8AQ  
Proposal : **Change of use from residential (Class C3) to education use (Class D1)**  
Decision : **Conditional Permission**

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#### TOTON & CHILWELL MEADOWS WARD

Applicant : Mr Sai Giddu 16/00563/FUL  
Site Address : 15 Grayson Mews Chilwell Nottingham NG9 6RU  
Proposal : **Construct two storey rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr Andrew Oldham 16/00676/FUL  
Site Address : 60 Lonsdale Drive Toton Nottinghamshire NG9 6LS  
Proposal : **Retain change of use from domestic garage to music teaching business**  
Decision : **Conditional Permission**

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#### WATNALL & NUTHALL WEST WARD

Applicant : Mr Steven Wood 16/00713/FUL  
Site Address : 18 Coronation Road Nuthall Nottinghamshire NG16 1EP  
Proposal : **Construct two storey side extension**  
Decision : **Conditional Permission**

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Applicant : Mr Mike Nelmes 16/00714/LBC  
Site Address : 3 Nottingham Road Nuthall Nottinghamshire NG16 1DH  
Proposal : **Listed Building Consent to remove and replace 13 external windows**  
Decision : **Conditional Permission**

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