



13 June 2017

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 21 June 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 - 17

The Committee is asked to confirm as a correct record the minutes of the meeting held on 24 May 2017.

4. NOTIFICATION OF LOBBYING

5. DEVELOPMENT CONTROL
- 5.1 17/00214/FUL PAGES 18 - 23
 Retain single storey side extension, side dormer and raising of ridge height and render dwelling (revised scheme)
11 Rivergreen Crescent, Bramcote NG9 3EQ
- 5.2 17/00134/FUL PAGES 24 - 42
 Construct 8 dwellings following demolition of existing garages
Garage Block, Redwood Crescent, Beeston NG9 1JF
- 5.3 17/00322/FUL PAGES 43 - 51
 Construct new façade including decorative features and removal of windows (revised scheme)
Sri Thurkkai Amman Temple, West Crescent, Beeston NG9 1QE
- 5.4 17/00299/FUL PAGES 52 - 63
 Construct bungalow (revised application)
Land adjacent to 73 Maple Drive, Nottinghamshire NG16 1EJ
- 5.5 17/00285/FUL PAGES 64 - 73
 Proposed bungalow.
Land to the rear of 51a and 51b Mill Road, Newthorpe
- 5.6 17/00029/FUL PAGES 74 - 87
 Construct two dormer bungalows with detached garage Block and associated landscaping, erection of new boundary treatments and widening of access
Land to the rear of 53 Kimberley Road, Nuthall, Nottinghamshire NG16 1DA
- 5.7 17/00183/FUL PAGES 88 - 98
 Proposed extension to residential care home to provide 9 bedrooms, with ancillary store, staffroom and laundry
Eastwood House, 24 Church Street, Eastwood
- 5.8 17/00219/FUL PAGES 99 - 108
 Construct 2.4M high palisade boundary fence, removal of spoil to level the site and change of use to storage yard
Land west of Birch Park, Lodge Road, Giltbrook
6. INFORMATION ITEMS
- 6.1 Appeal statistics

The Committee is asked to NOTE that the position remains unchanged from that reported at its meeting on 22 March 2017. The Council is not

therefore currently at risk of special measures based on the figures reported to Committee on the aforementioned date.

6.2 Delegated decisions

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PLANNING COMMITTEE

24 MAY 2017

Present: Councillor M Handley, Chair

Councillors:	L A Ball BEM	J S Briggs
	T P Brindley	M Brown
	E Cubley (substitute)	D A Elliott (substitute)
	R I Jackson	W J Longdon (substitute)
	R D MacRae	J K Marsters
	M Radulovic MBE	

Apologies for absence were received from Councillors D Bagshaw, A Harper, G Marshall, P J Owen and R S Robinson.

The meeting was preceded by a minute's silence as a mark of respect for the recent tragic events in Manchester.

1. **DECLARATIONS OF INTEREST**

Councillor R I Jackson declared a personal interest in agenda item 5.1 due to renting an office on the Barton's site in relation to his duties as election agent for Anna Soubry MP. Minute no. 4.1 refers. Councillor M Radulovic MBE requested advice from the Director of Legal and Planning Services in relation to his validity to take part in the debate and vote on agenda item 5.1 due to negotiations he had undertaken in relation to the Barton's site during his role as former Leader of the Council. Councillor Radulovic was advised that this was a non-pecuniary interest and, provided he had an open mind, he was able to take part in the debate and vote thereon. Minute no. 4.1 refers.

2. **MINUTES**

The minutes of the meeting held on 19 April 2017 were confirmed and signed.

3. **NOTIFICATION OF LOBBYING**

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

4. **DEVELOPMENT CONTROL**

4.1 **16/00859/FUL**

Hybrid planning application comprising: full application to construct 29 dwellings, including access, associated road infrastructure, car parking

and landscaping.

Outline application (including access) with some matters reserved to construct up to 221 dwellings and units with flexible uses (Classes D1, D2, A1, A2, A3, A4 and A5) following demolition of buildings
Bartons – Land between High Road and Queens Road West,
High Road, Chilwell NG9 4AJ

The proposals, as outlined above, sought full permission for the construction of 29 dwellings referred to as Phase 1 with outline permission being sought for the remainder of the site for a mixed use development including permission to construct up to 221 dwellings including affordable housing provision.

The Committee was referred to the summary of late items which stated that Natural England had stated no objection to the application.

Mr Ben Bolgar (applicant), Dr Robert Mason and Bettina Lange addressed the Committee prior to the general debate.

Members debated the item and the following comments were noted:

The application was welcomed and it was stated that the Borough should be proud of the involvement of the Prince's Foundation in the flag ship scheme. It was noted that the late Michael Bruce (Broxtowe planning officer) had been central to the work which the planners had carried out and which would deliver a quality legacy. Housing was supported on the site which had been an eyesore for a while. However, concern was raised about the percentage reduction in affordable homes from 30% to 20% and in respect of the 50% reduction in education contribution under an outline application. Good public consultation had taken place and the cycle friendly aspect of the site was pleasing to note.

RESOLVED that the Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission subject to:

- (i) **prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and the conditions set out below.**
- (ii) **the following conditions:**

CONDITIONS IN RESPECT OF THE DETAILED (FULL) ELEMENT (PHASE 1)

- 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):**
 - L-100 Rev B 'Location Plan' (28.3.2017)**
 - L-101 Rev C 'Site Plan' (28.3.2017)**
 - A-100 Rev D 'Proposed Masterplan' (28.3.2017)**

- A-105 Rev B 'Proposed Masterplan Boundary/ Surrounding Buildings Offset Dimensions' (31.3.2017)
 - A-107 Rev B 'Parking Plan' (28.3.2017)
 - 987.2 100 'Site Wide Masterplan' (28.3.2017)
 - 987.2 101 Rev A 'General Arrangement Plan' (28.3.2017)
 - 987.2 200 Rev A 'Detailed Planting Plan' (28.3.2017)
 - A-219.1 'Block 1 – Street Elevat. A & B Garage 9-10' (28.3.2017)
 - A-210 Rev A 'Houses 1-6, Block 1 Elevations' (22.12.2016)
 - A-211 'Houses 1-6, Block 1 Plans' (22.12.2016)
 - A-212 Rev A 'Houses 7-12, Block 1 Elevations' (22.12.2016)
 - A-213 Rev A 'Houses 7-12, Block 1 Plans' (22.12.2016)
 - A-214 Rev A 'Coach House 13, Block 1 Elevations & Plans' (22.12.2016)
 - A-215 Rev A 'Coach House 14, Block 1 Elevations & Plans' (22.12.2016)
 - A-216 Rev A 'House 15, Block 1 Elevations & Plans' (22.12.2016)
 - A-217 Rev A 'House 16, Block 1 Elevations & Plans' (22.12.2016)
 - A-218 Rev A 'House 17, Block 1 Elevations & Plans' (22.12.2016)
 - A-219 Rev A 'Coach House 18, Block 1 Elevations & Plans' (22.12.2016)
 - A-220 Rev A 'Houses 19-23, Block 2 Elevations' (22.12.2016)
 - A-221 Rev A 'Houses 19-23, Block 2 Plans' (22.12.2016)
 - A-222 Rev A 'Houses 24-27, Block 2 Elevations' (22.12.2016)
 - A-223 Rev A 'Houses 24-27, Block 2 Plans' (22.12.2016)
 - A-224 Rev A 'Coach House 28, Block 2 Elevations and Plans' (22.12.2016)
 - A-225 Rev A 'Coach House 29, Block 2 Elevations and Plans' (22.12.2016)
3. The landscaping scheme, as shown on drawings 987.2 100 'Site Wide Masterplan'; 987.2 101 Rev A 'General Arrangement Plan'; and 987.2 200 Rev A 'Detailed Planting Plan', shall be carried out not later than the first planting season following the substantial completion of Phase 1 or first occupation of the building(s) within Phase 1, whichever is the sooner, and 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, unless written consent has been obtained from the Local Planning Authority for a variation.
4. No development shall be commenced, including site clearance works, until existing trees are protected in accordance with the measures as detailed within the Arboricultural Impact Assessment (March 2017) and as shown on drawing P.628.15.02 REV: A. 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.

5. No above ground works shall commence until details (including the manufacturer, type and colour) of all materials to be used on any exterior surface of the dwellings hereby approved, including render, brickwork, roof materials, rainwater goods and 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.
6. No dwelling shall be occupied until the junction improvement works, crossing facilities and provision of footways (as stated in the Transport Assessment dated December 2016) have been completed at the junction of Queens Road West and Barton Way (drawing 16168.topo.108.03) and at the junction of High Road and Bridge Avenue (drawing 16168.topo.108.01 and 16168.topo.108.02).

CONDITIONS IN RESPECT OF THE OUTLINE ELEMENT (PHASES 2, 3 AND 4)

7. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
8. The development hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
9. The development hereby permitted shall be carried out in accordance with drawings: L-100 Rev B 'Location Plan' and A-104 Rev B 'Proposed Phasing Plan' received by the Local Planning Authority on 28 March 2017.
10. No development shall be commenced in respect of Phases 2, 3 and 4 until detailed drawings and particulars for that respective phase, showing the following, have been submitted to and approved in writing by the Local Planning Authority:
 - (a) the layout, scale, and external appearance of all buildings;
 - (b) the particulars of the materials to be used in the facing of the external surfaces of all buildings;
 - (c) cross sections through the site showing the finished floor levels of the new dwellings in relation to adjacent land and buildings. These details shall be related to a known datum point;

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

- 11. No development shall be commenced in respect of Phases 2, 3 or 4 until a landscaping scheme for that respective phase 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) details of any street lighting and street furniture;**
 - (c) proposed hard surfacing treatment;**
 - (d) planting, seeding/ turfing of other soft landscape areas;**
 - (e) details of the site boundary treatments and curtilage boundary treatments; and**
 - (f) a timetable for implementation of the scheme.**

The landscaping schemes shall be carried out in accordance with the approved timetables. 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.

- 12. No development shall be commenced in respect of Phases 2, 3 or 4 until detailed drawings and particulars showing parking and turning facilities (including measures to prevent the unregulated discharge of surface water therefrom onto the public highway), site road layout and visibility splays for that respective phase have been submitted to and agreed in writing by the Local Planning Authority. For Phases 3 and 4, this will include detailed drawings of the proposed access onto Holly Lane. No dwelling shall be first occupied until its associated parking and turning facilities and the road serving it have been constructed in accordance with the agreed details. No dwelling within Phases 3 and 4 shall be occupied until the access onto Holly Lane has been provided in accordance with the approved details.**
- 13. No development shall be commenced in respect of Phases 2, 3 or 4 until details of measures for the protection of the existing trees within the respective phase have been submitted to and agreed in writing by the Local Planning Authority. The agreed 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.**

CONDITIONS IN RESPECT OF THE ENTIRE SCHEME (DETAILED (FULL) ELEMENT AND OUTLINE ELEMENT)

14. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy 'Barton Quarter Nottingham Flood Risk Assessment and Drainage Strategy, Version 4' (WYG, December 2016). The finished floor level of each dwelling shall be set no lower than 27.4m AOD.
15. (a) No phase of development shall be commenced, including site clearance works, until a further investigative survey for that respective phase, as recommended within the Desk Study Report and Factual and Interpretative Report (WYG, June 2016) 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 and shall include a verification plan to state how it will be demonstrated that the remediation works have been carried out.
- (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 for that respective building 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, through the submission of a verification report which accords with the verification plan, that the necessary remedial measures for that respective building have been implemented in full.
16. No phase of development shall be commenced, including site clearance works, until a Biodiversity Management Plan for that respective phase, which includes updated bat, reptile and badger surveys, appropriate mitigation measures and a timetable for implementation of any mitigation (as recommended in the Extended Phase 1 Habitat Survey Report dated August 2016), has been submitted to and agreed in writing by the Local Planning Authority. Any necessary mitigation shall be undertaken in accordance with the agreed details and timescale.
17. No phase of development shall be commenced, including site clearance works, until a scheme to treat and remove suspended solids from surface water run-off during construction works for that respective phase has been submitted to and approved in writing by

the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

- 18. No phase of development shall be commenced until a scheme which incorporates noise mitigation measures for that respective phase and a timescale for their completion (as recommended in the Peter Lloyd & Associates Environmental Noise Impact Assessment) has been submitted to and agreed in writing by the Local Planning Authority. Any necessary mitigation shall be undertaken in accordance with the agreed details and timescale.**
- 19. If contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Once the Local Planning Authority has identified the part of the site affected by the contamination, works must be halted on that part of the site until an assessment and remediation scheme, including a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. Any remediation shall be carried out in accordance with the agreed details prior to first occupation of any affected house plot.**
- 20. No piling or other foundation designs using penetrative methods shall be used except where it has been demonstrated through the submission of a foundation risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.**
- 21. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays.**

REASONS IN RESPECT OF THE DETAILED (FULL) ELEMENT (PHASE 1)

- 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 the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).**
- 4. To ensure the existing trees are not adversely affected and in accordance with the aims of Policy E24 of the Broxtowe Local Plan (2004).**
- 5. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of the appearance**

of the area and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

6. In the interests of highway safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).

REASONS IN RESPECT OF THE OUTLINE ELEMENT (PHASES 2, 3 AND 4)

7 & 8. To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

9. To secure an orderly form of development.

10. The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

11. To ensure the development presents a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

12. No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory in the interests of highway safety to ensure appropriate access and parking arrangements are provided on the site and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Saved Policy T11 of the Broxtowe Local Plan (2004).

13. To ensure the existing trees are not adversely affected and in accordance with the aims of Policy E24 of the Broxtowe Local Plan (2004).

REASONS IN RESPECT OF THE ENTIRE SCHEME (DETAILED (FULL) ELEMENT AND OUTLINE ELEMENT)

14. To prevent an increase in flood risk and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Section 10 of the NPPF.

15. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of public health and safety, to improve and protect water quality and in accordance with the aims of the NPPF, Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy E29 of the Broxtowe Local Plan (2004).

16. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, to safeguard protected species and valued habitat, including the Attenborough Gravel Pits SSSI, during the construction phase and in accordance with the aims of Policy 17 of the Broxtowe Aligned Core Strategy (2014).
17. No details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing, to reduce the risk of surface water pollution and in accordance with the aims of Policy E26 of the Broxtowe Local Plan (2004).
18. To protect prospective residents from excessive noise, in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy E34 of the Broxtowe Local Plan (2004).
19. In the interests of public health and safety and in accordance with Policy E29 of the Broxtowe Local Plan (2004).
20. In the interests of protecting the environment as there is residual contamination present at the site which could potentially be mobilised as a result of certain piling techniques and in accordance with the aims of Saved Policy E29 of the Broxtowe Local Plan (2004).
21. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

NOTES TO APPLICANT

1. Existing Traffic Regulations will require to be amended as a result of the development and prior to commencement of any works, the developer will need to contact Via East Midlands Ltd, Traffic Management section to allow for any orders and works to be processed and implemented. All costs associated with order changes and installation of lining and signing is at the developers cost. Contact details are: tmconsultation@viaem.co.uk
2. In order to carry out off-site works, 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 Nottinghamshire County Council Highways team for details on Tel: 0115 9772210 or hdc.south@nottscc.gov.uk
3. 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 hdc.south@nottscc.gov.uk with regard to compliance with

the Code. The applicant should note that notwithstanding any planning permission, a Maintenance and Management Plan is required as the internal roads within the development are to remain private, therefore the Highway Authority will require the assurance that they are maintained and managed satisfactorily.

4. It is not permitted for any vehicles to obstruct the tramway at any time. Please contact the Nottingham Express Transit (NET) Project Office for further information (0115 876 4095).
5. This permission has been granted contemporaneously with a planning obligation(s), and reference should be made thereto.
6. Beeston public footpath No. 54 runs adjacent and through the site and it should remain open and free from obstruction at all times.
7. Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.
8. In respect of condition 10, the Parameter Plans, the Design & Access Statement and the Beauty-In-My-Back-Yard (BIMBY) Housing Manual will be taken into account.
9. In respect of conditions 15, 16 and 18, the reports previously submitted will be taken into account.

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.

- 4.2 17/00206/REG4 and 17/00284/LBC
Proposed toilet building
Kimberley Cemetery, Knowle Hill, Kimberley

The applications had been brought to Committee since they involved a proposal on Council-owned land.

The Committee was referred to the summary of late items which stated that Listed Building Consent was not required for this development and that condition 3 should read 'The building' and not 'The extension.'

There were no public speakers on this application.

RESOLVED that Regulation 4 Planning Permission is 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 approved shall be carried out only in accordance with the following documents: Location Plan, Block Plan, Proposed Floorplans, Proposed Elevations, 3D image and photographs, and details of materials, received by the local planning authority on 27 March 2017.
3. The building shall be constructed using cedar cladding with a black rubber-finish roof, as set out in the submitted documents.

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 the development presents a satisfactory standard of external appearance, in accordance with the aims of Policies 10 and 11 of the Aligned Core Strategy (2014).

Notes to applicant:

1. The Council has tried to act 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, through an early visit to the site, which has enabled the application to be reported to the earliest possible Planning Committee.
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/>

4.3 17/00256/REG3

Construct single storey side and rear extension and ramp
66 Central Avenue, Beeston NG9 2QP

The above-named application had been brought before the Committee since it was an application for development by the Council.

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

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

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250), Site Plan, Detail Plan (1:50) and Proposed Ground Floor Plan (1:100) received by the Local Planning Authority on 7 April 2017 and Proposed Elevations received by the Local Planning Authority on 10 April 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: <http://www.broxtowe.gov.uk/index.aspx?articleid=16928>

- 4.4 17/00166/FUL
Proposed detached double garage
3 Broad Lane, Brinsley NG16 5BX

Councillor J W Handley had requested that the above-named application be determined by Committee.

The Committee was referred to the summary of late items which advised of minor amendments to paragraphs 4.2.1 and 7.1 and an amendment to Condition 3.

Councillor J W Handley addressed the Committee in his capacity as ward member prior to the general debate.

RESOLVED that planning permission is approved, 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 following drawings: Site Location Plan received by the Local Planning Authority on 13 March 2017; Amended Block Plan and Proposed Layout and Elevations received by the Local Planning Authority on 12 April 2017.
3. No above ground construction works shall be carried out until details and samples of the manufacturer, type and colour of the external materials to be used in the facing walls and roofs have been submitted to and approved in writing by the LPA. The development shall be constructed only in accordance with these details.

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 and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy H11 of the Broxtowe Local Plan (2004).

Notes to Applicant:

1. The Council has tried to act 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, through an early visit to the site and negotiations to achieve satisfactory amendments.
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/>

4.5 17/00078/FUL

Change of use from dwellinghouse (Class C3) to house in multiple occupation and construct two storey side and single storey rear extension
34 Sidney Road, Beeston NG9 1AN

Councillor J C Patrick had requested that the application be determined by Committee.

The Committee was referred to the summary of late items which advised of an amendment to Section 3.1 of the report.

Donna Fearon (objecting), Peter Rowan (applicant) and Councillor J C Patrick (ward member) addressed the Committee prior to the general debate.

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

The applicant had given assurances that the occupants of the HMO, should permission be granted, would be professional persons. Until the Council had a HMO policy in place it would be difficult to turn the application down on planning grounds and it was stated that a HMO policy was needed urgently. The proposals for the extension were out of keeping and character with the original building. There was some sympathy with the concerns of the neighbours although the property, which had structural problems, was currently an eyesore.

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

- 1. The development hereby permitted shall be carried out in accordance with drawings: 225-16-10 Revision P2 and Proposed Elevations (Rev P2) received by the Local Planning Authority on 6 March 2017; Proposed Ground Floor Plan and Proposed First Floor Plan received by the Local Planning Authority on 14 February 2017; and Proposed Parking and Roof Layout (Rev P4) received by the Local Planning Authority on 4 April 2017.**
- 2. The extensions shall be constructed using render and roof tiles of a type, texture and colour so as to match those of the existing building.**
- 3. The building shall not be occupied as a House in Multiple Occupation (HMO) until:**
 - (i) The dropped vehicular footway crossing has been widened to provide three parking spaces in accordance with drawing Proposed Parking and Roof Layout (Rev P4) received by the Local Planning Authority on 4 April 2017.**
 - (ii) The three parking spaces are available for use, surfaced in a suitable hard bound material (not loose aggregate) and are appropriately drained within the site such that surface water does not drain onto the public highway. These areas shall be maintained accordingly for the life of the development.**

Reasons:

- 1. For the avoidance of doubt.**

2. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
3. In the interests of highway safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).

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 through requesting additional information during the course of the application.
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/>
3. A House in Multiple Occupation must comply with the relevant licensing, fire safety and fitness for occupation standards under current legislation. The applicant is advised to contact the Council's Private Sector Housing Team for further information (0115 917 7777).
4. The development makes it necessary to widen the dropped vehicular footway which is land subject to the provisions of the Highway Act 1980 (as amended) and therefore land over which you have no control. Any works within the public highway need to be carried out by the Highways Authority (Nottinghamshire County Council), or persons appointed, and by entering into an agreement under Section 278 of the Highways Act. The County Council's Highways Area Officer can be contacted on 0300 500 80 80.

- 4.6 16/00061/ENF
Untidy condition of land
Land adjacent 2 Little Lane, Kimberley

There were no late items in respect of this item.

Members commented that action in respect of the site was long overdue and it was requested that member training be arranged to acquaint members with the process.

RESOLVED that direct action be taken by the Council to remove debris, tidy and fence the land and all reasonable steps be made to recoup the costs in consultation with legal services.

- 4.7 14/00189/ENF
Untidy condition of front and side gardens
1 Crowborough Avenue, Beeston NG8 2RN

There were no late items in respect of this item.

RESOLVED that direct action be taken to undertake the works required by the Section 215 Notice issued by the Council on 3 March 2015 and delegated authority be given to the Head of Planning and Legal Services to consider placing a charging order on the property if such action is required.

5. INFORMATION ITEMS

50.1 Appeal Statistics

The Committee noted that the position remained unchanged from that reported to it on 22 March 2017 and that the Council was not therefore at risk of special measures based on the figures reported to it on that date.

50.2 Delegated decisions

The Committee noted the decisions determined under delegated powers between 25 March and 28 April 2017. A member requested that that planning staff investigate activities on the site in relation to application 17/00002/FUL due to the volume of vehicles present.

6. EXCLUSION OF PUBLIC AND PRESS

RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act.

7. 17/00080/FUL
Construct single storey side extension
Highlands, Robinettes Lane, Cossall NG16 2RX

There were no late items in respect of this application.

The applicant addressed the Committee prior to the general debate.

RESOLVED that planning permission is 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 following drawings: Site Location Plan; Existing Layout and Elevations (drawing ref: CD16/26/01); and Proposed Layout, Elevations and Block Plan (drawing ref: CD16/26/02a), received by the Local Planning Authority on 13 February 2017.**
- 3. The extension shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing building.**

Reasons:

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. No such details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004).**

Note to Applicant:

The Council has tried to act 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, through an early visit to the site to appreciate whether any amendments need to be sought and thus afford sufficient time to negotiate these should it have been the case.

Report of the Director of Legal and Planning Services

17/00214/FUL**RETAIN SINGLE STOREY SIDE EXTENSION, SIDE DORMER AND RAISING OF RIDGE HEIGHT AND RENDER DWELLING (REVISED SCHEME)****11 RIVERGREEN CRESCENT, BRAMCOTE NG9 3EQ**

Councillor M E Plackett has requested this application be determined by Committee.

1 Details of the application and relevant planning history

- 1.1 An application (16/00575/FUL) for a single storey side extension and raising the ridge height to include a dormer was approved in October 2016. The single storey side extension incorporated a conversion of the existing garage to living accommodation and the ridge height of the property was proposed to be increased to create first floor accommodation. A dormer was proposed in the west roof slope. The development was not constructed in accordance with the approved plans. These discrepancies included inaccuracies in the fenestration style and positioning, the use of different materials for the side elevations of the dormer, a door not being constructed in the east elevation, a door instead of a window being constructed in the south elevation of the single storey side extension and the inclusion of two roof lights.
- 1.2 The current application is a revised scheme which seeks to regularise the discrepancies outlined above. The side extension and roof alterations are complete but the property has not yet been rendered. It is considered that the most significant changes from the approved scheme are the inclusion of two roof lights and the proposal to render the property.
- 1.3 One roof light has been constructed in the east roof slope serving the staircase and one roof light has been constructed in the south roof slope serving the ground floor living room.

2 Site and surroundings

- 2.1 The application property is a detached house situated on a triangular plot constructed with a yellow brick and concrete roof tiles. The east/south east boundary is demarcated by a 1.5m high fence which extends from beside the pavement to the rear of no. 2 Denewood Avenue. A 3m high coniferous hedge then forms this boundary, with deciduous and coniferous vegetation to the rear of the application site. The west boundary is open where the property adjoins no. 11A Rivergreen Crescent (a bungalow). A 1.8m high fence extends across the south west boundary with no. 1 Rivergreen Close.
- 2.2 The property is located approximately 1m higher than the pavement. In the rear (south) garden, there is a 0.5m slope down from south west to north east. The properties on Denewood Avenue are positioned at a higher level than the application property.

2.3 Rivergreen Crescent is formed of detached houses and bungalows with differing styles. The application property is positioned between two bungalows fronting Rivergreen Crescent. Rivergreen Close is positioned to the west and consists of bungalows.



Site as viewed from no. 4 Denewood Avenue



Site as viewed from Rivergreen Crescent



Site as viewed from no. 6 Denewood Avenue

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 Policy 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.

4 Consultations

- 4.1 No. 1 Rivergreen Close raise no objection and have requested no further consultation letters are sent to their property. No. 11A Rivergreen Close has requested further information due to the number of consultation letters received. No. 4 Denewood Avenue object to the current application and previously approved application (16/00575/FUL) for the following reasons: the house is large and imposing which negatively impacts on the neighbouring properties; privacy has been compromised due to the first floor rear window which overlooks their bedroom windows, ground floor windows and garden; roof lights compromise privacy and they request the first floor rear window and roof lights are obscurely glazed or removed. No. 6 Denewood Avenue also object to the current application and previously approved application (16/00575/FUL) for the following reasons: loss of privacy due to the roof lights and first floor rear window facing their rear garden and rear rooms of their property, glare from the sun into their kitchen, utility room and garden due to the angle of the first floor rear window reflecting the sun and no site visit being conducted from their property.

5 Appraisal

- 5.1 The main issue to consider with this application is the impact of the development, particularly the rooflights, on neighbour amenity.
- 5.2 No. 4 Denewood Avenue is a detached house positioned at a higher level than the application property. A 3m conifer hedge aligns the boundary with the application site which belongs to no. 4. Further to the concerns raised by the occupants of no. 4, condition 4 of planning permission reference 16/00575/FUL requires a 1.8m high fence to be erected on the south east boundary of the application site (where it adjoins 4, 6 and 8 Denewood Avenue) prior to occupation of the single storey side extension.
- 5.3 It is considered the application property as extended is an acceptable size and scale that does not cause a detrimental impact on the occupants of no. 4. The first floor rear window faces south west, whereas the rear elevation of no. 4 faces north west. Due to the orientation of the window and no. 4, it is considered there is no unacceptable impact on the privacy or amenity of the occupants of no. 4. The roof lights serve a staircase and living room. It is considered these roof lights

will not cause an unacceptable impact on the amenity of the occupants of no. 4 as they are high level and modest in size.

5.4 No. 6 Denewood Avenue is a detached house positioned at a higher level than the application property. The application property is approximately 20m from no.6. The first floor rear window faces south west and the rear elevation of no. 6 faces north west. There is a 4m high coniferous hedge which partially obscures the window from view. Due to the separation distance and orientation of the properties, it is considered the first floor rear window does not have an unacceptable detrimental impact on the amenity of the occupants of no. 6. The concern raised in regards to the glare from the sun is not a planning consideration. Due to the orientation of the application property, the roof light in the east roof slope is largely obscured from view and therefore it is considered to have minimal impact on the amenity and privacy of the occupants of no. 6. The roof light in the south roof slope is high level and modest in size so it is considered that it does not cause an unacceptable level of overlooking to the occupants of no. 6. Following the request from the occupants of no. 6 to view the application site from their rear garden, a site visit has been conducted from this address in relation to this planning application.

5.5 Following this visit the applicant was contacted and advised of the neighbours concerns in relation to the first floor rear bedroom window. In the interests of good neighbourliness, it was requested that this window be obscurely glazed and reduced in size. The applicant declined this request as he did not feel such amendments would meet his needs.

5.6 It is considered the property as extended is of an acceptable size, scale and positioning that does not cause an adverse impact on the surrounding neighbours' amenity. It is considered the alterations made following the approval of planning permission reference 16/00575/FUL are minor and they do not harm the amenity of the surrounding neighbours or the appearance of the property.

5.7 It is proposed that all elevations of the property will be rendered which is considered acceptable and an improvement to the current appearance of the property.

6 Conclusion

6.1 In conclusion, it is considered that the development is not harmful to neighbour amenity. It is considered the roof lights do not cause an unacceptable loss of privacy or amenity for the occupiers of neighbouring properties. The proposal therefore accords with Broxtowe Local Plan Policy H9, 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 retained and carried out in accordance with the Location Plan (1:1250) received by the Local Planning Authority on 27 March 2017, Proposed Ground Floor, Roof Plan and Elevations received by the Local Planning Authority on 26 April 2017 and Proposed Block Plan received by the Local Planning Authority on 26 May 2017.
2. A 1.8m high fence shall be erected on the south east boundary where it adjoins 4, 6 and 8 Denewood Avenue prior to the first occupation of the single storey side extension and thereafter retained for the life of the development.
3. The glazing in the first first floor en-suite bathroom window in the dormer shall be retained as obscure glass (Pilkington Level 4 or 5 or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) for the lifetime of the development.

Reasons:

1. For the avoidance of doubt.
- 2 & 3. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004).

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 before the agreed determination date.

Background Papers
Application Case File



Legend

 Site

Report of the Director of Legal and Planning Services

**17/00134/FUL
CONSTRUCT 8 DWELLINGS FOLLOWING DEMOLITION OF EXISTING
GARAGES
GARAGE BLOCK, REDWOOD CRESCENT, BEESTON NG9 1JF**

This application is brought before Planning Committee as the Council is the landowner.

1 Details of the application

- 1.1 The planning application seeks permission to construct eight dwellings. All of the houses would have three bedrooms and would be two storey. A mixture of brick, render and recycled cladding is proposed on the houses. The existing site, including the two garage blocks, would be cleared as part of the development.
- 1.2 The dwellings would be constructed in three groups. A pair of semi-detached houses would be constructed on the central part of the site, facing towards the main access into Redwood Crescent from Ireland Avenue. Two blocks of three houses would be constructed to either side of the site. Every house would have a garden to the rear and would have off street parking for one or two cars. A total of 12 parking spaces are proposed. The applicant has highlighted that the houses would be constructed off site in a factory, significantly reducing the construction time on site. Whilst some vegetation removal is proposed, four trees are proposed to be retained. A mixture of hedges and timber fencing is proposed as the boundary treatment.
- 1.3 Additional landscaping and ecology information was submitted during the course of the application.

2 Site and surroundings

- 2.1 The site is currently owned by the Council and comprises two concrete garage blocks (each comprising six garages) and an open landscaped area. The site is 0.16ha, is relatively flat and is in an oval shape with the road, which provides access to the existing properties on Redwood Crescent, circling the site. To the front of each garage block there is hardstanding with open areas of grass beyond. The central part of the site is a mixture of hardstanding and grass. Parts of the site are enclosed by hedges or planting but the majority of the site is open. There are various trees within the site, none of which are subject to Tree Preservation Orders (TPOs).
- 2.2 The existing properties on Redwood Crescent are a mixture of bungalows, semi-detached houses and terraced houses. The houses have driveways and front garden areas. Some of the bungalows also have driveways but some will be dependent on on-street parking.
- 2.3 To the west of the site lies residential development, which was constructed on the former rugby club site, and the Hetley Pearson Recreation Ground. This includes

playing fields and a children’s play area. To the north and east of the site there is existing residential development and Dovecote Lane Recreation Ground lies to the north of Queens Road West. To the south east lies the vacant Beeston Maltings site, a vehicle repair garage and beyond this is the railway line.

2.4 The site lies within Flood Zone 3 which is land with a high probability (1 in 100 or greater) of river flooding.

Image 1: Approach to Redwood Crescent



Image 2: Open area in the north east section of the site



Image 3: Garages in the north east section of the site



Image 4: Garages in south west section of the site



Image 5: Central area of the site



Image 6: Existing houses on Redwood Crescent



3 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 for proposals that accord with the development plan without delay. Paragraph 14 states that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of permitting the development significantly and demonstrably outweigh the benefits, or specific policies in the framework indicate development should be restricted.
- 3.1.2 The NPPF outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, high quality design and a good standard of amenity for existing and future occupants should be secured, full account should be taken of flood risk, the natural environment should be conserved and enhanced and developments should be located in sustainable locations. The document outlines that the government's key housing objective is to increase significantly the delivery of new homes and states that there should be a wide choice of high quality homes within safe and accessible environments. Applicants are encouraged to work with the local community to achieve this aim.
- 3.1.3 Paragraph 49 states if a local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing will not be considered to be up-to-date.
- 3.1.4 In relation to assessing the highway impacts of a proposal, paragraph 32 states that development should only be refused on transport grounds where the residual cumulative impacts are severe.
- 3.1.5 Section 7 states that good design is a key aspect of sustainable development. Paragraph 58 states that planning decisions should aim to ensure that developments create and sustain an appropriate mix of uses; respond to local character and history while not preventing or discouraging appropriate innovation; and are visually attractive as a result of good architecture and appropriate landscaping.
- 3.1.6 Paragraph 74 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has shown it is not needed, that equivalent or better provision is to be made by the development or that the development is for alternative sports/recreational provision.
- 3.1.7 Paragraph 100 of the NPPF states that inappropriate development in areas of high risk of flooding should be avoided but where it is necessary, should be undertaken without increasing flood risk elsewhere. Paragraph 101 states that the sequential test should be applied and development should not be permitted if sites are reasonably available in areas of lower flood risk.

3.1.8 Paragraph 109 advises that impacts on biodiversity should be minimised and that, if significant harm cannot be avoided, adequately mitigated or, as a last resort, compensated for, planning permission should be refused.

3.2 Broxtowe Aligned Core Strategy

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

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

3.2.3 ‘Policy 1: Climate Change’ advises that development proposals are expected to mitigate against and adapt to climate change. With regard to flooding, the policy states that development will be supported which adopts the precautionary principle that avoids areas of current or future risk, does not increase flooding elsewhere and where possible reduces flood risk.

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

3.2.5 ‘Policy 8: Housing Mix and Choice’ sets out the approach to ensuring that new housing development includes an appropriate mix of housing types, sizes and tenures.

3.2.6 ‘Policy 10: Design and Enhancing Local Identity’ sets design and layout principles to be applied to new development and looks to ensure that valued local characteristics are reinforced. It states that development will be assessed in terms of its treatment of materials, architectural style and detailing.

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

3.3 Saved policies of the Broxtowe Local Plan

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

- 3.3.2 'Policy E24: Trees, hedgerows and Tree Preservation Orders' states that development which would adversely affect important trees and hedgerows will not be permitted.
- 3.3.3 'Policy E29: Contaminated Land' aims to allow for brownfield sites to be brought back into active use whilst also protecting future occupants from contamination.
- 3.3.4 'Policy H6: Density of Housing Development' 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.
- 3.3.5 'Policy H7: Land Not Allocated for Housing Purposes' states that 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.
- 3.3.6 'Policy T11: Guidance for Parking Provision' and Appendix 4 of the Local Plan require satisfactory provision of vehicle parking and servicing in accordance with the latest standards.
- 3.3.7 'Policy RC5: Protection of Open Spaces' seeks to prevent the loss of open spaces. However, this policy only applies to open spaces shown on the Proposals Map and listed in Appendix 9. The application site is not shown or listed as an open space in the Local Plan.
- 3.3.8 The Part 2 Local Plan is currently being prepared and will include specific development management policies and site allocations. As public consultation has yet to be carried out on the draft Part 2 Local Plan, limited weight can be attached to the emerging policies.
- 3.3.9 However, of relevance to this application is a policy regarding flood risk. The draft policy states that development will not be permitted in areas at risk from any form of flooding unless: there are no suitable and reasonably available alternative locations for the proposed development in a lower-risk area outside the Green Belt; and in the case of fluvial flooding, the proposal is protected by the Nottingham Trent Left Bank Flood Alleviation Scheme or other flood defences of equivalent quality; and adequate mitigation measures are included. The justification for the policy is that within Beeston and Attenborough there are substantial areas which are within Flood Zones 2 and 3 but have a high degree of protection against flooding due to the Nottingham Trent Left Bank Flood Alleviation Scheme. Some of these sites are on previously-developed land and some may bring the opportunity to provide affordable housing in areas of substantial need. Whilst the sequential test must still be applied, the minimisation of development in the Green Belt in Broxtowe will be treated as a 'sustainability benefit' and the Green Belt will be treated as a major constraint with regard to whether other sites are 'reasonably available'.

4 Consultations

- 4.1 The Council's Business and Projects Manager (Environment) states that the Council has maintained the landscaped area but any future landscaping works are pending the outcome of this planning application. He confirms that an open space contribution would not be required as part of the development and that the area is not classed as either a park or open space under the Council's records and that it is referred to as a 'landscaped area'.
- 4.2 The Council's Tree Officer has inspected the existing trees. It was recommended that a hawthorn, which is close to plot 4, should be removed and replaced due to the poor condition of the tree. No objections are raised regarding the proposed trees to be removed and it is highlighted that some pruning works may be required to the trees which are proposed to be retained. An inspection of the trees for bat roosts was also undertaken but there were no visual indicators of bat activity within the trees on the site.
- 4.3 The Council's Scientific Officer within the Environmental Health Department states no objection subject to a condition stating that if contamination is found during the construction works at any time, this must be reported to the Local Planning Authority. Works must then stop on the part of the site affected by the contamination until a remediation scheme has been submitted to and approved by the Local Planning Authority.
- 4.4 The Council's Refuse and Cleansing Manager states the developer will need to purchase the first time provision of bins and bins will be collected from the curtilage of the property.
- 4.5 The Environment Agency initially objected to the application as the Flood Risk Assessment failed to take the impacts of climate change into account and failed to consider how people will be kept safe from flood hazards identified. Following additional information and discussions between the applicant's flood risk consultants and the Environment Agency, the objection has been removed provided the measures as detailed within the Flood Risk Assessment are implemented. A condition is recommended to require occupants of the site to sign up to the Environment Agency Flood Warning System, to make occupants aware of the emergency evacuation procedures and to ensure the finished floor levels are set no lower than 27.21m above Ordnance Datum (AOD).
- 4.6 The County Council as Highways Authority consider that the proposal is unacceptable in terms of highway and pedestrian safety due to inadequate visibility splays for vehicles exiting plots 1-3 and 6-8, the footway being 1.5m rather than 2m in width, a gravel margin being proposed rather than hardstanding and as only 12 parking spaces are shown on the proposed plan.
- 4.7 Nottinghamshire Wildlife Trust state that they are satisfied with the methodology of the Protected Species Survey and that the proposed mitigation and compensation measures, as outlined within the survey, should be secured through the use of planning conditions.

- 4.8 Forty neighbours were consulted. 38 of these are occupiers of properties on Redwood Crescent. The other two properties are located on Ireland Avenue. A site notice was also displayed. 28 letters of objection were received. This includes a letter which has been submitted on behalf of the residents of Redwood Crescent. Following the submission of the additional information, a further 12 letters of objection were received and one letter raising no objection.
- 4.9 The objections can be categorised and summarised as follows:

Principle

- Sufficient housing is already being provided within Beeston. The site has never been previously considered for housing.
- Housing should be built on existing vacant land first.
- The site is primarily green space and the garages are a secondary feature.
- There will be a loss of open, green space which is used for community activities and dog walking. The loss of green space is contrary to local planning policies and the National Planning Policy Framework.
- Allowing the development would set a precedent for developing other green spaces.
- If residential development is allowed, this should only be on the site of the garages and the open space should be retained.
- There will be a loss of a children's play area. Other children's play areas cannot be safely accessed from the site.
- The development would be harmful to the character of the crescent.
- The garages are not vacant and are used for parking and storage.
- Bungalows would be more appropriate.
- The development would be contrary to the Council's Sustainable Community Strategy.
- The development would not be in compliance with national and local planning policies.
- Allowing the application would not be consistent with other planning decisions recently made.
- The additional information fails to address any of the concerns previously raised.

Design and Layout

- The style and architecture of the proposed houses are not in keeping with the existing houses.
- The houses would appear too high as they would be built at a raised level.
- The design would not be energy efficient.
- The density of the development is too high.
- The mock-photographs are misleading and are misleading and highlight that the development is not in keeping with the surroundings.

Neighbour Amenity

- Loss of daylight and sunlight.
- Loss of privacy due to increased overlooking.

- Increased sense of enclosure as existing houses would be surrounded by development.
- Increase in noise and disturbance from the development.

Flood Risk

- Increased risk of flooding to existing properties. There will be an increase in the amount of hardstanding, a loss of existing greenery and the existing houses will be set at a lower level than the proposed properties.
- The Flood Risk Assessment is inadequate, has failed to adequately take into consideration the water table and true flood risk situation of Redwood Crescent and the Sequential Test is not in accordance with national guidelines.

Traffic and Parking

- Increase in traffic and congestion which would be dangerous to existing residents.
- Loss of parking which will lead to an increase in on-street parking. Parking is an existing issue resulting from users of the train station.
- The application form incorrectly states 16 spaces will be provided rather than the 12 shown on the plans.
- The new footpath would make the existing road too narrow.

Ecology

- Harm to wildlife. There are species including bats, foxes, hedgehogs and birds which would lose their habitat. Bats are seen on a regular basis.
- The ecology survey is insufficient.
- The landscape plan proposes non-native species planting.

Other Issues

- There will be a decrease in property values.
- The development would prevent existing properties from extending in the future.
- Development will exacerbate a resident's existing medical issues.
- There will be no economic benefits from the development.
- The Council failed to consult residents regarding the sale of the land.
- The history of the proposed developer is questioned.

5 Appraisal

5.1 The main issues to consider are in respect of the principle of developing the site and the loss of an area of open space, the design and layout of the development, whether there will be a loss of amenity to existing residents and whether the development is acceptable in terms of flood risk, highways and ecology.

5.2 Principle

- 5.2.1 The site is currently occupied by two garage blocks. To the front of each garage block there are areas of hardstanding with grassed areas beyond. In accordance with the definition provided within the National Planning Policy Framework (NPPF), the parts of the site where there are existing buildings can be regarded as 'previously developed land' (brownfield land). The NPPF encourages the effective use of land by reusing land that has been previously developed. From consultation responses, it is evident that the garages are currently in use for storage and parking. However, there are no specific planning policies preventing the loss of garage sites. It is noted that the majority of surrounding houses have off street parking available and whilst the loss of storage space for users of the garages is regrettable, it is considered that this would not be justification for retaining the garages. It is considered that redeveloping the brownfield parts of the site is in accordance with the aims of the NPPF.
- 5.2.2 The central part of the site, which measures approximately 0.07 ha, is a mixture of grass and hardstanding. The Council has not identified this part of the site as open space within the Local Plan but does maintain the space as a 'landscaped area'. There are no specific policies preventing the loss of a landscaped area. However, the NPPF defines open space as 'all open space of public value'. It is evident from the consultation responses that the site is used for a variety of recreational purposes including as a children's play area, for exercise and for dog walking. The space also has visual amenity value for the existing residents.
- 5.2.3 Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on with the exception of one of three circumstances. The first circumstance is that an assessment has been undertaken to clearly show that the open space is surplus to requirements. The second and third circumstances relate to whether the loss of open space would be replaced by equivalent or better provision or if the development is for an alternative sports provision. As no alternative provision is proposed, the second and third paragraphs do not apply. Therefore, to comply with paragraph 74, an assessment must have been undertaken to clearly show the open space is surplus to requirements. However, based on the consultation responses it is evident that the open space is still used by local residents.
- 5.2.4 Notwithstanding the above, the site lies within close proximity to the Hetley Pearson Recreation Ground. The sports pitches are within 250m walking distance of Redwood Crescent. The children's play area is within 300m walking distance. The Dovecote Lane Recreation Ground and children's play area are also within 250m of Redwood Crescent, although it is noted that Queens Road West must be crossed to access this open space. However, there is a traffic light controlled crossing point close to where Dovecote Lane joins Queens Road West. All of the open areas mentioned above are maintained by the Council. The Council's Green Infrastructure Strategy 2015 – 2030 includes a green space standard. The standards state that the maximum distance any household should be from natural and semi natural greenspace and from amenity greenspace is 300m and from outdoor sports facilities is 500m. It is noted that even with the loss of the open space at Redwood Crescent, the existing residents would still have access to open space which accords with the green space standards. The open spaces are also good quality, with fully equipped play areas and maintained recreation areas.

5.2.5 Prior to the submission of the Council's Part 2 Local Plan, the Council does not have a five year housing land supply. As reported to the Council's Jobs and Economy Committee on 26 January 2017, the Council can currently only demonstrate a 3.6 year supply of housing land. This matter will be rectified with the allocations to be made in the Part 2 Local Plan. However, given the current lack of a five year land supply, paragraph 49 of the NPPF is therefore engaged and the housing supply policies for Broxtowe cannot be considered up-to-date. Under these circumstances, the approach to follow is contained within paragraph 14 of the NPPF, which in respect of decision-taking is:

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

5.2.6 This means permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF's policies taken as a whole. This would also apply where specific policies in the NPPF indicate development should be restricted. Paragraph 74 of the NPPF, which restricts development of open spaces, should be taken into account when considering the overall planning balance. The balance can only be assessed after consideration of the other material planning considerations.

5.3 Design and Layout

5.3.1 Local Plan Policy H7 states the development should not have an adverse impact on the character or appearance of the area. The existing garage blocks would be removed. Whilst functional, it is considered that these buildings do not have any particular architectural merit and their loss would not be harmful to the character of the area. The greenery from the trees, hedges and plants on the site does contribute positively to the character of Redwood Crescent. Some of this greenery would be lost by the proposed development, although none of the trees are protected by Tree Preservation Orders so could be removed without obtaining prior consent. However, four trees will be retained and greenery, in the form of hedges and new planting, has been proposed. A detailed landscaping plan has also been submitted. The two blocks of three houses will be located in a similar position to the existing garages, although the additional height will increase their prominence. The semi-detached houses will introduce a built form into the central part of the site which is currently undeveloped. It is considered that the character and appearance of Redwood Crescent would change as a result of the development but not to an extent which would be considered to be unacceptably harmful to warrant refusing the application.

5.3.2 Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of its treatment of materials, architectural style and detailing. Whilst the

scale of the houses is similar to existing properties on Redwood Crescent, the materials do differ, with the use of brick, render and cladding. The inclusion of square windows also differs from the existing windows on the properties. However, it is considered acceptable that the houses form their own character rather than trying to replicate the architectural design of the mid-20th century housing. Concerns have been expressed by existing residents regarding the height of the houses compared to existing housing but it is considered that the height is acceptable as the proposed houses will not be viewed immediately alongside existing houses and as the height of the houses is still modest, even when including the raised floor levels. It is considered that a good standard of design has been achieved which is appropriate for this location.

- 5.3.3 It is considered that the proposed houses will have reasonable sized gardens for a three bedroom property and that a functional and efficient layout has been achieved. The oval shape of the site will also remain and there will still be a degree of openness achieved at either end of the oval.
- 5.3.4 Local Plan Policy H6 states that where development is within 400m walking distance of frequent public transport services, a minimum density of 40 dwellings per hectare is required. The proposed development would be the equivalent of 50 dwellings per hectare and would therefore accord with this policy.
- 5.3.5 The developer has also provided information regarding the construction of the houses, stating that the homes are primarily constructed off site. This means that the main on-site works are restricted to preparing the foundations with a significantly shorter construction period once the pre-constructed houses are delivered. The sustainability of the build approach has also been highlighted, stating that recycled materials will be used where possible, solar energy will be used to provide electricity and increased insulation will be used to maximise energy efficiency.
- 5.3.6 Overall, the character of Redwood Crescent will change as a result of the development. However, it is considered that the development is of a scale, density and design which is appropriate within this location and the retention of some trees and inclusion of new hedges will retain some of the greenery currently evident. Based on the above, it is considered there would not be justification to refuse the application in relation to the proposed design or layout.

5.4 Amenity

- 5.4.1 Existing residents have expressed concerns that the development will result in a loss of light, overshadowing, a loss of privacy and an increased sense of enclosure. Policy H7 states that 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.
- 5.4.2 The frontages of the majority of properties on Redwood Crescent currently face towards the application site. The replacement of the garage blocks with two storey houses and the introduction of a building in the central green space will result in a significant change of outlook for existing residents. It is noted that the

majority of the existing houses on Redwood Crescent have long frontages. The bungalows have smaller frontages. The distances between the proposed houses and existing properties therefore varies between 15.9m and over 36m. From viewing this relationship, it is considered that there are sufficient distances between existing properties and the proposed buildings to prevent the development from being overbearing, leading to a sense of enclosure or causing unacceptable overshadowing to the existing properties.

- 5.4.3 Additional overlooking will occur from first floor windows in the proposed houses. However, the predominant view from these windows will be towards the front gardens of the existing properties which are already visible from the street. Due to the distances stated above, it is considered that unacceptable overlooking would not occur directly into any habitable rooms. There will be some views into the rear gardens of 2 Redwood Crescent and 37 Redwood Crescent but this will primarily be from small secondary windows in the side elevations of plots 1 and 6. These windows can be conditioned to be obscured glazed to prevent a loss of privacy to numbers 2 and 37.
- 5.4.4 There may be a perceived loss of view to existing residents but this is not a material planning consideration.
- 5.4.5 It is considered that noise arising from a residential use would not be to an extent which would be unreasonable or unexpected in an existing residential area. Noise from vehicles arriving or leaving the properties could also be similar to existing noise from vehicles parking at the garages.

5.5 Flood Risk

- 5.5.1 Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, it can be demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk and that the development is appropriately flood resilient and resistant.
- 5.5.2 A Flood Risk Assessment and Sequential Test have been submitted with the planning application. The Flood Risk Assessment outlines how the finished floor levels will be raised to coincide with the breach flood level, details of the evacuation procedure and flood mitigation measures such as using flood resistant materials at lower levels.
- 5.5.3 The Environment Agency initially objected, stating there was insufficient information within the Flood Risk Assessment to allow for an assessment of the flood risks arising from the development to be made. Following additional information and discussions between the flood risk consultants and the Environment Agency, the objection has been removed subject to a condition being included which requires the mitigation measures stated within the Flood Risk Assessment to be carried out. This includes requiring the finished floor levels to be set no lower than 27.21m above Ordnance Datum (AOD) and for prospective residents to be made aware of the evacuation procedure. To ensure

the application is acceptable in terms of flood risk, it is considered reasonable for these mitigation measures to be conditioned. The Flood Risk Assessment also complies with the NPPF and therefore there will not be an increased flood risk to existing properties.

- 5.5.4 The aim of the Sequential Test is to ensure that areas at little or no risk of flooding are developed in preference to areas at higher risk. The National Planning Policy Guidance (NPPG) advises that the area to apply the Sequential Test across will be defined by local circumstances. Where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding), such as within Beeston and Attenborough, and development is needed in those areas, sites outside them are unlikely to provide reasonable alternatives. The NPPG also advises that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken.
- 5.5.5 From reviewing the Sequential Test, it is considered that a sufficient assessment of alternative sites has been made and that there are no sequentially preferable sites available for a comparable development. It is also considered that an adequate search area has been used. Limited weight can also be given to the draft policy contained within Part 2 Local Plan which acknowledges the high degree of protection against flooding due to the Nottingham Trent Left Bank Flood Alleviation Scheme and that developing sites within this area can help to prevent additional development in the Green Belt.

5.6 Highways

- 5.6.1 The County Council, as Highways Authority, consider that the proposal is unacceptable in terms of highway and pedestrian safety due to the inadequate visibility splays for vehicles exiting plots 1-3 and 6-8, the footway being 1.5m rather than 2m in width, a gravel margin being proposed rather than hardstanding and as only 12 parking spaces are shown on the proposed plan. A condition will be included to require the footpaths to be surfaced in a hard bound material and the footpath to the rear of plots 4 and 5 has been removed from the plans and replaced by a planted margin. The footpath width is also considered sufficient taking into consideration the existing footpath which circles Redwood Crescent.
- 5.6.2 Vehicles using Redwood Crescent would be travelling at a low speed due to the tight bends at either end. There are existing vehicle movements from cars entering and exiting the garages. It is considered that, based on the constraints of the site and the existing shape, it would not be reasonable to require the driveways to be repositioned. Visibility can also be maintained through a condition preventing boundary fences being erected in the front gardens of plots 1-3 and plots 6-8.
- 5.6.3 Existing parking problems have been raised within the consultation responses including that parking spaces would be lost as residents use the existing hardstanding to the front of the garages. There will also be additional cars resulting from the development and there may be additional demand for on-street parking. It is noted that a number of existing properties have extensive driveways which provide parking. Whilst some bungalows do not have off street parking, on-street parking is not restricted along Redwood Crescent. Significantly, it is considered

that the site is in a sustainable location close to Beeston town centre and the railway station. It is considered that a pragmatic approach also needs to be taken in respect of developing sites within existing urban areas and, in this location, the additional demand for parking would not be sufficient justification for refusing the application.

5.7 Ecology

5.7.1 The potential for bats and birds to be present on the site has been highlighted. It has also been raised within the consultation responses that foxes and hedgehogs could lose their habitat.

5.7.2 The National Planning Policy Framework and the Natural Environment and Rural Communities Act require the Council to ensure applications are determined on a sound understanding of the ecological implications. A Protected Species Survey has been carried out which found that there was no evidence of bats, badgers, amphibians or reptiles recorded within the application site. Although no bird nesting material was identified, the trees and hedges on site were considered to offer potential for nesting birds. The survey recommends mitigation measures, including that vegetation clearance works should take place outside of the bird breeding season, and compensation measures including that, once construction works are complete, a sparrow terrace is fitted to each of the houses to compensate for the loss of nesting habitat. As recommended by Nottinghamshire Wildlife Trust, it is considered that a condition can be included to require the mitigation measures outlined in the survey to be carried out and to ensure the compensation measures are completed prior to the occupation of each respective dwelling. A note to applicant can also highlight when works should be carried out to reduce the potential for protected species to be harmed during the works.

5.8 Other Issues

5.8.1 The Council's Environmental Health Department has recommended a condition stating that if contamination is found during the construction phase, the Local Planning Authority should be informed immediately and works must stop on the affected part of the site. A remediation scheme will then be required. It is considered reasonable to include this condition due to the current use of the site for garages and in the interests of public health and safety.

5.8.2 The impact of the development on house values is not a material planning consideration.

5.8.3 With regards to the development preventing other properties extending in the future, any planning application submitted would always be considered based on its own merits. Allowing this application would also not set a precedent for developing garage sites and landscaped areas as each application would have to be judged on its own individual merits.

5.8.4 The sale of the land is a separate legal matter which is not a material planning consideration.

5.8.5 The Broxtowe Sustainable Community Strategy (2010 – 2020) identifies a range of challenges and opportunities within Broxtowe. In respect of housing this includes delivering decent homes, which this development will achieve.

5.8.6 Whilst the impact of the development on a specific health condition of a resident carries little weight, the overall amenity impact of the development has been carefully considered.

5.8.7 There will be some economic benefits from the development including the creation of construction jobs, increased council tax revenue and through the New Homes Bonus. However, due to the limited scale of the development these benefits are only given limited weight.

5.9 Planning Balance

5.9.1 The Council does not currently have a five year housing land supply and this matter can only be rectified with new allocations in the Council's Part 2 Local Plan. It is therefore necessary to consider whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits, assessed against the NPPF as a whole or whether specific NPPF policies indicate the development should be restricted. Paragraph 74 restricts development of open spaces and it is acknowledged that local residents feel strongly that the open space is not surplus to requirements. However, significant consideration must be given to the close proximity to Hetley Pearson Recreation Ground and the Dovecote Lane Recreation Ground, both of which provide good quality outdoor space within walking distance.

5.9.2 The application site is also close to public transport links and Beeston town centre. Significant weight must be given to the provision of additional housing within an existing built up area outside of the Green Belt. If approved, this proposal will result in a different, sustainable, approach to providing housing with off-site factory built construction significantly reducing the time take to develop the site. This factor can be given some limited weight.

5.9.3 Taken as a whole, it is considered that the proposal would be sustainable development. The benefits of additional housing provision, within the context of the existing housing shortfall, and the general accordance with the NPPF taken as a whole, outweigh any conflict with paragraph 74 of the NPPF. It is therefore recommended that, in accordance with paragraph 14 of the NPPF, permission is granted.

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 permitted shall be carried out in accordance with drawings numbered: 2630(08)021; 2360(08)012 Revision A and 2360(08)013**

Revision A received by the Local Planning Authority on 16 March 2017 and 2360(08)011 Revision C received by the Local Planning Authority on 26 May 2017.

3. The landscaping scheme as shown on drawing 1966 01 'Hard and Soft Landscape Proposals' received by the Local Planning Authority on 23 May 2017 shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the dwellings, 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.
4. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment MA10527 – RO1A (Millward Integrated Engineering Consultants). The finished floor level of each dwelling shall be set no lower than 27.21m AOD and occupiers of the dwellings hereby approved shall be provided details of the Environment Agency Flood Warning System and the emergency evacuation procedures.
5. The development hereby permitted shall be carried out in accordance with the mitigation measures stated within the Protected Species Survey (EMEC Ecology, May 2017). The compensation measures stated in section 6.2 of the Survey shall be completed prior to the occupation of the respective dwelling to which they relate.
6. No dwelling to be erected pursuant to this permission shall be first occupied until:
 - (i) Footway crossings made redundant as a consequence of the development hereby approved have been reinstated as footway in accordance with Highway Authority specification.
 - (ii) Related driveways and footways are surfaced in a suitable hard bound material (not loose aggregate) and are appropriately drained within the site such that surface water does not drain onto the public highway. These areas shall be maintained accordingly for the life of the development.
7. 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 to the frontages of Plots 1, 2, 3, 6, 7 and 8 without the prior written permission of the Local Planning Authority by way of a formal planning permission.
8. If contamination is found at any time when carrying out the hereby approved development, it must be reported in writing immediately to the Local Planning Authority. Once the Local Planning Authority has identified the part of the site affected by the contamination, works must be halted on that part of the site

until an assessment and remediation scheme, including a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. Any remediation shall be carried out in accordance with the agreed details prior to first occupation of any affected house plot.

9. The first floor windows in the north west side elevations of Plot 1 and Plot 6 shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) before the respective plots are first occupied and thereafter retained in this form for the lifetime of the development.

Reasons:

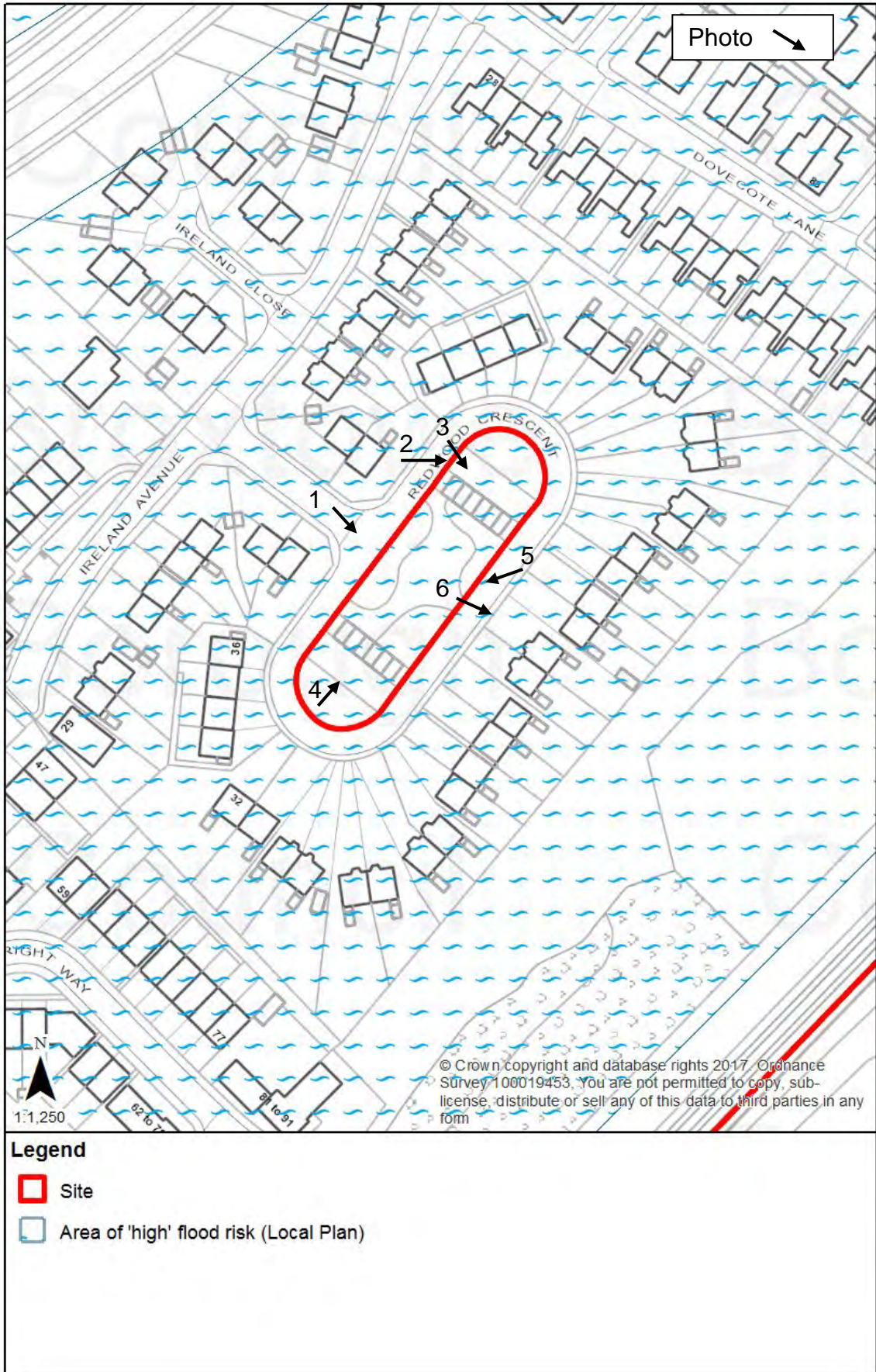
1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure the development presents a satisfactory standard of external appearance of the area and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
4. To reduce the risk of flooding to the proposed development and future occupants, to ensure safe access and egress from and to the site and in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014).
5. To safeguard protected species during the construction phase and in accordance with the aims of Policy 17 of the Broxtowe Aligned Core Strategy (2014).
6. In the interests of highway safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
7. To maintain visibility in the interests of highway safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
8. In the interests of public health and safety and in accordance with Policy E29 of the Broxtowe Local Plan (2004).
9. In the interests of privacy and amenity for nearby residents in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (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, with positive amendments having actively been sought during the consideration of the application.

- 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: <http://www.broxtowe.gov.uk/index.aspx?articleid=16928>**
- 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-September inclusive.**

Background papers
Application case file



Report of the Director of Legal and Planning Services

17/00322/FUL**CONSTRUCT NEW FAÇADE INCLUDING DECORATIVE FEATURES AND REMOVAL OF WINDOWS (REVISED SCHEME)
SRI THURKKAI AMMAN TEMPLE, WEST CRESCENT,
BEESTON NG9 1QE**

This revised application has been brought to Committee as the previous planning application was refused by Committee on 7 September 2016.

1 Details of the application

- 1.1 The application seeks planning permission to construct a new façade to the front of the Sri Thurkkai Amman Temple. The façade will have a maximum height of 6.9m and will project 0.64m beyond the existing front elevation. The façade includes three statues, two domes, columns, pillars and finials along the top of the façade. Decorative carving is also proposed. The façade, including the statues, will primarily be fibreglass and will attach to the existing brick frontage. The façade will be painted a brown colour and the finials will be gold plated copper. It is also proposed to remove the four small existing windows which would be partly covered by the façade.
- 1.2 This is a revised planning application. The Planning Committee resolved to refuse a previous planning application for a façade (reference 16/00354/FUL). The planning history of the site will be discussed in further detail in section 3.

2 Site and surroundings

- 2.1 The Sri Thurkkai Amman Temple is a Hindu place of worship. The site is located on West Crescent in Beeston Rylands. The building is a simple single storey brick building with a gable roof which is 6.5m high. A single storey extension has been constructed to the rear. Hard standing surrounds the front and side of the building and there is a small grassed area to the rear. The site is enclosed by fencing along the side boundaries and a low brick wall to the front. There are trees along the rear boundary.
- 2.2 The building was originally constructed in the 1950s as part of the Beeston Rylands housing development and was called St Mary's Church but was also known as St Mary's Church Hall. The last Church of England service was held in 1991 but the building continued to be used as a place of worship by other Christian groups. The building was vacant prior to being brought back into use as a Hindu Temple in 2012.
- 2.3 West Crescent is primarily a residential area with semi-detached houses. The houses are red brick with hipped roofs and clay roof tiles. Beyond the rear boundary, on Lavender Grove, there is a mix of house types including detached and semi-detached properties.
- 2.4 The site lies within Flood Zone 3 which is land with a high probability (1 in 100 or greater) of river flooding.



3 Relevant planning history

3.1 The Planning Committee resolved to refuse a planning application for a façade on 7 September 2016 (16/00354/FUL). The proposed façade included five statues, four domes and would have had a maximum height of 7.5m. It was proposed that the façade would be painted grey (along the lower section) and gold (the higher section including the statues and finials). The application was refused for the following reason:

“The proposed extension and facade alterations, by virtue of the materials, architectural style and detailing, will be out of keeping with the suburban residential character of the area and will fail to reinforce valued local characteristics. Accordingly, the proposal is contrary to Policy 10 of the Broxtowe Aligned Core Strategy and to the aims of the National Planning Policy Framework, in particular the guidance contained in Section 7.”

3.2 Planning permission was granted in January 2017 to retain the double doors inserted in the front elevation of the Temple (16/00788/ROC). Whilst a previous planning permission (15/00366/FUL) had granted permission for the double doors and for a ramp, the doors were of a different design and shape to those shown on the approved plans.

3.3 Planning permission was granted to construct rear extensions to the building in 1991 (91/00291/FUL) and 1993 (93/00683/FUL). It should be noted that planning permission is not required to use the building as a Hindu Temple as this is a place of worship and is within the same planning use class as a church or a church hall.

4 Policy context

4.1 National policy:

4.1.1 Section 7 of the National Planning Policy Framework (NPPF) outlines the importance of good design. Paragraph 57 highlights the importance of planning positively to achieve high quality and inclusive design for all development. Paragraph 58 states that planning decisions should aim to ensure that developments establish a strong sense of place; optimise the potential of the site to accommodate development, to create and sustain an appropriate mix of uses and support local facilities; respond to local character and history while not preventing or discouraging appropriate innovation and are visually attractive as a

result of good architecture. Paragraph 60 states that planning decisions should not impose architectural styles or particular tastes, although it is proper to reinforce local distinctiveness. Paragraph 61 describes how planning decisions should address the connections between people and places.

4.1.2 Section 8 outlines the importance of the planning system in facilitating social interaction and creating healthy, inclusive communities. Paragraph 69 states that planning decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other. Paragraph 70 states that planning decisions should plan positively for the provision and use of community facilities (such as places of worship).

4.1.3 Section 10 relates to climate change and flooding. Paragraph 100 of the NPPF states that inappropriate development in areas of high risk of flooding should be avoided but where it is necessary, it should be undertaken without increasing flood risk elsewhere.

4.2 Broxtowe Aligned Core Strategy (2014):

4.2.1 Policy 1 'Climate Change' advises that development proposals are expected to mitigate against and adapt to climate change. With regards to flooding, the policy states that development will be supported which adopts the precautionary principle that avoids areas of current or future risk, does not increase flooding elsewhere and, where possible, reduces flood risk.

4.2.2 Policy 10 'Design and Enhancing Local Identity' states that development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics. The policy states that development will be assessed in terms of its treatment of various elements including: massing, scale and proportion; materials, architectural style and detailing; and impact on the amenity of nearby residents.

4.2.3 Policy 12 'Local Services and Healthy Lifestyles' states that improved community facilities will be supported where they meet a local need.

4.2.4 Policy 13 'Culture, Tourism and Sport' states that where appropriate, existing cultural facilities will be protected and their further development will be supported. The supporting text states that proposals in and around existing religious facilities need to be dealt with sensitively.

4.3 Broxtowe Local Plan (2004):

4.3.1 As the Core Strategy contains broad policies, the Part 2 Local Plan is currently being prepared which will include specific development management policies and site allocations. As public consultation has yet to be carried out on the draft Part 2 Local Plan, limited weight can be attached to the emerging policies.

4.3.2 In the meantime, Appendix E of the Core Strategy confirms which Local Plan policies are saved. The relevant saved policy is as follows:

4.3.3 Local Plan Policy RC2 'Community and Education Facilities' states that proposals for community facilities will be permitted provided the proposal is well located in relation to the community it serves and to public transport services; the amenity of neighbouring properties will not be adversely affected; appropriate provision is made for vehicle parking and highway safety; and the character of the area would not be adversely affected.

5 Consultations

5.1 39 properties were consulted on the application. This included neighbouring properties on West Crescent and Lavender Grove. A site notice was also displayed.

5.2 43 representations have been received. Of these, 28 are letters in support of the application, 30 are letters of objection and three are letters stating observations.

5.3 The objections can be summarised as:

- The proposal, due to the size, scale, materials, and appearance is out of keeping with neighbouring houses, the area and the street scene. It will be an 'eyesore'.
- The façade is too imposing, will lead to a loss of sunlight and will be overbearing.
- The proposal does not comply with policies contained within the Broxtowe Aligned Core Strategy or within the National Planning Policy Framework.
- No other Hindu Temple in Nottingham has such a large façade.
- Making the building more attractive to Hindu worshippers will increase the number of visitors, adding to existing parking problems and noise disturbance. The façade will also reduce the amount of parking available to the front of the Temple.
- Nothing has changed from the previous planning application which was refused. The Council should not consider a revised application.
- The proposal will devalue the house prices of surrounding properties.
- There will be an increased risk of vandalism and crime.
- No consultation was carried out prior to the application being submitted.

5.4 The letters in support can be summarised as:

- The development will improve the appearance of the building and add value to the area.
- The façade is an important part of how worshippers use the Temple.
- The Temple is an important meeting place and the façade represents a gateway, reflecting the Hindu tradition and culture.
- The façade will attract more people to the Temple.
- The building has always been used as a place of worship and therefore has always appeared different to adjacent properties.
- The surrounding area is increasingly diverse and this should be reflected in the building styles.
- The building is already used as a place of worship and would therefore not result in additional traffic issues.

- The Temple raised the profile of Beeston.
 - The plans have been 'toned down' from the previous proposal.
- 5.5 The observations raise concerns regarding the Temple becoming a more popular destination which will increase traffic and parking demand.

6 Appraisal

6.1 The main issue to consider is whether the previous reason for refusal has been overcome by the revised plans. It will also be considered whether the revised application will result in an unacceptable loss of amenity to any neighbouring properties and whether the proposal will result in any additional problems in respect of parking, congestion and noise. Other matters which are raised in representations will also be dealt with below.

6.2 Design

6.2.1 The previous reason for refusal was based on the façade being out of keeping with the suburban residential character of the area and that it would fail to reinforce valued local characteristics. To try and overcome this reason for refusal, the scale of the façade has been reduced. Two sections of columns, which incorporated statues and domes, have been removed from either side of the façade. This has the effect of reducing some of the width and leaving more of the original building exposed. The overall height of the façade has also been reduced from 7.5m to 6.9m. The colours have also been changed, from a mixture of grey and gold, to a predominantly brown finish with gold plated copper detailing. The applicant states that public consultation events have been held to discuss the proposed alterations to the façade to try and overcome concerns expressed about the original planning application.

6.2.2 Policy 10 of the Aligned Core Strategy states that development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics. Paragraph 60 of the NPPF states that planning decisions should not impose architectural styles or particular tastes, although it is proper to reinforce local distinctiveness.

6.2.3 The revised façade will still change the appearance of the frontage and will differ from the predominantly red brick, semi-detached houses in the immediate area. However, it is considered that, through reducing the overall scale of the proposed façade and through altering the proposed colours, the dominance of the façade has been reduced. The façade, whilst still clearly appearing as a focal point and entrance to the Temple, now tries to be more reflective of the scale and the colours of the neighbouring residential properties. The removal of the windows is also considered to be acceptable, particularly as these are only small and do not add any particular architectural interest to the building. Therefore, it is considered that sufficient amendments have been made to overcome the previous reason for refusal.

6.2.4 Furthermore, it is noted that the building has always been used as a place of worship. Whilst the existing building is an established part of the local street scene, its different form and function already sets it apart from the predominantly

residential street, dominated by semi-detached houses. It is part of the function of a building used as a place of worship to attract attention to it. It is considered that a balance has now been achieved to attract attention to the place of worship whilst not conflicting with the suburban residential character evident along the remainder of West Crescent.

- 6.2.5 Paragraph 70 of the NPPF states that planning decisions should plan positively for the provision and use of community facilities such as places of worship and paragraph 61 describes how planning decisions should address the connections between people and places. The supporting text for Policy 13 of the Aligned Core Strategy also refers to the need to deal with proposals in and around religious facilities sensitively. Within the application, it is highlighted that the purpose of the façade is to show the connection between the building, its purpose and the people using it as a Hindu place of worship. It is also to reflect the South Indian Hindu culture in its architecture. The application also states that the façade is known as 'Gopuram' which is a standard feature of a Hindu Temple. The façade will clearly show the connection between the building and the people using it as a Hindu place of worship. The installation of the façade would also support an existing local facility, in accordance with paragraph 58 of the NPPF.
- 6.2.6 Consultation responses have referred to the appearance of other temples in Nottingham, stating that these buildings have less prominent façades. However, the applicant has highlighted that different temples have different requirements and use different religious symbols which is dependent on the background of the groups who use the temple. Therefore, it is difficult to make direct comparisons to other temples, particularly those which will serve a different Hindu community.
- 6.2.7 It is also noted that as the proposal is a façade, the original brickwork and frontage will be retained and could be reinstated following the removal of the façade if this should happen at a later date.

6.3 Amenity

- 6.3.1 The occupiers of neighbouring properties have expressed concerns that the façade will still be overbearing and too imposing. However, the height of the façade has now been reduced and sections have been removed. Whilst the visual prominence of the building will still be increased when viewed from neighbouring houses, the façade is set back a minimum distance of 8m from the boundary with the pavement, with the road then acting as a buffer to the front of properties opposite the Temple.
- 6.3.2 There would be a distance of 3.1m from the side of the façade to the boundary with 10 West Crescent and 6.3m from the side of the façade to 12 West Crescent. Beyond the south west boundary there are also the rear gardens of 16-26 West Crescent. Due to the positioning of the façade in relation to these properties, it is considered that the alterations and increase in height would not be overbearing, would not cause an unacceptable degree of overshadowing and would not dominate the surrounding houses. It is also noted that the previous application was not refused due to an unacceptable loss of amenity to neighbours.

6.3.3 There have also been concerns raised that the proposed alterations will intensify the use of the building as a Temple. However, it is not proposed to increase the internal floorspace of the Temple and the number of Temple users can already increase or decrease without requiring planning permission. Therefore, it is considered that the potential for the alterations to increase the use of the Temple could not be substantiated as a reason to refuse the application.

6.4 Parking

6.4.1 Objections made in respect of the application express concerns regarding existing congestion and parking issues when the Temple is in use which is exacerbated by users of the Temple travelling from outside of the Beeston Rylands area. Some parking is available to the side and to the front of the Temple and it is considered that the proposed façade would not result in a material reduction in the number of car parking spaces available. Whilst it is understood that there are concerns regarding congestion and the number of car parking spaces currently available, as this application is only for external changes and the use of the building as a place of worship is established, it is considered that the application would not be refusable based on insufficient car parking spaces.

6.5 Flood Risk

6.5.1 The site lies within Flood Zone 3 where there is a high probability of flooding. As the application relates to external changes to an existing building with an existing established use, it is considered that the proposal will not increase flood risk either to the site itself or outside of the site and therefore the application is not contrary to Policy 1 of the Broxtowe Aligned Core Strategy or to Section 10 of the NPPF.

6.6 Other Issues

6.6.1 The Public Sector Equality Duty (PSED) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. As part of the application, additional background information was requested to promote further understanding of the proposal.

6.6.2 It is considered that there is no evidence to suggest that the façade would lead to an increase in vandalism. If vandalism or criminal damage did occur, this would be a police matter.

6.6.3 Impact on house prices is not a material planning consideration.

7 Summary

7.1 It is considered that the revised application has overcome the previous reason for refusal and that the proposed façade would not be harmful to the suburban residential character of the area. As the façade is set in from the boundaries with neighbouring residential properties, it is considered that an unacceptable loss of amenity will not occur to any neighbours. Whilst there may be existing parking problems associated with the use, this application only relates to changes to the

external appearance of the building and the building is already in use as a place of worship. It is considered that the proposal will not increase the risk of flooding. Based on the above, it is considered that the application does not conflict with policies contained within the Broxtowe Local Plan or the Broxtowe Aligned Core Strategy and would be in accordance 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 drawings: 2394/P100 'Site Location OS Map' and 2394/P102 'Existing and Proposed Façade' received by the Local Planning Authority on 5 May 2017 and 2394/P104 'Proposed Block Plan' received by the Local Planning Authority on 9 May 2017.**

Reasons:

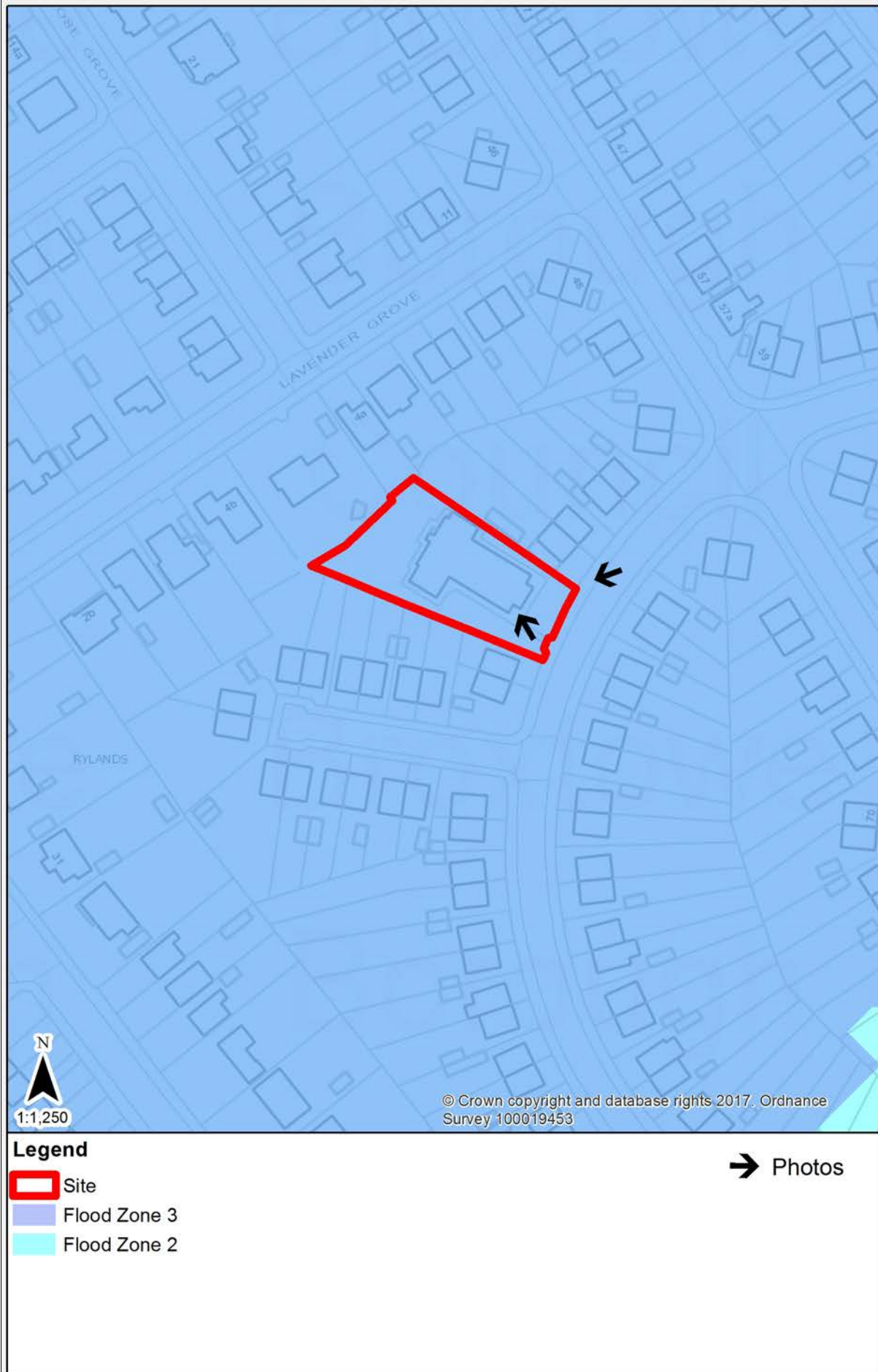
- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**

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 through conducting a site visit in sufficient time to negotiate amendments, should these have been required.**
- 2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 01623 646 333.**

Further information is also available on The Coal Authority website at www.gov.uk/government/organisations/the-coal-authority

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



Report of the Director of Legal and Planning Services

**17/00299/FUL
CONSTRUCT BUNGALOW (REVISED APPLICATION)
LAND ADJACENT TO 73 MAPLE DRIVE, NUTHALL,
NOTTINGHAMSHIRE NG16 1EJ**

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

This is a revision to previous application ref: 16/00854/FUL which was refused by members at 22 March 2017 Planning Committee on the grounds that the dwelling would appear out of keeping with the rhythm of properties along the street and would therefore harm the character of the area. The applicant has amended the scale, footprint and design of the dwelling in addition to introducing new landscaping as a response to the concerns raised by Members to the previous application.

1. Changes from previous application

1.1. The proposed dwelling is now of single storey with a reduced footprint which allows a more spacious rear garden. The proposed appearance is now traditional rather than contemporary. The design has been revised to ensure that the dual pitched roof is presented to the highway which reflects the massing of neighbouring dwellings along Maple Drive. Within the landscaped frontage the area of driveway is reduced to create a greener frontage.

2. Details of the application

2.1. 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 2 bedroom bungalow.

2.2. 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.

2.3. 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.

3. Site and surroundings

3.1. There have been no drastic changes to the site conditions since the previous application ref: 16/00854/FUL which was determined in March 2017.

3.2. 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.

<p>↓ Views of application site which is currently occupied by a garage outbuilding ↓</p>	
	
	<p>Neighbouring No.75's side elevation facing the application site ↓</p>
<p>↑ No.73 is a corner plot and has car parking provision accessed from Coronation Road to the north</p>	
	<p>View of application site from No.58 Coronation Road's rear garden ↓</p>
<p>↑ No.58 Coronation Road was constructed on No.73 Maple Drive's garden land</p>	

3.3. 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 No.58 & No.56 Coronation Road. No.58 is a contemporary 1½ 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.

- 3.4. 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.



4. Policy context

4.1. Broxtowe Local Plan 2004:

- 4.1.1. Saved Policy E24 – Trees, Hedgerows and Tree Preservation Orders: Development that would adversely affect important trees and hedgerows will not be permitted.
- 4.1.2. 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.
- 4.1.3. 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.

4.2. Aligned Core Strategy 2014:

- 4.2.1. Policy 2 – The Spatial Strategy: within the distribution lists for new homes Kimberley including this part of Nuthall would have up to 600 homes.

- 4.2.2. 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.
- 4.2.3. 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.
- 4.2.4. 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.
- 4.3. National Planning Policy Framework (NPPF) 2012:
 - 4.3.1. 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.
 - 4.3.2. 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.
 - 4.3.3. 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.

5. Planning history

- 5.1. 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.
- 5.2. 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.
- 5.3. 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.

- 5.4. In March 2017 an application to construct a 1½ storey detached dwelling at the application site was refused by the Council. The reason for refusal related to the design of the dwelling which would appear out of keeping with the rhythm of properties along the street and would therefore harm the character of the area.

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 Tree Officer has raised no objections to the proposal and is happy that the Silver Birch tree would be retained.

- 5.4. The Council's Refuse and Cleansing 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.

- 5.5. Nuthall Parish Council have made observations and commented that permitted development rights should be removed as a condition of the approval and the tree should be protected by way of a TPO order.

- 5.6. The occupiers of No.77 Maple Drive are in support of the development and raise no objection. In their view the derelict site is an eyesore and the new development would bring the land back to a nice family home.

- 5.7. 3 objections have been received from the occupiers of No.64 Maple Drive, No.75 Maple Drive & No.67 Philip Avenue. The concerns which have been raised include:

- Latest plan is not that different from what was refused before
- House would appear cramped
- Spaciousness of street would be eroded
- Bullying tactics by the owner/architect
- The Council should be supporting residents to refuse the proposal
- Shoehorning development
- Design, massing and positioning are contrived
- Local heritage and character are not being safeguarded
- Hedges should not be planted along boundary with No.75 as this will cause damp issues
- No.58 as an infill stand out like a sore thumb
- Loss of sunlight
- Disturbance during construction works
- Sense of enclosure

- Highway safety concerns
- Unsafe access arrangements
- Loss of privacy

5.8. The occupiers of No.66 Maple Drive have stated observations that the proposed plans do nothing to retain the original character or street scene of the area. The garages that occupy the site at present are nothing short of monstrous.

5.9. The occupiers of No.56 Coronation Road have commented that they are concerned by the piecemeal development and would ask that permitted development rights are removed so windows cannot be installed in the roof space which would overlook their property.

6. Appraisal

6.1. The main issues relate to potential harm upon the character of the area and impact upon residential amenity.

6.2. 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 is identified as a key settlement for growth in the Aligned Core Strategy. Policy 2 of the Core Strategy aims to achieve sustainable development through urban concentration and has distributed upto 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. 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. This is a revised proposal in relation to application ref: 16/00854/FUL which was refused by the Council in March 2017. This application seeks to overcome the reason for refusal which was that the dwelling would appear out of keeping with the rhythm of properties along the street and would therefore harm the character of the area. The dwelling has been amended to single storey only and the square shaped footprint is smaller so as to allow for a more spacious garden. The contemporary style has been changed for a more traditional design where the main dual pitched roof is presented to the highway and is sympathetically related to immediate neighbouring dwellings. It is considered that the design, scale and massing of the proposed bungalow would not be out of keeping with the style of houses in the vicinity. The bungalow as positioned would retain gaps to the curtilage boundaries so as to ensure a visual break is still perceived from street view to neighbouring dwellings No.75 and No.73 Maple Drive. With this in mind it is considered that a cramped effect would be avoided and the rhythm of the street scene would not be significantly harmed. A condition can be attached to any approval to agree the exact external facing materials to ensure a satisfactory traditional 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 bungalow 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 that the mature tree close to the boundary with the footway would be retained whilst within the landscaped frontage the area of driveway is reduced to create a greener frontage. 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. 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.

- 6.7. 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.
- 6.8. 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.
- 6.9. New openings for the dwelling have been positioned to maximise light into habitable rooms. The kitchen would be served by patio doors to the rear with outlook over a new garden area which would in part be over 15 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.
- 6.10. Within representations received concerns with the access are raised 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. 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.
- 6.11. It is considered that the layout within this revised application aims to ensure a more neighbourly relationship. 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 been designed to offer outlook over the original curtilage of No.73. With this in mind the scale and footprint of the

dwelling has been reduced and a gap of over 2 metres would be retained to the new boundary with No.73. To the south a gap of over 1.5 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 is of a fairly modest scale 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.

6.12. A more spacious rear garden is now proposed which also increases the separation distance to the west curtilage boundary with No.58 Coronation Road. The dwelling is now only single storey with a smaller square shaped footprint which does not project beyond the rear elevations of neighbouring No.75 or No.73. As a result 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.

6.13. The bungalow would feature primary windows to the front which overlook over the public highway of Maple Drive. The occupiers of No.64 Maple Drive on the opposing side of the street have raised privacy and overlooking concerns. 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. The bungalow is single storey and therefore openings are only within the ground floor. 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, roof enlargements or rooflights are not added under permitted development as they could result in privacy concerns for neighbours.

7. Conclusion

7.1. Overall a new plot can be brought forward which would be occupied by a bungalow 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 Strategy 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 Proposed Plans & Elevations Drawing No: 25 and Proposed Site Plan Drawing No: 24 received by the Local Planning Authority on 26 April 2017.
3. No development shall commence until full details of the colour, finish and texture of external facing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details.
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, enlargements, or roof alterations shall be carried out to the new dwelling hereby approved which come within Class A, B, C, or D 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 until the driveways and parking areas have been provided and are surfaced in a hard bound material (not loose gravel) as indicated in the Proposed Site Plan Drawing No: 24. 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 Proposed Site Plan Drawing No: 24. 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. No such details were submitted, in the interests of the appearance of the dwelling 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). The requirement is to be satisfied before construction begins in order that potentially abortive works are avoided, if unacceptable materials are used.
4. In the interests of retaining a spacious plot where future occupiers have a satisfactory degree of amenity and to protect the privacy of neighbouring properties. This condition accords with the aims of Saved Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategies (2014).

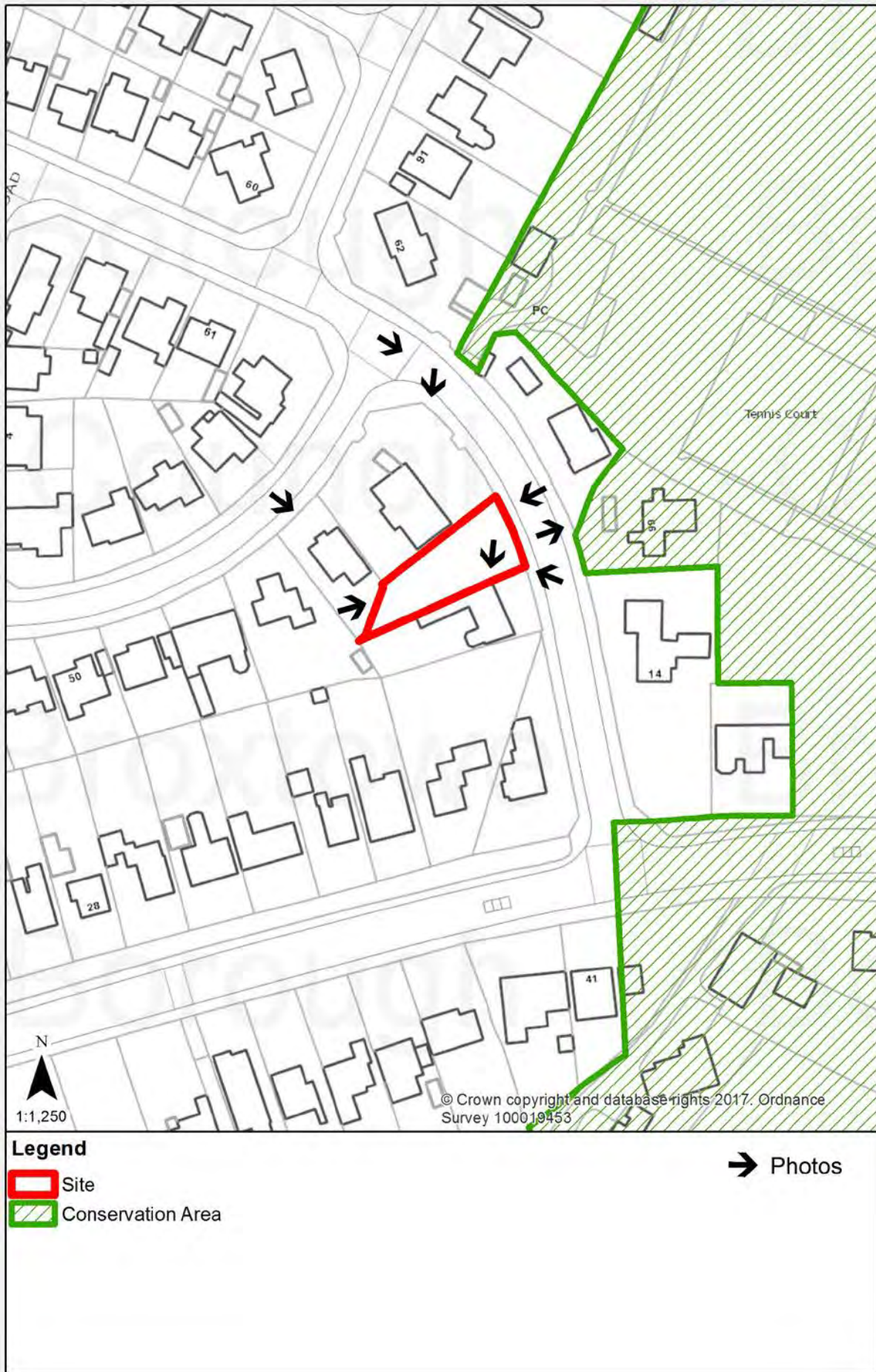
5. To reduce the possibility of deleterious material being deposited on the public highway and in the interests of highway safety.
6. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Saved Policy H7 of the Broxtowe Local Plan (2004) and 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 agree solutions and clarify information. There would have been sufficient time to negotiate amended plans if required.
2. Notice will be served on the developer to purchase the first time provision of bins. Bins will need to be placed at the curtilage of the property on Maple Drive 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/development-in-former-coal-mining-areas/>

Background papers

Application case file



Report of the Director of Legal and Planning Services

**17/00285/FUL
PROPOSED BUNGALOW
LAND TO THE REAR OF 51A AND 51B MILL ROAD, NEWTHORPE**

Councillor M Radulovic MBE has requested that this application be determined by Committee.

1. Details of the application
 - 1.1 This is a revised application, following an appeal, for the construction of a single-storey dwelling, on land to the rear of 51a and 51b Mill Road. Access would be gained by way of a drive between the existing frontage properties.
 - 1.2 The proposal is a L-shaped, single-storey, 3-bedroom dwelling, with a hipped roof. The dwelling would be positioned towards the rear of the existing gardens, in proximity to 11 Kirby Close and wrapping around the boundary with 53 Mill Road.
 - 1.3 This proposal seeks to address the reasons for refusal of an earlier application, which was subsequently dismissed on appeal.
2. Site and surroundings
 - 2.1 Mill Road is located within a residential area, which largely consists of detached and semi-detached, two and single storey dwellings with relatively large gardens. There is a variety of styles and architectural form within the area and a mixed pallet of materials is used. 51b is a two storey dwelling and 51a and 53 Mill Road are bungalows, each of differing design. 11 Kirby Close, the adjoining two-storey dwelling to the west, has a blank elevation facing the application site.
 - 2.2 The site is an approximately 0.054 hectare grassed plot which utilises land from both 51a and 51b Mill Road. The site itself slopes upwards toward the South West and sits significantly higher than the bungalows at 51a and 53 Mill Road. 11 Kirby Close is at a slightly higher level than the application site. Photographs of the site are set out below.



Access to site between nos. 51a and 51b



View from site looking towards no. 53



View from the access towards the site of the proposed bungalow .



View from the rear garden of no. 53 looking towards the application site.

3. Relevant planning history

3.1 A planning application to construct a dwelling' (ref: 16/00037/FUL) was refused at Planning Committee on 20 April 2016 for the following reason:
"The proposed development, by virtue of its massing, scale and proportions would have an un acceptable impact on ne ighbouring amenity contrary to Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014)".

3.2 A revised application (ref: 16/00464/FUL) was also refused – contrary to recommendation - at Planning Committee on 13 October 2016 for the following reason:

"The proposed development, by virtue of its massing, scale, proportions and siting would have an unacceptable impact on neighbouring amenity contrary to Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014)".

3.3 An appeal against the above application was dismissed on 6 March 2017. The Inspector concluded: *"Taking into account the difference in land levels, the overall length of the proposed side elevation and the height of the existing fence, I consider that the dwelling would have a significantly overbearing impact upon the occupiers of No 53 Mill Road, particularly when viewed from*

the garden area and the ground floor kitchen, lounge and conservatory windows”.

- 3.4 *“For the reasons outlined above, and subject to the imposition of a number of planning conditions, the proposal would not have a significantly adverse impact upon the living conditions of the occupiers of the two host properties or No 11 Kirby Road in respect of light, outlook and privacy. However, whilst the proposal would not result in a material loss of light or privacy for the occupiers of No 53 Mill Road, it would have a significantly detrimental impact upon the occupiers of this property in terms of loss of outlook. Therefore, and for this reason, I conclude that the proposal would not accord with the amenity aims of saved Policy H7 of the Broxtowe Local Plan 2004 (LP) and Policy 10 of the Broxtowe Aligned Core Strategy 2014”.*

4. Policy context

4.1 National policy

- 4.1.1 The National Planning Policy Framework (NPPF) March 2012, contains a general presumption in favour of sustainable development whereby planning permission should be granted 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.

- 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.

4.2 Core Strategy

- 4.2.1 The Council adopted the Core Strategy on 17 September 2014 and the overall strategy of this document is “urban concentration with regeneration”. ‘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 up to 1,250 are in or adjoining the existing built up area of Eastwood) and outlines a settlement hierarchy.

- 4.2.2 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.

4.2.3 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.

4.3 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 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.

4.3.3 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.

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

5. Consultations

5.1 Comments from the following consultees are awaited and will be reported at Committee: Nottinghamshire County Council Highway Authority and the Council's Tree Officer. No objections were raised regarding the previous scheme, other than seeking the imposition of Conditions.

5.2 The Council's Environment and Business Manager has no planning objections but has made comments relating to refuse collection from the proposed bungalow.

5.3 Eastwood Town Council's comments are awaited. Regarding the previous scheme, they raised no objections to the development subject to there being no objections from neighbours.

5.4 There were 9 letters of objection to the previous scheme. At the time of writing, 6 letters of objection and a petition of 37 names have been submitted from local residents regarding the current proposal. The main planning objections being:

- Proposal already refused by Committee and at appeal.
- Proposal is contrary to Development Plan policy.
- Proposal does not address or overcome Inspector's comments; it will still be overbearing on the adjoining neighbour.

- The only proposed change with the current scheme is the omission of the garage, which may be built later.
- The new building is on “greenfield” land, not allocated for housing purposes.
- The proposed development does not reinforce valued local characteristics or protect important views and vistas.
- Amenity value of private gardens would be lost through a loss of privacy and overbearing nature.
- Over-development of site. Insufficient garden area left for frontage bungalow.
- Proposed skylights will lead to a loss of privacy to future occupiers.
- Removal of trees will lead to loss of bat roosts.
- Nuisance from construction noise, dust and disturbance.
- Loss of open outlook for neighbours.
- Noise, vehicle movements and other activity will cause unacceptable intrusion into this quiet residential area.
- Proposal may lead to increased on-street parking, which would cause highway safety issues.
- The other nearby backland plot (12 Kirby Close) was built at the same time as the Kirby Close development and should not be used as a precedent.
- Proposed plans are misleading and inaccurate. This has the erroneous effect of making the proposal appear better screened and less congested.
- Applicant has not amended the proposal to take into account neighbour’s concerns.
- Concern at proposed drainage. Alleged that a proposed soak away will create drainage problems.
- Concern at stability of ground and impact of the proposal on existing retaining structures.

6. Appraisal

- 6.1 The consideration of this revised application has to take into account the design of the proposed dwelling, its impact on the character of the area, and its impact on neighbouring amenity and that of future occupiers. Consideration must also be given to environmental concerns and the highways implications of the development.
- 6.2 However, these considerations have already been assessed by the Appeal Inspector and not found to be unacceptable. Therefore, the most significant material consideration relates to the reason why the Inspector dismissed the earlier appeal. This relates wholly to the potential overbearing impact and loss of outlook to the occupiers of no. 53 Mill Road, which the Inspector concluded would have a significantly detrimental impact upon the occupiers of that property.
- 6.3 This revised proposal amends the previous scheme refused in October 2016 and subsequently dismissed on appeal. The proposal has attempted to

address the Appeal Inspector's concerns and has removed the double garage. The proposed northwest elevation (facing no. 53 Mill Road) has been reduced in length by 4.5m, and is now 12.5m long, in comparison to the 17m previously proposed in the appeal scheme. The only other changes to the previous scheme are the erection of a small gable roof above the bungalow entrance. The minor change to the roof design would have no adverse visual impact.

- 6.4 No. 53 Mill Road is a bungalow with a very large curtilage, incorporating a substantial wide rear garden. The rear garden is set approximately 1m lower than the application site, which has a retaining stone wall and a boundary fence above. No. 53 has a garage positioned alongside the boundary with the application site, which projects some 6m beyond the rear elevation.
- 6.5 The revised bungalow position would be approx. 19m from the southwest corner of no. 53. The proposed bungalow would be set back 2m from the site boundary. The boundary fence would partially screen views of the proposed bungalow and the shallow-pitched roof, sloping away from the boundary, would also reduce its visual impact. When viewed from the rear of the neighbour's property, the proposed bungalow would be seen against the backcloth of 11 Kirby Close, thereby mitigating its visual prominence. Therefore, despite the difference in ground levels, it is considered that there would not be such an overbearing impact on the occupants of this neighbouring property to justify a refusal.
- 6.6 In all the circumstances, it is considered that the revised scheme reduces the bulk and mass of the proposal to such an extent that it no longer would be considered to have an overbearing impact and that the outlook from the affected neighbours would not be unacceptable. Consequently, it is considered that the revised proposal is acceptable.
- 6.7 Concerns raised by other neighbouring residents, (relating to issues such as loss of privacy, noise nuisance and disturbance, introducing a sense of enclosure, loss of trees, harm to protected species and potential landslip) have been taken into account but these concerns have already been given full consideration by the Appeal Inspector and were not found to be sustainable.

7. Conclusion

- 7.1 In conclusion and having regard to all comments received and the relevant national and local plan policy it is considered this proposal to be 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 that 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 Location Plan (drawing ref: 2015/31/SLP), Block Plan (2015/31/SP Rev D) and Proposed floor plans and elevations (2015/31/P3) received by the Local Planning Authority on 24 April 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 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 hard surfacing treatment,
 - (d) planting, seeding/turfing of other soft landscape areas,
 - (e) proposed retaining walls or similar structures and boundary treatments.

The approved scheme shall be carried out strictly in accordance with the approved details.
5. 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.
6. The dwelling shall not be occupied until the car parking spaces as shown on the approved plan (2015/31/SP Rev D) are constructed and available for use for the existing dwelling.

- 7. The dwelling shall not be occupied until the driveways, parking, turning and servicing areas have been constructed in a hard bound material (not loose gravel) so as to prevent the unregulated discharge of surface water therefrom onto the public highway. Details shall first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.**
- 8. The dwelling shall not be occupied until the dropped vehicular footway crossing has been extended and is available for use and constructed in accordance with the Highway Authority specification.**
- 9. Notwithstanding the provisions of the Town & 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 dwelling hereby approved, which fall within Classes 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.**

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 work 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 potentially abortive works are avoided and to ensure that any important tree or plant species are adequately protected.**
- 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 (2014).**
- 6. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.**

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.
8. In the interests of highway safety.
9. In the interests of retaining a sufficiently spacious plot, where occupiers have a satisfactory degree of amenity, and to protect the privacy of immediate neighbouring properties. This Condition accords with the aims of saved Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).

Notes to Applicant:

1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by negotiating amendments with the applicant to address neighbouring amenity concerns.
2. The proposal makes it necessary to widen the vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway's Authority. You are therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80
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/>
4. The developer is reminded of his legal obligation to stop work immediately should any bats be encountered during the building of the proposed extension. The Bat Conservation Trust should be contacted on 08451300228 for further advice in the event of bats or bat roosts being found.

Background papers

Application case file 17/00285/FUL



Report of the Director of Legal and Planning Services

17/00029/FUL**CONSTRUCT TWO DORMER BUNGALOWS WITH DETACHED GARAGE BLOCK AND ASSOCIATED LANDSCAPING, ERECTION OF NEW BOUNDARY TREATMENTS AND WIDENING OF ACCESS LAND TO THE REAR OF 53 KIMBERLEY ROAD, NUTHALL, NOTTINGHAMSHIRE NG16 1DA**

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.53 Kimberley Road in conjunction with including land associated with Temple Lake House No.53A Kimberley Road to bring forward 2 new residential plots. The application site is therefore made up of garden land and all existing outbuildings would be demolished.
- 1.2. Both plots would each be occupied by a detached 3 bedroom bungalow. The largest bedroom would be accommodated within the roof space, in plot 1 served by a single dormer and in plot 2 served by two dormers.
- 1.3. The development includes a proposed shared garage block which would be constructed on a section of land currently fenced off as garden and over part of a block paved parking area owned by the occupiers of Temple Lake House No.53A.
- 1.4. As part of the plans the access from Kimberley Road would be widened to a width of 5.3 metres for a length of over 6 metres in order to allow 2 vehicles to pass at the point of entry/exit into the site. New boundary treatments and landscaping is proposed as part of the scheme.

2. Amended plans

- 2.1. The original application proposed to bring forward 3 residential plots which would be occupied by a 2½ storey semi-detached pair and a 2½ storey detached dwelling. A prominent garage building with height to ridge of 4.6 metres was also proposed to serve these dwellings.
- 2.2. During the course of the application discussions have been held directly with the applicant which have resulted in the significantly revised scheme, before members for consideration. A full 21 day re-consultation has been undertaken for the amended plans.
- 2.3. The scheme under consideration includes two dormer bungalow plots with an associated detached garage block. A number of changes have been made to the scale, layout and design of the development. The garage has

been repositioned and features a lower pitch hipped roof. A strip of land within No.53 Kimberley Road's frontage is included within the application site to widen the access and provide collection day bin storage. Landscaping and boundary treatment details have been included on the plans and the description updated to reflect the amended scheme.

3. Site and surroundings

3.1. No.53 Kimberley Road is a detached bungalow set-back from the main highway. Directly to the west of No.53 is a private access road which provides a straight route over 100 metres long to Temple Lake House No.53A. A block paved area allows a vehicle to stand clear of the public footway before reaching electric opening gates which secures this private access.

View of No.53 Kimberley Road and side private access which leads to Temple Lake House↓



View from the private access looking north towards the rear elevation of No.53↓



↑Section of land which is currently used by the occupiers of Temple Lake House for parking vehicles.



↑Existing outbuildings to the east of the private access which lie within No.53's garden would be demolished

3.2. The application site includes the private access road, a small narrow part of No.53's frontage, a large section of No.53's rear garden and sections of land to the south which are within the ownership and control of the occupiers of Temple Lake House No.53A. Temple Lake House No.53A is a prominent backland dwelling set with outlook over spacious grounds and Temple Lake.

3.3. The access from Kimberley Road would continue to serve Temple Lake House No.53A however this property also has access rights via another private access to the southwest from Edward Road. This access from Edward Road serves a backland residential property The Old Orchard No.7B Edward Road. No.7B is a bungalow where its own curtilage is tightly drawn around the fairly large footprint of the building. No.7B's main open frontage area to the south is overlooked by the side façade of Temple Lake House. Beyond No.7B's east curtilage boundary is the section of the application site where the garage block is proposed.



↑View from the application site of the side elevation of The Old Orchard No.7B Edward Road



↑View of the northern façade of Temple Lake House which faces No.7B Edward Road



↑Vacant parcel of land to the west of the access and view of No.55 Kimberley Road's rear elevation.



↑Properties to the east including No.51 & No.49 Kimberley Road have long gardens and to the south have a view of the enclosure to the historic walled garden

3.4. The main section of the application site is No.53's garden land where beyond the east boundary there are similar long gardens for the line of properties which front Kimberley Road. No.51 and No.49 Kimberley Road to the east have spacious rear gardens over 50 metres long. To the west of the application site is No.55 Kimberley Road's rear garden. To the south of No.55's curtilage there is a parcel of land which is overgrown and vacant. It is understood that this land is not within the ownership of No.55 and is not currently used as part of any residential curtilage.

- 3.5. The entire application site does not fall under any specific designations and is outside of the Green Belt, Nuthall Conservation Area and the Mature Landscape Area. The Conservation Area boundary is to the south and includes Temple Lake House. The Green Belt boundary and Mature Landscape Area boundary is further to the south beyond the southern façade of Temple Lake House.
- 3.6. Generally the backland area which the application site is surrounded by is characterised by gardens with a green feel however plots do include ancillary outbuildings and domestic paraphernalia.
- 4. Policy context
 - 4.1. Broxtowe Local Plan 2004:
 - 4.1.1. 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.
 - 4.1.2. 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.
 - 4.2. Aligned Core Strategy 2014:
 - 4.2.1. Policy 2 – The Spatial Strategy: within the distribution lists for new homes Kimberley would have up to 600 homes.
 - 4.2.2. 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.
 - 4.2.3. 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.
 - 4.2.4. 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.

- 4.3. National Planning Policy Framework (NPPF) 2012:
 - 4.3.1. 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.
 - 4.3.2. 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.
 - 4.3.3. 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.

5. Planning history

- 5.1. In 1994 under application ref: 94/00560/OUT permission was refused for 2 detached bungalows to the rear of No.53 & No.55 Kimberley Road on grounds that the proposal would constitute a piecemeal development in a backland location and would also fail to meet the access and parking standards of the Highways Authority.
- 5.2. In 2004 an application under ref: 04/00309/FUL was refused for a bungalow on the southern section of the application site to the east of the access lane. Within the Officer Appraisal it was stated that the dwelling would appear to comply with planning policy for infill sites and the impact on residential amenity of neighbouring dwellings would not be significant. However, the site would share curtilage with the six bedroomed 2 storey Temple Lake House which had not yet been constructed at that time. The application was therefore refused on the grounds that it would prejudice the setting of an approved dwelling (Temple Lake House No.53A Kimberley Road), and there would be insufficient amenity space for new occupiers.

6. Consultations

- 6.1 The County Highways Authority has no objections to the proposal subject to conditions relating to the widened access being available for use and an informative.
- 6.2 No response has been received from the Council's Heritage Adviser.
- 6.3 The Council's Refuse and Cleansing Manager has raised no concerns. Bins would need to be put at the kerbside on collection day. An informative should be added to any decision notice advising the developer to purchase the first time provision of bins.
- 6.4 Nuthall Parish Council have objected to the amended plans on highways grounds as the passing place is too near the junction and may cause danger

on the exit to Kimberley Road. The planned change to make Edward Road the main access for Temple Lake is also of concern.

6.5 Nuthall Parish Council also objected to the original plans on the grounds that the development would impinge of the amenity of neighbouring properties, would be over intensification of the site and there would be poor vehicular access.

6.6 The occupiers of Temple Lake House No.53A Kimberley Road and the occupiers of No.53 Kimberley Road are both in support of the application.

6.7 Five objections have been received from occupiers of nearby dwellings for the amended plans. The concerns which have been raised include:

- Buildings are still too high and three times the height of any fence
- Development will overwhelm and visually ruin a semi-rural well maintained area of long gardens.
- Plot of land opposite should be utilised as part of the development to make it more spacious.
- Access and exit issues on Kimberley Road.
- Highways safety concerns due to widened access.
- Trees have already been lost
- Concerns with traffic generation and will add to congestion issues
- Dwelling 2 is too close to the boundary
- Roof windows should be removed as they will cause loss of privacy
- New boundary treatments inadequate
- Noise from development
- Will set a negative precedent as it is a backyard development
- Development is shoehorned in and a much better scheme is available by including more gardens
- Overlooking concerns

6.8 Eight objections were received from occupiers of nearby dwellings for the original plans for three 2½ storey dwellings. In addition to the concerns raised above for the amended plans issues which have been raised include:

- Site history and example from Temple Lake has been ignored.
- Does not comply with planning guidelines
- Harm to Conservation Area and Green Belt
- Overbearing impact of garage block
- Loss of light
- Properties will overshadow neighbouring garden areas
- Development would be out of character
- Total loss of privacy and overlooking issues
- External facing materials would not appear in keeping
- Noise, smell and disturbance from proposal
- Sense of enclosure
- No economic benefit to surrounding properties

- Lane is not wide enough for emergency services

7 Appraisal

- 7.1 The main issues relate to potential harm upon the character of the area and impact upon residential amenity.
- 7.2 The application site falls within the ward of Watnall and Nuthall West whilst also falling within the urban settlement of Kimberley. All of the settlements 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. 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 new residential plots on this site is therefore generally acceptable if the proposal accords with the specific criteria of Saved Policy H7.
- 7.3 Any application should first be determined in line with the Local Development Plan with the NPPF as an obvious material consideration. In this case there is some planning history which should also be given consideration. In 2004 prior to the NPPF an application under ref: 04/00309/FUL was refused by the Council. This application was for a bungalow in a similar location as the proposed plot 2 within this new scheme. That application was refused on the grounds that a new dwelling would prejudice the setting of an approved dwelling Temple Lake House and there would be insufficient amenity space for new occupiers. It is understood that Temple Lake House was not yet built at the time that application was determined. As marked by the blue line on the Site Location Plan the applicant owns Temple Lake House which includes its spacious setting and gardens to the south. Temple Lake House is a manor style building however it does not hold any special architectural value except for its prominent scale and size. There is also no real experience of seeing the building when approaching from Kimberley Road via the private access. Therefore it is considered that Temple Lake House would continue to appear unrelated to the application site as its main façade and setting is to the south within its own spacious grounds. The new plots within the application site would have a more direct relationship to immediate neighbouring gardens.
- 7.4 The scheme is within a backland area and would rely on the private access road from Kimberley Road. The surroundings are characterised by gardens with a green feel which also feature some ancillary outbuildings and domestic paraphernalia. The scheme has been reduced to 2 plots in order to balance the opportunity of the site and still ensure a layout which brings forward new homes. In terms of the proposed footprint it is acknowledged that within gardens outbuildings have the potential to be larger than the host property and generally the principle of buildings within gardens is not wholly unacceptable. During the course of this application the applicant has accepted that buildings of 2½ storeys would not be supported because they are better suited to fronting an active street scene where they can form part

of a corresponding line of properties. In a backland area bungalows are a more reasonable approach and within the amended scheme it is considered that overly large footprints have been avoided. In order to ensure that the bungalows would still be attractive to the local housing market each would accommodate three bedrooms by utilising the roofspace. It is considered that a satisfactory bungalow design has been achieved with simple massing and external facing materials have been clarified on the plans in order to avoid pre-commencement conditions. Excessive detailing which draws attention has been avoided whilst the proposed dormers are not overly large or bulky and are positioned to complement rather than dominate the roof.

7.5 With regards to the garage block it is considered that the scale, size and design now represents the intended use and the low pitch hipped roof ensures that it appears a single storey building. The external facing materials would be of a matching type to the proposed bungalows which would ensure that the garage block appears as a sympathetically related ancillary outbuilding. Overall it is considered that there are insufficient grounds to refuse the scheme based on an unappealing design or layout.

7.6 It is considered that a distinction should be made between character of the area which is a planning consideration and loss of view which is not. In terms of the character of the area it is accepted that the backland area is dominated by gardens which creates a green feel. The scheme would retain garden areas for No.53 Kimberley Road and gardens for the new plots. In order to ensure that gardens remain as open areas permitted development rights can be removed for any further extensions and for erecting outbuildings. The area does have infill type development and the hipped roofscape of Temple Lake House is visible from nearby properties. The Old Orchard No.7B Edward Road is an infill bungalow with a hipped roof which is also surrounded by neighbouring gardens. In terms of the experience of the area the private access includes sections of stone wall which would be retained as clarified within the plans whilst the characterful aspects of Nuthall Conservation Area are outside of the application site with the view of the key historic walled garden further to the southeast. The Mature Landscape Area is also not perceived from the application site and the proposed layout aims to front the access drive rather than to affect the setting of Temple Lake House and its grounds. With this in mind it is considered that the scheme for new infill plots occupied by dormer bungalows with hipped roofs would satisfy specific 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.

7.7 From neighbouring properties to the east including No.51 and No.49 Kimberley Road the outlook and views of the area are looking to the south and towards the historic walled garden and generally the arrangement is for properties with garden views southwards rather than relying on views to the east and west. It is considered that neighbouring properties No.51 and No.49 would continue to enjoy outlook over their own garden areas and views to the south would not be directly affected by the scheme. The fact that roofscape of the new bungalows would be visible is insufficient reason to

justify a refusal of planning permission in the absence of any undue impact on neighbours.

- 7.8 Within neighbour representations comments have been received that the development would set a negative precedent whilst the scheme is also piecemeal and shoehorned in. It is also claimed that this scheme would hinder the potential for a more comprehensive development which utilises more of the nearby gardens including the overgrown parcel of land to the west of the access drive. It is accepted that acquisition of more land could benefit the layout however the merits of the scheme are based around the readily available access from Kimberley Road. At this stage with different landowners there is no guarantee that a more comprehensive scheme could ever come forward. This scheme is assessed on its own merits and generally backland developments outside of the Green Belt can in some part address housing need and bring forward new homes which complement the market.
- 7.9 The bungalows have been designed with habitable rooms served by windows which have outlook over open space within each plot. The upper floor would be served by rooflights and dormers to maximise light. Rear conservatories have also been included whilst shed/storage space would be within the shared garage outbuilding. In the interest of retaining open areas within new plots it would be reasonable to remove permitted development rights for any future extensions, enlargements and for erecting outbuildings. Bungalows generally tend to have a larger demand on footprint however the dormer design with bedroom within the roofspace helps to ensure that both plots have adequate open areas for new occupiers. With regards to the relationship between plots it is not ideal that within plot 1 to the north the dormer is within the south roofslope as it would face plot 2. However, there is a separation distance between this dormer and plot 2's garden of over 10 metres. The dormer window is also a small 2 panel type and in any case new occupiers would purchase a new build property knowing the level of privacy and relationship to other new builds as part of the same scheme. With this in mind it is considered that there are insufficient grounds to refuse the application based on inadequate standard of amenity for new residents.
- 7.10 Within representations received traffic and highway safety concerns are also raised as key issues. However, by working closely with the County Highways Authority and applicant the requirements for improving the access have been negotiated. The Highways Authority has confirmed no objections to the proposal and is satisfied that the widened access would allow 2 cars to pass by with sufficient space so as to stand clear of the public footway. A turning area is also included between the new plots to ensure that vehicles can manoeuvre and exit onto the main highway in a forward gear. In terms of parking Temple Lake House would retain sufficient parking areas within its own curtilage. It is considered that the scheme layout would accommodate adequate parking provision off-street for the new plots in line with Saved Policies H7 & T11 & Appendix 4 of the Local Plan. With these points to mind 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.

- 7.11 The impact upon neighbouring amenity has been carefully assessed and separate site visits have been made to surrounding neighbouring properties in order to appreciate the concerns raised. The proposed bungalows would not be in direct close proximity to the habitable room windows of any neighbouring dwellings and properties to the east and west on Kimberley Road have spacious gardens. In built form the bungalows may overshadow some parts of the garden areas however due to the spaciousness of neighbouring residential curtilages and the main dwellings not being in close proximity it is considered that there are insufficient grounds for a refusal based on loss in daylight/sunlight.
- 7.12 In terms of the proposed garage block this would be positioned close to the boundary with The Old Orchard No.7B Edward Road. No.7B has windows within the east side elevation which serve a dining area that is open plan onto other living areas in addition to windows serving other rooms. These windows are in direct close proximity to the boundary treatment with the application site. The boundary treatment includes a 1.8 metre high fence with a hedge facing the application site. These windows already suffer from a lack of light due to the close proximity to the boundary treatment. It is considered that these windows are secondary sources of daylight/sunlight as they rely solely on outlook from outside of No.7B's own site. Taking this into account the garage has still been designed to be neighbourly to No.7B. A gap of 2.5 metres would be maintained between the rear wall of the garage and the boundary with No.7B whilst the height to eaves would not be overly prominent at 2.3 metres. The hipped roof with low pitch would also slope away from this neighbour. With this in mind it is considered that there are insufficient grounds for a refusal based on loss of daylight/sunlight.
- 7.13 Generally the gardens of properties to the east and west including No.55, No.51 & No.49 Kimberley Road are enclosed by 1.8 metre high fences or vegetation and hedges. The proposed bungalows have been designed with fairly low eaves at 2.5 metres which is not considerably higher than a normal domestic boundary treatment. The bungalows do feature first floors however they would be limited to within the roofspace. The hipped design would ensure that the roofs slope away from neighbouring properties and both bungalows have been positioned with a gap retained to the east curtilage boundary with No.51 Kimberley Road whilst to the west the access drive would provide a buffer to No.55 Kimberley Road. Additionally taking into account the spacious residential curtilages of these neighbouring properties it is considered that the scheme as proposed has been designed to be neighbourly and there are insufficient grounds for a refusal based on any overbearing sense of enclosure to neighbours.
- 7.14 By working closely with the applicant the positioning of openings within the bungalows has been sensibly placed and the intention is to ensure that windows maximise outlook over their own respective plot rather than relying on neighbouring sites for daylight/sunlight. Both bungalows would feature a

single rooflight within the north roof slope. This type of opening is generally acceptable as it would slope away and has been positioned away from the eaves. These rooflights would also face garden areas within the new plots. Similarly the dormers are all of a 2 panel type and in plot 1 to the north has been positioned with outlook over a garden area. Within plot 2 to the south the dormer within the west roof slope would provide surveillance over the new garage block. The dormer within the south roofslope would not directly face a neighbouring dwelling. Any future dormers or rooflights would be resisted and can be suitably controlled via a planning condition in the interests of protecting neighbouring gardens from any further openings at first floor level. It is considered that there would be insufficient grounds to refuse the scheme based on unacceptable invasion of privacy or undue overlooking to neighbours. 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).

8 Conclusion

- 8.4 Overall it is considered that a reasonable balance has been achieved which takes account of the opportunity that the site offers whilst respecting the backland location and neighbouring gardens. The scheme has a suitable layout and new homes would be brought forward where the character and appearance of the area would not be significantly harmed and the amenity of neighbouring occupiers would not be adversely affected. Furthermore the access arrangements have been suitably addressed as per the recommendation from the Highways Authority. Accordingly it is considered that the proposal does not conflict with Saved Policies H7 & T11 of the Broxtowe Local Plan 2004, Policies 2, 8, 10 & 11 of the Aligned Core Strategy 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 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 Site Location Plan Drawing No: 1606(P)01a, Amended Proposed Access Plan Drawing No: 1606(P)30d, Amended Boundary Plan Drawing No: 1606(P)31g, Amended Entrance Plan Drawing No: 1606(P)32, Amended Proposed Ground Floor Plan Drawing No: 1600(P)33c, Amended Proposed First Floor Plan Drawing No: 1600(P)34b, Amended Proposed Roof Plan Drawing No: 1600(P)35b, Amended Proposed Elevations Drawing No: 1606(P)37a & Amended Proposed Elevations Drawing No: 1606(P)36b received by the Local Planning Authority on 24 April 2017.**

- 3. 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, enlargements, outbuildings or roof alterations shall be carried out to the new dwellings hereby approved which fall within Class A, B, C, D or E 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.**
- 4. None of the dwellings hereby approved shall be first occupied until the widened dropped vehicular footway crossing is provided in accordance with the Amended Proposed Access Plan Drawing No: 1606(P)30d & Amended Entrance Plan Drawing No: 1606(P)32 and constructed to the Highways Authority specification.**
- 5. The dwellings hereby approved shall not be first occupied unless the driveways and parking areas have been provided and are surfaced in a hard bound m aterial (not loose gravel) as indicated in the Amended Proposed Access Plan Drawing No: 1606(P)30d & Amended Proposed Ground Floor Plan Drawing No: 1600(P)33c. The driveways and parking areas shall thereafter be drained to prevent the unregulated discharge of surface water onto the public highway.**

Reason:

- 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. In the interests of retaining spacious plots where future occupiers have a satisfactory degree of amenity and to protect the privacy of neighbouring properties. This condition accords with the aims of Saved Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).**
- 4. In the interests of highway safety**
- 5. To reduce the possibility of deleterious material being deposited on the public highway and in the interests of highway safety.**

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 applicant at the earliest opportunity to revise the scheme and negotiate an amended layout and design which is also more neighbourly.**


2. The proposal makes it necessary to widen the vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highways Authority. The developer is required to contact the County Council's Customer Services to arrange for these works to be carried out. They can be contacted via tel: 0300 500 80 80.
3. Notice will be served on the developer to purchase the first time provision of bins. Bins will need to be placed at the kerbside of Kimberley Road for collection.
4. 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/development-in-former-coal-mining-areas/>

Background papers
Application case file



Legend

-  Site
-  Conservation Area
-  Mature Landscape Area
-  Green Belt

 Photos

Report of the Director of Legal and Planning

**17/00183/FUL
 PROPOSED EXTENSION TO RESIDENTIAL CARE HOME TO
 PROVIDE 9 BEDROOMS, WITH ANCILLARY STORE, STAFFROOM
 AND LAUNDRY
 EASTWOOD HOUSE, 24 CHURCH STREET, EASTWOOD**

Councillor J K Marsters requested that this application be determined by the Planning Committee.

1. Details of the application

1.1 This application seeks consent for a 3-storey extension off the southwest corner of the existing Eastwood House Care Home. The extension, built into the existing sloping site would provide 5 bedrooms on the first floor, 4 bedrooms and an office on the ground floor, and a staff room, laundry and store at the basement level, set into the slope. A lift and stair case serves all floors.

1.2 The extension, built primarily of red brick, would have a main entrance adjacent to the main building, with a glazed, curtain wall corridor on the west side, providing access to the rest of the main building on two floors. The extension itself would be split into two elements, linked with a glazed/metal cladding central section.

1.3 The proposed extension would project out some 16m from the main building, at right angles to the southwest corner. The nearest corner would be 11m from the northwest corner of the adjoining bungalow (24a Church Street). The extension would be 5.8m high from the ground level of the main building and 7.8m at its highest point, due to the sloping ground levels.

1.4 Photographs showing the site are set out overleaf.



Main Site Entrance



Wall to be removed



Building Frontage



View from south end of Garden



Views towards nearest residential neighbours (24a Church Street)

1.5 As well as the two existing staff parking spaces, the proposed plans show the car park laid out to provide 8 visitor parking spaces (including 2 disabled spaces). Two proposed tandem spaces are shown adjacent to the main site entrance. The proposal also includes modifications to two entrances off Church Street. The existing pedestrian entrance is widened to give access to the refuse bin area. The existing main vehicular entrance is widened and the side wall removed, to give access to the proposed tandem parking.

2. Site and surroundings

2.1 Eastwood House comprises an existing 16-bed Residential Care Home, with grounds to the south, with a significant change in levels down to the adjacent bungalow (24a Church Street). There are mature, tall trees on the south boundary with the bungalow. The land to the west of the application site is open land which forms part of Springbank School.

2.2 The property is a non-designated building located within Eastwood Conservation Area. The application site is located in an area of mixed usage. Although primarily residential, there are numerous other service uses in the vicinity. These include St Marys Church, Springbank School, Church Street Medical Centre, Woolaton Village Day Nursery and Church View Dental Practice (immediately to the north of the application site).

2.3 The Conservation Area appraisal has described this part of Eastwood as having a “*rural village like character*” and that many of the properties are “*large detached “villa” type buildings set in their own grounds with mature shrubby gardens*”. The application building has been noted as contributing significantly to the character of the Conservation Area.

3. Relevant planning history

3.1 Change of use was granted for the Care Home in 1986 (planning application ref: 86/00044/FUL). Since then there have been several permissions for smaller extensions and minor alterations.

3.2 The most recent application for a 5-bed single-storey extension (ref: 16/00198/FUL) was refused at Planning Committee on 7 September 2016. The reasons for refusal were:

- Insufficient parking provision,
- Detrimental to the privacy and amenity of the occupants of 24a Church Street,
- Proposed materials and design would harm the character and integrity of the building, within the Conservation Area.

4. Policy context

4.1 Broxtowe Local Plan

4.1.1 Policy RC12 of the Broxtowe Local Plan (2004) states that the extension of nursing homes and other caring institutions will be permitted provided that the amenity and privacy of occupiers of nearby residential properties would not be adversely affected, the character of the surrounding area would not be unacceptably altered, appropriate provision for servicing, access and parking requirements would be made and that attractive outlooks from bedrooms and living rooms would be provided.

4.1.2 Local Plan Policy T11 and Appendix 4 establish the Council’s Parking Guidelines. A residential institution (Use Class C2) requires 1 visitor’s parking space per 5 bedrooms with staff parking to be addressed via a site-specific appraisal.

4.2 Adopted Core Strategy

4.2.1 Policy 10 (Design and Enhancing Local Identity) of the Adopted Aligned Core Strategy (2014) states that all new development should make a positive contribution to the public realm and sense of place, create an attractive, safe, inclusive healthy environment and also be adaptable to meet changing needs of occupiers. Development will be assessed in terms of massing, scale and proportion, materials, architectural style and detailing, the impact on the amenity of nearby residents or occupiers and the setting of heritage assets.

4.2.2 Policy 11 (The Historic Environment) of the Adopted Aligned Core Strategy (2014) states that proposals and initiatives will be supported where the historic

environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.

4.3 National Planning Policy Framework

4.3.1 The National Planning Policy Framework (NPPF) 2012, contains a presumption in favour of sustainable development whereby planning permission should be granted unless any adverse impacts of permitting the development demonstrably outweigh the benefits, or specific policies in the framework indicate development should be restricted.

4.3.2 The NPPF core planning principles require high quality design, good standards of amenity for occupants and that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

4.3.3 Section 7 of the NPPF relates to requiring good design for all development. Paragraph 61 requires connections to be made between people and places and the integration of new development into the natural, historic and built environment. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.3.4 Paragraph 131 of the NPPF seeks the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

4.3.5 Paragraph 137 states that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

5. Consultations

5.1 Nottinghamshire County Council Highways state that the proposed removal of the internal walls will create betterment to the access, which at present is very tight to access and exit. There appears to be 2no car parking spaces adjacent to the side of the building in a tandem arrangement, these spaces would be preferred to be used by the staff, as the front space would not be able to exit this space if a car was parked behind. However the internal parking arrangements do not affect the highway network as the proposal has provided 2 additional off street car parking spaces.

5.2 In view of the above, the Highways Authority would have no concerns in principle, subject to a condition which requires the parking, turning and servicing areas to be properly surfaced and the parking bays clearly delineated prior to the additional bed spaces being occupied.

- 5.3 The Council's Conservation officer has made the following comments: The application is located within the Eastwood Conservation Area. The design concept has taken into account the scale of the host building, and has provided an extension that remains subservient to the principal building. The design is contemporary, whilst utilising the existing predominant building material of a red brick. The design does not attempt to copy the existing. A previous extension built on the site in 2008 was designed to 'blend in' with the original, rather than clearly define the original building. The preferred conservation approach to new extensions to an existing building is now to produce high quality and sympathetic form and scale to what exists, using contemporary materials, design and techniques to ensure that each addition can be clearly defined as a new layer of the building's development.
- 5.4 The extension will be attached to the previous addition, therefore the principal elevation will not be affected directly through the proposed build. The building is the first property in the Conservation Area, as it is entered from the south, and the principal elevation can be observed due to its elevation position. The property is prominent and imposing, and was built with its orientation to take advantage of the views of the valley. The recessed entrance helps to provide a visual break between the existing and proposed extensions.
- 5.5 The Conservation Officer's main observation relates to the link section of the extension. She states: I suggest consideration is given to changing the design and materials to the front (east) elevation of the link. I consider that the rear (west) elevation is a more interesting design and clearly defines the original and new by providing a lightweight link section in glass. I suggest that the link to the front is also constructed of glass, with a similar appearance to the rear. It would also remove the issue of introducing a new brick wall against an existing, where bricks may not match or tie in.
- 5.6 A site notice has been posted and eight neighbours have been notified directly. Seven letters of objection have been received from local residents (two from the same objectors). The following planning considerations have been raised:
- Extension would be out of keeping with the character of the Conservation Area.
 - Design and proposed materials of the extension are out of character with the main building. Particular concerned that proposal would introduce an unacceptable "terracing effect".
 - Insufficient car parking provided, which – due to the other surrounding serviced uses - will exacerbate the existing local problems of congestion and on-street parking.
 - Proposal detrimental to amenities of adjoining residential neighbour, by creating a sense of enclosure and potential overlooking.
 - Tandem parking would be better provided for staff, as care home staff tend to park on-street.
- 5.7 Some comments have been made concerning the property grounds and the lack of maintenance of the existing trees. It has also been suggested that the

extension would lead to a loss of view. These are not material planning considerations.

- 5.8 Informal comments made by the adjoining residential neighbour (at 24a Church Street) intimate that they are concerned that the proposal may exacerbate concerns about land slippage but also that the trees on the site boundary may constitute a “high hedge”. Should a relevant complaint be upheld, the hedge may need to be reduced in height. This may have a resultant increased impact from the proposal. Land slippage concerns are essentially a civil matter.

6 Appraisal

- 6.1 This application seeks consent for a remodelled extension to this Care Home. The current proposal seeks to overcome the previous reasons for refusal. In which respect, the proposal seeks to provide additional car parking. It provides a design and materials more in keeping with the existing building and the Conservation Area, and it improves the relationship with the adjoining residential property.

6.2 Parking

- 6.2.1 The proposed plans have been amended and show the car park laid out to provide 4 staff and 6 visitor parking spaces (including 2 disabled spaces). Two proposed tandem staff spaces are shown adjacent to the main site entrance. The proposal also includes modifications to two entrances off Church Street. County Highways confirm that the proposals will improve the accessibility of the site and, although they have concerns about the tandem parking, the numbers of spaces provided now comply with their previous guidance. Consequently, they do not object in principle, subject to a condition relating to the parking, turning and servicing areas.

- 6.2.2 As much as there is concern expressed by local residents concerning congestion and on-street parking, the Care Home is one of a number of services which could be contributing to these problems. It can reasonably be assumed that the worst problems are caused by children being dropped-off and picked-up from school and by visitors to the health centre and dental practice for short-term appointments.

- 6.2.3 The applicant’s agent has previously confirmed that most of the staff walk or take public transport to and from work and that none of the residents drive. The agent has stated that not all the spaces on site are used at any one time at most of the time there are a minimum of two free parking spaces. The proposal now complies with the Local Plan Parking Guidelines and no objections have been raised by County Highways.

6.3 Residential amenities

- 6.3.1 The previous proposal was considered to be detrimental to the privacy and amenity of the occupants of 24a Church Street, by reason of the siting and design of the extension and its proximity to the site boundary.

- 6.3.2 The proposed extension would project out some 16m from the main building, at right angles to the southwest corner. The nearest corner would be 11m from the northwest corner of the adjoining bungalow (24a Church Street). The extension would be 5.8m high from the ground level of the main building and 7.8m at its highest point, due to the sloping ground levels.
- 6.3.3 Although the proposal would be marginally closer to the neighbours, the proposed extension would now be located in a different position. It no longer encroaches into the narrow area of grounds immediately to the west of the neighbour. The proposal would be in a raised position closer to the main building and is currently significantly screened by the tall, mature, conifer trees on the site boundary. Should these trees be retained then the views into the neighbour's garden would be largely protected and any direct impact of the proposed extension would be significantly reduced.
- 6.3.4 Regarding the possibility that the trees on the site boundary may constitute a "high hedge", at present, no formal complaint has been received. Furthermore, it is unclear whether - in accordance with the legislation - the conifer trees constitute a "high hedge". Additionally, as the trees are to the north of the neighbour's land, then they do not result in any overshadowing or loss of light. It is therefore uncertain as to whether a "high hedge" complaint would lead to the significant reduction of these trees.
- 6.3.5 The plans have been amended to change the staff room external doors to a window, to avoid concerns relating to noise and disturbance caused by staff members having ready access to the external loggia, which is in close proximity to the residential neighbours. The applicant has also confirmed that they are happy for conditions to be imposed requiring the southern windows to the extension at first floor are to be obscure glazed, and formalising a staff smoking area (away from the residential neighbours).

6.4 Design and Visual Impact on Conservation area

- 6.4.1 The proposed extension, built primarily of red brick, would have a main entrance adjacent to the main building, with a glazed, curtain wall corridor on the west side, providing access to the remainder of the building on two floors. The extension itself would be split into two elements, linked with a glazed/metal cladding central section.
- 6.4.2 Although the property is not a Listed Building, it is still considered to make a positive contribution to the character and appearance of the Conservation Area. It is considered that the proposed extension to the property is an acceptable addition.
- 6.4.3 The proposed extension has been significantly re-styled. It would have a more traditional bulk, mass and appearance than the previous long, contemporary, single-storey proposal. The use of red facing bricks would be in keeping with the visual character of the main building. The contemporary glazed curtain wall would be on the west side of the development, facing land outside the Conservation Area.

6.4.4 The Conservation Officer considers that the proposal is acceptable in principle. Particularly, the design concept has taken into account the scale of the host building, and has provided an extension that remains subservient to the principal building. The design is contemporary, whilst utilising the existing predominant building material of a red brick. In all the circumstances, it is considered that the proposed extension would be in keeping with the visual appearance of the Conservation Area and that the proposed design would be acceptable.

6.4.5 To address the concerns of the Conservation Officer, the elevational details of the link between the main building and the proposed extension have been amended. The amended plans now show the provision of glazed curtain walling above the entrance, which also includes a change of existing bedroom layout to accommodate the glazing detail.

7. Conclusion

7.1 Neighbours and consultees have been notified of the amendments and any further responses relating to the amendments will be reported at the meeting.

7.2 It is considered that the proposal would be an acceptable extension to this property in the Conservation Area; that it complies with the approved Parking Guidelines; and that it would not result in any significant overlooking or overbearing to neighbouring occupiers which would warrant the refusal of the application. It is not considered that there are any other material considerations which would justify the refusal of this application.

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 following drawings:

Location Plan (drawing ref: L4166/001A); Site Layout Plan (drawing ref: L4166/002F); Proposed elevations (drawing refs: L4166/012 and /014); and Proposed Basement Plan (drawing ref: L4166/001A); received by the Local Planning Authority on 20 March 2017. Existing Layout and Elevations (drawing ref: L4166/013); received by the Local Planning Authority on 27 March 2017. Proposed elevations (drawing refs: L4166/014) received by the Local Planning Authority on 3 April 2017. Proposed Ground Floor and Parking Layout Plan (drawing ref: L4166/006G); Proposed elevations (drawing refs: L4166/010A); Proposed Basement Plan (drawing ref: L4166/007G); Proposed elevations (drawing refs: L4166/009F); Proposed External 3D Views (drawing ref: L4166/011A), and Proposed First Floor Plan (drawing ref: L4166/008G); received by the Local Planning Authority on 22 May 2017.

- 3. The additional bed-spaces hereby approved shall not be occupied until the proposed additional car parking spaces are available for use, and the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number L4166/006F. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.**
- 4. No building operations shall be carried out until details of the bricks to be used in facing the extension 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.**
- 5. All windows to be created in the ground and first floor south-facing elevation shall be glazed in obscure glass to Pilkington Level 4 or 5, unless an alternative is first agreed with the local planning authority. These windows shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. These windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.**
- 6. Prior to the extension hereby approved being occupied, details of the location of an external staff smoking area shall be submitted to and approved in writing by the local planning authority. The approved details shall thereafter be implemented and retained. Staff shall not use the external loggia (outside the basement area of the extension) as a smoking area.**

Reasons:

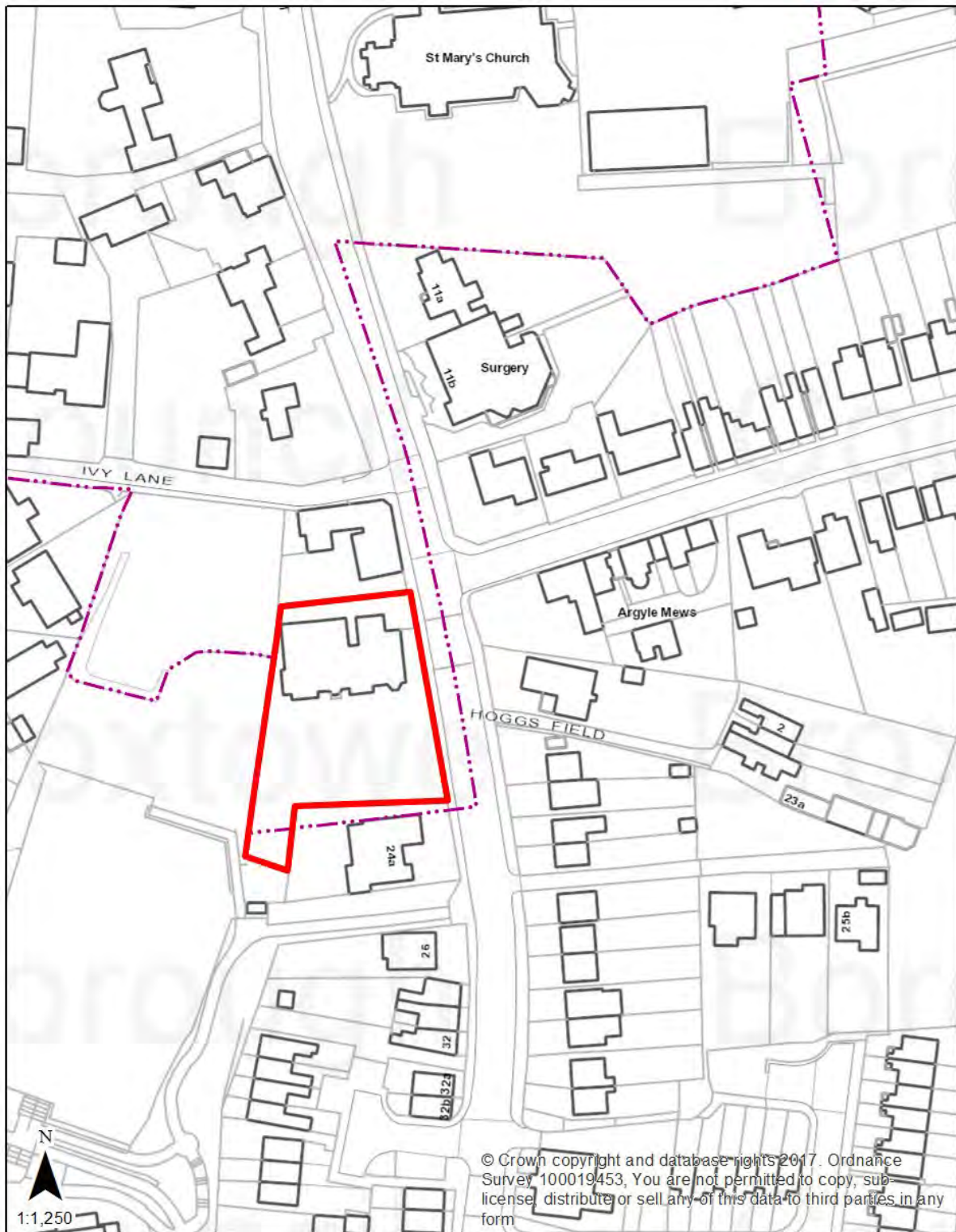
- 1. To comply with S18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.**
- 4. To ensure the development presents a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).**
- 5. To safeguard the residential amenities of the area and to accord with Policy H9 of the Broxtowe Local Plan (2004).**
- 6. To safeguard the residential amenities of the adjoining neighbour and to accord with Policy H9 of the Broxtowe Local Plan (2004).**

Notes to Applicant:

- 1. The Council has acted positively and proactively in the determination of the application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by discussing alterations and seeking amendments to the proposal which would result in a more acceptable development.**
- 2. Given the proximity of residential neighbours to the application site, contractors are advised to limit any noisy construction works to between 08.00-18.00 on Monday-Friday and between 08.00-13.00 on Saturdays, and not at all on Sundays or Public Holidays.**

Background papers

Application case file ref: 17/00183/FUL



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Legend

-  Site
-  Conservation Areas (Local Plan)

Report of the Director of Legal and Planning

**17/00219/FUL
CONSTRUCT 2.4M HIGH PALLISADE BOUNDARY FENCE,
REMOVAL OF SPOIL TO LEVEL THE SITE AND CHANGE OF USE
TO STORAGE YARD
LAND WEST OF BIRCH PARK, LODGE ROAD, GILTBROOK**

This application is being reported to Committee, as it represents a potential departure from the development plan.

1. Details of the application

1.1 This application seeks to change of use of the land to a storage yard. The yard would be used for the storage of lorries and plant relating to the applicant's company (Oakfield Construction). The proposal also comprises the removal of spoil to level the site and the construction of a 2.4m high pallisade boundary fence.

1.2 The applicant has provided further information to assist the determination of the application:

- The company's long term goal is to build either offices or warehousing on the site, similar to their existing site at Dunsil Road, Moorgreen.
- If approved, the initial site clearance will happen straight away. Any future building work will be subject to confidence in the economy post-Brexit .
- The site was purchased as "industrial land" and the company did not consider other alternative sites prior to purchase. The complementary adjoining uses and excellent accessibility were the key factors for the land acquisition.
- The land will only be used for parking vehicles and storing plant. No ancillary activities will be carried out.
- The proposal is similar to a scheme carried out at Wigwam Lane, Hucknall; where the land was tidied up and turned into a thriving recycling facility.
- The proposed hours of operation are set at 6am-6pm, Monday-Saturday. No new employees are proposed.

2. Site and surroundings

2.1 There are no buildings on the site, which comprises an area of open land. The site comprises land which was made-up of spoil removed from the adjoining industrial estate. The land is poorly drained and includes self-seeded vegetation on top.

2.2 The site is surrounded by a variety of other uses, including the A610 (to the south), Birch Park, an Industrial Estate (to the east) and residential development (to the north). Birch Park currently has 2 large

industrial/warehousing units at a lower level, occupied by Birchwood Price Tools and Reydon Sports.

- 2.3 There is self-seeded vegetation on and around the application site and formal landscaped planting on the boundaries with the A610, the Industrial Estate and the residential development.
- 2.4 Vehicular access to the site from Birch Park is currently gated off but has been achieved by way of an engineered, informal sloping approach from the end of the Industrial Estate. There is no formal access from Halls Lane, at the west side, although informal pedestrian access takes place. Photographs of the site and surrounding land are set out below.



View across site from northwest corner. Housing to left. Roof of Industrial unit in distance.



Views across site, showing Wessex Drive residential development to the north.



Views of existing site access and relationship to adjacent Industrial unit.



Views showing existing sloping access and approach from Industrial Estate.



View from Halls Lane, with bund in front of the site.



View of site from A610 bridge.



View from landscaped area adjacent to Wessex Drive, overlooking site from the northeast.



Close-up showing site surface.

3. Relevant planning history

- 3.1 The site comprises land which was made-up of spoil removed from the adjoining commercial estate, which was granted Permission for the construction of office units (Class B1) and bunding (planning permission ref: 06/00832/OUT). A subsequent permission was granted in 2010 to extend the time limit for implementation of the above permission (permission ref: 10/00426/OUT). This permission was never implemented.

4. Policy context

4.1 Broxtowe Local Plan 2004 Saved Policies

- 4.1.1 Policy EM1m – Identifies the site as an Allocated New Employment Site. Local Plan Para 5.60 states that due to the proximity of housing, the site is limited to Use Class B1 (business/offices) use only.
- 4.1.2 Policy E29 – Contaminated Land: Requires site investigations and necessary remedial measures to be implemented on contaminated sites.
- 4.1.3 Policy E34 – Control of Noise Nuisance states that permission will not be granted if the proposal creates significant noise disturbance.

4.2 Broxtowe Aligned Core Strategy 2014

- 4.2.1 Policy 4 – Employment Provision and Economic Development: seeks to provide a range of suitable, attractive employment sites.
- 4.2.2 Policy 7 – Regeneration: states that local regeneration initiatives are supported.
- 4.2.3 Policy 10 – Design and Enhancing Local Identity: New development must make a positive contribution to public realm, reinforce local characteristics and create an attractive and healthy environment.

5. Consultations

- 5.1 Environmental Health – No Objections subject to Conditions defining the permission and restricting the use to the applicant; relating to hours of use; restricting the times of construction activities; addressing contaminated land, requiring further site investigations and implementation of remedial measures.
- 5.2 Nottinghamshire County Council Highways comment that the removal of spoil (carried out by 2-3 lorries per hour for 100 working days) will not cause any highway issues. They raise no Objections, subject to a condition requiring details of measures to prevent mud being deposited on the highway.
- 5.3 Economic Development - Pre-application advice was given; which welcomes the site being brought back into commercial use. Confirms lack of lorry parking facilities in surrounding area.
- 5.4 The proposal was formally advertised, as being a potential departure from the development plan. Letters were sent to 12 residential neighbours and 2 site notices were displayed in proximity to the adjoining public footpaths. No comments were received from Ward Members, Parish Council or from any neighbouring residents.

6. Appraisal

6.1 Planning History, the Principle of the Development and Employment Allocation

- 6.1.1 The site history shows that the principle of office use is acceptable. The Local Plan Policy allocates the land as a new employment site, limited to Use Class B1 (business/offices) use only, due to the proximity of housing. This allocation was reflected in the 2006 Permission for 12 small office units.
- 6.1.2 The use of the site for non-office purposes was considered as part of the 2010 renewal, which included an assessment of the potential for a mixed Class B1 and B8 use. Given the apparent support from Environmental Health at that time, the principle of a mixed use was considered acceptable. However, as there was no certainty that the site would become wholly a Class B8 (storage and distribution) use, it was considered necessary to restrict the use as Class B1 only.
- 6.1.3 This proposal would assist in bringing this site into commercial use. Although the current proposal for a wholly Class B8 use would be contrary to the Local Plan allocation, there is an identified shortfall of commercial vehicle parking in the surrounding area. Furthermore, this appears to be a short-term objective, to level and remodel the site, and to provide the necessary access and security. This operation will then give an opportunity to bring the site into business use at a later date. The economic benefits to the company also carry significant weight. In the circumstances, it is considered that the ground levelling proposals are an acceptable short-term improvement and that permission for a temporary non-office use may be acceptable.

6.2 Ground conditions

6.2.1 A phase 1 desk-top geo-technical report has been submitted, which recommends further site investigations. A Condition requesting the implementation of remedial measures is considered appropriate.

6.3 Highway Safety

6.3.1 The site has excellent accessibility from the main road network, with access directly onto the A610. There will be significant vehicle movements during the short ground levelling phase. However, once the site is operational the movements will be reduced. No highways objections are raised.

6.4 Residential Amenity

6.4.1 The nearest residential properties are located in Wessex Drive, 50m north of the application site. These properties are at a significantly higher level than the application site (the levels difference will be 10m once the application site has been levelled) with a 40m landscaping buffer to the south of the houses. These residential properties already have a similar relationship to the two existing commercial units and already experience high traffic noise levels from the A610. No neighbour objections have been received.

6.4.2 Environmental Health raise no objections subject to Conditions defining the permission and restricting the use to the applicant; and relating to; restricting the hours of use and times of construction activities. It is considered that these controls will be sufficient to ensure that local residents do not experience any adverse harm, particularly from noise or dust nuisance.

6.5 Visual Amenity

6.5.1 A 2.4m high, galvanised steel, palisade fence is proposed to enclose the site for security purposes. A new section of fence on the north and west sides of the site is proposed, to link in with existing fencing on the south boundary (with the A610) and the east boundary (with the existing commercial units). Although the proposed fence may be typical of an industrial area, it would be visually very prominent, in proximity to the nearby housing estate, and would not match the fencing on the adjoining industrial estate (which is of a black mesh construction). The applicant has been requested to reconsider the design of the security fencing. Committee will be updated on any amended details.

7. Conclusion

7.1 Subject to the imposition of suitable Conditions, the proposal is considered to be an acceptable departure from the provisions of the Local Plan and would be in accordance with Policies 4, 7 and 10 of the Core Strategy.

Recommendation

The Committee is asked to RESOLVE that Planning Permission is 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 approved shall be carried out only in accordance with the following drawings: Location Plan and Existing Site Layout (drawing ref: 11215/11), received by the local planning authority on 3 April 2017; and Proposed Site Layout (drawing ref: 11215/10) received by the local planning authority on 6 April 2017.
3. The use hereby permitted shall cease on or before 1 July 2020.
4. The site shall only be used for the storage of plant and vehicles associated with Oakfield Construction. There shall be no ancillary operations carried out from the site, including cleaning and/or servicing of vehicles and/or plant.
5. No plant or structures shall be double-stacked or stored on site above 5m from ground level.
6. During the construction/ground levelling phase of the development hereby permitted, no activities shall be carried out except between the hours of 07.30-17.00 Monday to Friday and between 08.30-13.30 on Saturdays, and at no time on a Sunday or Public Holiday, without the prior agreement in writing by the local planning authority.
7. Any vehicle movements associated with the storage use hereby permitted shall only be carried out between 07.00-18.00 Monday to Saturday only and at no time on a Sunday or Public Holiday, without the prior agreement in writing by the local planning authority.
8. No part of the development hereby approved shall be commenced until a Phase 2 Exploratory Works 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.
9. No operations on site pursuant to this permission shall be brought into use until:-
 - (i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and

- (ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.

10. Details of measures to prevent the deposit of debris (mud) upon the adjacent public highway shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site.

Reasons:

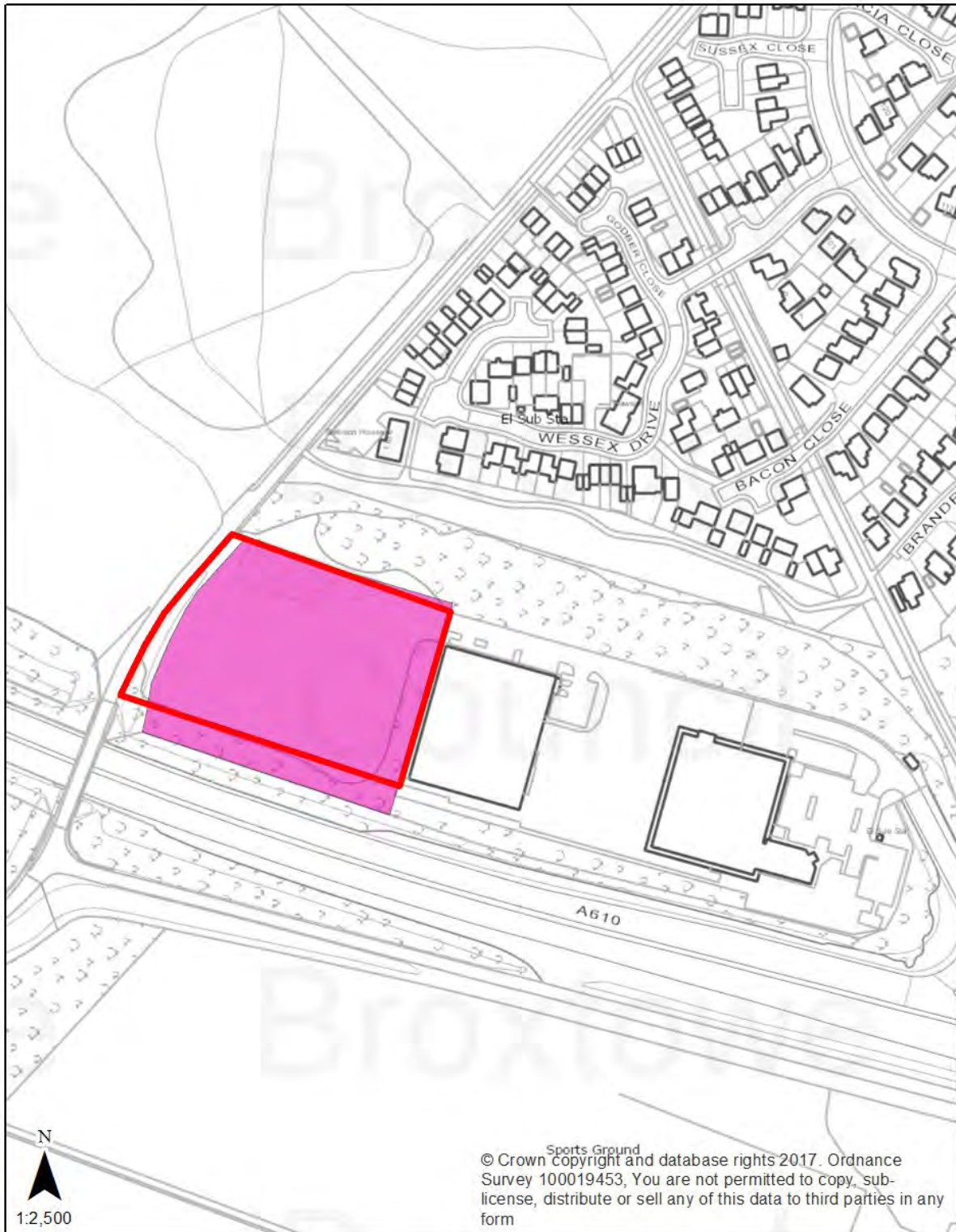
1. To comply with S91 of the Town and Country Planning Act 1990.
2. To define the permission.
3. The use is of a temporary nature contrary to the long-term economic aspirations of the site, in accordance with Policy EM1m of the Broxtowe Local Plan 2004.
4. To protect nearby residents from excessive operational noise, in accordance with Policy E34 of the Broxtowe Local Plan 2004.
5. To protect the visual amenity of the surrounding area, in accordance with Policy 10 of the Core Strategy 2014.
6. To protect nearby residents from excessive operational noise, in accordance with Policy E34 of the Broxtowe Local Plan 2004.
7. To protect nearby residents from excessive operational noise, in accordance with Policy E34 of the Broxtowe Local Plan 2004.
8. This important Phase 2 survey information, relating to potential site contamination, is recommended by the applicant's survey and is necessary to assess the public health and safety of the proposed construction works. As the information has not yet been provided, it must be submitted prior to the commencement of the development.
9. Potential ground mitigation measures (as may be identified by the Phase 2 survey, which has not yet been submitted) would be necessary to protect public health and safety during the proposed construction works and therefore must be implemented prior to the commencement of the development.
10. To ensure that mud is not deposited on the adopted highway during construction works, when it is likely to cause potential highway safety concerns, this information must be submitted prior to the commencement of the development.

Notes to Applicant:



- 1. The Council has tried to act 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, through an early visit to the site to appreciate whether any amendments need to be sought and thus afford sufficient time to negotiate these should it have been the case.**
- 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



Legend

-  Site
-  Proposed employment sites

BROXTOWE BOROUGH COUNCIL
DEVELOPMENT CONTROL – NEIGHBOURHOODS & PROSPERITY

PLANNING APPLICATIONS DEALT WITH FROM
29.04.2017 TO 26.05.2017

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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 Tim Prow 17/00145/FUL
Site Address : 16 College Road Chilwell Nottinghamshire NG9 4AS
Proposal : **Construct single storey side and rear extension following demolition of existing garage / extension**
Decision : **Conditional Permission**

Applicant : SEAT UK SEAT UK 17/00181/ADV
Site Address : 85 - 95 High Road Chilwell Nottinghamshire NG9 4AJ
Proposal : **Erect signs (revised scheme)**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Mark Blinston 17/00217/FUL
Site Address : 22 Barratt Lane Attenborough Nottinghamshire NG9 6AF
Proposal : **Construct single and two storey rear extension**
Decision : **Conditional Permission**

Applicant : Mrs G Martin 17/00226/FUL
Site Address : 20 Brookland Drive Chilwell Nottingham NG9 4BD
Proposal : **Construct single storey side and rear extensions (revised scheme)**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Patrick Sykes 17/00233/FUL
Site Address : 5 Gwenbrook Road Chilwell Nottinghamshire NG9 4AZ
Proposal : **Construct link extension to connect a two storey annexe to the main house and external alterations**
Decision : **Conditional Permission**

AWSWORTH, COSSALL & TROWELL WARD

Applicant : Mr I Camm 17/00114/ADV
Site Address : 165 Nottingham Road Trowell Nottinghamshire NG9 3PN
Proposal : **Sign for cattery**
Decision : **Conditional Permission**

Applicant : Mrs Sarah Lee 17/00163/FUL
Site Address : 29 Newtons Lane Cossall Nottinghamshire NG16 2SB
Proposal : **Replace existing conservatory with new conservatory**
Decision : **Conditional Permission**

Applicant : Mr & Mrs S Don 17/00254/FUL
Site Address : 6 St Helens Crescent Trowell Nottinghamshire NG9 3PZ
Proposal : **Construct two-storey side extension**
Decision : **Withdrawn**

BEESTON CENTRAL WARD

Applicant : Mr Paul Whelpton 17/00161/FUL
Site Address : 44 Broadgate Beeston Nottinghamshire NG9 2FW
Proposal : **Construct dropped kerb**
Decision : **Conditional Permission**

BEESTON NORTH WARD

Applicant : Mr Vincent Bown 16/00726/FUL
Site Address : 12 Burrows Avenue Beeston Nottinghamshire NG9 2QW
Proposal : **Retain single storey extension and fence and install gates**
Decision : **Conditional Permission**

Applicant : Ms Bishop Cafe Roya 17/00167/FUL
Site Address : 130 Wollaton Road Beeston Nottinghamshire NG9 2PE
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr Shakeel Ahmed 17/00313/FUL
Site Address : 116 Marlborough Road Beeston Nottinghamshire NG9 2HN
Proposal : **Construct single storey rear and two storey side / rear extension**
Decision : **Withdrawn**

BEESTON RYLANDS WARD

Applicant : Mr J Wing 17/00120/FUL
Site Address : 85 Beech Avenue Beeston Nottinghamshire NG9 1QD
Proposal : **Construct side and rear single storey extension and porch alterations**
Decision : **Conditional Permission**

Applicant : Mr & Mrs P James 17/00141/FUL
Site Address : 56 Beech Avenue Beeston Nottinghamshire NG9 1QD
Proposal : **Construct single storey side/rear extension**
Decision : **Conditional Permission**

BEESTON WEST WARD

Applicant : Mr G Atwal 17/00042/FUL
Site Address : 1 Vernon Avenue Beeston Nottingham NG9 2NS
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr John Patterson 17/00107/FUL
Site Address : 13 Devonshire Avenue Beeston Nottingham NG9 1BS
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr P Tomlinson 17/00108/MMA
Site Address : 2 Vicarage Street Beeston Nottinghamshire NG9 1BW
Proposal : **Minor Material Amendment to planning permission reference 14/00030/FUL (Construct new roof raising ridge height, install dormer windows to accommodate rooms in roof space, extensions and boundary/retaining walls) to allow for a change to the Elm Avenue boundary treatment including gates**
Decision : **Conditional Permission**

Applicant : Mr & Mrs John Scott 17/00194/FUL
Site Address : 189 Wollaton Road Beeston Nottinghamshire NG9 2PN
Proposal : **Construct single storey rear extension and porch**
Decision : **Conditional Permission**

Applicant : Mr Jonathan Rycroft 17/00216/FUL
Site Address : 7 Hampden Grove Beeston Nottingham NG9 1FG
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr Olaf Fetter 17/00222/FUL
Site Address : 87 Wollaton Road Beeston Nottinghamshire NG9 2NG
Proposal : **Construct two bin stores**
Decision : **Conditional Permission**

BRAMCOTE WARD

Applicant : Dr Martin Christian 17/00030/LBC
Site Address : The Gables 101 Town Street Bramcote Nottinghamshire NG9 3DP
Proposal : **Listed Building Consent to replace side dormer window and overboard existing ceiling at second floor level with insulation**
Decision : **Conditional Permission**

Applicant : Mr C Hall Gilbert & Hall 17/00160/ROC
Site Address : 69 Derby Road Bramcote Nottinghamshire NG9 3GW
Proposal : **Variation of condition 3 of planning permission ref: 15/00630/REM (landscaping)**
Decision : **Conditional Permission**

Applicant : Mrs Wendy Roberts 17/00165/FUL
Site Address : 62 Arundel Drive Bramcote Nottinghamshire NG9 3FQ
Proposal : **Erect fence**
Decision : **Conditional Permission**

Applicant : Mr M Powell The White Hills Park Federation Trust 17/00168/FUL
Site Address : Alderman White Comprehensive School Chilwell Lane Bramcote Nottinghamshire NG9 3DU
Proposal : **Retain portacabin**
Decision : **Conditional Permission**

Applicant : Margaret Kitchin 17/00229/FUL
Site Address : 38 Arundel Drive Bramcote Nottingham NG9 3FN
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : North Sands Developments Ltd 17/00234/FUL
Site Address : Brethren Meeting Hall Hillside Road Beeston Nottinghamshire
Proposal : **Construct 7 detached dwellings and 1 detached garage**
Decision : **Conditional Permission**

Applicant : Mr Richard Adams North Sands Developments Ltd 17/00235/DEM
Site Address : Brethren Meeting Hall Hillside Road Beeston Nottinghamshire
Proposal : **Demolish building**
Decision : **Prior Approval Not Required**

Applicant : Mr P Teece 17/00243/FUL
Site Address : Victoria House 25 Claremont Avenue Bramcote Nottinghamshire NG9 3DG
Proposal : **Construct attached garage**
Decision : **Conditional Permission**

Applicant : Dr Sahota 17/00259/FUL
Site Address : 97 Cow Lane Bramcote Nottinghamshire NG9 3BB
Proposal : **Construct garden room / 'granny annex' (revised scheme)**
Decision : **Conditional Permission**

Applicant : Mr N Pearce 17/00326/PNH
Site Address : 153 Hillside Road Bramcote Nottinghamshire NG9 3BD
Proposal : **Single storey rear extension, extending beyond the wall of the original dwelling by 6.347 metres, with a maximum height of 3.03 metres, and an eaves height of 2.83 metres**
Decision : **Withdrawn**

BRINSLEY WARD

Applicant : Mr & Mrs A Pulfrey 17/00135/FUL
Site Address : 44 Mansfield Road Brinsley Nottingham NG16 5AE
Proposal : **Construct dwelling with rear Juliet balcony**
Decision : **Conditional Permission**

Applicant : Mr Matthew Bird 17/00178/FUL
Site Address : 100 Stoney Lane Brinsley Nottinghamshire NG16 5AL
Proposal : **Construct extension including external terrace at first floor level, porch, cladding and alterations to existing elevations, replacement windows and associated external works**
Decision : **Conditional Permission**

Applicant : Mr I M Cutler 17/00203/FUL
Site Address : 44 Broad Lane Brinsley Nottinghamshire NG16 5BD
Proposal : **Dropped kerb (revised scheme)**
Decision : **Conditional Permission**

CHILWELL WEST WARD

Applicant : Mr Jamie Raynor 17/00174/FUL
Site Address : 50 Chetwynd Road Chilwell Nottinghamshire NG9 5GD
Proposal : **Construct two / single storey side extension**
Decision : **Conditional Permission**

Applicant : Mr Constance Kennelpak Ltd 17/00195/FUL
Site Address : 404 High Road Chilwell Nottinghamshire NG9 5EG
Proposal : **Install shopfront and external cladding to front and part side elevations and retain the alteration to the south west first floor opening.**
Decision : **Conditional Permission**

Applicant : REV Anne Ladd St Barnabas Church DCC 17/00211/FUL
Site Address : St Barnabas Church Hall Barn Croft Chilwell Nottinghamshire NG9 4HU
Proposal : **Construct single storey extension**
Decision : **Conditional Permission**

Applicant : Mrs Rachel Willis 17/00252/PNH
Site Address : 31 Wentworth Road Chilwell Nottinghamshire NG9 4FP
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4 metres, with a maximum height of 3.49 metres, and an eaves height of 2.56 metres**
Decision : **Prior Approval Not Required**

KIMBERLEY WARD

Applicant : Mrs Penny Bradley 17/00096/FUL
Site Address : 31 Main Street Kimberley Nottinghamshire NG16 2NG
Proposal : **Retain change of use of ground floor only from offices/drop-in centre (Class A2) to beauty salon**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Paul Soroczyk 17/00273/FUL
Site Address : 5 Brendon Drive Kimberley Nottinghamshire NG16 2JZ
Proposal : **Construct single storey side extension (revised scheme)**
Decision : **Conditional Permission**

Applicant : Mr T Rood Kimberley Town Council 17/00284/LBC
Site Address : Kimberley Cemetery Knowle Hill Kimberley Nottinghamshire
Proposal : **Listed Building Consent to construct toilet**
Decision : **File Closed**

NUTHALL EAST & STRELLEY WARD

Applicant : Mr J Singh 17/00139/FUL
Site Address : 1 Northolt Drive Nuthall Nottinghamshire NG16 1QX
Proposal : **Construct single storey rear / side extension**
Decision : **Conditional Permission**

Applicant : Mrs K Oliver 17/00232/FUL
Site Address : Land North Of Home Farm Cottage And Park View Cottage Main Street Strelley Nottinghamshire
Proposal : **Construct extension to stable block**
Decision : **Conditional Permission**

Applicant : Mr Sandhu Singh 17/00240/FUL
Site Address : 21 Gunnersbury Way Nuthall Nottingham NG16 1QD
Proposal : **Construct front first floor extension and extend porch**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Nigel & Naomi Owen 17/00244/FUL
Site Address : 9 Gloucester Avenue Nuthall Nottinghamshire NG16 1AL
Proposal : **Construct two storey side and single storey front extensions**
Decision : **Conditional Permission**

Applicant : Mr David Marriott 17/00267/ROC
Site Address : 10 Springfield Drive Nuthall Nottinghamshire NG6 8WD
Proposal : **Removal of condition number 3 of planning ref: 99/00592/FUL (to allow the garage to be used without it being kept available for the accommodation of private vehicles)**
Decision : **Conditional Permission**

STAPLEFORD NORTH WARD

Applicant : Mr Graham Jowett Myrtle Building Limited 17/00150/FUL
Site Address : Land Adjacent 13 Coventry Lane Bramcote Nottinghamshire NG9 3GG
Proposal : **Construct one dwelling**
Decision : **Conditional Permission**

STAPLEFORD SOUTH EAST WARD

Applicant : Mrs H Higginbotham 17/00242/PNH
Site Address : 17 Judson Avenue Stapleford Nottinghamshire NG9 7FH
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.3 metres, with a maximum height of 2.9 metres, and an eaves height of 2.9 metres**
Decision : **Prior Approval Not Required**

STAPLEFORD SOUTH WEST WARD

Applicant : Miss E Henshaw 17/00147/FUL
Site Address : 32 William Road Stapleford Nottinghamshire NG9 8ES
Proposal : **Construct two storey side and single storey rear extensions following demolition of rear outbuildings**
Decision : **Conditional Permission**

Applicant : Mr Janarthanan Balasundaram 17/00185/FUL
Site Address : 82 Brookhill Street Stapleford Nottinghamshire NG9 7GD
Proposal : **Install roller shutter**
Decision : **Conditional Permission**

Applicant : Mrs Helen Redford-Sears 17/00199/CLUP
Site Address : 13 Ash Grove Stapleford Nottinghamshire NG9 7GL
Proposal : **Certificate of lawful development to extend existing kitchen into coal store/outside toilet including new roof**
Decision : **Approval - CLU**

TOTON & CHILWELL MEADOWS WARD

Applicant : Mr & Mrs Gilmartin 17/00086/FUL
Site Address : 324 Nottingham Road Toton Nottinghamshire NG9 6EF
Proposal : **Construct single storey side and two storey rear extensions. Front porch, convert existing garage into habitable space and construct double garage (incorporating car port and storage area) to the front of the dwelling**
Decision : **Conditional Permission**

Applicant : Mr Steven Lever 17/00201/FUL
Site Address : 55 Whitburn Road Toton Nottinghamshire NG9 6HR
Proposal : **Construct single storey rear extension and two storey side extension**
Decision : **Conditional Permission**

Applicant : Mr Dominic Marshall Bounce Architecture 17/00208/FUL
Site Address : 1 Darley Avenue Toton Nottinghamshire NG9 6JP
Proposal : **Construct two storey rear extension built over existing basement incorporating a first floor veranda**
Decision : **Conditional Permission**

Applicant : Mrs Helen Bramley 17/00213/FUL
Site Address : 36 Cleve Avenue Toton Nottinghamshire NG9 6JH
Proposal : **Construct single/two storey side extension**
Decision : **Conditional Permission**

Applicant : Mr A Orgill 17/00227/FUL
Site Address : 5 Aldridge Close Toton Nottinghamshire NG9 6JA
Proposal : **Construct single storey rear extension, first floor side extension including juliet balcony and detached garage**
Decision : **Conditional Permission**

Applicant : Mr Mike Relf 17/00264/CLUP
Site Address : 9 Hamilton Close Toton Nottinghamshire NG9 6HY
Proposal : **Certificate of Lawful Development to construct single storey rear extension**
Decision : **Approval - CLU**

Applicant : Mr T Milner 17/00291/PNH
Site Address : 149 Spinney Crescent Toton Nottinghamshire NG9 6GE
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4 metres, with a maximum height of 3.5 metres and an eaves height of 2.7 metres**
Decision : **Prior Approval Not Required**

WATNALL & NUTHALL WEST WARD

Applicant : Mrs Sue Hyde 17/00209/OUT
Site Address : 30 Trough Road Watnall Nottinghamshire NG16 1HQ
Proposal : **Outline application to construct one dwelling and one bungalow with all matters reserved following demolition of existing dwelling**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Parker 17/00250/FUL
Site Address : 19 Rolleston Crescent Watnall Nottinghamshire NG16 1JU
Proposal : **Construct single storey front extension, part conversion of garage, extension of existing driveway and associated external alterations**
Decision : **Conditional Permission**

Applicant : Mr Shaun Lee 17/00265/FUL
Site Address : 31 Sedley Avenue Nuthall Nottinghamshire NG16 1EN
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**
