



14 March 2017

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 22 March 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 - 14

The Committee is asked to confirm as a correct record the minutes of the meeting held on 8 February 2017.

4. NOTIFICATION OF LOBBYING

5.	<u>PUBLIC PATH DIVERSION ORDERS</u>	
5.1	<u>Proposed diversion of Stapleford Footpath No. 11 Nottingham Road, Stapleford</u>	PAGES 15 - 19
5.2	<u>Proposed diversion of Giltbrook Footpath No. 54 Land off Smithurst Road, Giltbrook</u>	PAGES 20 - 25
6.	<u>DEVELOPMENT CONTROL</u>	
6.1	<u>16/00646/FUL</u> Construct 16 dwellings, access road and associated landscaping including demolition of the Victory Club <u>Eastwood and District Victory Club,</u> <u>Walker Street, Eastwood NG16 3EN</u> <u>13/00784/FUL</u>	PAGES 26 - 50
6.2	<u>16/00854/FUL</u> Construct single dwelling land adjacent <u>73 Maple Drive, Nuthall NG16 1EJ</u>	PAGES 51 - 63
6.3	<u>16/00808/FUL</u> Change of use from Residential (Class C3) to mixed use of residential (Class C3) and internet distance selling pharmacy <u>21 Cirrus Drive, Watnall NG16 1FS</u>	PAGES 64 - 73
6.4	<u>17/00025/FUL</u> Construct dwelling following demolition of existing dwelling <u>4 Steven Close, Toton NG9 6JX</u>	PAGES 74 - 82
6.5	<u>17/00082/FUL</u> Construct single storey side, rear and front extension <u>18 Chesham Drive, Bramcote NG9 3FB</u>	PAGES 83 - 88
6.6	<u>17/00020/ADV</u> Erect sign - Hickings Lane Medical Centre <u>120 Ryecroft Street, Stapleford NG9 8PN</u>	PAGES 89 - 92
6.7	<u>14/00247/ENF</u> Untidy Condition of Garden <u>1 Roxley Court, Wollaton Road, Beeston NG9 2NU</u>	PAGES 93 - 95
7.	<u>INFORMATION ITEMS</u>	
7.1	<u>Appeal Decisions</u>	
7.1.1	<u>15/00841/REM</u> <u>Field Farm, Ilkeston Road, Stapleford</u>	PAGES 96 - 98

7.1.2	<u>16/00165/FUL</u> <u>Land north of Home Farm Cottage and Park</u> <u>View Cottage, Main Street, Strelley</u>	PAGES 99 - 100
7.1.3	<u>16/00083/FUL</u> <u>Abel Collins Homes, Derby Road, Beeston</u>	PAGES 101 - 102
7.1.4	<u>14/00677/OUT</u> <u>Bramcote Hills Golf Course</u>	PAGES 103 - 105
7.2	<u>Appeal Statistics</u>	PAGE 106
7.3	<u>Delegated Decisions</u>	PAGES 107 - 118

## **PLANNING COMMITTEE**

**8 FEBRUARY 2017**

Present: Councillor M Handley, Chair

Councillors:	D Bagshaw	J S Briggs
	T P Brindley	M Brown
	M J Crow (substitute)	E Cubley (substitute)
	A Harper	G Marshall
	J K Marsters	P J Owen
	M Radulovic MBE	R S Robinson

Apologies for absence were received from Councillors L A Ball BEM, R I Jackson and R D MacRae.

### 44. **DECLARATIONS OF INTEREST**

Councillor T P Brindley declared a pecuniary interest in item 5.1 as he lives close to the site, minute no. 47.1 refers; Councillor G Marshall declared a non-pecuniary interest in item 6.1 as he knows someone renting a property on the site, minute no. 48.1 refers; Councillor J K Marsters was speaking as ward member on behalf of residents in relation to agenda item 6.2 and would not therefore vote on the item, minute no. 48.2 refers; Councillor M Radulovic MBE declared non-pecuniary interests in items 6.2 and 6.3 as he had respectively been involved in discussions with local people about the development of the site and had been involved in discussions as to restoration of the building, minute nos. 48.2 and 48.3 refer.

### 45. **MINUTES**

The minutes of the meeting held on 11 January 2017 were confirmed and signed.

### 46. **NOTIFICATION OF LOBBYING**

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

### 47. **TREE PRESERVATION ORDER**

#### 47.1 **Tree Preservation Order** **Bramcote Hills Golf Course TPO/BRA/21**

Members considered an adjustment of the TPO/BRA/21 from an area TPO to individual TPOs.

**RESOLVED 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 the site.**

(Having declared a pecuniary interest in the item, Councillor T P Brindley did not speak or vote.)

48. DEVELOPMENT CONTROL

48.1 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

The applications, as outlined above, had been brought before Committee for determination due to objections received from Historic England and Sport England.

The Committee was referred to the summary of late items which advised of an amendment to Section 106 requirements.

Mr John Marriott (objecting), Revd Dr David Hilborn (applicant) and Councillor J A Doddy (ward member) addressed the Committee prior to the general debate.

Members debated the application and it was stated that the proposals would give benefit to the community with additional housing whilst preserving an historic building. The college would gain by being able to continue its operation in a revised form and the positives outweighed the negatives. A poorer looking building would be demolished which would enhance the setting of the historic building, although some residents considered they would be more closely overlooked. It was stated that the highways would need to be brought up to adoptable standards and officers were urged to discuss the issue of non-adoptability since roads should be built to an adoptable standard by the County Council to ensure there were no future maintenance difficulties.

The proposals would provide an exclusive development for people who could afford to live there. Communities needed to be sustainable and have a wide

diversity and there had been no commitment secured to ensure affordable housing, social housing or sheltered housing.

It was requested that the Head of Neighbourhoods and Prosperity advise Group Leaders of the Secretary of State's decision on call-in once this was known.

**RESOLVED 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.**

48.2 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

The application, as outlined above, had been brought to Committee for determination due to the lower than policy compliant S106 contributions.

The Committee was referred to the summary of late items which advised of further letters of objection received from neighbours of the site; an administrative error by the applicant; viability information from the agent; emails from Nottinghamshire County Council; receipt of amended plans and, accordingly, revisions to conditions 2, 6, 8 and 9, deletion of condition and reason 11 and amendment to Note to Applicant 3.

Mr Lester Gregory (objecting) and Councillor J K Marsters (ward member for Eastwood St Mary's) addressed the Committee prior to the general debate.

Members debated the item and it was suggested that the late submission of amended plans and the consequential amendment to conditions associated therewith merited a new application. The site could not sustain a development of the intensity proposed and would be to the detriment of residents. The site was difficult to access and egress and the constant traffic movements on Walker Street would make it hazardous. Parking in the vicinity was already difficult and the design proposals were of poor quality. The overwhelming view of residents should not be disregarded. Although the site needed to be developed the scale and design of the proposals needed reconsideration.

A proposal was put to the meeting by Councillor P J Owen, and seconded by Councillor A Harper, that consideration of the item be deferred to allow the developer to submit revised plans. The proposal, on being put to the meeting, was carried.

**RESOLVED that the application be deferred to allow the developer to submit revised plans.**

48.3 16/00716/FUL  
Change of use to offices (Class B1)  
The Chapel, Cemetery Walk, Eastwood NG16 3JU

The application, as outlined above, had been brought to Committee for determination since the Council is the developer.

There were no late items in respect of this application and no public speakers.

Members discussed the retrospective application for the change of use of the former chapel building into office use. Councillor M Radulovic MBE requested that thanks be placed on record to the Council officers in Capital Works, Building Control and Housing, Leisure and Property Services for their work in bringing the former Chapel building back into use.

**RESOLVED 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.**

48.4 15/00104/ENF  
Consideration of enforcement action for unauthorised erection of outbuilding  
37 Edward Street, Stapleford NG9 8FH

Councillor R H Darby had requested that the above matter be considered by the Planning Committee.

There were no late items in respect of this application and no public speakers.

A proposal was put to the meeting by Councillor M Radulovic MBE, and seconded by Councillor M Brown, that the recommendation be amended to include the words 'at this time'. The proposal, on being put to the meeting, was carried.



**RESOLVED** that no enforcement action be taken at this time.

49. INFORMATION ITEM

49.1 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 7 December 2016 and 6 January 2017.

**Report of the Director of Legal and Planning Services**

<b>PROPOSED DIVERSION OF STAPLEFORD FOOTPATH NO. 11 NOTTINGHAM ROAD, STAPLEFORD NG9 6AD</b>
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1. Purpose of report

- 1.1 The Council has received an application for a Public Path Diversion Order at the site of the Pinfold Trading Estate and Nags Head, Nottingham Road, Stapleford. This item is brought to Committee to make a diversion Order to Stapleford Footpath No. 11 pursuant to s257 of the Town and Country Planning Act 1990.

2. Details

- 2.1 Planning permission was granted on 26 February 2016 for the construction of an Aldi Store and residential development on the site (Planning Ref: 15/00285/FUL).
- 2.2 The existing unused footpath shown as a red line on the attached plan runs directly through the middle of the site from Pinfold Lane to Nottingham Road. The proposed diversion is shown as a green line on the plan. The proposal would create a new footpath on the edge of the site resulting in a more convenient and safe route for users.
- 2.3 The developer has carried out a pre-Order consultation and letters have been sent to the Rights of Way Officer at Nottinghamshire County Council, the Ramblers Association and other interested parties. There have been no objections following this initial consultation. Further consultation will be carried out by the Council.

3. Further information

- 3.1 It should be noted that in the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee. Planning and legal considerations are included in the appendix.

<b><u>Recommendation</u></b>
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<b>The Committee is asked to RESOLVE that the public path diversion order be made in accordance with the plan submitted with the application.</b>
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Background papers

Nil

1. Planning Considerations

- 1.1 Section 257 of the Town and Country Planning Act 1990 states that a competent Authority may by order authorise the stopping up or diversion of any footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission. The procedure for doing so is set out in Schedule 14 of the Town and Country Planning Act 1990.

- 1.2 S7.15 of the Rights of Way Circular (1/09) advises that in the making of an order for the diversion of a Public Right of Way to enable approved development:

‘The local planning authority should not question the merits of planning permission when considering whether to make or confirm an order, but nor should they make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way, however, an authority must have good reasons to justify a decision either not to make or not to confirm an order.

The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.’

- 1.3 S7.8 of the Rights of Way Circular (1/09) states:

‘In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estates paths through landscaped or open space areas away from vehicular traffic.”

- 1.4 The main planning considerations in the determination of this application are that the existing footpath runs through the proposed development which when built would obstruct the footpath. It is therefore necessary to create a replacement route which allows safe access and movement for walking members of the public through the site and creates an acceptable alternative route with little impact on the locality.

2. Legal Considerations

- 2.1 Following pre-Order consultations carried out by the developer, s275 of the Town and Country Planning Act 1990 gives the Council (as the local planning authority), a discretionary power to make an Order for the diversion of a footpath which is necessary to enable development to be carried out in

accordance with planning permission. On making the Order, a public Notice describing the Order must be advertised in the press and the Order placed on deposit for public inspection. This public notice and Order map must also be placed at each end of the length of public footpath to be diverted. Owners of the land affected by the Order and various statutory consultees must be contacted and served with the Order and Notice and allowed the opportunity to make objections within 28 days from the making of the Order. If no objections are made, the Order may then be recommended for confirmation as an unopposed order. The Order does not become 'effective' until it has been confirmed. Any opposed Orders are sent to the Secretary of State for determination.

- 2.2 On confirmation of the Order, similar steps to those outlined above must be repeated enclosing a copy of the confirmed Order. Objectors may challenge the confirmation in the High Court within six weeks after Notice of the confirmation is published on the grounds that the confirmation is outside the Council's powers or that there has been a procedural defect. The diversion Order does not come into effect until the Council certifies that the provisions of the Order have been complied with.
- 2.3 In these circumstances, a footpath diversion order is necessary to allow an authorised development to be carried out whilst ensuring the footpath is provided without any disadvantage or loss to members of the public.



## Nottingham Road, Stapleford

Proposed diversion of Stapleford Footpath No. 11

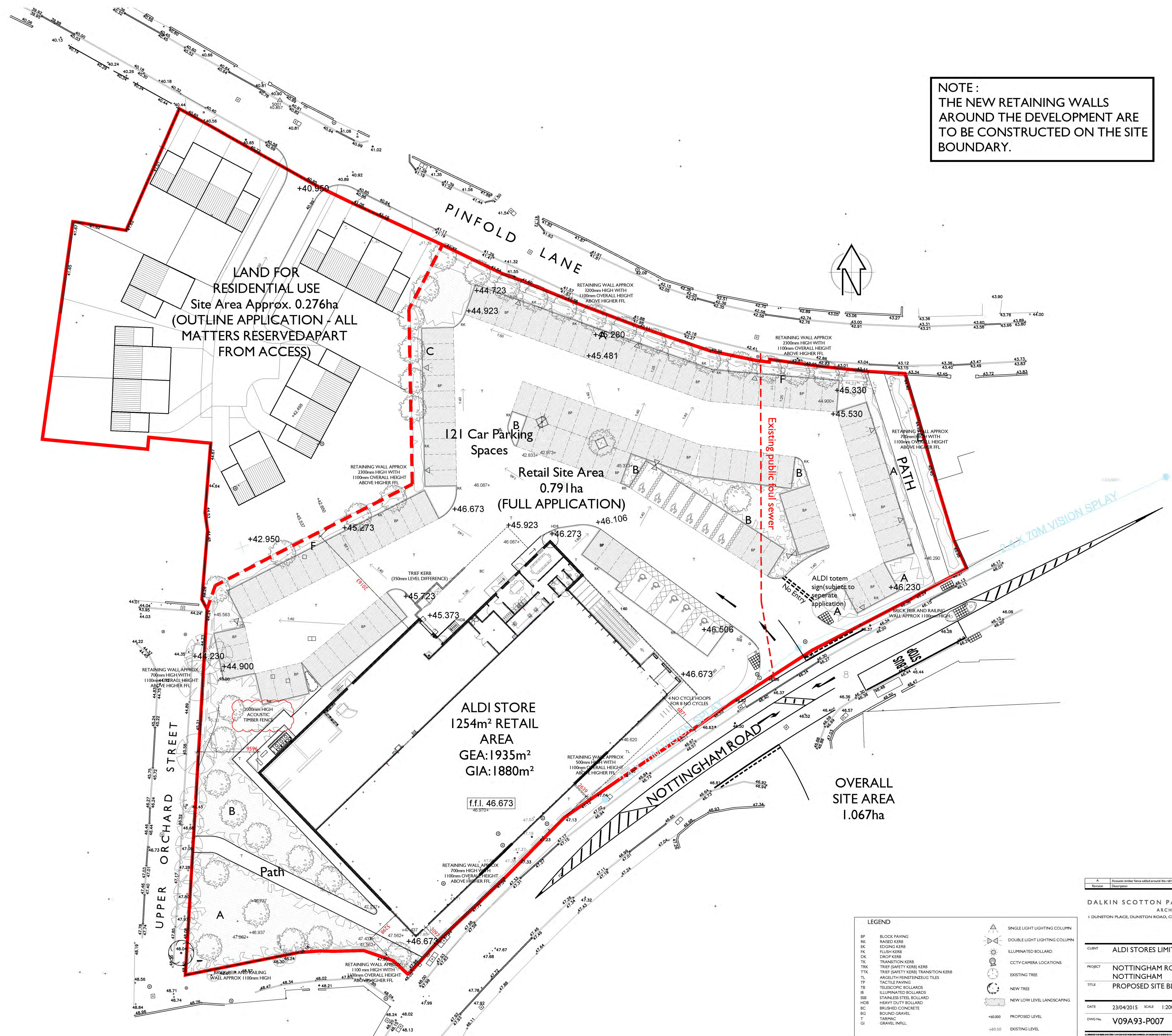
Planning Committee 22 March 2017

Scale: 1: 1,500

Directorate of Legal and Planning Services



**NOTE :**  
THE NEW RETAINING WALLS  
AROUND THE DEVELOPMENT ARE  
TO BE CONSTRUCTED ON THE SITE  
BOUNDARY.



Dalkin Scotton Partnership  
Architects Limited  
**PLANNING ISSUE**

A	Acoustic timber fence added around the refrigeration enclosure following comments from EHO.	09/06/2015	MDB	DCM
Revision	Description	Date	Drawn	Checked

**DALKIN SCOTTON PARTNERSHIP**  
ARCHITECTS LIMITED  
1 DUNSTON PLACE, DUNSTON ROAD, CHESTERFIELD S41 8NL

TEL - 01246 389 860  
FAX - 0121 747 1944  
www.daparchitects.com

CLIENT **ALDI STORES LIMITED**

PROJECT	NOTTINGHAM ROAD, STAPLEFORD NOTTINGHAM
TITLE	PROPOSED SITE BLOCK PLAN

DATE	23/04/2015	SCALE	1:200 @ A0	DRAWN	MDB	CHECKED	DCM
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DWG No. **V09A93-P007**      REVISION **A**      NORTH

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**Report of the Director of Legal and Planning Services**

<b>PROPOSED DIVERSION OF GILTBROOK FOOTPATH NO. 54 LAND OFF SMITHURST ROAD, GILTBROOK</b>
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1. Purpose of report

- 1.1 This item is brought to Committee to make a diversion Order under the Town and Country Planning Act 1990 following an application received by the Council for a public path diversion order to stop up part of Giltbrook Footpath Number 54 and create an alternative highway.

2. Detail

- 2.1 The application to stop up part of the route of Giltbrook Footpath Number 54 (Greasley Parish) and divert this footpath has been submitted in order to enable residential development to take place on the land shown edged red on the attached plan.
- 2.2 Planning permission was granted on 23 December 2016 (planning reference Ref:14/00636/ROC) for the construction of a residential estate consisting of 91 new dwellings.
- 2.3 The existing footpath to be diverted is approximately 150m in length and runs north to south from Smithurst Road (marked between points A and B on the attached plan). There are no gates, steps or utilities identified along the length to be diverted. If the footpath is not stopped up, the existing footpath would run immediately adjoining the rear of gardens of properties 17-30 and to the side of number 48 and would be located up to 3 metres above the adjoining rear gardens.

3. Further information

It should be noted that in the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee. Planning and legal considerations are included in the appendix.

<b><u>Recommendation</u></b>
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<b>The Committee is asked to RESOLVE that the public path diversion order be made in accordance with the plan submitted with the application.</b>
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Background papers

Nil

### 1. Further information

- 1.1 The Association of Chief Police Officer guidance 'Secured by Design' have advised that public footpaths should not run to the rear of dwellings as this would create an unsupervised footpath which could lead to crime and anti-social behaviour. The existing footpath is un-surfaced and of uneven ground and muddy in wet conditions and if not stopped up, would cause a significant security and privacy issue for the residents whose gardens the path would overlook and also a health and safety issue for users of the footpath.
- 1.2 The proposed diversion is shown as points C to D on the plan and extends from Smithurst Road south through the proposed estate road along a footpath to be constructed to an adoptable standard. The proposed footpath would extend south and south east before emerging onto an adoptable shared surface street approximately 107 metres into the site. At approximately 157 metres, the path would turn to the west and curve south west along an adoptable shared surface street before joining a dedicated footpath after approximately 211 metres. The footpath would then continue south west along the footpath before connecting up to footpath number 61. This route will not remove paths from significant features of interest, natural or man-made and provides a safe, lit, even and wide route. It will also be wider and so more accessible and useable to those with impaired mobility. The alternative route will be on an adopted highway and will not result in significant additional maintenance costs.
- 1.3 A further alternative route is directly west along Smithurst Road connecting up to Footpath Number 53.
- 1.4 Consultation letters have been sent to the Rights of Way Officer at Nottinghamshire County Council, the Ramblers Association and other interested parties. There were initially three objections to the proposed footpath, two of which were from local residents, and one from the Ramblers Association. The objection from one of the local residents and the Ramblers Association have been withdrawn. The second objection from a local resident expressed concerns of inconvenience of the proposed diversion in comparison to the existing footpath which is used by that particular resident. The developer has invited the resident to attend a site meeting however the resident has not responded to this invite. Further letters to encourage the resident to engage have also produced no response and the resident was advised that in the absence of a response, the objection would be deemed withdrawn.

### 2. Planning Considerations

- 2.1 Section 257 of the Town and Country Planning Act 1990 states that a competent Authority may by order authorise the stopping up or diversion of any footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission. The



procedure for doing so is set out in Schedule 14 of the Town and Country Planning Act 1990.

- 2.2 S7.15 of the Rights of Way Circular (1/09) advises that in the making of an Order for the diversion of a Public Right of Way to enable approved development:-

‘The local planning authority should not question the merits of planning permission when considering whether to make or confirm an order, but nor should they make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order.

The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.’

- 2.3 S7.8 of the Rights of Way Circular (1/09) states:

‘In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estates paths through landscaped or open space areas away from vehicular traffic’.

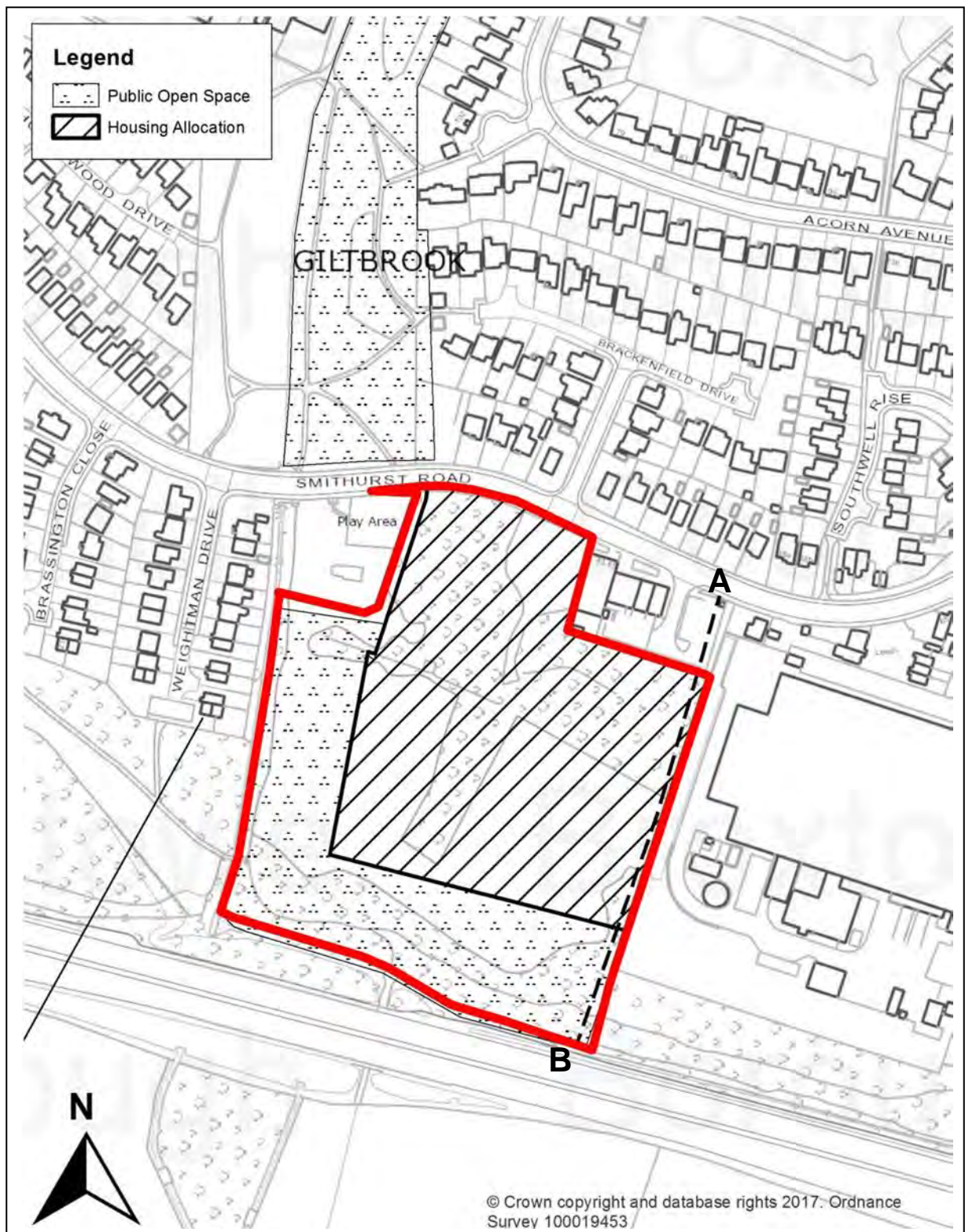
- 2.4 The main planning considerations in the determination of this application are that the existing footpath would cause safety issues for users with the potential increase of anti-social behaviour and also security and privacy issues for the residents whose gardens would be overlooked if the footpath were not stopped up.

### 3. Legal Considerations

- 3.1 Following pre-order consultations carried out by the developer, s 275 of the Town and Country Planning Act 1990 gives the Council (as the local planning authority), a discretionary power to make an Order for the diversion of a footpath which is necessary to enable development to be carried out in accordance with planning permission. On making the Order, a public Notice describing the Order must be advertised in the press and the Order placed on deposit for public inspection. This public notice and Order map must also be placed at each end of the length of public footpath to be diverted. Owners of the land affected by the Order and various statutory consultees must be contacted and served with the Order and Notice and allowed the opportunity to make objections within 28 days from the making of the Order. If no objections are made the Order may then be recommended for confirmation as an unopposed Order. The Order does not become affective until it has been

confirmed. Any opposed Orders are sent to the Secretary of State for determination.

- 3.2 On confirmation of the Order, similar steps to those outlined above must be repeated enclosing a copy of the confirmed Order. Objectors may challenge the confirmation in the High Court within six weeks after Notice of the confirmation is published on the grounds that the confirmation is outside the Council's powers or that there has been a procedural defect. The diversion Order does not come into effect until the Council certifies that the provisions of the Order have been complied with.
- 3.3 In these circumstances, a footpath diversion order is necessary to allow an authorised development to be carried out whilst ensuring the footpath is provided without any disadvantage or loss to members of the public.



**Land off Smithurst Road, Giltbrook**  
 Proposed diversion of Giltbrook Footpath Number 54

Planning Committee 22 March 2017

Scale: 1: 2,500

**Directorate of Legal and Planning Services**



**PROPOSED DIVERSION OF  
FOOTPATH NUMBER 54 IN  
THE PARISH OF GREASLEY**



**KEY**

- Part of existing footpath no. 54 to be retained
- Part of existing footpath no. 54 to be stopped up
- Public footpath to be created

**Details of Proposal:**

- Part of footpath no. 54 to be stopped up from point 'A' to 'B' shown as a dotted blue line
- Public footpath to be created from point 'C' to 'D' shown as the dashed orange line
- The alternative way shall be 2.0 metres in width.

2024-10-10 10:10:10  
**STEPHEN GEORGE  
& PARTNERS LLP**  
315 Leam Road  
Leamington CV32 3AG  
01922 490057 HULLAK 2241893  
www.sgepartners.co.uk

Smithurst Road  
Gibbcock  
Proposed Site layout

Drawing title: 15-793 N20  
C. Scale: 1:1000  
Date: 15-10-24  
Scale: 1:1000

Project no: 15-793 Draw no: R200 Rev: C

## Report of the Director of Legal and Planning Services

**16/00646/FUL****CONSTRUCT 16 DWELLINGS, ACCESS ROAD AND ASSOCIATED LANDSCAPING INCLUDING DEMOLITION OF THE VICTORY CLUB EASTWOOD AND DISTRICT VICTORY CLUB WALKER STREET EASTWOOD NG16 3EN****13/00784/FUL**1.0 Details of the Application

- 1.1 The application was first brought before Planning Committee on 8 February 2017 with a recommendation for approval (original report attached as appendix A).
- 1.2 Members deferred making a decision on the application due to concerns they expressed regarding the number of units on site, the bulk of the apartment building, and the quality of the design proposals.
- 1.3 The applicant submitted amended plans on 23 February 2017 in an attempt to address the issues raised by members of the Committee. The alterations proposed include reducing the number of units from 17 to 16. This reduction has been achieved by reducing the scale of the apartment block which is proposed to front Walker Street.
- 1.4 This has been altered to consist of a block of four maisonettes over two floors (two at ground and two at first floor). The elevation plans demonstrate that the building would appear like a semi-detached property from Walker Street, not dissimilar in design to the terrace proposed on the other side of the access road.
- 1.5 The building would now measure 13.6 metres in width (reduced from 14.4m), and 8.7 metres to the ridge, 9 metres to the parapet detail (reduced from 10.5 metres). These are significant reductions in the proportions of the proposal and it is considered that a two storey building would reduce the massing on this frontage from that considered by Committee originally and would be more in-keeping with the scale of development along Walker Street.
- 1.6 The ground floor maisonettes would be served from a front door on Walker Street and the first floor units from side entrance doors with internal stairs leading to the first floor. Each of the units would provide two bedrooms.
- 1.7 First floor windows to the rear of the building are of a 'boxed oriel' design to ensure that views towards plot 11 and the existing properties on Nottingham Road are restricted to protect privacy.
- 1.8 Whilst the depth of the proposed amenity space to the rear of the units measures 4.8 metres to the boundary (6.2 metres to the side wall of plot 11) which results in a shorter separation distance between this and the side elevation and garden of plot 11 than would normally be requested for more standard 'family' type

accommodation, having regard to the nature of the units proposed and the proximity to Public Open Space, it is not considered that the amenity provision is so poor that permission should be refused.

- 1.9 Parking would remain as originally proposed within the site. However, the reduction of one unit would result in there being one parking space provided per unit.
- 1.10 Members are asked to consider the proposal and the report taken to Committee on 8 February 2017 and determine the application having regard to the amended plans received on 23 February 2017.

### **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 – 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 and EKV01836 – 204 RevO, received by the Local Planning Authority on 12 December 2016, EKV01836 – 205 RevB, received by the Local Planning Authority on 18 January 2017 and EKV01836 – 004 RevJ, EKV1836 – 103 RevF, EKV01836 – 203 RevF and EKV01836 – 003 RevK received by the Local Planning Authority on 23rd February 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 store 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 2015 (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. None of the dwellings hereby approved shall be occupied until the existing site access that has been made redundant as a consequence of this permission and as shown on plan no. EKV01836-003 RevK 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 not 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.

**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 the site, ensuring that highway safety is not compromised.

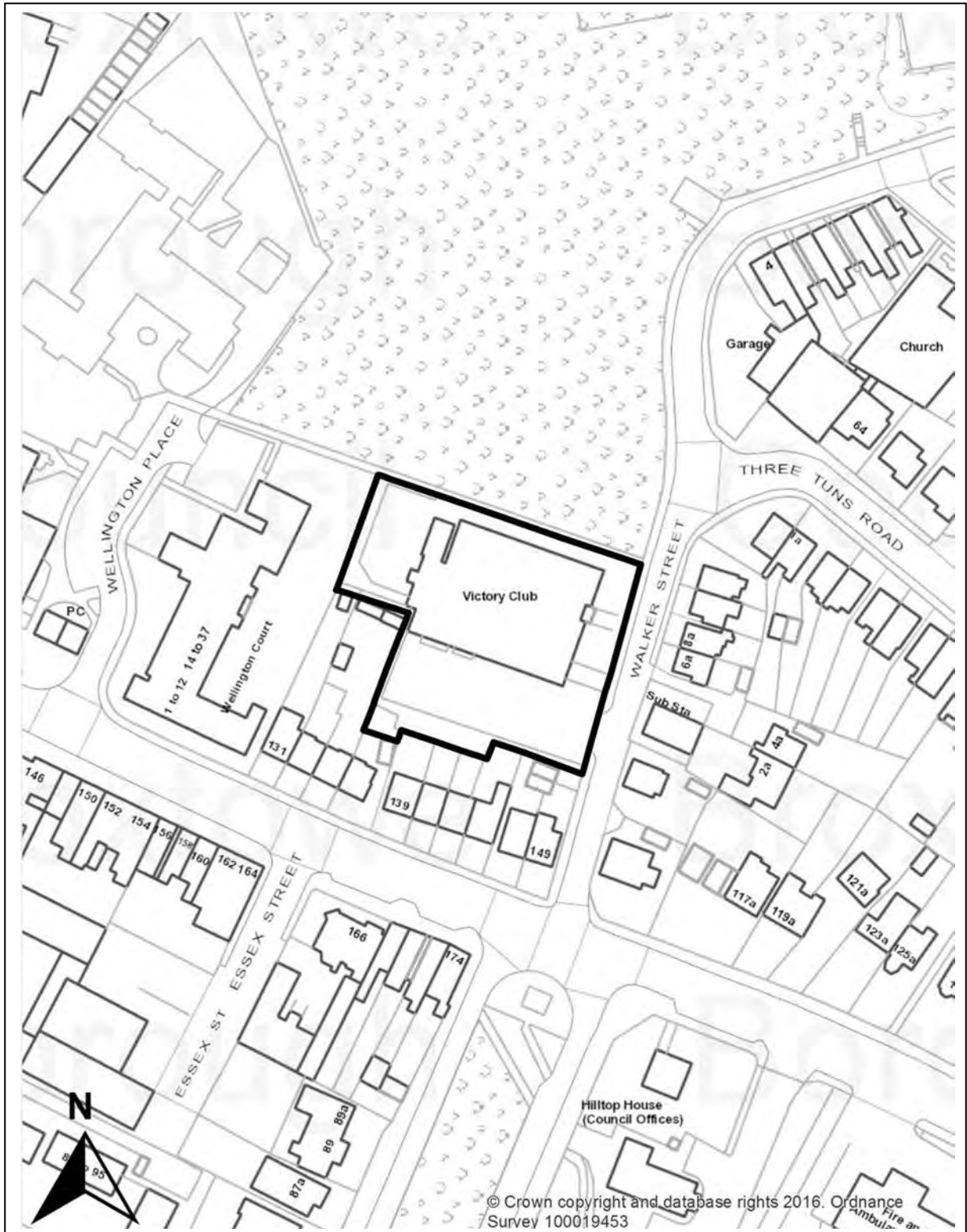
**Notes to applicant**

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 and telegraph pole 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

**16/00646/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 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.

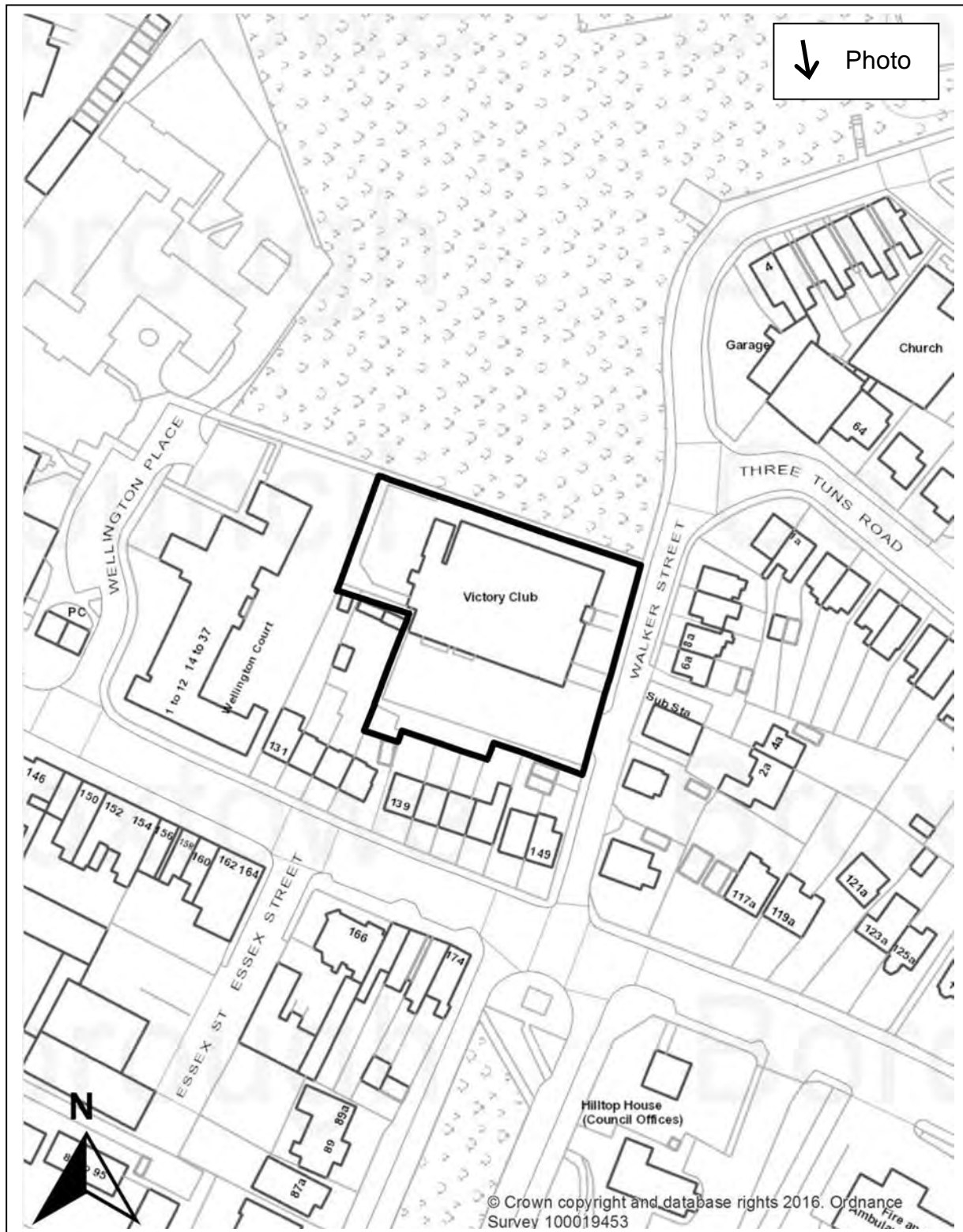
**Notes to Applicant**

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

**16/00854/FUL  
CONSTRUCT SINGLE DWELLING  
LAND ADJACENT 73 MAPLE DRIVE, NUTHALL,  
NOTTINGHAMSHIRE NG16 1EJ**

Councillor J M Owen has requested that this application is brought before the Planning Committee.

1. Details of the application

- 1.1. Permission is sought to split the residential curtilage of No. 73 Maple Drive to create a new plot. The plot would be occupied by a detached 3 bedroom dwelling where the first floor is designed within the new roofspace.
- 1.2. The application site is garden land which is currently occupied by a detached garage block which would be demolished. The existing dropped kerb provision would continue to serve the site.
- 1.3. The plans indicate that a mature tree located close to the boundary with the footway would be retained. Along the boundary facing Maple Drive the low brick wall with pillars would be retained whilst new hedgerows would be planted.

2. Site and surroundings

- 2.1. No. 73 is a detached dormer bungalow which occupies a corner plot. The street scene is characterised by a variety of bungalows. There are examples of bungalows with added first floors within the roofspace served by dormers and rooflights.



↑Views of application site which is  
currently occupied by a garage  
outbuilding→





↑No.73 is a corner plot and has car parking provision accessed from Coronation Road to the north



↑View of No.73's garden beyond the rear wall

- 2.2. The immediate neighbouring property to the south is No. 75 Maple Drive which is a detached dormer bungalow featuring an extended single storey part to the rear which encloses the boundary with the application site. Beyond the west boundary are the gardens of Nos. 58 and 56 Coronation Road. No. 58 is a contemporary one and a half storey dwelling with front glazed gable. No. 58 was an infill development on garden land that was formerly No. 73's corner plot residential curtilage.



←↑Neighbouring No.75's side elevation facing the application site



↑No.58 Coronation Road was constructed on No.73 Maple Drive's garden land

↑Vi

- 2.3. The application site does not fall under any specific designations and is outside of the Green Belt and Nuthall Conservation Area. Nuthall Conservation Area is to the east and includes No. 66 Maple Drive which is a bungalow with hipped roof located on the opposing side of the highway from the application site. The characterful aspects along this section of Maple Drive include the open frontages to some properties and some hedge boundary treatments which offer an element of green to the street scene.



↑No.64 Maple Drive is on opposing side of the street facing the application site.



↑No.66 Maple Drive is within Nuthall Conservation Area.

### 3. Policy context

#### 3.1. Broxtowe Local Plan 2004:

- 3.1.1. Saved Policy E24 – Trees, Hedgerows and Tree Preservation Orders: Development that would adversely affect important trees and hedgerows will not be permitted.
- 3.1.2. Saved Policy H7 – Land Not Allocated for Housing Purposes: Residential development on sites within existing built up areas will be permitted providing occupiers of new dwellings would have satisfactory amenity, there is no unacceptable effect upon amenity of occupiers of nearby properties, the development would not be piecemeal in character and satisfactory arrangements can be made for access and parking.
- 3.1.3. Saved Policy T11 – Guidance for Parking Provision: Permission will not be granted for new development unless appropriate provision is made for vehicle parking and servicing in accordance with the Highways Authority guidelines.

#### 3.2. Aligned Core Strategies 2014:

- 3.2.1. Policy 2 – The Spatial Strategy: within the distribution lists for new homes Kimberley would have up to 600 homes.



- 3.2.2. Policy 8 – Housing Size, Mix and Choice: Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities.
- 3.2.3. Policy 10 – Design and Enhancing Local Identity: Development will be assessed in terms of its treatment of plot sizes, materials, architectural style, detailing and impact on the amenity of nearby residents.
- 3.2.4. Policy 11 – The Historic Environment: Elements of the historic environment which contribute towards the unique identity of areas and help create a sense of place will be conserved and where possible enhanced.
- 3.3. National Planning Policy Framework (NPPF) 2012:
  - 3.3.1. Core Planning Principles para.17: planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
  - 3.3.2. Section 6 – Delivering a Wide Choice of High Quality Homes: To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
  - 3.3.3. Section 7 – Requiring Good Design: Developments should function well and add to the overall quality of the area. Decisions should also aim to ensure that developments optimise the potential of the site.
- 4. Planning History
  - 4.1. In 2010 an application under ref: 10/00246/OUT was refused for 2 dwellings on garden land within the corner plot residential curtilage of No.73 Maple Drive. This included a proposed dwelling between No.73 Maple Drive and No.56 Coronation Road and a second dwelling on the application site. The application was refused by the Council on the grounds that amenity and privacy of neighbouring properties could not be safeguarded. The subsequent appeal was also dismissed by the Inspector. The Inspector concluded that the proposal would not have a materially adverse effect on the living conditions enjoyed by the immediate neighbours however the appeal was dismissed due to concerns regarding the effect of the proposal on the character and appearance of the area.
  - 4.2. The Inspector found that the dwelling proposed between No.56 Coronation Road and No.73 Maple Drive could be acceptable subject to detailed design. Subsequently a planning application was granted by the Council for a dwelling at that site in July 2011 under permission ref: 11/00287/FUL. This dwelling was constructed and is now No.58 Coronation Road.
  - 4.3. In 2011 an application under ref: 11/00306/FUL was refused for a single dwelling within the application site on the grounds that the spacious character on this part of Maple Drive would be eroded. The subsequent appeal was dismissed by the Inspector on the grounds that the development

would appear cramped and have a materially detrimental impact upon the character and appearance of the Maple Drive street scene.

5. Consultations

- 5.1. The County Highways Authority has no objections to the proposal subject to conditions relating to the driveway being surfaced in a hard bound material.
- 5.2. The Council's Heritage Adviser does not object to the proposal as the development would not result in significant harm to the character of the Conservation Area.
- 5.3. The Council's Senior Planning Policy Officer has raised no objections to the proposal from a planning policy view. The site is in a suitable urban location within a key settlement that has been identified for growth.
- 5.4. The Council's Tree Officer has raised no objections to the proposal and is happy that the Silver Birch tree would be retained.
- 5.5. The Council's Refuse Manager has raised no concerns from a bin collection point of view. An informative should be added to any decision notice advising the developer to purchase the first time provision of bins.
- 5.6. Nuthall Parish Council have objected as the design is not in keeping with the street, it is over-development of the site, the type of dwelling would not fit in, there are overlooking concerns and potential parking problems.
- 5.7. The occupiers of No.58 Coronation Road are in support of the application and the most recent amended plans.
- 5.8. Six objections have been received from occupiers of nearby dwellings to the original plans and to all subsequent amended plans. The concerns which have been raised include:
- Same plans were refused in 2011 and appeal was dismissed.
  - Should have no windows facing No.75
  - Hedges on the boundary with No.73 should be protected
  - Site should remain as garden
  - Over-development of site and loss of original intended layout
  - Loss of openness
  - Piecemeal scheme and in the future will try to develop the whole of the site of No.73 Maple Drive.
  - Harm upon character of street scene and quiet charm of the area
  - Erode spacious appearance between plots
  - Loss of daylight/sunlight
  - Invasion of privacy
  - Sense of enclosure
  - Overbearing and intrusive appearance
  - No real need for more housing in Nuthall

- Cause nuisance to the area
- Highway safety issues due to location near a bend
- Rear garden would be too small
- Loss of greenery to street
- Garden grabbing development should be prevented

5.9. The occupiers of No.66 have stated observations based on the amended and original plans. They have commented that the width of the site restricts the width of the bungalow and property would appear shoehorned in. The whole project would detract from surrounding properties in the area. The height should also be reduced. For the original plans the occupiers of No.66 made observations stating that although the proposed dwelling was of a pleasant design it appears to be shoe-horned into a small plot and is not in keeping with Maple Drive.

6. Appraisal

6.1. The main issues relate to the impact upon visual & residential amenity in addition to any harm upon nearby Nuthall Conservation Area.

6.2. Within representations which have been received concerns have been raised with the principle of development in this location and whether there is any housing need within Nuthall. In this regard the Council's Senior Planning Policy Officer has identified that the application site falls within the ward of Watnall and Nuthall West whilst also falling within the urban settlement of Kimberley. Kimberley including parts of Nuthall and Watnall are also identified as key settlements for growth in the Aligned Core Strategies. Policy 2 of the Core Strategies aims to achieve sustainable development through urban concentration and has distributed 600 homes in the settlement of Kimberley. All of the settlements including Kimberley are constrained by tightly drawn Green Belt boundaries and therefore where suitable sites cannot be found in the urban area to meet the housing requirement then sites will need to be found elsewhere in the Green Belt. In the opinion of the Senior Planning Policy Officer the application site is in a suitable urban location within a key settlement identified for growth. Section 6 of the NPPF also outlines the importance of significantly boosting the supply of housing. It is considered that the principle of a new residential plot on this site is therefore generally acceptable if a proposal accords with the specific criteria of Saved Policy H7.

6.3. Any application should first be determined against the Local Development Plan with the NPPF as an obvious material consideration. In this case the site history directly relates to this proposal and should also be given consideration. In 2011 prior to the NPPF an application under ref: 11/00306/FUL was refused by the Council on the grounds that the spacious character on this part of Maple Drive would be eroded. The Inspector subsequently dismissed the appeal on the grounds that the development would appear cramped and have a materially detrimental impact upon the character and appearance of the Maple Drive street scene. Since this time the site has been occupied by a garage block and a fence has been erected

to create a boundary with the main property at No.73 Maple Drive. From street view the site appears as a separate vacant parcel of land rather than garden which is enjoyed by the occupiers of No.73. A new infill dwelling No.58 Coronation Road has also been constructed beyond the west curtilage boundary on former garden land associated with the corner plot of No.73 Maple Drive.

- 6.4. No.58 Coronation Road is a successful infill plot and the contemporary design adds to the variety of dwellings within the vicinity. The intention within this application is to reflect the appearance and facing materials of No.58 and infill the application site with a contemporary style dwelling which would be orientated with the gable face presented to Maple Drive. Along Maple Drive and within the immediate vicinity there is a mix of bungalows some of which include first floor accommodation within converted roofspaces. Further to the north along Philip Avenue and on Maple Drive there are examples of dwellings with gable features presented to the highway. The new dwelling would have a massing which takes account of the linear nature of the site and it is considered that the gable face presented to the highway would not be out of keeping with the style of houses in the vicinity. A condition can be attached to any approval to agree the exact external facing materials to ensure a satisfactory contemporary appearance is achieved. The agent has already clarified in writing that meter boxes would be placed within the side wall and not on the frontage. It is considered that a new dwelling occupying the site would add to the variety and mix of houses that contribute to the street.
- 6.5. One of the key issues raised by the Inspector in 2011 for application ref: 11/00306/FUL related to spacious appearance of the street scene. The proposed dwelling would replace the existing garage which has been erected and would be positioned to correspond with the set-back building line of No.73 & No.75 Maple Drive. The plans outline a front landscaped lawn area would remain in addition to the retention of the mature tree close to the boundary with the footway. The brick built low wall facing Maple Drive would also remain and the boundary treatment here would be enhanced with the planting of new hedges. With this in mind it is considered that the open character of the street would not be significantly eroded and with the landscaping proposed the setting for the new dwelling could bring back a stronger element of green to support the character of the area. It is considered that the development satisfies specific design criteria of Saved Policy H7 and there are insufficient grounds for a refusal based on an undesirable change in the character or appearance of the area.
- 6.6. Spaciousness also relates to how the dwelling is perceived from street view rather than solely if the land area can accommodate the footprint of a dwelling. Pre-application advice has been taken on board and the dwelling has a fairly modest scale and has been positioned to maximise gaps to No.73 and No.75 Maple Drive. The dwelling would not have a height which upsets the pattern of building heights along Maple Drive whilst the main dual pitched roof with adjoining half-hip over main entrance would further ensure that a sufficient visual break is perceived between dwellings. With this in

mind it is considered that the dwelling would not result in any cramped effect and therefore the rhythm of the street scene would not be significantly harmed.

- 6.7. Some properties on the opposing side of Maple Drive fall within Nuthall Conservation Area and the aspects of the street which support the view into and out of the Conservation Area are the boundary treatments with low walls and hedges in addition to the open character of some plots. The application site is already occupied by a building and it is considered that there is sufficient space to establish a new residential plot. The dwelling would be set-back with a landscaped frontage and new hedges would be planted along the boundary with Maple Drive. It is considered that this would be an appropriate boundary treatment to support the character of the area and as a result there are insufficient grounds for a refusal based on any significant harm to the character or view into the nearby Conservation Area. The Council's Heritage Adviser does not object to the proposal as the development would not result in significant harm to the character of the Conservation Area.
- 6.8. The Council's Tree Officer has noted that the Silver Birch tree does hold amenity value to the street however it does not warrant protection by way of a TPO. The Tree Officer is happy that the plans outline retaining the Silver Birch within the frontage. To the rear of the property there is a Beech tree close to the boundary with neighbouring No.75. In the opinion of the Tree Officer the Beech tree is also not worthy of TPO having been drastically pruned leaving it with a poor form and structure.
- 6.9. Within representations which have been received concerns have been raised about the intensification of plots and overdevelopment of the area. However it should be taken into account that nearby to the north there are examples of properties around a corner location to the highway which have a similar or higher density than the combination of the application site, No.73 Maple Drive and the infill dwelling at No.58 Coronation Road. To the north on the opposing side of Coronation Road, No.45 & 47 Coronation Road together with No.61 Maple Drive are three established plots with open frontages and fairly small gardens. Further to the north another example of higher density houses around a corner location is No.58 & No.60 Maple Drive together with No.42 Queens Drive. With this in mind it is considered that there are insufficient grounds for a refusal based on the additional plot appearing shoehorned in or significant intensification of residential properties to the area. No.73 Maple Drive would still remain as a spacious plot with open frontage around the corner location and a rear garden over 10 metres long in some parts.
- 6.10. New openings for the dwelling have been positioned to maximise light into habitable rooms and the upper floor bedroom to the rear would be served by rooflights. The open plan lounge/kitchen would be served by bi-fold doors with outlook over a new garden area which would in part be over 10 metres long from the rear wall. It is considered that there are insufficient grounds to refuse the application based on inadequate standard of amenity for new

residents. It should be a condition of any approval to remove permitted development rights in the interests of ensuring the new plot retains adequate open areas.

- 6.11. Within representations received parking and traffic concerns are raised as key issues however the County Highways Authority has confirmed no objections to the proposal. The new plot would be served by the existing dropped kerb provision whilst No.73 Maple Drive already has off-street parking with a driveway accessed from Coronation Road. The plans outline a block paved driveway for off-street provision and turning area to enable vehicles to manoeuvre and exit the site in a forward gear. It is considered that No.73 and the new plot would have adequate parking provision off-street in line with Saved Policies H7 & T11 & Appendix 4 of the Local Plan. It is considered that there are insufficient grounds to go against the technical opinion of the Highways Authority and refuse the application based on unacceptable parking provision or the development posing a significant risk to traffic or highway safety.
- 6.12. The impact upon neighbouring amenity has been carefully assessed and separate site visits have been made to immediate neighbouring properties which adjoin the application site. Amended plans have been negotiated in order to ensure a more neighbourly relationship to neighbours. To the north No.73 does have windows within the south side wall that face the application site however some of the habitable rooms are also served by primary windows within the front and rear elevations. These windows would have originally been designed to offer outlook over the original curtilage of No.73. With this in mind the massing of the dwelling has been amended with the north side porch element featuring a half hipped roof so as to reduce bulk. A gap of over 2 metres would also be retained to the new boundary with No.73. To the south a gap of over 3 metres would be retained to the boundary with No.75 Maple Drive. No.75 has a blank side wall facing the application site with a high level rooflight serving the extended part to the rear. The proposed dwelling would not be overly prominent in height, the roof would slope away from neighbouring properties and gaps would be retained to curtilage boundaries. As a result it is considered that there would be no significant loss in any daylight/sunlight to neighbours.
- 6.13. The massing of the dwelling has been designed to be neighbourly and the rear garden provides a reasonable separation distance to the west curtilage boundary with No.58 Coronation Road. The rear of the dwelling features a hipped roof in order to reduce bulk and slopes away from this neighbour. Therefore it is considered that there are insufficient grounds for a refusal based on the dwelling resulting in any overbearing sense of enclosure to neighbours when within their own garden areas.
- 6.14. The dwelling would feature primary habitable room windows to the front which overlook over the public highway of Maple Drive. Complete privacy for every householder can never be guaranteed however it is considered that there are insufficient grounds for a refusal based on unacceptable overlooking to properties which are on the opposing side of the public

highway to the application site. To the rear there are no openings at first floor level whilst rooflights within side elevations are normally not inappropriate between dwellings along a residential street scene. Surrounding properties are on a similar land level and generally ground floor openings can be screened from neighbours by 2 metre high boundary treatments (not requiring permission). With this in mind it is considered that there would be insufficient grounds to refuse the proposal based on unacceptable invasion of privacy or undue overlooking to neighbours. A suitable condition should be added to any approval to ensure in the future that dormers or roof enlargements are not added under permitted development as they could result in direct overlooking, such as into No.56 & No.58 Coronation Road's gardens from the rear roofslope.

7. Conclusion

- 7.1. Overall a new plot can be brought forward which would be occupied by a dwelling that adds to the variety and mix of houses along the street scene. It is considered that the character and appearance of the area would not be significantly harmed and the amenity of neighbouring occupiers would not be adversely affected. Accordingly it is considered that the proposal does not conflict with Saved Policies E24, H7 & T11 of the Broxtowe Local Plan 2004, Policies 2, 8, 10 & 11 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 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 approved shall be carried out in accordance with the Amended Proposed Plans & Elevations Option 2 Drawing No: 22 and Amended Proposed Site Plan Drawing No: 14 Revision D received by the Local Planning Authority on 16 February 2017.**
- 3. No development shall commence until full details of the colour, finish and texture of external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details.**
- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting this Order, no extensions or enlargements shall be carried out to the new dwelling hereby approved which come within Class A or B of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority by way of a formal planning permission.**

5. The dwelling hereby approved shall not be first occupied unless the driveways and parking areas have been provided and are surfaced in a hard bound material (not loose gravel) as indicated on the Amended Proposed Site Plan Drawing No: 14 Revision D. The driveways and parking areas shall thereafter be drained to prevent the unregulated discharge of surface water onto the public highway.
6. The dwelling hereby permitted shall not be first occupied until the approved planting/landscaping is carried out in accordance with the Amended Proposed Site Plan Drawing No: 14 Revision D. 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.

**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 external appearance and in accordance with the aims of Saved Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategies (2014).
4. In the interests of retaining a spacious plot where future occupiers have a satisfactory degree of amenity and in accordance with the aims of Saved Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategies (2014).
5. To reduce the possibility of deleterious material being deposited on the public highway and in the interests of highway safety.
6. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Saved Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategies (2014).

**Notes to Applicant**

1. 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 agent to negotiate amended plans to ensure that the character of the street scene is not harmed, to improve the design of the development and to protect the amenity of neighbouring occupiers.



2. Notice will be served on the developers to purchase the first time provision of bins. Bins will need to be placed at the curtilage of the property for collection.
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: <https://www.broxtowe.gov.uk/for-you/planning-building/coal-authority/>

Background papers

Application case file



**Land adjacent 73 Maple Drive, Nuthall**  
Construct single dwelling

Planning Committee 22 March 2017

Scale: 1: 1,250

**Directorate of Legal and Planning Services**

## Report of the Director of Legal and Planning Services

**16/00808/FUL****CHANGE OF USE FROM RESIDENTIAL (CLASS C3) TO MIXED USE OF RESIDENTIAL (CLASS C3) AND INTERNET DISTANCE SELLING PHARMACY****21 CIRRUS DRIVE, WATNALL, NOTTINGHAMSHIRE NG16 1FS**

Councillors J M Owen and R S Robinson have requested that this application is brought before the Planning Committee.

1. Details of the application

- 1.1. Permission is sought for a change of use from residential to a mixed use of residential and an online pharmacy business within the curtilage of No.21 Cirrus Drive.
- 1.2. The pharmacy would be contained within the adjoining garage and would operate solely on a distance selling basis directly to patients via delivery and not as a retail unit which is open to members of the public or passers-by.
- 1.3. For the development to proceed there are no external alterations proposed and the main part of the detached dwelling would remain as the primary family residence. Within the garage internal works have already taken place and consists of new shelving and storage units in addition to general office equipment. There are no alterations proposed to the front garage double doors.

2. Site and surroundings

- 2.1. The application site is occupied by a 3 storey detached dwelling with side adjoining single garage which is set-back from the front wall. Directly in front of the garage there is a driveway providing off-street parking for a single vehicle. There is parking availability on-street as there are no double yellow lines on the highway outside the application site.



- 2.2. The garage is fairly modest in size and internally conversion works have taken place which includes the addition of shelving/storage units. To the front the garage has lockable double doors whilst there is a side entrance door leading out onto the garden. There are no other openings or windows serving the garage. Beyond the southeast boundary (rear garden) there is a grassy field which is designated as a Site of Importance for Nature Conservation (SINC).



- 2.3. Cirrus Drive is a cul-de-sac where the turning head is designed as a residential square with shared parking area. There are no clearly delineated parking spaces or allocated bays. On the opposing side of the street to the application site there is a gated open space area which has natural surveillance from surrounding properties.



3. Policy context

3.1. Broxtowe Local Plan (2004):

- 3.1.1. Saved Policy E16 – Sites of Importance for Nature Conservation (SINC): Permission will not be granted for development on or adjoining SINC's which would damage or devalue their interest.
- 3.1.2. Saved Policy E34 – Control of Noise Nuisance: Permission will not be granted for development if the occupants of residential premises would be exposed to significant noise disturbance.
- 3.1.3. Saved Policy H8 – Businesses in Residential Areas and Properties: Business activities in residential areas will be permitted where the residential amenity of neighbouring properties is not adversely affected, appropriate provision is made for vehicle parking and the residential character of the area is not adversely affected.
- 3.1.4. Saved Policy T11 - Guidance for Parking Provision: Permission will not be granted for new development unless appropriate provision is made for vehicle parking and servicing.

3.2. Aligned Core Strategies 2014:

- 3.2.1. Policy 10 – Design and Enhancing Local Identity: New development will be assessed in terms of the impact on the amenity of nearby residents.

3.3. National Planning Policy Framework (NPPF) 2012:

- 3.3.1. Core Planning Principles para. 17: Decisions should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 3.3.2. Section 7 – Requiring Good Design: Decisions should aim to ensure that developments create safe environments where crime and disorder and the fear of crime do not undermine community cohesion.

4. Relevant Planning History

- 4.1. The wider estate including the application site is linked to the original outline permission for residential development ref: 95/00362/OUT. This permission included a condition which stated that garage facilities should be used for no other purpose other than for parking. The specific reason for this condition was to ensure that adequate parking is available within the site.

5. Consultations

- 5.1. The County Highways Authority has no objections to the proposal as there is satisfactory on-street parking in the vicinity of the site to accommodate



the small number of vehicle movements which are likely to be generated by the proposal.

- 5.2. The Force Architectural Liaison Officer & Design out Crime Officer from Nottinghamshire Police Force has confirmed no objections to the proposal subject to a condition relating to security measures. On 2 March 2017 the Design out Crime Officer visited the site and met with the applicant and also examined the security provision. The Design out Crime Officer had confirmed in writing that the security for the domestic pharmacy is acceptable, the security meets the minimum required levels for business premises in terms of the stock of pharmaceutical drugs and controlled drugs held on the premises.
- 5.3. The Council's Senior Environmental Health Officer has raised no objections subject to a condition relating to opening hours.
- 5.4. 2 letters in support of the application have been received from the occupiers of No.18 & No.10 Cirrus Drive. The occupiers of No.10 Cirrus Drive have stated that in their opinion an internet/delivery based pharmacy will not affect where they live. They are confident in the security changes proposed and have no issues with the business being located 2 houses away from them. Numerous delivery drivers from major retailers deliver to properties on Cirrus Drive. The majority of cars are there during the evening and weekend and traffic from the business would not be during those times.
- 5.5. Four letters of objection have been received from occupiers of dwellings within the surrounding estate. The concerns which have been raised include:
  - Cirrus Drive does not have capacity for delivery lorries and vans constantly arriving at the property
  - Traffic and congestion issues
  - Lack of adequate parking provision
  - More vans and deliveries will be a risk to children's safety whilst they play on the nearby open space area
  - Use is out of character with the residential area
  - Patients would be allowed to visit the site
  - Extra staff would be required intensifying the use
  - Internet pharmacies dispense a considerable amount of items and the deliveries would be excessive
  - Issues with garden boundary treatments not being secure
  - Business area has been increased to include whole house
  - Pharmaceuticals on site is a security concern
  - Lack of an assigned delivery area for the pharmacy use
  - Should be an analysis of traffic generation
  - Noise and disturbance from proposal
  - Conflicts with original design of the residential estate

- Use should be within a business unit within a dedicated commercial area.
- Security concerns in terms of lack of any CCTV and doors not up to standard.
- Business waste should be handled separately

5.6. One letter of observations has been received from the occupiers of No. 8 Fairburn Way. In their opinion the main concerns are around security and loss of privacy. The site backs onto a field which could be used to gain access to the property by individuals reliant on drugs and therefore offer a route into their property too. Suggestion made that the garden boundaries are made more secure.

6. Appraisal

6.1. The main issues relate to impact upon neighbouring amenity by reason of noise and disturbance and any parking and highways concerns. The principle of a small scale business from home is generally acceptable as long as the specific criteria of Saved Policy H8 are satisfied.

6.2. The Council is generally supportive of private initiative and creation of businesses. However, Saved Policy H8 from the Local Plan recognises that even small-scale business activities within residential areas can sometimes generate conditions which cause disturbance and loss of amenity to neighbours. Within this application the intention is to start a small pharmacy where prescriptions are received digitally and orders are delivered directly to patients. The applicant has clarified that they are a registered community pharmacist and the required consents and agreements have been gained from NHS England. NHS England under their remit have inspected the site and the pharmacy license is on the basis that it is a distance selling online pharmacy operating from within the garage. Owing to the size, scale and makeup of the business which involves some shelving and office equipment within a small space, it is considered that the use does constitute a work from home business and in planning terms specific relevant conditions could be attached to any approval to protect neighbouring amenity and the residential character of the area. The principle of development is not therefore unacceptable and the criteria of Saved Policy H8 are relevant in this case.

6.3. The pharmacy is clearly a small scale venture and there is no associated retail activity allowed on site as the business would be entirely online distance selling. As per the terms of the application the business use is also confined solely to within the garage. For the development to proceed there are no external alterations proposed to the dwelling whilst there are also no changes proposed to any boundary treatments or to any of the open areas including the garden within the plot. As a result it is considered that there are no reasonable grounds for a refusal based on the business activity adversely affecting the residential character of the estate.

- 6.4. The application site has been amended so as to include the whole residential plot of No.21 Cirrus Drive. This is to ensure that in planning terms the site is a mixed use and the adjoining garage is not a standalone business unit which can then be sold off separately to the house. In any case a condition would be attached to any approval which requires that the pharmacy business is only carried out in conjunction with the residential occupation of No.21. This would tie down the business activity to remain on a work from home basis.
- 6.5. The applicant has confirmed in writing that the pharmacy business would only operate during normal working hours Monday to Friday. The incomings and outgoings associated with the pharmacy would involve packages taken to a courier depot or mail centre in a delivery van with likely 2 inward deliveries and 2 outward deliveries during business hours. This is proportionate to the size and scale of the business and it is unreasonable to expect lorries to deliver or a constant line of delivery vans serving such a small scale use. The use itself consists of the converted garage space with low intensity office use and shelving for storage. It is considered that any noise generated would be suitably contained within the building. In this regard the Council's Senior Environmental Health Officer has also raised no objections. It is considered that there are insufficient grounds to go against this technical opinion and refuse the application based on the business use causing significant noise to neighbouring properties or disturbance to the area based on excessive incomings or outgoings. A condition could be attached to any approval to ensure that business hours are adhered to and there is no business activity at unreasonable hours or on weekends.
- 6.6. With regards to neighbouring amenity it is considered that the work from home business would result in no significant adverse impact. The pharmacy would be contained within the garage which is detached from neighbouring dwellings and there are no new windows or other new openings proposed. As a result it is considered that there are no loss in daylight/sunlight issues and no overriding invasion of privacy or undue overlooking concerns. This application does not propose changes to any boundary treatments and the garden would remain as existing. The relationship of the residential plot to the designated Site of Importance for Nature Conservation (SINC) would therefore remain the same. It is considered that there would be no harm to the nearby SINC site.
- 6.7. The Force Architectural Liaison Officer & Design out Crime Officer from Nottinghamshire Police Force has confirmed no objections to the proposal. The police have experience in dealing with pharmacy security in a variety of premises and the advice is that the applicant engages with the Design out Crime Officer to ensure the required levels of security are provided. Controlled drugs would be kept in an approved drugs cabinet whilst the applicant is already in contact with the police in relation to security measures and is happy to upgrade the standard of locks to garage doors or install CCTV if required. A condition could be attached to any approval which requires the applicant to work with the Design out Crime Officer to



ensure the pharmacy meets the required level of security. In the opinion of the Design out Crime Officer this may include upgrade of the door locks, installation of CCTV or adding an alarm system.

- 6.8. Within representations which have been received parking and traffic concerns are raised as key issues. However, the Highways Authority has confirmed no objections to the proposal. Due to the scale and size of the work from home business the expected vehicle movements are expected to be small. There is no additional staff members required and the application site still retains capacity for off-street parking within the driveway. The applicant also parks their own car on the block paved space immediately beyond the principal elevation of the dwelling on Cirrus Drive. Properties along Cirrus Drive do not have allocated parking spaces and there is reliance on the shared parking square in addition to on-street availability. The nature of shared parking spaces is that neighbouring occupiers are responsible together for how cars park whilst any indiscriminate parking is a matter for the Highways Authority to investigate in the normal way. With this in mind it is considered that there are insufficient grounds for a refusal based on the application site having inadequate parking provision. Furthermore it is considered that there are insufficient grounds to go against the technical opinion of the Highways Authority and refuse the application based on the business posing a significant risk to traffic or highway safety. It is also unreasonable in planning terms to suggest that a work from home business which is only in operation during certain hours of the working week would affect safety of children who play in the gated open space area opposite the application site.

- 6.9. The garage space is fairly small in terms of the internal dimensions and would be tight for modern size vehicles to park in comfortably. As the application site still retains off-street provision and taking into account the context of shared parking arrangements within the estate it is considered that there are inadequate grounds for a refusal based on the garage conversion resulting in unacceptable parking capacity.

## 7. Conclusion

- 7.1. Overall it is considered that the size and scale of the online pharmacy operating from within a converted garage space does constitute a working from home business and is a low intensity use where the residential character of the street is not adversely affected.
- 7.2. The opinion of the Highways Authority, Nottinghamshire Police, and the Council's Senior Environmental Health Officer is that there are no adequate grounds for objection and it is considered that the amenity of neighbouring properties will not be adversely affected whilst there is already appropriate provision for vehicle parking. Accordingly the proposal does not conflict with Saved Policies E16, E34, H8 & T11 of the Broxtowe Local Plan 2004, Policy 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:

1. The development hereby approved shall be carried out in accordance with the Amended Site Location Plan at scale 1:1250 received by the Local Planning Authority on 19 January 2017 and Proposed Floor Plan at scale 1:100 received by the Local Planning Authority on 24 November 2016.
2. The premises shall not be used for the online pharmacy business hereby approved except between 08:30 – 17:00 hours Monday to Friday.
3. The online pharmacy business hereby permitted shall be carried out only in conjunction with the residential occupation of 21 Cirrus Drive, Watnall, Nottinghamshire, NG16 1FS.
4. The online pharmacy business hereby approved shall not be brought into first use until the site is assessed by the Force Architectural Liaison Officer & Design out Crime Officer from Nottinghamshire Police Force to ensure that appropriate levels of security are provided, which may include new door locks, installation of CCTV or the addition of an alarm system. The agreed security measures shall be installed prior to first use of the business and shall thereafter be adequately maintained as such for the life of the development.

**Reasons:**

1. For the avoidance of doubt.
2. To protect nearby residents from excessive operational noise and disturbance at unreasonable hours and in accordance with the aims of Saved Policies H8 & E34 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategies (2014).
3. In accordance with the terms of the application and as to permit an independent business activity would be likely to adversely affect the residential character of the area. This condition also accords with the aims of Saved Policy H8 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategies (2014).
4. In the interests of designing out crime and to ensure that the development creates a safe environment in accordance with Policy 10 of the Aligned Core Strategies (2014) and Section 7 of the National Planning Policy Framework (2012).

**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 engage directly with the applicant to request additional information which was reasonably required.

Background papers

Application case file



**21 Cirrus Drive, Watnall**

Change of use from residential (Class C3) to mixed use of residential (Class C3) and internet distance selling pharmacy located within converted garage

Planning Committee 22 March 2017

Scale: 1: 1,250

**Directorate of Legal and Planning Services**

## Report of the Director of Legal and Planning Services

**17/00025/FUL  
4 STEVEN CLOSE, TOTON NG9 6JX  
CONSTRUCT DWELLING FOLLOWING DEMOLITION OF EXISTING  
DWELLING**

A Borough Councillor is related to the applicant and it is therefore necessary for the application to be determined at Planning Committee.

**1.0 Details of the application**

- 1.1 The application proposes to demolish the existing bungalow located at 4 Steven Close and construct one new contemporary style, two storey dwelling with associated car parking and landscaping.
- 1.2 There are varying flat roof elements to the proposed dwelling of single and two storeys in height with balconies to the front and rear of the dwelling. The varying component parts add to a holistic design.
- 1.3 The proposed dwelling has four bedrooms and follows a similar footprint to the existing dwelling, retaining a generous garden area.

**2.0 Site and surroundings**

Front elevation



3 Steven Close



Street scene



Side Elevation of 3 Steven Close





5 Steven Close



Side elevation of 5 Steven Close

- 2.1 Steven Close is a cul-de-sac within easy walking distance of the Toton Lane tram stop and park and ride. Steven Close is a spur off Katherine Drive and consists of seven dwellings in a circular arrangement. The surrounding area consists of a mix of one and two storey dwellings many of which have had extensive extensions and alterations. The neighbouring property to the north west of the site is currently undergoing extensive construction to include the addition of a second floor and a significantly increased roof pitch. There are a wide variety of styles and architectural forms apparent on the Close and the surrounding area.
- 2.2 The site is approximately 0.14 hectares and is surrounded by a hedge approximately 2.5m in height on the southern boundary and a 1.8m fence on the northern boundary. There are trees protected by a Tree Protection Order (TPO) which are proposed to be retained along the northern boundary of the site.
- 2.3 The Close itself slopes upwards towards the north east therefore the site is in a prominent location at the top of the turning head.
- 2.4 The site is surrounded by residential properties to the north and south on Steven Close and 19 Northfield Road is to the north east of the site. Beyond the rear boundary of the site is land in the ownership of Chetwynd Barracks.

### 3.0 Policy Context

#### 3.1 National policy

- 3.1.1 The National Planning Policy Framework (NPPF) March 2012, contains a general presumption in favour of sustainable development whereby planning permission should be granted 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, sustainable economic development should be proactively driven and supported, 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, heritage assets should be conserved in a manner appropriate to their significance, the natural environment should be

conserved and enhanced, developments should be located in sustainable locations and effective use of brownfield land should be made.

- 3.1.2 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.

3.2 Core Strategy

- 3.2.1 The Council adopted the Core Strategy on 17 September 2014 and the overall strategy of this document is “urban concentration with regeneration”.

- 3.2.2 ‘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.

- 3.2.3 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.

- 3.2.4 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.

3.3 Saved Policies of the Broxtowe Local Plan.

- 3.3.1 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.

- 3.3.2 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.

- 3.3.3 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 (or 45 dwellings per hectare where there is a choice of public transport modes) and if the distance is beyond 400m, 35 dwellings per hectare.

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

- 3.3.5 Policy E24 states that development which adversely affects important trees and hedgerows will not be permitted.

#### 4.0 Consultations

- 4.1 Two neighbours have commented on the proposal. One neighbour has no objections and one neighbour raises concerns regarding the noise of construction and possible obstruction to their access.
- 4.2 The Tree Officer has visited the site and inspected the root protection area (RPA) of the protected trees on the application property and adjoining properties. As the dwelling has a similar footprint to the existing bungalow he does not consider there will be an adverse impact on the trees, although he considers that a method statement will be required outlining the proposed demolition and construction processes to ensure that suitable measures are taken to ensure that there is no adverse impact on the protected trees. The ideal demolition method would be to remove the roof and to demolish the walls inwards to contain the demolition within the footprint of the building.

#### 5.0 Appraisal

- 5.1 It is considered the main issues relating to the determination of this application are the design, the character and appearance within the street scene, the impact on the group TPO and the impact on neighbouring amenity.

#### 5.2 Design

- 5.2.1 The design of the proposed dwelling is of a contemporary style which utilises a variety of materials which take a lead from the mixed palette in the surrounding area. The building consists of single and two storey flat roof elements arranged in an informal manner which creates an interesting and unique building. Further visual interest is created by the use of a variety of window shapes and sizes ranging from small square windows to narrow slit windows positioned both vertically and horizontally. Although the main entrance doors are to the side of the proposed dwelling beside 5 Steven Close, the elevation which addresses the Close has a set back first floor with a balcony and a recessed window feature which creates interest and a strong presence in the street scene which is considered necessary for a building in this prominent location.
- 5.2.2 There are examples of contemporary dwellings in the vicinity of the site. The neighbouring property, 3 Steven Close, was formerly a bungalow but is in the process of being extended to form a two storey dwelling which will be rendered once the construction work is complete. There is therefore a strong precedent for alterations to dwellings on this scale and there is no dominant architectural style which takes precedence. It is therefore considered that the proposal would not result in a significant change of character and would not be detrimental to the street scene.

#### 5.3 Trees

- 5.3.3 There is a group TPO on the site and the surrounding area. The Council's Tree Officer considers it is necessary for a demolition and construction



method statement to be submitted prior to the development taking place in order to ensure that the protected trees on the site and surrounding area are not adversely damaged as a result of the development.

#### 5.4 Neighbouring amenity

- 5.4.1 No. 3 Steven Close is located at an angle to the north west of the proposed dwelling. A conversion of this building to a two storey dwelling is close to completion. This dwelling has one window at first floor which is obscurely glazed on the elevation closest to the shared boundary. On the proposed dwelling, there are three high level windows and one rectangular window. The rectangular window is centrally positioned and serves the master bathroom on the side elevation of the proposed new dwelling. The high level windows do not cause significant concerns regarding overlooking and the central window can be obscurely glazed. The proposed balcony to the front of the dwelling is enclosed which provides screening and avoids any unacceptable overlooking to the living accommodation of 3 Steven Close. In terms of loss of light, the proposed dwelling will be angled away from 3 Steven Close and it is not considered that there will be an unacceptable loss of light caused by the introduction of a two storey dwelling on the site. There is also a balcony proposed to the rear of the dwelling which is positioned 2.1m in from the side elevation which in turn is 7.944m from the shared boundary with 3 Steven Close. It is considered this will not result in an unacceptable loss of privacy.
- 5.4.2 No. 5 Steven Close is also at an angle to the proposed dwelling to the south. This shared boundary consists of a high hedge which minimises the impact on the occupiers of this dwelling. There are windows serving bedrooms on this side elevation. The closest distance to the shared boundary of the two storey element is 3.581m which, given the existing boundary treatment, is considered acceptable to preserve the privacy of the occupiers of 5 Steven Close.
- 5.4.3 No. 19 Northfield Road is located over 30m away from the proposed dwelling and there are mature trees on the boundary. This is considered a suitable separation distance to prevent a significant impact on the amenity of the occupiers of this dwelling.
- 5.4.4 The proposed dwelling is set back from Steven Close allowing for off street parking for up to four cars. This does not alter from the existing situation and although the proposed dwelling is larger than the bungalow it replaces, this number of parking spaces is deemed acceptable and it is not considered that the proposal will result in an increased need for parking provision on the Close or the surrounding area.
- 5.4.5 The concerns raised by one neighbour regarding the noise impact during construction and the obstruction of a private access drive are not planning issues and noise will be controlled by separate Environmental Health legislation.

## 6.0 Conclusion

- 6.1 In conclusion, and having regard to all comments received and the relevant national and local plan policies, it is considered this proposal is an acceptable use of the site. Having regard to all material considerations, the scheme is acceptable in regard to its design, scale and layout and there would be no detriment to the prevailing character of development in the area, nor significant loss of privacy for existing residents that would lead to any alternative conclusion.

### **Recommendation**

**The Committee is asked to RESOLVE 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 site plan and drawing numbered PL2068 05 received by the Local Planning Authority on 16 January 2017 and drawings numbered: PL2068 01 E, PL2068 02 E, PL2068 03 D and PL2068 01 E received by the Local Planning Authority on 3 March 2017.**
- 3. No building operations shall be carried out until details of the manufacturer, type and colour of the materials to be used in the 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 be carried out until a demolition and construction method statement (outlining the potential impact on the TPO trees on the site and the proposed mitigation measures to be undertaken) has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out only in accordance with those details.**
- 5. No development shall take place until a landscaping scheme has been submitted to and approved in writing 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 hard surfacing treatment**
  - (d) planting, seeding/turfing of other soft landscape areas**

**The approved scheme shall be carried out strictly in accordance with the approved details.**

6. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.
7. The dwelling hereby approved shall not be first occupied until the parking and turning area has been constructed in a hard bound material (not loose gravel) and so as to prevent the unregulated discharge of surface water therefrom onto 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.

#### **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 H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy. The requirement is to be satisfied before new construction begins in order that potentially abortive work is avoided, if unacceptable materials are used.
4. No such details were submitted and to ensure that there is no adverse impact on the TPO trees on the site and neighbouring site and in accordance with Policy E24 of the Broxtowe Local Plan (2004). The requirement is to be satisfied before new construction begins in order that potentially abortive works are avoided and to ensure that the TPO trees are adequately protected.
5. 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 potentially abortive works are avoided and to ensure that any important tree or plant species are adequately protected.
6. 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 (2014).

- 7. To ensure that deleterious materials and surface water from the site is not deposited on the public highway, in the interests of highway safety.**

**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 entering into negotiations with the Applicant to arrive at a more satisfactory design.**

Background papers

Application case file



#### 4 Steven Close, Toton

Construct dwelling following demolition of existing dwelling

Planning Committee 22 March 2017

Scale: 1: 1,250

**Directorate of Legal and Planning Services**

**Report of the Director of Legal and Planning Services****17/00082/FUL  
CONSTRUCT SINGLE STOREY SIDE, REAR AND FRONT EXTENSION  
18 CHESHAM DRIVE, BRAMCOTE NG9 3FB**

This application is brought before the Committee as the applicant is related to a member of staff in the Planning Department.

1 Details of the application

- 1.1 The application seeks permission to construct a single storey side, rear and front extension.
- 1.2 The proposed extension will be L- shaped and will adjoin the east (side) and north (rear) elevations. It will project from the east elevation of the house by 2.3m and from the north elevation by 3.8m and it will align with the south elevation of the front porch. The extension will have a hipped and lean-to roof, an eaves height of 2.6m and ridge height of 3.75m. Matching brickwork and roof tiles are proposed.
- 1.3 A window is proposed in the front elevation and two small obscurely glazed windows in the side elevation. A window and bi-folding doors are proposed in the rear elevation. Three roof lights are proposed in the side roof slope and two roof lights in the rear roof slope. The extension will serve a utility room, bedroom, shower room and kitchen/dining room.

2 Site and surroundings

- 2.1 The application property is a semi-detached dwelling. The east boundary is open with No. 16 for 4m, then a 1m high fence extends for 10m, increasing in height to 1.5m and extending for a further 9m, then an outbuilding with mono-pitch roof (2.2m high) extending for 3m, and a 1.5m high fence extends to the rear of the garden. The rear boundary is a 1.8m high fence partially covered with vegetation with deciduous vegetation and trees beyond in the rear gardens of Nos. 36 and 38. The west boundary with No. 20 is a 1.8m high fence. No. 20 has a single storey side and rear extension with lean-to roof that projects 3.83m from the rear elevation.
- 2.2 The site slopes down 0.5m from south to north (from the road to the front of the property). The rear garden is relatively flat. Chesham Drive is a curved street formed of semi-detached houses of similar design.



### 3 Policy context

#### 3.1 National Policy

3.1.1 The National Planning Policy Framework (NPPF) March 2012, outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, a good standard of amenity for existing and future occupants should be secured and high quality design should be sought.

#### 3.2 Broxtowe Aligned Core Strategy

3.2.1 Policy 10 'Design and Enhancing Local Identity' states that development should be assessed in relation to its massing and scale, materials, design and impact on the amenity of nearby residents.

#### 3.3 Saved Policies of the Broxtowe Local Plan

3.3.1 Policy H9 'Domestic Extensions' states that extensions will be permitted provided that they are in keeping with the original building in terms of style, proportion and materials, are in keeping with the appearance of the street scene and do not cause an unacceptable loss of privacy or amenity for the occupiers of neighbouring properties.

- 3.3.2 Policy H10 'Extensions for Dependent Relatives' states that extensions to dwellings to provide accommodation or adaption to meet the needs of disabled or dependent occupiers should be designed to be used as part of the main dwelling when no longer required. Therefore, the extension should be physically linked to the dwelling with direct internal access and the extension should not contain all facilities required for independent occupation.

#### 4 Consultations

- 4.1 No. 1 Wembley Gardens raises no objection to the application. No. 16 Chesham Drive raises an objection in relation to the following: the application form states the extension will not be visible from the road but the side and front will be visible, loss of light as the front extension will significantly reduce the amount of light entering a side window which was put in specifically to increase light levels to the downstairs middle room, loss of privacy from the proposed side windows and a possible future extension to No. 16 Chesham Drive could be restricted if the proposed extension is approved.

#### 5 Appraisal

- 5.1 The main issues to consider with this application are the design of the extension and the impact on neighbour amenity.
- 5.2 The properties on Chesham Drive are characterised by semi-detached houses, all of a similar style. A number of the houses on Chesham Drive and nearby roads have had permission for single storey side and rear extensions.
- 5.3 The specific concerns raised by the occupants of No. 16 will be addressed below. For the purposes of undertaking a site visit, a question is included on the application form in relation to whether the site can be seen from public land. The negative response to this question is correct given the proposed rear extension. No. 16 is set further forward so the rear elevation aligns with the front elevation of the application property. There is a separation distance of 4.5m between the side elevations of the two properties. The side element of the extension will be 3.1m in height, with the roof sloping away from the boundary. It is considered the extension is a modest size that will not adversely affect the amenity of the occupants of No. 16 or cause a detrimental loss of light to the ground floor window in the west elevation. The single storey extension will project 3.8m from the rear elevation and be 3.75m in height. It is considered this will have minimal impact on the amenity of the occupants of No. 16 given the modest height and 1.5m high boundary fence partially obscuring it from view. Two windows are proposed in the east (side) elevation of the extension. As these are obscurely glazed and 1.7m above ground floor level, it is considered they will have minimal impact on the privacy of the occupants of No. 16. As the roof lights in the east and north roof slope are high level, it is considered they will have minimal impact on the amenity of the occupants of No. 16. The front element of the extension adjoins with the existing porch extension and is modest in size and therefore it is considered it will have minimal impact on the amenity of the occupants of No. 16. Concerns were raised in regards to any future planning application made by the occupants of No. 16 and the impact approval of this application could have on



their proposal. Any application submitted by the occupants of No. 16 would be judged in accordance with the Local Plan applicable at that time. No significant weight can be attached to the intention to submit a planning application.

- 5.4 No. 20 has a single storey rear extension with lean-to roof. The rear element of the extension will be a similar size, projection and height to the extension at No. 20. Accordingly, it is considered there will be minimal impact on the amenity of the occupants of No. 20. As the roof lights in the rear roof slope are high level, it is considered they will have minimal impact on the amenity of the occupants of No. 20. The side element of the extension will not be visible and therefore have no impact on the amenity of the occupants of No. 20. The front element of the extension will adjoin the existing porch extension and therefore only the roof will be visible. It is considered this will have minimal impact on the amenity of the occupants of No. 20.
- 5.5 There is a minimum separation distance of 25m between the rear elevations of Nos. 36, 38 and the application property. Due to the boundary treatment and separation distance, the extension will be mainly obscured from view and therefore have minimal impact on the amenity of the occupants of Nos. 36 and 38.
- 5.6 Due to the intervening road and separation distance of 34m between the application property and No. 1 Wembley Gardens, it is considered the extension will have minimal impact on the amenity of the occupants of this property.
- 5.7 Matching facing bricks and roof tiles are proposed which is considered to be appropriate. The design of the extension is considered to be appropriate for this domestic property and in keeping with other extensions in the area. As the extension is single storey and will be set back 10m from the pavement, it is considered it will have minimal impact on the street scene of Chesham Drive. The main garden area is to the rear of the property. Whilst the garden area would be reduced in size following completion of the extension, it is considered it will still provide sufficient outdoor amenity for the occupants. It is considered the proposed extension is a proportionate addition to the house.
- 5.8 The proposed extension will provide a downstairs bedroom and bathroom for the applicant's son who has a medical condition. This is a material planning consideration which carries significant weight.

## 6 Conclusion

- 6.1 In conclusion, it is considered that the extension would be in keeping with the original building in terms of style, proportion and materials and as it is single storey, will have minimal impact on the street scene of Chesham Drive. It is considered the extension would not cause an unacceptable loss of privacy or amenity for the occupiers of neighbouring properties. The proposal therefore accords with Broxtowe Local Plan Policies H9 and H10, with Policy 10 of the Broxtowe Aligned Core Strategy and with the National Planning Policy Framework.

**Recommendation**

The Committee is asked to RESOLVE 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 Location Plan (1:1250) and Proposed Block Plan (1:500) received by the Local Planning Authority on 13 February 2017 and drawing number: D.CD.02A received by the Local Planning Authority on 14 February 2017.

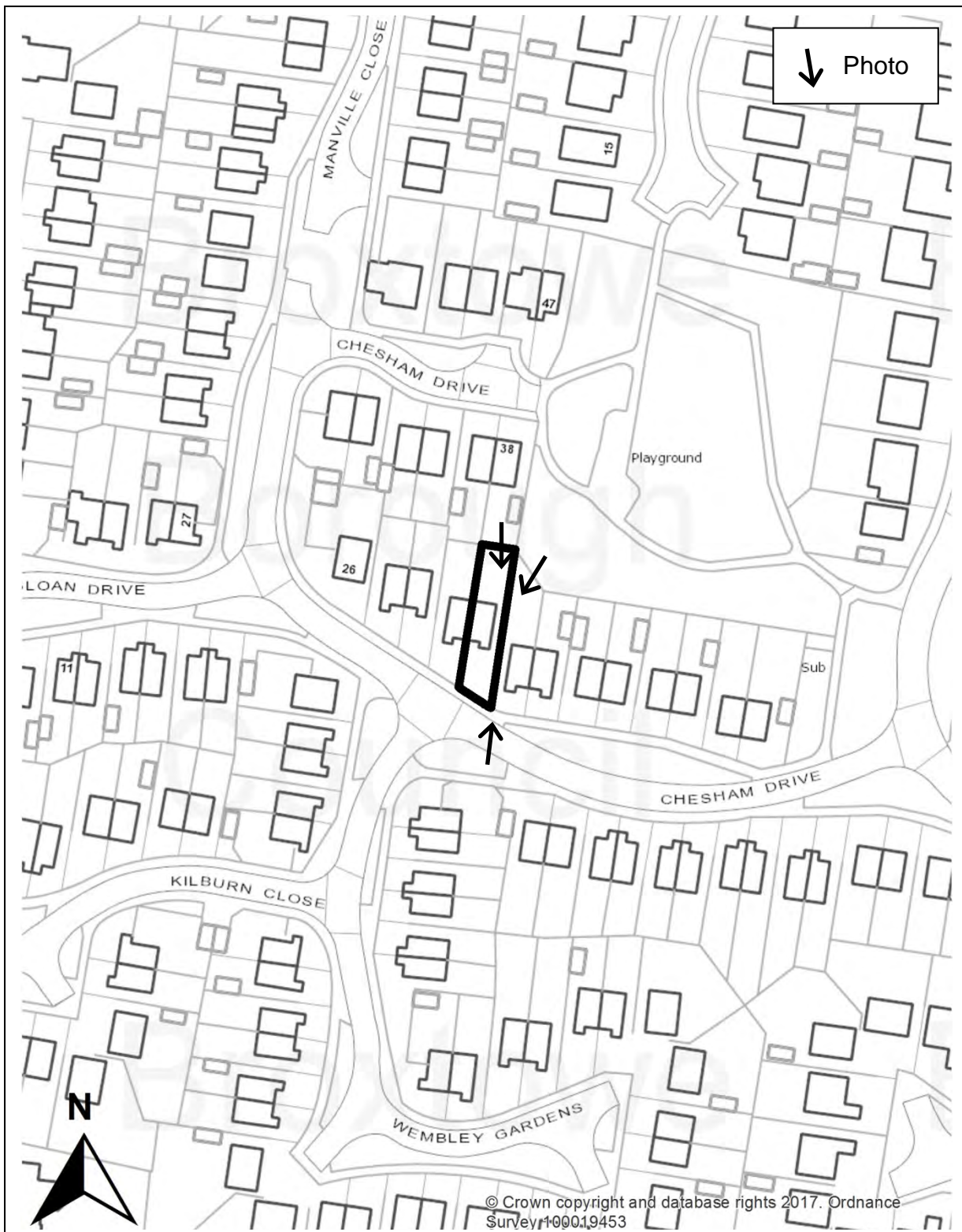
**Reasons**

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.

**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 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: <https://www.broxtowe.gov.uk/for-you/planning-building/coal-authority/>

Background Papers  
Application Case File



**18 Chesham Drive, Bramcote**

Construct single storey side, rear and front extension

Planning Committee 22 March 2017

Scale: 1: 1,250

Directorate of Legal and Planning Services

## Report of the Director of Legal and Planning Services

**17/00020/ADV****ERECT SIGN****HICKINGS LANE MEDICAL CENTRE, 120 RYECROFT STREET,  
STAPLEFORD, NOTTINGHAMSHIRE NG9 8PN**

This application is brought before the Committee as the applicant is a Borough Councillor.

1. Details of the application

- 1.1 This application seeks Advertisement Consent to display a sign on the north west elevation of the building.
- 1.2 The sign will read 'Hickings Lane Medical Centre'.
- 1.3 The sign will be 3.82m from the ground to the base of the sign. The sign will measure 6.71m in length, 0.35m in width and have a depth of 0.05m. The sign will be brushed aluminium individual letters mounted on 25mm projecting fixings.

2. Site and surroundings

- 2.1 The medical centre is positioned centrally within a corner plot at the intersection of Hickings Lane service road and Ryecroft Street.
- 2.2 The street scene is characterised by two storey semi-detached dwellings which are set back from the highway. This section of Hickings Lane has a more open character due to the landscaped verge and line of trees between the main highway and the service road.



- 2.3 The building is single storey with a hipped roof with a recently constructed L-shaped flat roofed extension to the north east and north west. The land slopes down across the site from north to south, whilst hedging beside the boundary with the footway screens the main façade.
3. Policy context
- 3.1 National Policy
- 3.1.1 The National Planning Policy Framework states that adverts are 'subject to control only in the interests of amenity and public safety'.
4. Appraisal
- 4.1 The sign is to be located on the north west elevation of the main façade of the building. As the sign is not illuminated, it is considered it will have minimal impact on public amenity or safety. The building is set a sizeable distance from the main highway and therefore it is considered the lettering is of an appropriate size and scale to not cause a distraction to drivers.
5. Conclusion
- 5.1 It is concluded that the overall appearance, design and scale of the proposed sign is suitable for this type of building. The sign would not cause an unacceptable loss of public amenity or safety and would not be a prominent visual addition that would detract from the appearance of the building. The proposal therefore accords with the National Planning Policy Framework.

### **Recommendation**

**The Committee is asked to RESOLVE that consent be granted subject to the following conditions:**

- 1. (a) Any advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.**
- (b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.**
- (c) Where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.**
- (d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.**

- (e) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).
2. The development hereby permitted shall be carried out in accordance with the Location Plan (1:1250), Block Plan (1:500) and Proposed North West Elevation received by the Local Planning Authority on 12 January 2017.

**Reasons**

1. In the interests of amenity and public safety.
2. For the avoidance of doubt.

**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 working to determine this application within the agreed determination timescale.

Background papers  
Application case file



**Hickings Lane Medical Centre, 120 Ryecroft Street, Stapleford**  
Erect sign

Planning Committee 22 March 2017

Scale: 1: 1,250

**Directorate of Legal and Planning Services**



## Report of the Directorate of Legal and Planning Services

**14/00247/ENF****UNTIDY CONDITION OF GARDEN****1 ROXLEY COURT, WOLLATON ROAD, BEESTON NG9 2NU****1. Background**

- 1.1 This matter was initially brought to the Council's attention in September 2014. Since that time the property owner, whose whereabouts is currently unknown, has failed to correspond with the Council. A Section 215 Notice was served in May 2015 which required remedial works to be undertaken at the property to cut back vegetation and improve the condition of the front garden.
- 1.2 Following non-compliance with the notice, the property owner was successfully prosecuted in the Magistrates' Court in April 2016. The owner did not attend court and the case was proved in his absence. A fine of £220 was imposed plus prosecution costs of £455 and a victim surcharge of £22, totalling £697. The Magistrates also awarded a collection order.
- 1.3 To date, no further remedial works have been undertaken to improve the condition of the gardens, nor has the owner engaged with the Council following the prosecution. The Council is therefore in a position whereby direct action for the remedial works to be undertaken should be considered.

**2 Appraisal**

- 2.1 This semi-detached property is close to the junction of Denison Street and Wollaton Road. The front garden of the property is prominent in the street scene and is visible from both Wollaton Road and Denison Street. Most of the properties in the vicinity are terraced or semi-detached and have small front gardens. The front garden and property itself are in a neglected condition and it is understood that the Private Sector Housing team has attempted to get the property back into use. The untidy condition of the garden has a particularly negative impact on the adjoining property, number 2 Roxley Court.
- 2.2 The front garden contains various bushes and shrubs and a tree which is overgrown and overhangs both the highway and the neighbouring property, No. 2 Denison Street. The overgrown condition of the tree is such that it is causing the front boundary wall to crack and lean. This situation was reported to Nottinghamshire County Council as Highway Authority in January 2015.
- 2.3 Due to the negative impact on immediate neighbouring properties and the street scene, it is considered expedient for direct action to be undertaken and works to be carried out in default.



**3      Cost implications**

- 3.1      A quotation for the works has been obtained from the Council's Parks and Environment Team and the cost of pruning/removing the vegetation to achieve compliance with the Section 215 Notice would be £380. This includes the cost for removal of the tree.
- 3.2      Once the works are complete, the property owner would be invoiced for the costs. If that sum remains unpaid then ultimately the Council has the option to apply to the courts for a charge to be placed on the property in respect of that sum.

**Recommendation**

**The Committee is asked to RESOLVE that direct action be taken and that works be carried out in default in accordance with the requirements of the Section 215 Notice issued by the Council on 22 May 2015.**



**1 Roxley Court, Wollaton Road, Beeston**

Untidy condition of garden

Planning Committee 22 March 2017

Scale: 1: 1,250

**Directorate of Legal and Planning Services**

## Report of the Director of Legal and Planning Services

**APPEAL DECISION****Reference number:** 15/00841/REM**Proposal:** Reserved matters approval for phase 1 of development for 118 dwellings, including 33 affordable homes, flood attenuation lagoon, open space and associated infrastructure**Site address:** Field Farm, Ilkeston Road, Stapleford**Applicant:** W Westerman Ltd**APPEAL ALLOWED**

The application was refused permission as significant and demonstrable harm would be caused by the poor overall design quality of the development by reason of the appearance of the proposed buildings and the failure to create a distinctive place that responds to its context and maximises opportunities to improve the appearance of the immediate surroundings. The proposed development failed to achieve the aspirations of the Council for a development of exemplar design (included in the supporting text for Policy 2 of the Broxtowe Aligned Core Strategy).

The Inspector considered the main issue to be whether the proposal would provide an acceptably-designed housing development which would respond adequately to the character and appearance of the immediate surroundings. He considered that the proposal could not be considered to be contrary to Policy 2 as this is the spatial policy of the ACS that made the strategic allocation for housing on the site. In the Inspector's view, whether the design meets the exemplar standard should be judged against the design criteria of Policy 10 and the requirement to address climate change should be assessed in relation to Policy 1.

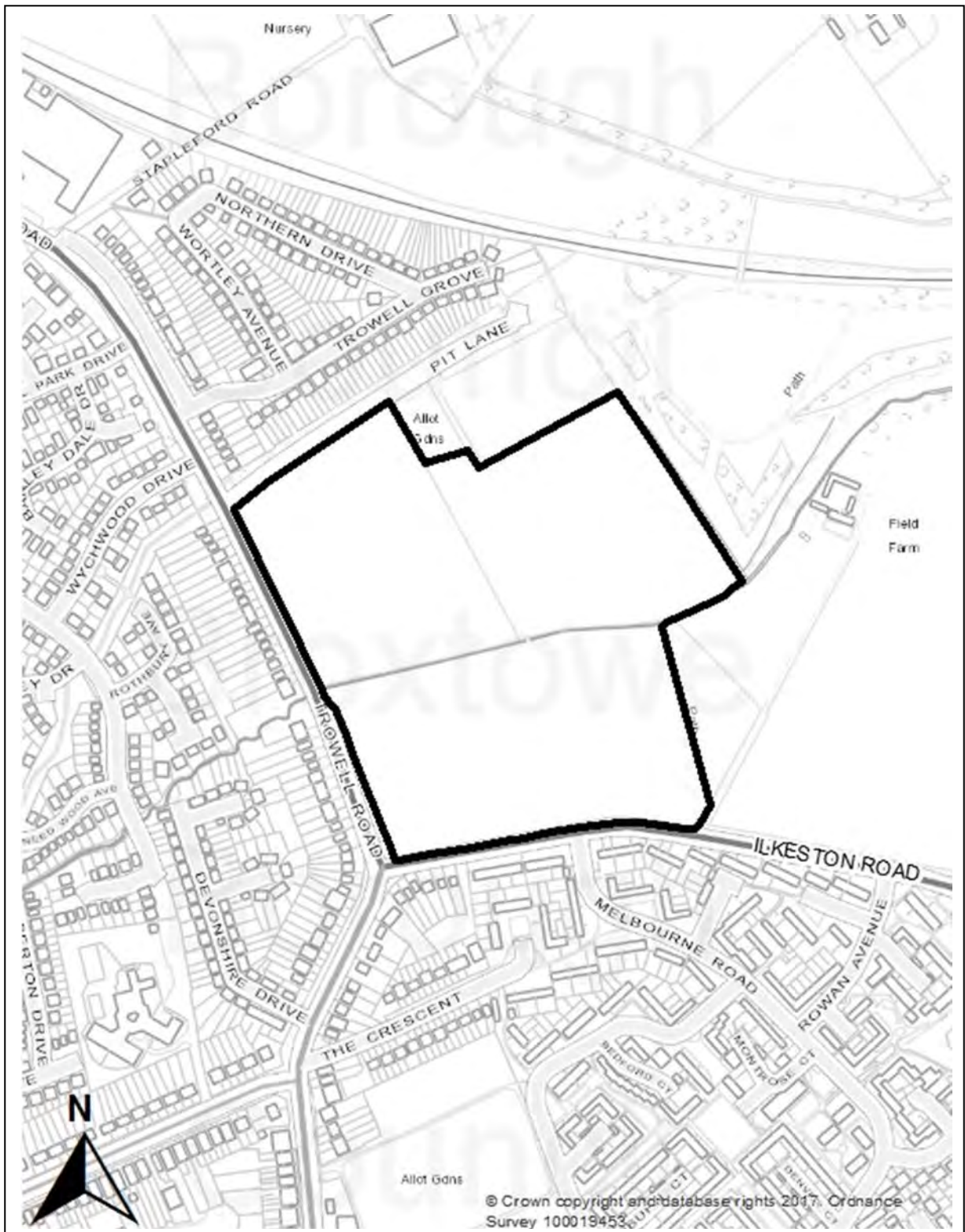
The Inspector made reference to the Design and Access Statement which accompanied the outline application stating that this did not suggest the applicant intended to depart from the more conventional designs they have used previously. He stated that a note to applicant included on the outline permission, whilst not enforceable, indicated Council support for the proposed design approach of the outline application.

It was considered by the Inspector that the site does not provide a substantial degree of landscape variety for the scheme to integrate and engage with. The Inspector stated that the character areas proposed adequately addressed the site characteristics. He considered the house designs, layouts and densities to be generally acceptable, in particular noting that the proposed contemporary designs are satisfactory, the more traditional designs are appropriate and the design of the dwellings fronting Ilkeston Road would be sufficient to lift the general appearance of the street scene.

The Inspector agreed with the Council that the satisfactory final appearance of the dwellings would be dependent upon appropriate and good quality materials and accordingly included a condition relating to this matter.

He stated that the ACS did not expand upon what “exemplar” meant and that when assessed against Policy 10, the design of the scheme was satisfactory. Whilst noting that none of the house types were of a highly innovative design quality, he felt all were attractive and appropriate to the character of the neighbouring residential areas. The Inspector considered that as the proposal satisfied the requirements of Policy 10, the reserved matters were exemplar.

The Inspector concluded that the requirements of the ACS for an exemplar design would not clearly demonstrate the requirement for an entirely contemporary and innovative design approach for the development. He stated the Council’s position would therefore conflict with paragraph 60 of the NPPF which requires planning decisions not to impose particular architectural styles. In addition, he concluded that the overall design quality was not poor and would not result in significant or demonstrable harm. The Inspector considered the development to be acceptably designed and to respond adequately to the character and appearance of the immediate surroundings.



### **Field Farm, Ilkeston Road, Stapleford**

Reserved matters approval for phase 1 of development for 118 dwellings, including 33 affordable homes, flood attenuation lagoon, open space and associated infrastructure

Planning Committee 22 March 2017

Scale: 1: 5,000

**Directorate of Legal and Planning Services**

## Report of the Director of Legal and Planning Services

**APPEAL DECISION**

**Reference Number :** 16/00165/FUL  
**Applicant/Agent :** Mrs K Oliver  
**Site Address :** Land North Of Home Farm Cottage And Park View Cottage  
Main Street, Strelley  
**Proposal :** Construct barn and feed store

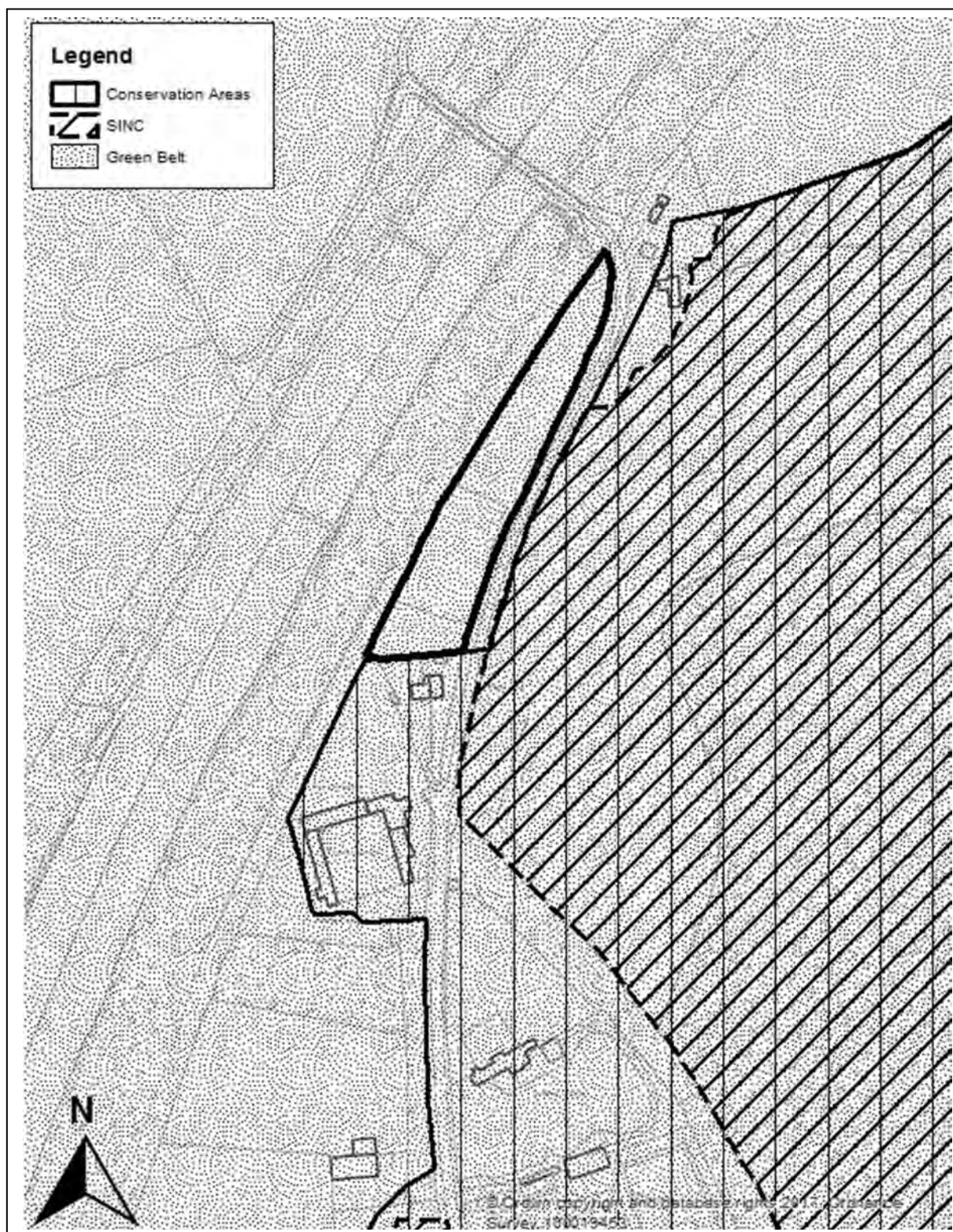
**APPEAL DISMISSED**

The application sought planning permission to construct a barn and feed store. It was proposed to locate the building in the south western corner of the site, 3m away from the northern boundary of Home Farm Cottage. The building was to have a pitched roofed with a rectangular (17.995m x 8.995m) footprint and a 7.245m wide by 3.5m deep open sided, lean-to feed store on the front (south east) elevation. Overall, the proposed building would have a footprint of 187m<sup>2</sup>, a ridge height of 4m and an eaves height of 3m and contain eight stables and a tack/equipment room. This was refused on 2 June 2016 under delegated powers for the following reasons;

- 1. The site lies within the Nottinghamshire Green Belt, within which there is a strong presumption against inappropriate development except in very special circumstances, none of which, on the basis of the information provided, apply here. The proposed building would represent inappropriate development in the Green Belt due to the size of the building. It would therefore not preserve, and would harm, the openness of the Green Belt.*
- 2. Due to the size and close proximity of the building to neighbouring properties, the proposed development is considered to be overbearing and as such would have the potential to result in increased noise and activity levels thereby adversely affecting neighbour amenity.*
- 3. The submitted drawings show a significantly wider gap formed in the roadside hedgerow than was approved under planning permission reference 12/00646/FUL providing vehicular access to the site and this is considered to harm the rural character of the site. Accordingly, the proposal is contrary to the aims of the National Planning Policy Framework (2012), in particular the guidance contained in section 9, Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy RC17 of the Broxtowe Local Plan (2004) and there are no material considerations of compelling weight that would justify treating the proposal as an exception to these policies.*

In essence, it was considered that the size and location of the proposed building would have an unacceptable impact on the amenity of occupants of neighbouring properties and would be harmful to the openness of the Green Belt. In dismissing the appeal, the Inspector considered that the development was inappropriate as defined by the NPPF, and by definition was therefore harmful to the Green Belt and should not be approved except in very special circumstances. He did not consider that the totality of other considerations outweighed the Green Belt harm and the other harm to the living conditions to the neighbouring occupiers with particular regard to noise and disturbance. Consequently, he considered that the very special circumstances necessary to justify the development did not exist





**Land north of Home Farm Cottage and Park View Cottage, Main Street, Strelley**  
Construct barn and feed store

Planning Committee 22 March 2017

Scale: 1: 2,500

**Directorate of Legal and Planning Services**

## Report of the Director of Legal and Planning Services

**APPEAL DECISION**

**Reference number:** 16/00083/FUL  
**Proposal:** Construct side extensions to meeting hall  
**Site address:** Abel Collins Homes, Derby Road, Beeston  
**Applicant:** The United Charities of Abel Collins

**APPEAL DISMISSED**

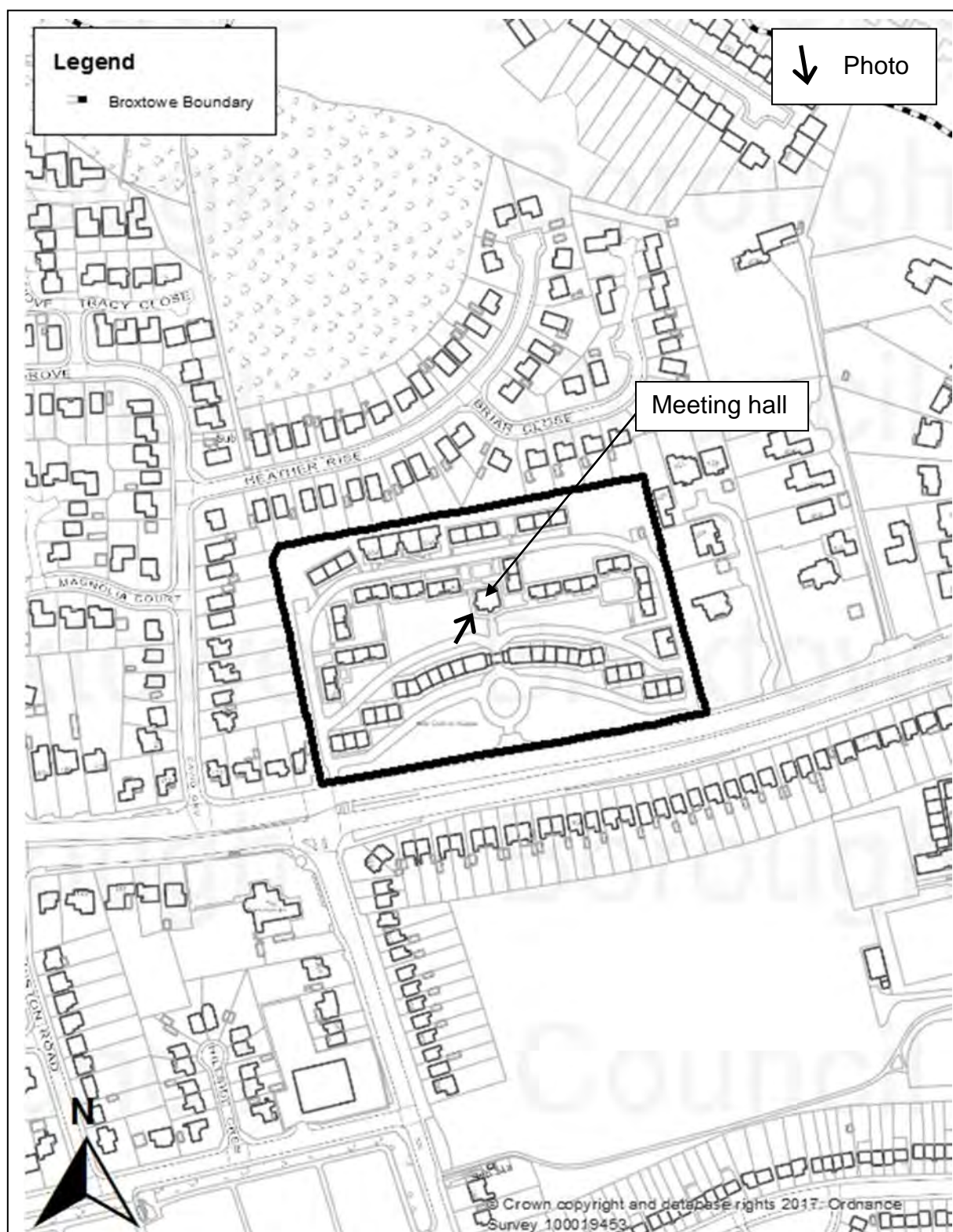
A brick and tiled, hipped roof extension was proposed on the western side of the meeting hall and a flat roofed, timber clad extension on the eastern side. The application was refused permission as the materials, dimensions and style of the proposed extensions were considered to be harmful to the character and integrity of the building. In particular, the extensions would create a loss of symmetry and would result in the loss of the attractive western door surround feature.

The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the meeting hall. He noted that the property is not listed nor within a Conservation Area. Whilst noting that the proposed west extension would result in some harm to the original building through the loss of symmetry and the attractive western door surround, he considered the roof design, set back and use of matching materials and fenestration would result in a relatively unobtrusive and subordinate extension. However, the proposed east extension, by virtue of the flat roofed design, materials and contemporary appearance, would be at odds with the more traditional character and appearance of the meeting hall and many of the properties in the area. The Inspector concluded that the proposed east extension would result in an incongruous and out-of-keeping addition that would cause unacceptable harm to the character and appearance of the original building. Whilst noting the need for expansion of the meeting hall, the Inspector confirmed that this did not outweigh the harm caused by the proposed development and therefore the proposal did not amount to sustainable development.



West and south elevations





**Abel Collins Homes, Derby Road, Beeston**  
Construct side extensions to meeting hall

Planning Committee 22 March 2017

Scale: 1: 1,250

**Directorate of Legal and Planning Services**

## Report of the Director of Legal and Planning Services

**APPEAL DECISION**

<b>Reference number:</b>	<b>14/00677/OUT</b>
<b>Proposal:</b>	<b>Outline Application to develop former Bramcote Hills Golf Course [part], all matters reserved except for access from Deddington Lane, for use as a continuing care retirement and specialist care community consisting of accommodation units comprising up to 38 x 2 bed bungalows, 4 x 1 bed bungalows, 40 x 1 bed assisted care units and 18 x 1 bed flats together with specialist care/ancillary communal facilities.</b>
<b>Site address:</b>	<b>Former Bramcote Hills Golf Course, Thoresby Road, Bramcote, NG9 3EP</b>
<b>Applicant:</b>	<b>Mrs S Rathour, Champions Gate Ltd</b>

**APPEAL ALLOWED**

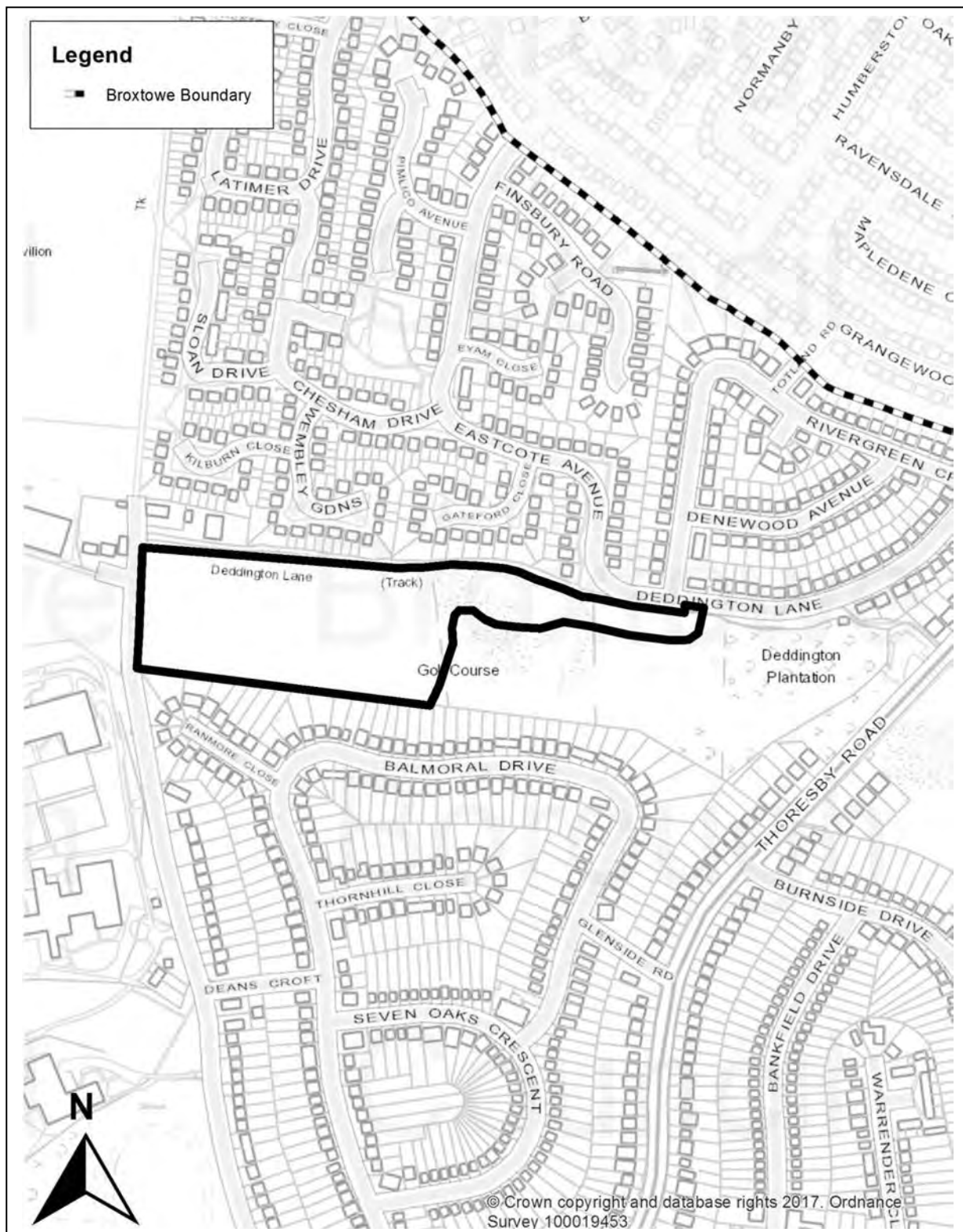
The application was refused permission by Committee (contrary to officer's recommendation) because it was considered the proposed development would have an adverse impact on the open and undeveloped nature of the site, detracting from the visual amenity that the Bramcote Ridge and Bramcote Hills as a whole provides in this built up area.

The Inspector considered the main issues to be the effect of the proposal upon the character and appearance of the site and its surroundings and whether or not, in the absence of a five year deliverable supply of housing sites, the proposal would constitute a sustainable form of development.

It was noted by the Inspector that the site forms part of a much larger green corridor which provides some open relief between the residential areas to the north and south but that the site is not readily apparent from longer distance views. He considered that the proposed development would cause some harm to the open and green character of the site but that this could be minimised by provision of 15m wide landscaped buffers to the north and south and by ensuring the height of the development is kept very low. Even with such measures, the Inspector considered that the proposal would detract from the character and function of the Protected Open Area (contrary to Policies E12 and E13 of the BLP and Policy 16 of the ACS) as it would remove part of the open break between residential areas.

However, the aforementioned policies were afforded limited weight by the Inspector given the Council is unable to demonstrate a five year housing land supply. The Inspector considered the significance of the decision taken to address the five year housing land supply shortfall through the allocation of sites in the Part 2 Local Plan. He gave this matter limited weight as such allocations still need to go through the formal examination process.

The Inspector considered whether or not the proposed development was sustainable. He concluded that the adverse impacts (harm to the open character and function of the Protected Open Area, Prominent Area for Special Protection and Green Infrastructure corridor) of the development did not outweigh the benefits (provision of specialist care and elderly residential accommodation, significant boost to housing supply in the borough, financial contribution towards off-site affordable housing, tree planting, bio-diversity enhancement, opening up Deddington Plantation for public access and provision of jobs). Accordingly, the proposal was considered to be sustainable development.



### **Former Bramcote Hills Golf Course, Thoresby Road, Bramcote**

Outline Application to develop former Bramcote Hills Golf Course [part], all matters reserved except for access from Deddington Lane, for use as a continuing care retirement and specialist care community consisting of accommodation units comprising up to 38 x 2 bed bungalows, 4 x 1 bed bungalows, 40 x 1 bed assisted care units and 18 x 1 bed flats together with specialist care/ancillary communal facilities

Planning Committee 22 March 2017  
**Directorate of Legal and Planning Services**

Scale: 1: 5,000

## Report of the Director of Legal and Planning Services

**APPEAL STATISTICS**1. Background

The changes to the designation criteria, commonly known as 'Special Measures', were reported to Planning Committee on 11 January 2017 where it was resolved that appeal statistics are reported to Committee.

2. Detail

The designation threshold is 10% of major applications allowed at appeal over the relevant two year period with the first two year period for these more stringent requirements starting from 1 April 2015. The current position as at 13 March 2017 is that there have been a total of 39 major applications determined by Broxtowe Borough Council from 1 April 2015 and three appeals have been allowed. This is shown in the table below

**Major Applications**

Total decisions	Appeal Overturns	Percentage of appeals allowed as a total of decisions
39	3	7.7%

3. Conclusion

The current position is that the Council is not currently at risk of special measures based on the figures reported above. The only major application on this Committee agenda is at Walker Street in Eastwood. If this application is supported by the Committee then there is no additional risk of designation. If it is refused then this will take the total number of decisions up to 40 and if an appeal is lodged which is subsequently allowed, this would take the figures up to 10% of appeals allowed for major applications. It is the understanding of officers that this would trigger a designation into Special Measures, unless a decision on an additional application for major development is issued before 31 March 2017.

**Recommendation**

**The Committee is asked to NOTE the report.**

Background papers

DCLG publication Improving Planning Performance. Criteria for Designation (revised 2016).

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

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**PLANNING APPLICATIONS DEALT WITH FROM**  
**07 January 2017 TO 24 February 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

### 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

#### ATTENBOROUGH & CHILWELL EAST WARD

Applicant	:	Mr & Mrs Walton	16/00658/FUL
Site Address	:	189 Bye Pass Road Chilwell Nottingham NG9 5HR	
Proposal	:	<b>Construct two storey side extension and single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Mark Chambers	16/00746/FUL
Site Address	:	23 Burnham Avenue Chilwell Nottingham NG9 5AH	
Proposal	:	<b>Construct single storey rear extension and side porch</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr D Hateley Lasershape Ltd	16/00784/FUL
Site Address	:	18 - 20 Eldon Road & Unit 1, Brailsford Way Attenborough Nottinghamshire NG9 6DZ	
Proposal	:	<b>Change of use of Unit 18 Eldon Road from warehouse (Class B8) to general industrial (Class B2), external alterations and construct covered link from unit 19 Eldon Road to Unit 1 Brailsford Way.</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr N Kumar NK Motors	16/00795/ADV
Site Address	:	71 Nottingham Road Attenborough NG9 6DR	
Proposal	:	<b>Retain 12 flag adverts</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs P Maher	16/00806/ROC
Site Address	:	19 Barratt Lane Attenborough Nottinghamshire NG9 6AD	
Proposal	:	<b>Variation of condition 2 (approved plans) of planning permission ref: 16/00349/FUL to enable revisions to design of proposed single storey side and rear extensions</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs Gates	16/00819/FUL
Site Address	:	221A Cator Lane North Chilwell Nottinghamshire NG9 4BL	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs Jonathan and Claire Etheridge	16/00827/FUL
Site Address	:	6 Turnberry Close Bramcote Nottingham NG9 3LX	
Proposal	:	<b>Construct single storey rear extension and steps following demolition of conservatory</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs Mitchell	16/00834/FUL
Site Address	:	1 The Drive Attenborough Nottinghamshire NG9 6BB	
Proposal	:	<b>Construct single storey front extension, enlarge and alter front dormer, alter external appearance with new render &amp; timber cladding, alterations to create new side facing windows &amp; erect lamp post in front garden</b>	
Decision	:	<b>Conditional Permission</b>	

## AWSWORTH, COSSALL & TROWELL WARD

Applicant : Mr A Simpson 16/00633/FUL  
Site Address : 2 Salcey Drive Trowell Nottinghamshire NG9 3RN  
Proposal : **Construct single storey side extension, boundary wall and fencing to north east boundary, garage conversion to habitable room, enlarged entrance hall and new render finish to first floor gable**  
Decision : **Withdrawn**

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Applicant : Mr Lee Ryan Tiptopp Homes Limited 16/00653/FUL  
Site Address : 1 Smithfield Avenue Trowell Nottinghamshire NG9 3PD  
Proposal : **Construct three dwellings**  
Decision : **Conditional Permission**

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Applicant : Mrs Tracey Watson 16/00654/ADV  
Site Address : Swancar Farm Country House Swancar Farm Nottingham Road Trowell Moor Trowell Nottingham NG9 3PQ  
Proposal : **Retain existing hanging sign and erect board sign**  
Decision : **Conditional Permission**

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Applicant : Mrs Tam Milner 16/00704/FUL  
Site Address : 7 Station Road Awsworth Nottingham NG16 2QZ  
Proposal : **Retain front boundary wall**  
Decision : **Unconditional Permission**

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Applicant : Mr P Davey Kirk Hallam Social Club 16/00821/ROC  
Site Address : Graceland Barn 14A Cossall Road Trowell Nottinghamshire NG9 3P3  
Proposal : **Variation of Conditions 3 and 9 (windows/doors) of planning reference 15/00332/FUL**  
Decision : **Conditional Permission**

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Applicant : Mr S Haggerty 16/00878/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 7 metres, with a maximum height of 4 metres, and an eaves height of 3 metres**  
Decision : **Prior Approval Granted**

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## BEESTON CENTRAL WARD

Applicant : Mrs Debra Rice 16/00728/CLUP  
Site Address : 52 Salisbury Street Beeston Nottinghamshire NG9 2EQ  
Proposal : **Certificate of Lawful Development to change use from dwellinghouse (Class C3) to house in multiple occupation (Class C4) and construct rear dormer**  
Decision : **Approval - CLU**

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Applicant : Mr D Knight 16/00804/P3JPA  
Site Address : 156 High Road Beeston Nottinghamshire NG9 2LN  
Proposal : **Prior notification under Class O - Change of use of first floor from offices (Class B1) to residential (Class C3)**  
Decision : **Prior Approval Not Required**

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Applicant : Mr T H Yip 16/00870/FUL  
Site Address : Flat To The Rear And Above 215 Queens Road Beeston Nottinghamshire NG9 2BT  
Proposal : **Construct single storey rear extension**  
Decision : **Conditional Permission**

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Applicant	:	Ms A Underwood	17/00006/PNH
Site Address	:	11 Waldemar Grove Beeston Nottinghamshire NG9 2BJ	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3.6 metres, with a maximum height of 3.55 metres, and an eaves height of 2.85 metres</b>	
Decision	:	<b>Prior Approval Not Required</b>	

Applicant	:	Mr Terence Tang	17/00050/PNH
Site Address	:	19 Lower Road Beeston Nottinghamshire NG9 2GT	
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 metres, and an eaves height of 3 metres</b>	
Decision	:	<b>Prior Approval Not Required</b>	

Applicant	:	Ms Nathalie Wong	17/00051/PNH
Site Address	:	21 Lower Road Beeston Nottinghamshire NG9 2GT	
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 metres, and an eaves height of 3 metres</b>	
Decision	:	<b>Prior Approval Not Required</b>	

## BEESTON NORTH WARD

Applicant	:	Mr G Ayubri	16/00674/FUL
Site Address	:	108 Marlborough Road Beeston Nottinghamshire NG9 2HN	
Proposal	:	<b>Construct single/two storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Steven Browning	16/00811/FUL
Site Address	:	69 Boundary Road Beeston Nottinghamshire NG9 2QZ	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

## BEESTON WEST WARD

Applicant	:	Mr Domhnall McLaughlin Blueprint Interiors Ltd.	16/00477/FUL
Site Address	:	3 Devonshire Avenue Beeston Nottinghamshire NG9 1BS	
Proposal	:	<b>Construct porch</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr J Hardy SPECSAVERS	16/00762/FUL
Site Address	:	4 Chilwell Road Beeston Nottinghamshire NG9 1EF	
Proposal	:	<b>Construct single storey rear extension incorporating conversion of garage into ancillary room, access ramp and air conditioning unit, following demolition of existing lobby</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Paul Tewson Gilbert & Hall Limited.	16/00764/FUL
Site Address	:	Gilbert And Hall Ltd Attenborough House 1 - 3 Albion Street Beeston Nottinghamshire NG9 2PA	
Proposal	:	<b>Erect three storey apartment block containing nine apartments and associated refuse and cycle stores</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr J Godfrey	16/00770/FUL
Site Address	:	64 Imperial Road Beeston Nottingham NG9 1FE	
Proposal	:	<b>Construct side and rear single storey extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs Dunn	16/00791/FUL
Site Address	:	5 Hope Street Beeston Nottinghamshire NG9 1DJ	
Proposal	:	<b>Construct two storey side extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr J Chambers & Ms J Wheeldon	16/00807/FUL
Site Address	:	52 Imperial Road Beeston Nottingham NG9 1FN	
Proposal	:	<b>Construct single storey rear/side extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs James & Nicky Ogden	16/00817/FUL
Site Address	:	31 Grove Avenue Chilwell Nottingham NG9 4ED	
Proposal	:	<b>Construct raised decking, incorporating hot tub and raised landscaping bed</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr A Chisholm	16/00842/FUL
Site Address	:	7 North Drive Chilwell Nottinghamshire NG9 4DY	
Proposal	:	<b>Construct two storey extension (revised scheme)</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Richard Hamilton-Price	16/00883/FUL
Site Address	:	24 Bramcote Avenue Chilwell Nottinghamshire NG9 4DG	
Proposal	:	<b>Erect fence</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mrs M Rose	17/00003/PNH
Site Address	:	2 Louis Avenue Beeston Nottinghamshire NG9 1DX	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5.20 metres, with a maximum height of 3.293 metres, and an eaves height of 2.943 metres</b>	
Decision	:	<b>Withdrawn</b>	
Applicant	:	Mr Leah Taylor Lidl UK	17/00027/ADV
Site Address	:	Lidl 69 Wollaton Road Beeston Nottinghamshire NG9 2NG	
Proposal	:	<b>Display internally illuminated 6m high totem sign</b>	
Decision	:	<b>Refusal</b>	
Applicant	:	Mr & Mrs B Rackstraw	17/00048/PNH
Site Address	:	2 Louis Avenue Beeston Nottinghamshire NG9 1DX	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5.20 metres, with a maximum height of 3.293 metres, and an eaves height of 2.943 metres</b>	
Decision	:	<b>Prior Approval Not Required</b>	
<b>BRAMCOTE WARD</b>			
Applicant	:	Mr Peter Hillier	16/00719/FUL
Site Address	:	Remains Of Church Tower Town Street Bramcote Nottinghamshire	
Proposal	:	<b>Construct service building</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Ms Nina Domansky	16/00741/FUL
Site Address	:	Southfield House Town Street Bramcote NG9 3DP	
Proposal	:	<b>Construction of outbuilding</b>	
Decision	:	<b>Withdrawn</b>	
Applicant	:	Ms Nina Domansky	16/00743/FUL
Site Address	:	Southfield House Town Street Bramcote Nottingham NG9 3DP	
Proposal	:	<b>Conversion of stables and coach house to form ancillary residential accommodation and external alterations</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Ms Nina Domansky	16/00744/LBC
Site Address	:	Southfield House Town Street Bramcote NG9 3DP	
Proposal	:	<b>Conversion of stables and coach house to form ancillary residential accommodation and external alterations</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Stephen Johnston	16/00779/FUL
Site Address	:	22 Windermere Road Beeston Nottinghamshire NG9 3AS	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Dr Sven Watmore	16/00785/FUL
Site Address	:	4 Ranmore Close Bramcote Nottinghamshire NG9 3FR	
Proposal	:	<b>Construct two storey front extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Dr Sahota	16/00809/FUL
Site Address	:	97 Cow Lane Bramcote Nottingham NG9 3BB	
Proposal	:	<b>Construct garden room / 'granny' annex</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr James Elder	16/00828/FUL
Site Address	:	106 Balmoral Drive Bramcote Nottingham NG9 3FT	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr John-Paul Peters	16/00829/FUL
Site Address	:	33 Sandy Lane Bramcote Nottinghamshire NG9 3GT	
Proposal	:	<b>Construct single storey rear and side extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs Sherratt	16/00830/FUL
Site Address	:	92 Ewe Lamb Lane Bramcote Nottingham NG9 3JZ	
Proposal	:	<b>Construct single storey side extension (revised scheme)</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mrs Helen Haque	16/00832/FUL
Site Address	:	298 Derby Road Bramcote Nottinghamshire NG9 3JN	
Proposal	:	<b>Construct single storey rear extension and patio extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Miss Charlotte Tatham & Mr Neil Hembury	16/00839/FUL
Site Address	:	37 Balmoral Drive Bramcote Nottinghamshire NG9 3FU	
Proposal	:	<b>Construct single storey side extension and alterations to existing porch replacing flat roof with pitched</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Stephen Jones	16/00840/FUL
Site Address	:	111 Hillside Road Bramcote Nottinghamshire NG9 3SU	
Proposal	:	<b>Construct first floor side extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs Wild	16/00848/FUL
Site Address	:	28 Bridle Road Bramcote Nottinghamshire NG9 3DH	
Proposal	:	<b>Construct single/two storey side and single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr G Conrad	16/00856/FUL
Site Address	:	Beeston Fields Golf Club Old Drive Beeston Nottinghamshire	
Proposal	:	<b>Erect toilets and canopy</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Jon Malone	16/00865/FUL
Site Address	:	11 Arundel Drive Bramcote Nottingham NG9 3FX	
Proposal	:	<b>Construct first floor side extension, two storey and single storey rear extensions and alterations to front porch</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs Hawkins	16/00871/FUL
Site Address	:	56 Thoresby Road Bramcote Nottinghamshire NG9 3EN	
Proposal	:	<b>Construct two storey side extension (including ridge height increase) single storey rear extension; and front porch</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Ms J Dennis	17/00038/PNH
Site Address	:	2 Sloan Drive Bramcote Nottinghamshire NG9 3GL	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear of the original dwelling by 5.0 metres, with a maximum height of 2.6 metres, and an eaves height of 2.6 metres</b>	
Decision	:	<b>Withdrawn</b>	

## BRINSLEY WARD

Applicant	:	Mr Brian Hodges	16/00750/FUL
Site Address	:	182 Broad Lane Brinsley Nottinghamshire NG16 5BE	
Proposal	:	<b>Change of use from residential dwelling including ancillary outbuildings (Class C3) to a care home providing shared accommodation with one-to-one support alongside separate semi-independent accommodation (Class C2)</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs David Price The Brambles	16/00760/FUL
Site Address	:	18A Hall Lane Brinsley Nottinghamshire NG16 5AH	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Paula Brooks	16/00864/FUL
Site Address	:	90 Cordy Lane Brinsley Nottingham NG16 5BZ	
Proposal	:	<b>Construct rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr A Baker	16/00873/FUL
Site Address	:	30 & 32 Broad Lane Brinsley Nottinghamshire NG16 5BD	
Proposal	:	<b>Retain dropped kerb</b>	
Decision	:	<b>Conditional Permission</b>	

## CHILWELL WEST WARD

Applicant	:	Mr Kevin Whelan	16/00682/FUL
Site Address	:	237 & 239 Chilwell Lane Bramcote Nottingham NG9 3DU	
Proposal	:	<b>Construct 3 detached dwellings on land to the rear of 237 &amp; 239 Chilwell Lane, single storey front/side extensions at 237 and 239 Chilwell Lane and new vehicle access for 237 Chilwell Lane</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Dave Marriott	17/00007/FUL
Site Address	:	10 Leamington Drive Chilwell Nottingham NG9 5LJ	
Proposal	:	<b>Construct two storey side extension and render existing two storey front extension</b>	
Decision	:	<b>Conditional Permission</b>	

## EASTWOOD HALL WARD

Applicant	:	Mrs Jean Black	16/00624/FUL
Site Address	:	1 Fryar Road Eastwood Nottinghamshire NG16 3DN	
Proposal	:	<b>Construct single storey side extension and detached garage (revised scheme)</b>	
Decision	:	<b>Conditional Permission</b>	

## EASTWOOD HILLTOP WARD

Applicant	:	Mr Keith Nicholson	16/00793/FUL
Site Address	:	47 Linwood Crescent Eastwood Nottingham NG16 3HD	
Proposal	:	<b>Construct single storey side extension connecting to the existing garage and change garage from pitched to flat roof</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Russell Skellett	16/00794/FUL
Site Address	:	20 Lynncroft Eastwood Nottingham NG16 3FD	
Proposal	:	<b>Retrospective planning application for the proposed two storey rear extension</b>	
Decision	:	<b>Unconditional Permission</b>	

Applicant	:	Mr O'Brien	16/00850/FUL
Site Address	:	1 Brickyard Cottages Newthorpe Nottinghamshire NG16 2EJ	
Proposal	:	<b>Construct rear conservatory</b>	
Decision	:	<b>Conditional Permission</b>	

## EASTWOOD ST MARY'S WARD

Applicant	:	Mr Robert Hodgkinson Sturdy Construction Ltd. t/a Hodgkinson Builders	16/00663/FUL
Site Address	:	Land To The Rear Of 55 Church Street Eastwood Nottinghamshire NG16 3HR	
Proposal	:	<b>Construct 3 dwellings with associated parking, gardens and landscaping</b>	
Decision	:	<b>Withdrawn</b>	

Applicant	:	Mr Ian Grice	16/00724/FUL
Site Address	:	68 Nottingham Road Eastwood Nottinghamshire NG16 3NQ	
Proposal	:	<b>Change of use from dispensing opticians (Class A1) &amp; first floor beauty salon to flexible offices use (Class B1 &amp; A2), proposed front extension/alterations to outdoor store and convert outdoor store to a micropub (Class A4) (revised application)</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Mark Tomlinson	16/00843/FUL
Site Address	:	38 William Avenue Eastwood Nottingham NG16 3LE	
Proposal	:	<b>Retain front boundary garden wall and install railings and gates</b>	
Decision	:	<b>Conditional Permission</b>	

## GREASLEY WARD

Applicant	:	Mrs Sally Hind	16/00506/FUL
Site Address	:	Newlands Farm 201B Main Street Newthorpe Nottinghamshire NG16 2DL	
Proposal	:	<b>Construct manège for private equestrian use</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Paul Wilson Willow Joinery & Shopfitting Ltd	16/00637/FUL
Site Address	:	Units 7 To 9 Oak House Engine Lane Moorgreen Industrial Park Newthorpe Nottinghamshire	
Proposal	:	<b>Retain flue</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr K Marks	16/00670/FUL
Site Address	:	56 Baker Road Giltbrook Nottinghamshire NG16 2GA	
Proposal	:	<b>Construct two storey extension with 2 juliet balconies and single storey rear extension and raised patio</b>	
Decision	:	<b>Withdrawn</b>	

Applicant	:	Mr Scott Martin	16/00756/FUL
Site Address	:	15A Veronica Drive Giltbrook Nottinghamshire NG16 2UE	
Proposal	:	<b>Demolition of an existing detached garage and the erection of a new attached garage</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs Allcock	16/00772/FUL
Site Address	:	6 Wenlock Close Giltbrook Nottinghamshire NG16 2WF	
Proposal	:	<b>Construct two storey side extension, garage extension &amp; carport relocation</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Ms D Pykett	16/00782/FUL
Site Address	:	10 Brackenfield Drive Giltbrook Nottinghamshire NG16 2US	
Proposal	:	<b>Construct single/two storey rear extension, a new front porch with alterations to the existing and convert garage to living accommodation</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Mark Allen Central England Co-operative	16/00813/ADV
Site Address	:	New White Bull 519 Nottingham Road Giltbrook NG16 2GS	
Proposal	:	<b>Retain 2 externally illuminated fascia signs and 1 externally illuminated totem sign</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Anthony Brookes	16/00824/FUL
Site Address	:	17 Giltbrook Crescent Giltbrook Nottingham NG16 2GH	
Proposal	:	<b>Construct rear extension, raise the roof height with dormer to the side and balcony to the rear</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs Anthony Whyte	16/00861/CLUE
Site Address	:	Beauvale Abbey Farm New Road Greasley Nottinghamshire NG16 2AA	
Proposal	:	<b>Certificate of Lawful Development to use land for the stationing of a residential mobile home and agriculture</b>	
Decision	:	<b>Withdrawn</b>	
Applicant	:	IKEA Properties Investments Limited	16/00875/FUL
Site Address	:	Ikea Nottingham 4 Giltbrook Retail Park Ikea Way Giltbrook Nottinghamshire NG16 2RP	
Proposal	:	<b>Construct first floor extension to accommodate colleague amenity space, plus further minor alterations to the external appearance of the store</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mrs Patricia Morton	17/00018/FUL
Site Address	:	10 High Park Cottages Track Between Moorgreen And High Park Cottages Newthorpe Nottinghamshire	
Proposal	:	<b>Construct single storey side extension and relocation of gas cylinder, including demolition of existing garage</b>	
Decision	:	<b>Conditional Permission</b>	
<b>KIMBERLEY WARD</b>			
Applicant	:	Sarah and Lawrence Sugarman	16/00627/FUL
Site Address	:	Land Adjacent 61 Newdigate Street Kimberley Nottinghamshire NG16 2NJ	
Proposal	:	<b>Construct new dwelling with detached garage and provide new dropped kerb provision and parking for No.61</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Anthony Bow SUPER CAR WASH	16/00636/FUL
Site Address	:	R G Services Site Gin Close Way Awsworth Nottinghamshire NG16 2TA	
Proposal	:	<b>Construct hard standing and part use of building for hand car wash and valeting</b>	
Decision	:	<b>File Closed</b>	
Applicant	:	Mr J Stevenitt	16/00697/FUL
Site Address	:	4 Oak Drive Nuthall Nottinghamshire NG16 1FJ	
Proposal	:	<b>Construct side extensions</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Terry Hicking	16/00822/FUL
Site Address	:	57 Nottingham Road Kimberley Nottinghamshire NG16 2NB	
Proposal	:	<b>Construct single storey rear extension and front porch</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr William James	16/00825/FUL
Site Address	:	The Golden Guinea 111 Maws Lane Kimberley NG16 2JE	
Proposal	:	<b>Construct ramp and handrail</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Miss F J Perry	16/00862/FUL
Site Address	:	54 Alma Hill Kimberley Nottinghamshire NG16 2JF	
Proposal	:	<b>Construct new front porch and add double hipped roof to rear replacing existing flat roof</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Paul Daykin	17/00009/PNH
Site Address	:	61 Swingate Kimberley Nottinghamshire NG16 2PU	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5.9 metres, with a maximum height of 3.56 metres, and an eaves height of 2.25 metres</b>	
Decision	:	<b>Withdrawn</b>	
Applicant	:	Mr & Mrs Rob Briggs	17/00033/FUL
Site Address	:	45 Nottingham Road Kimberley Nottingham NG16 2NB	
Proposal	:	<b>Convert outbuilding and garage to living accomodation and store, render and construct new roof</b>	
Decision	:	<b>Conditional Permission</b>	
<b>NUTHALL EAST &amp; STRELLEY WARD</b>			
Applicant	:	Red Kangaroo	16/00553/ADV
Site Address	:	Unit 2 Dabell Avenue Blenheim Industrial Estate Nuthall Nottinghamshire NG6 8WA	
Proposal	:	<b>Display illuminated and non-illuminated signs</b>	
Decision	:	<b>Withdrawn</b>	
Applicant	:	Mr Jim Langham	16/00745/FUL
Site Address	:	20 Cedar Avenue Nuthall Nottingham NG16 1AF	
Proposal	:	<b>Construct Two Storey Side and Rear Extension</b>	
Decision	:	<b>Withdrawn</b>	
Applicant	:	Mr S Rahman	16/00799/FUL
Site Address	:	1 Drummond Drive Nuthall Nottinghamshire NG16 1BJ	
Proposal	:	<b>Increase in size of first floor window</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Raj Saini	16/00882/FUL
Site Address	:	9 Carters Wood Drive Nuthall Nottinghamshire NG16 1AS	
Proposal	:	<b>Construct two storey side extension and front canopy roof (revised scheme)</b>	
Decision	:	<b>File Closed</b>	
Applicant	:	Mr C Singh	17/00012/FUL
Site Address	:	33 Gunnersbury Way Nuthall Nottinghamshire NG16 1QD	
Proposal	:	<b>Construct rear and side single storey extension</b>	
Decision	:	<b>Conditional Permission</b>	
<b>STAPLEFORD NORTH WARD</b>			
Applicant	:	Mr J Hooton	16/00792/FUL
Site Address	:	15 Trowell Road Stapleford Nottinghamshire NG9 8HB	
Proposal	:	<b>Retain garage</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mrs Jean Hardwick	16/00831/FUL
Site Address	:	11 Melbourne Road Stapleford Nottinghamshire NG9 8LQ	
Proposal	:	<b>Construct single storey side extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Brian Webster	16/00860/FUL
Site Address	:	221 Pasture Road Stapleford Nottingham NG9 8JB	
Proposal	:	<b>Construct two storey rear extension with Juliet balcony</b>	
Decision	:	<b>Conditional Permission</b>	

#### STAPLEFORD SOUTH EAST WARD

Applicant	:	Miss Natalie Cooper	16/00564/FUL
Site Address	:	2A Hillfield Road Stapleford Nottinghamshire NG9 8PT	
Proposal	:	<b>Retain dropped kerb and driveway</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mrs Shirley Chatfield	16/00748/OUT
Site Address	:	29 Toton Lane Stapleford Nottinghamshire NG9 7HB	
Proposal	:	<b>Outline application to construct two dwellings (with some matters reserved), including partial demolition of attached garage and widening of access driveway</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Dr. John Doddy	16/00781/FUL
Site Address	:	Hickings Lane Medical Centre 120 Ryecroft Street Stapleford Nottinghamshire NG9 8PN	
Proposal	:	<b>Installation of air handling equipment on the flat roof to the rear of the building</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Ms Veronica Bannister	16/00800/FUL
Site Address	:	143 Nottingham Road Stapleford Nottinghamshire NG9 8AY	
Proposal	:	<b>Change of use of ground floor from retail (Class A1) to beauty salon</b>	
Decision	:	<b>Withdrawn</b>	

Applicant	:	Mr I Jowett	16/00836/P3JPA
Site Address	:	Cambridge House Nottingham Road Stapleford Nottinghamshire NG9 8AB	
Proposal	:	<b>Prior notification under Class O - Change of use from offices (Class B1) to 42 flats (Class C3)</b>	
Decision	:	<b>Prior Approval Not Required</b>	

Applicant	:	Mr Aston	16/00846/FUL
Site Address	:	9 Wadsworth Road Stapleford Nottinghamshire NG9 8AZ	
Proposal	:	<b>Construct double garage (revised scheme)</b>	
Decision	:	<b>Conditional Permission</b>	

#### STAPLEFORD SOUTH WEST WARD

Applicant	:	Mr J Manuel	16/00783/FUL
Site Address	:	38 Gibbons Avenue Stapleford Nottinghamshire NG9 7DQ	
Proposal	:	<b>Retain single storey side extension</b>	
Decision	:	<b>Unconditional Permission</b>	

Applicant	:	Mr & Mrs Davies	16/00826/CLUP
Site Address	:	3 William Road Stapleford Nottinghamshire NG9 8ES	
Proposal	:	<b>Certificate of lawful development to construct single storey rear extension</b>	
Decision	:	<b>Approval - CLU</b>	

#### TOTON & CHILWELL MEADOWS WARD

Applicant	:	Mrs Pamela Whitehead	16/00702/FUL
Site Address	:	9 Spinney Rise Toton Nottingham NG9 6JN	
Proposal	:	<b>Erection of summer house in rear garden</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr R Neumann	16/00820/FUL
Site Address	:	6 Hillview Road Toton Nottinghamshire NG9 6FX	
Proposal	:	<b>Construct single/two storey side extension</b>	
Decision	:	<b>Conditional Permission</b>	



Applicant	:	Mr B King	16/00823/FUL
Site Address	:	7 Whitburn Road Toton Nottinghamshire NG9 6HP	
Proposal	:	<b>Construct two storey side and rear extension (following demolition of car port), single storey front extension and raise height of existing lean-to roof to rear elevation</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Tony Scanlon TS Autos	16/00841/FUL
Site Address	:	81 High Road Toton Nottinghamshire NG9 6EN	
Proposal	:	<b>Retain extension to car repair workshop</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Mark Plampin	16/00853/FUL
Site Address	:	14 Cleve Avenue Toton Nottingham NG9 6JH	
Proposal	:	<b>Construct garage and porch extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr G Copson	16/00881/FUL
Site Address	:	163 Spinney Crescent Toton Nottinghamshire NG9 6GE	
Proposal	:	<b>Erect summerhouse</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Tony Singh	17/00008/FUL
Site Address	:	115 Spinney Crescent Toton Nottingham NG9 6GE	
Proposal	:	<b>Construct porch and single/two storey side and single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Damone Quigley	17/00014/FUL
Site Address	:	31 Seaburn Road Toton Nottinghamshire NG9 6HT	
Proposal	:	<b>Construct dormer to side elevation</b>	
Decision	:	<b>Withdrawn</b>	
<b>WATNALL &amp; NUTHALL WEST WARD</b>			
Applicant	:	Mr Peter Riley	16/00684/FUL
Site Address	:	29 Queens Drive Nuthall Nottingham NG16 1EG	
Proposal	:	<b>Construct single and two storey front extensions with new dormer</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs Adam Giles	16/00685/ROC
Site Address	:	7 Spencer Drive Nuthall Nottinghamshire NG16 1DQ	
Proposal	:	<b>Variation of condition No.2 in relation to permission ref: 15/00407/FUL and construct two storey detached garage with front dormers in association with plot 1</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs Chaffe	16/00757/FUL
Site Address	:	123 Newdigate Road Watnall Nottingham NG16 1HN	
Proposal	:	<b>Demolition of carport and garage, and construction of two storey side extension and single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Kumar Swamy	16/00775/FUL
Site Address	:	55 Kimberley Road Nuthall Nottinghamshire NG16 1DA	
Proposal	:	<b>Construct single storey side and rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr P Leivers	16/00802/FUL
Site Address	:	21 Main Road Watnall Nottinghamshire NG16 1HS	
Proposal	:	<b>Construct single storey extension</b>	
Decision	:	<b>Conditional Permission</b>	