



4 July 2017

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 12 July 2017 in the New Council Chamber, Town Hall, Beeston at 7:00pm.

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

Yours faithfully

Chief Executive

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

## AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

3. MINUTES

PAGES 1 - 14

The Committee is asked to confirm as a correct record the minutes of the meeting held on 21 June 2017.

4. NOTIFICATION OF LOBBYING

5. DEVELOPMENT CONTROL
- 5.1 17/00134/FUL PAGES 15 - 39  
Construct 6 dwellings and provision of open space following demolition of existing garages  
Garage Block, Redwood Crescent, Beeston NG9 1JF
- 5.2 17/00214/FUL PAGES 40 - 48  
Retain single storey side extension, side dormer and raising of ridge height and render dwelling (revised scheme)  
11 Rivergreen Crescent, Bramcote NG9 3EQ
- 5.3 17/00302/FUL PAGES 49 - 55  
Erect 1.8m high fence, pedestrian gate and vehicular gates (amended design includes widening of existing drive and retention of wall along Maple Drive frontage)  
77 Maple Drive, Nuthall
- 5.4 17/00183/FUL PAGES 56 - 71  
Proposed extension to residential care home to provide 9 bedrooms, with ancillary store, staffroom and laundry  
Eastwood House, 24 Church Street, Eastwood
- 5.5 17/00237/OUT PAGES 72 - 101  
Hybrid planning application seeking outline permission for up to 46 new dwellings with all matters reserved except access and full permission for change of use from former ski slope/colliery tip to formation of a country park  
Former dry ski slope, Cossall Industrial Estate, Soloman Road, Cossall, Notts DE7 5UD

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 PAGES 102 - 108

## PLANNING COMMITTEE

21 JUNE 2017

Present: Councillor M Handley, Chair

Councillors: D Bagshaw	L A Ball BEM
J S Briggs	T P Brindley
M Brown	R I Jackson
W J Longdon (substitute)	R D MacRae
G Marshall	J K Marsters
P J Owen	M Radulovic MBE
R S Robinson	

An apology for absence was received from Councillor A Harper.

### 8. DECLARATIONS OF INTEREST

Councillor M Radulovic MBE declared non-pecuniary interests in agenda items 5.4 and 5.5 since, respectively, he knew the objecting speaker and the applicant, minute nos. 11.4 and 11.5 refer. Councillor P J Owen declared a non-pecuniary interest in agenda item 5.5 since he knew the applicant, minute no. 11.5 refers.

### 9. MINUTES

The minutes of the meeting held on 24 May 2017 were confirmed as a correct record, subject to noting that Councillor R I Jackson's declaration of interest in respect of the Barton's site relating to his election agent duties for Anna Soubry related to the period before Anna Soubry had been elected MP. The minutes were signed.

### 10. NOTIFICATION OF LOBBYING

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

### 11. DEVELOPMENT CONTROL

#### 11.1 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

The above item had been withdrawn following publication of the agenda and the matter was not therefore debated. The reason for the application having been withdrawn was due to some inaccurate measurements shown on the plans and a need to re-consult on the accurate details.

11.2 17/00134/FUL

Construct 8 dwellings following demolition of existing garages  
Garage Block, Redwood Crescent, Beeston NG9 1JF

The application, as detailed above, had been brought before Committee since the Council is the landowner.

The Committee was referred to the summary of late items which advised that the land the subject of the planning application was listed as an Asset of Community Value on 16 June 2017. The summary also referred to various email correspondence.

Dr Kristopher Poole (objecting), and Councillor Teresa Cullen (ward member) addressed the Committee prior to the general debate.

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

There was an expectation that some development would take place on the site since the garages were an eyesore and to remove them would be of benefit to the neighbourhood.

There were concerns that the proposed development plans were over-intensive and it was considered there would be merit in not building the two houses in the middle to leave a piece of central open space for use by the community.

The Council should re-consult the community to try and achieve a compromise which would be an asset to local residents. Neither the community nor the Council was completely opposed to development but more positive benefits were needed for the residents.

The competing needs of the Council's Core Strategy requirements and the housing crisis were noted, although each site should be considered on its own merits.

A proposal was put to the meeting by Councillor P J Owen, and seconded by Councillors L A Ball BEM, R D MacRae and M Radulovic MBE, that consideration of the item be deferred to look at density issues and retention of some open space. The proposal, on being put to the meeting, was carried.

**RESOLVED that consideration of the matter be deferred to the next Planning Committee (12 July 2017) to allow for two dwellings to be removed and for an area of open space to be provided.**

11.3 17/00322/FUL

Construct new façade including decorative features and removal of windows (revised scheme)

Sri Thurkkai Amman Temple, West Crescent, Beeston NG9 1QE

The revised application had been brought to Committee since the previous planning application had been refused by Committee on 7 September 2016.

The Committee was referred to the summary of late items which advised of an amendment to paragraph 5.2 of the report, additional objection letters and an email querying storage of materials.

Ms Sarah Hunter (objecting), Dr Shamini Krishanand (applicant) and Councillor Teresa Cullen (ward member), addressed the Committee prior to the general debate.

Members debated the application and the following comments were noted:

Applicants had a responsibility to negotiate amendments and be sympathetic to the views of residents through a negotiating process. There had been ample opportunity for residents to become involved and changes to the design proposals had been made.

People were objecting to the ornateness of the proposals which they considered to be overbearing and out of keeping with the street scene and there were still too many statues as far as many residents were concerned.

The proposals were particularly out of keeping with Beeston Rylands.

**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 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](http://www.gov.uk/government/organisations/the-coal-authority)**

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

11.4 17/00299/FUL  
Construct bungalow (revised application)  
Land adjacent to 73 Maple Drive, Nuthall NG16 1EJ

Councillor J M Owen had called the application in. The previous application ref: 16/00854/FUL had been refused by members at the Planning Committee at the meeting on 22 March 2017 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.

There were no late items in respect of the application.

Mr Tyrone Gall (objecting), Mr Allan Joyce (applicant) and Councillor J M Owen (ward member) addressed the Committee prior to the general debate.

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

It was pleasing to note that there had been some progress as far as the applicant was concerned in that the style of the proposed dwelling had been altered.

Whilst the new proposal was not in a particularly traditional style in keeping with the rest of the street, it was considered that more thought had been given to the current design proposal.

A TPO to protect the silver birch tree would be desirous prior to agreeing landscaping proposals.

Assurances were sought that permitted development (PD) rights would be protected to prevent future extension into the roof of the proposed dwelling.

A proposal was put to the meeting by Councillor R I Jackson, and seconded by Councillor L A Ball BEM, that a landscaping scheme to include retention of the silver birch tree be a condition of the permission. The proposal, on being put to the meeting, was carried.

(Councillor M Radulovic MBE, having declared an interest in the item, left the chamber and did not speak or vote thereon.)

**RESOLVED that planning permission be granted subject to the following conditions and subject also to the inclusion of a landscaping scheme to include retention of the silver birch tree as set out in the aforementioned proposal:**

- 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.**

- 7. The Silver Birch Tree located within the frontage of the new plot hereby approved shall be retained as part of the approved landscaping as specified on the Proposed Site Plan Drawing No: 24.**

**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/>

11.5 17/00285/FUL

Proposed bungalow

Land to the rear of 51a and 51b Mill Road, Newthorpe

Councillor M Radulovic MBE had called in the application which was a revised application following an appeal.

The Committee was referred to the summary of late items which advised of no response from County Highways or the Tree Officer and minor amendments to the report.

Mrs Bamford (objecting on behalf of Mr and Mrs Cook) and Mr Copeland (applicant) addressed the Committee prior to the general debate.

Members debated the application and the following comments were noted:

The site was difficult to develop up to the boundary. The Committee's previous decision had been that it would be overbearing to the adjacent bungalow because of the levels on the site.

The applicant had been required to demonstrate substantial variations to his previous design to satisfy the planning inspector and it was considered that the current proposals did not demonstrate a substantial change.

There was sympathy for the residents' objections and, although it was considered that the site could contain a bungalow, it was not considered that the latest plans had satisfied the planning inspector's desires.

The applicant had put forward a development which would have an unacceptable impact on neighbour amenity.

**RESOLVED that planning permission be refused on the grounds: 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).**

**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 by working with the applicant to address the reasons for**

**refusal of the previous scheme. However, the Committee were not satisfied that the revised scheme addressed all neighbouring amenity issues.**

11.6 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 NG16 1DA

Councillor J M Owen had called the application in which sought permission as detailed above.

There were no late items in respect of the application.

Mr Paul Singh (applicant) and Councillor J M Owen (ward member) addressed the Committee prior to the general debate.

Councillors debated the application and the following comments were noted:

The access from Kimberley Road was considered to be poor, notwithstanding the Highway Authority's response.

The access road was a long, narrow, single lane track servicing two bungalows which would potentially have multiple cars which would need to reverse onto the main road.

There would be traffic impact on neighbours and a loss of amenity for residents who would be overlooked.

It was an inappropriate site for development which would change the nature and character of the area.

(Councillor M Radulovic, having declared an interest, left the chamber and did not speak or vote on this item.)

**RESOLVED that planning permission be refused on the following grounds:**

- 1. The proposed scheme would be an over intensive development which would result in an undesirable change to the character of the area.**
- 2. The proposed dwellings and garage block in built form would create an un-neighbourly relationship which would result in significant adverse impact upon the amenity of the occupiers of nearby properties.**
- 3. The scheme would rely on a poor access arrangement which would likely result in significant adverse impact upon highway safety.**

**Accordingly the proposal is contrary to the aims of Saved Policies H7 & T11 of the Broxtowe Local Plan 2004, Policy 10 of the Aligned Core Strategies 2014 and Core Planning Principles para.17 & Section 7: Requiring Good Design of the National Planning Policy Framework (NPPF) 2012 and there are no other material considerations that justify treating this proposal as an exception.**

**Note to Applicant**

**The decision has been reached taking into account the guidance in paragraphs 186-187 of the National Planning Policy Framework (NPPF) 2012. The Council has worked proactively to engage with the developer and negotiate changes to try to improve the design however the fundamental concerns set out above cannot be overcome.**

11.7 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 had called in the application, as detailed above.

Members were referred to the summary of late items which referred to responses to re-consultation on amended plans and minor amendments to Reasons 1, 5 and 6.

Ms Joanne Birch (objecting) addressed the Committee prior to the general debate.

Members debated the application and the following comments were noted:

The main reservations with the previous proposal had been concerning the fire escape.

The original application had failed to meet the County Council's parking standards and the current report made no mention of the additional demands placed on parking requirements.

The application did not appear to take account of additional staff or additional services required to accommodate the proposals.

There would be a severe impact on Church Street and additional evidence was sought as to how many additional staff would be employed at the premises.

A proposal was put to the meeting by Councillor R I Jackson, and seconded by Councillor M Radulovic MBE, that consideration of the application be deferred to allow extra information to be brought to the Committee. The proposal, on being put to the meeting, was carried.

**RESOLVED that consideration of the application be deferred to allow further information on staffing and, therefore, further potential parking requirements to be brought to Committee.**

11.8 17/00219/FUL

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

The application had been brought to Committee as it represented a potential departure from the development plan.

The Committee was referred to the summary of late items which advised of an amendment to Reason 1.

There were no public speakers on this application.

Councillors debated the application and the following comments were noted:

There should be a condition that access be permitted from the A610 only.

Further consideration should be given to fence design to ensure that it was not unsightly to neighbouring houses.

There ought to be a landscaping scheme as part of the condition to maintain and enhance that particular area and retain the hedgerows.

The principle of the land coming back into use was supported, although potential light pollution was queried and it was requested that appropriate lighting be considered as part of the conditions.

Generally, the application was supported with the inclusion of the aforementioned considerations relating to access, fence design, landscaping and lighting.

A proposal was put to the meeting by Councillors P J Owen and R I Jackson, and seconded by Councillor L A Ball BEM, that conditions be included in respect of access, fence design, landscaping and lighting. The proposals, on being put to the meeting, were carried.

**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 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.

- 11. The vehicular access arrangements serving the site shall only be from the A610.**
- 12. No development shall commence until precise details of the boundary fence including the finish and colour are submitted and approved in writing by the Local Planning Authority. Thereafter, the boundary treatment shall be erected in full accordance with the approved details.**
- 13. No development shall commence until a landscaping scheme for the site perimeter is submitted and approved in writing by the Local Planning Authority. Thereafter, the proposed landscaping shall be completed in full accordance with the approved details. 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.**
- 14. External lighting shall not be installed until full and precise details have been submitted to and approved by the Local Planning Authority. These details shall include:**
  - a. A site plan showing the height of the proposed locations;**
  - b. Full details, including pictures, of the luminaires to be installed;**
  - c. A site plan plotting the predicted illuminance levels (Lux) across the site and both horizontal and vertical overspill between the site boundary and the facades of the nearest light sensitive dwellings;**
  - d. Details of the measures to be taken for the avoidance of glare;**
  - e. Details of the power source; i.e. mains or generator;**
  - f. Operating times.**

**All works shall be fully implemented in accordance with the approved details before the use commences and shall be operated and maintained as such 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. 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.
11. To ensure the site is not serviced via the highway network of the nearby residential area to the north and to protect residential amenity.
12. To ensure the boundary treatment has a reasonable appearance which blends into the surrounding area. This condition accords with the aims of Policy 10 of the Core Strategy 2014.
13. To ensure greenery is retained which helps to minimise the visual impact of the development to the nearby residential area to the north.
14. To protect the nearby residential area from light pollution which can add to a visual intrusion that detracts from the quality of the night sky. This condition accords with the aims of Saved Policy E33 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 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/>**

## 12. INFORMATION ITEMS

### 12.1 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.

### 12.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 29 April and 25 May 2017.



## Report of the Director of Legal and Planning Services

**17/00134/FUL  
CONSTRUCT 6 DWELLINGS AND PROVISION OF OPEN SPACE  
FOLLOWING DEMOLITION OF EXISTING GARAGES  
GARAGE BLOCK, REDWOOD CRESCENT, BEESTON, NG9 1JF**1 Details of the application

- 1.1 The application was first brought before Planning Committee on 21 June 2017 with a recommendation for approval (original report attached at the appendix).
- 1.2 Members deferred making a decision on the application due to concerns regarding the number of dwellings and the resultant loss of the central area of open space.
- 1.3 The applicant submitted amended plans on 27 June 2017 to try and overcome these concerns. Two dwellings have now been removed from the plans. A central area of open space is now proposed and this is labelled on the plans as 'proposed community land'. The area of open space would measure 345m<sup>2</sup>. It should be noted that the description of the application has been updated to reflect the amendments.
- 1.4 No amendments have been made to the six dwellings and the two garage blocks would still be cleared as part of the development. The houses would still have three bedrooms and would be two storey. A mixture of brick, render and recycled cladding is proposed. Every house would have a garden to the rear and would have off street parking for one or two cars. A total of nine 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.

2 Assessment

- 2.1 There have been no changes to the site and surroundings, the site history or the policy section of the 21 June 2017 committee report.
- 2.2 It was evident as part of the consultation responses that the existing area of open space was valued by local residents and was used for a variety of recreational uses and the space also has visual amenity value for the existing residents. The site is now also listed as an Asset of Community Value which is a material planning consideration. It is now proposed to retain an area of open space as part of the development. It is considered that the proposed area of open space can provide a good quality area which will have recreational value and will also retain a sense of openness. Whilst the size of open area will be smaller than the existing open area, it is considered that there is an opportunity to improve the quality of the open space which will provide enhanced recreational opportunities for both existing and prospective residents. This is in accordance with Paragraph 74 of the NPPF. It should also still be noted that the site lies in close proximity to Hetley Pearson Recreation Ground which provides space for more formal recreational and sport activities. Detailed plans of the layout of the open space and a detailed landscaping scheme should be secured by a planning condition.

- 2.3 Whilst the demolition of the garages was considered to be acceptable, it was identified that the development of the central part of the site would change the character and appearance of Redwood Crescent as there would be a loss of greenery. The provision of an open space area will ensure that more of the existing greenery is retained and will reduce the impact of the development on the character and appearance of the area. The design, density and layout of the six houses proposed are considered to be acceptable and the development will be in accordance with Local Plan Policies H6 and H7 and with Policy 10 of the Aligned Core Strategy.
- 2.4 Existing residents expressed concerns that the development would result in a loss of light, overshadowing, a loss of privacy and an increased sense of enclosure. Whilst it was considered that an unacceptable loss of amenity would not occur, the removal of two houses will reduce the overall impact of the development on existing residents through creating an increased sense of openness and reducing overlooking from the first floor windows. 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 4. These windows can be conditioned to be obscured glazed to prevent a loss of privacy to numbers 2 and 37.
- 2.5 With regards to flooding, the Environment Agency did not object subject to the mitigation measures stated within the Flood Risk Assessment being carried out. This included 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. It is considered that the removal of two dwellings and the resulting reduction in the amount of hard-standing will not result in any increase in flood risk and, provided the mitigation measures are conditioned, the application still complies with the NPPF in respect of flood risk. Following the reduction in the number of dwellings, it is considered that the submitted Sequential Test is still acceptable and that there are no sequentially preferable sites available for a comparable development.
- 2.6 Existing parking problems were raised within the consultation responses including that parking spaces would be lost as residents use the existing hard-standing 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. Whilst it was considered that sufficient parking would be provided, the reduction in the number of dwellings may also reduce potential demand for on-street parking from prospective residents. To ensure that there is adequate visibility to the driveways, a condition preventing boundary fences being erected in the front gardens of all of the plots should be included.
- 2.7 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. It was recommended mitigation measures are conditioned, 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. It is considered that the survey results are still relevant

following amendments made to the scheme and that a condition requiring mitigation measures should still be included.

- 2.8 As recommended by the Council’s Environmental Health Department, a condition should be included 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.

3 Conclusion

- 3.1 The amendments have resulted in a reduction in the number of dwellings and the provision of an area of open space. It is noted that the site is an Asset of Community Value as the use of the land furthers the social wellbeing and social interests of the local community. It is considered that the provision of an area of open space can protect the social wellbeing and interests of the local community and is in accordance with the NPPF. The retention of the green space will also increase the greenery, retaining more of the existing character of the site. It is considered that there are no other material planning considerations which would give reason to refuse planning permission.

**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 drawing 2360(08)012 Revision A received by the Local Planning Authority on 16 March 2017 and drawings 2360(08)011 Revision D and 2630(08)021 Revision A received by the Local Planning Authority on 27 June 2017.**
- 3. No building works, including demolition, shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:**
  - (a) numbers, types, sizes and positions of proposed trees and shrubs;**
  - (b) details of protection measures for the retained trees;**
  - (c) proposed hard surfacing treatment;**
  - (d) details, including layout, of the area of open space;**
  - (e) planting, seeding/turfing of other soft landscape areas;**
  - (f) details of the site boundary treatments and curtilage boundary treatments;**

**The landscaping scheme shall be carried out in accordance with the approved timetable. If any trees or plants, which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.**

- 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 any dwelling hereby approved 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 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 4 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-August inclusive.**

Background papers

Application case file

## APPENDIX

## 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-20<sup>th</sup> 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).

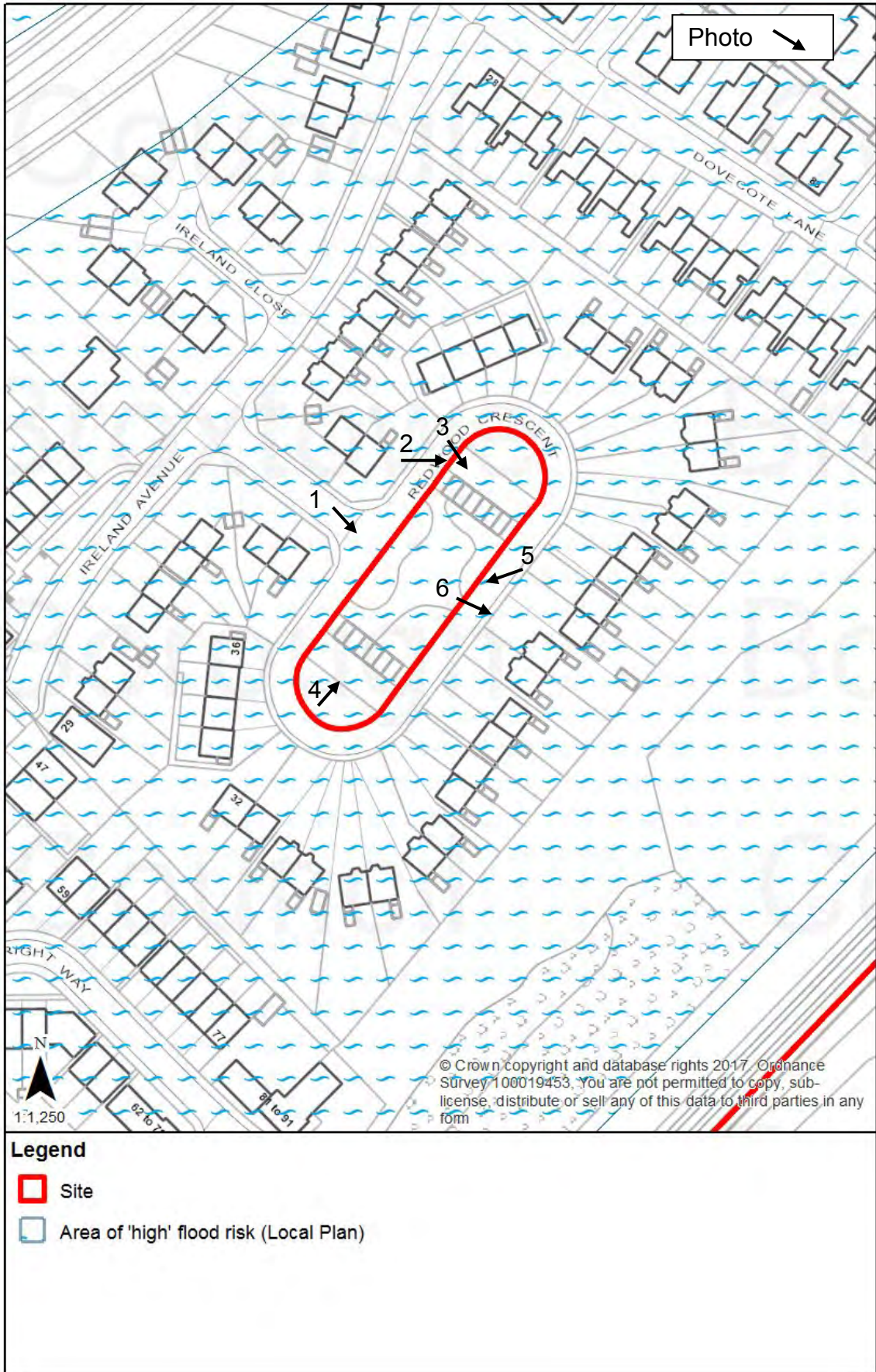
**Notes to Applicant:**

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

**17/00214/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 to be determined by Committee.

1. Reason for this report

- 1.1 This report relates to a planning application which was deferred at the Planning Committee on 21 June 2017 due to inaccuracies with the plans. Amended plans have now been received with measurements being verified on site within an acceptable degree of accuracy. Any comments received in relation to the amended plans will be verbally communicated before the Planning Committee.
- 1.2 The recommendation for approval remains the same. The initial report is attached as an appendix to this report.

**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 24 June 2017 and Proposed Block Plan received by the Local Planning Authority on 27 June 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  
Committee Report 21 June 2017



## APPENDIX

## 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

**17/00302/FUL****ERECT 1.8M HIGH FENCE, PEDESTRIAN GATE AND VEHICULAR GATES (AMENDED DESIGN INCLUDES WIDENING OF EXISTING DRIVE AND RETENTION OF WALL ALONG MAPLE DRIVE FRONTAGE)****77 MAPLE DRIVE, NUTHALL**

Councillor J M Owen referred this application to Planning Committee for determination.

1. Details of the application

- 1.1 This application has been amended and now seeks consent to erect a 1.8m high wooden fence (to be finished in a black or dark grey colour) along the Maple Drive frontage. This would be set immediately behind the existing 0.9m high roadside wall, which would be retained.
- 1.2 The proposal also includes the provision of a 1.8m high pedestrian gate and 1.8m high, sliding, electric vehicular gates. The existing drive would be widened accordingly. A 1.8m fence is also proposed to link the corner of the bungalow with the roadside boundary.
- 1.3 Although the application forms indicate the removal of two sycamore trees, these are not protected and their felling would not require consent. (Since the submission of this application one tree has been removed).

2. Site and surroundings

- 2.1 The application site comprises a bungalow on the corner of Kimberley Road and Maple Drive, Nuthall. The plot is of a triangular shape, with the majority of private amenity space on the road frontage. The Kimberley Road frontage has numerous shrubs and mature trees. There is an existing vehicular access from Maple Drive. There were two mature sycamore trees in the north corner of



Kimberley Road frontage



Corner of Kimberley Road/Maple Drive



Maple Drive frontage



Damage caused by tree to the wall and footpath.

Looking north up Maple Drive, before tree was felled and ivy removed from roadside wall.



Existing approved fence outside no. 64.

the site, one of which is a highway tree, the other was located within the side garden.

2.2 The surrounding area is predominantly residential. The existing roadside boundary features are primarily low walls, some supplemented by hedges. However, there is a 2m high roadside boundary fence outside no. 64.

3. Relevant planning history

3.1 No relevant history at the site.

3.2 Permission (ref: 14/00705/FUL) was granted for a 1.8m high front and side boundary fence and wall at 64 Maple Drive on 7 January 2015.

4. Policy context

4.1 National Planning Policy Framework 2012: Section 7 - Requiring Good Design: *“Planning ... decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”.*

- 4.2 Broxtowe Local Plan 2004. Saved Policy H11 – Minor Development: *“Planning Permission will be granted ... provided that the siting, design and materials do not substantially harm the appearance of the property or the street scene or amenity of neighbouring occupiers”*.
- 4.3 Broxtowe Aligned Core Strategy 2014. Policy 10 – Design and Enhancing Local Identity: *“All new development should be designed to make a positive contribution to the public realm and sense of place; ... and reinforce valued local characteristics”*.
- 4.4 The application site is not within the Nuthall Conservation Area. The Conservation Area boundary to the east includes some small parcels of land fronting Maple Drive (specifically no. 66 and the entrance to the recreation ground).
5. Consultations
- 5.1 Nottinghamshire County Council Highways have been consulted on the amended scheme, including the widened driveway. They comment that the resubmission no longer shows the removal of the highway tree and is now therefore acceptable. It is intended to extend the existing vehicular dropped crossing by 3.6m - four kerb lengths - to allow access to the widened driveway, which is proposed to have a sliding gate. On the basis of the above, they have no objections to the development. They request the inclusion of informatives (relating to the highway crossing and the highway tree) on any approval.
- 5.3 Broxtowe Borough Council’s Tree Officer comments that there have been previous complaints about these Sycamore trees from various residents; the roots and growth of the trunk has destroyed the stone wall and caused damage to the pavement in the area. Given the damage that the trees have caused and the complaints from various surrounding neighbours, he considers that a TPO [Tree Preservation Order] would be inappropriate and would be challenged if appealed by the neighbours.
- 5.4 Councillor J M Owen has requested that the two sycamore trees be covered by a TPO.
- 5.5 Nuthall Parish Council object that the fence is too high on the Kimberley Road/Maple Drive boundaries and that the type of fence, particularly the concrete posts would detract from the current street scene. They comment that the two trees should be protected by TPOs, as they are intrinsic to the character of the area.
- 5.6 Two representations have been made by local residents, objecting on the following grounds:
- Fence not in keeping with the character of the surrounding area.
  - Trees should be protected by TPO.

- 5.7 Following the submission of amended plans, an additional consultation exercise was carried out. The Parish Council made further comments and two further representations were made by local residents. The following points were raised:
- Style and height of fence are out of character.
  - Loss of visibility at Maple Drive junction, compromising highway and pedestrian safety.
  - Recent removal of mature tree is unacceptable.
6. Appraisal
- 6.1 The key planning considerations relate to the design of the fence and gates, their impact on the visual character of the street scene, and any highways issues.
- 6.2 There is no prevailing boundary treatment evident along Maple Drive; with examples including low brick walls, hedges and timber fences. The majority of these are low in height which gives the street a more open appearance. However there are examples of a higher hedges and boundary treatments within the vicinity of the property, particularly including the 1.8m fence on the frontage of no. 64.
- 6.3 The proposed fence and gates would only run along part of the front boundary with the remaining frontage, including the whole Kimberley Road frontage remaining predominantly open with a low wall. The design of the fence has been amended to ensure that there are no posts visible from the road. The fence would be finished in a black or dark grey colour, such that it would be integrated with the background and not be seen as a prominent feature. The existing roadside wall would be retained, such that the traditional character of the frontage would be retained in part.
- 6.4 The short section of proposed fence within the garden would be well screened by existing vegetation and would not adversely affect any visual amenities.
- 6.5 The proposal would be similar in design to the wall and fence approved at no. 64. Additionally, the proposal would not be directly opposite that part of the Conservation Area fronting Maple Drive and, as such, it is not considered that it would impact on views into or out of this designated area. On balance, it is not considered that the fence would not have such a detrimental impact on the character of the area to warrant a refusal.
- 6.6 Concerns have been raised that the proposed fence will obstruct highway visibility at the Maple Drive junction. However, the fence on the Maple Drive frontage would be set back some 12m from the junction. Highway and pedestrian safety would not be compromised. No highway objections have been received.
- 6.7 Finally, with respect to the removal of the sycamore trees, as set out above, although this was included within the application, the removal of the tree within the applicant's garden did not require consent, as it was not protected

in any way. The Council’s Tree Officer assessed the merits of a possible TPO (before the tree was felled) and considered that this would be inappropriate, given the damage that the trees have caused and the previous complaints from various surrounding neighbours.

6.7 The remaining sycamore tree is located within the footpath and is a highway tree, the responsibility of Nottinghamshire County Council. Given the existing level of protection, and the County’s objection to it being felled, it is not considered that a TPO would be necessary.

7 Conclusion

7.1 Overall it is considered that the proposed fence and gates would be of an acceptable standard of design and would not adversely affect the street scene. The application is considered to accord with Policy H11 of the Broxtowe Local Plan, Policy 10 of the Broxtowe Aligned Core Strategy and with Section 7 of the NPPF.

**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 permitted shall be carried out in accordance with the Site Location Plan received by the local planning authority on 4 May 2017; and the Amended Block Plan, Elevations and photographs, received by the Local Planning Authority on 5 June 2017.**
- 3. The fence shall be stained dark grey, green or black; with no posts visible from the highway.**

**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. In the interests of the appearance of the street scene and in accordance with the aims of Policy H11 of the Broxtowe Local Plan.**

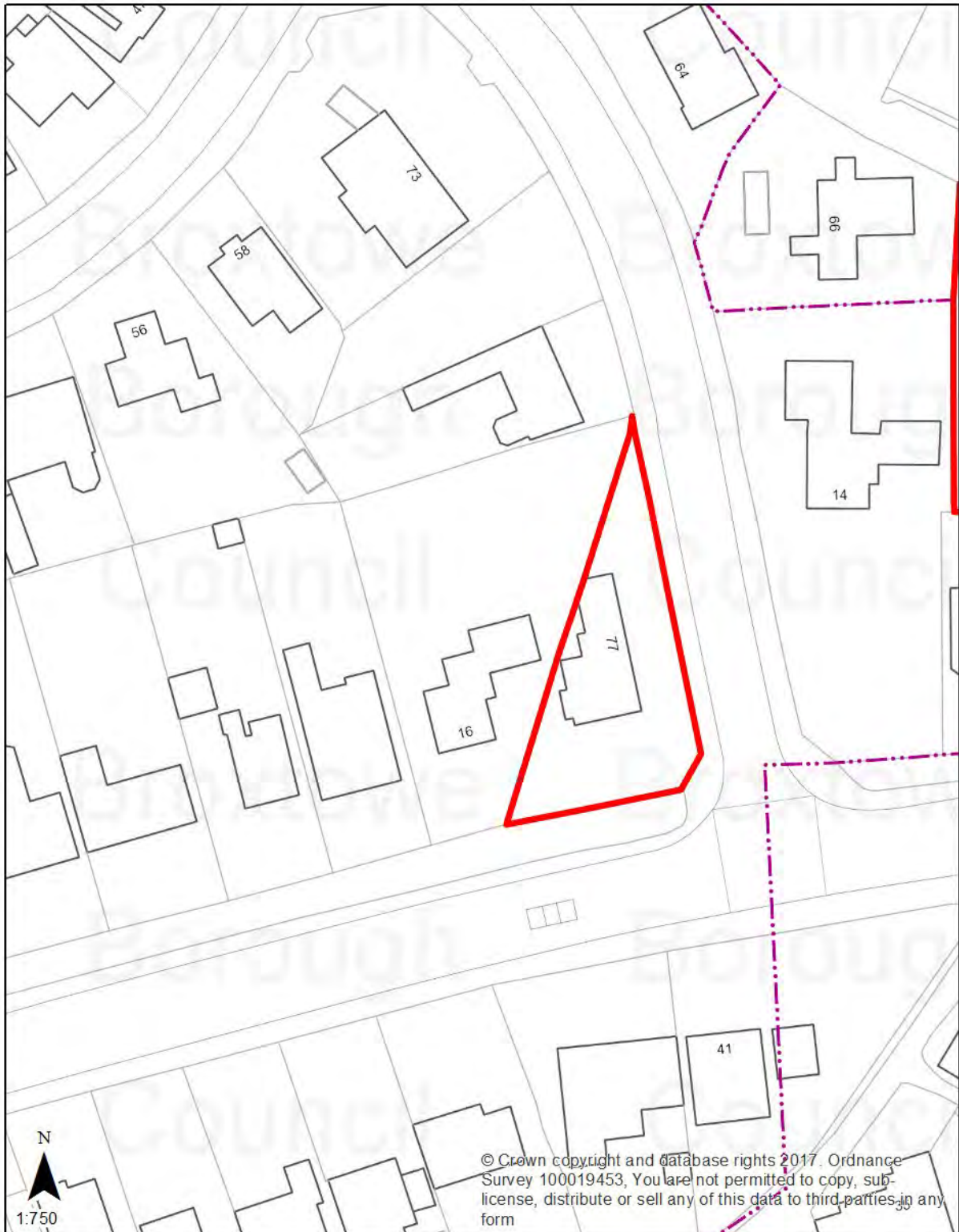
**Notes to Applicant:**

- 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/>**
- 3. The provision alteration to the vehicular crossing requires a licence granted under Section 184 of the Highways Act 1980. You are therefore required to contact Nottinghamshire County Council on 0300 500 8080 to arrange for this.**
- 4. The works are adjacent to a highway tree and the applicant must ensure that damage does not occur to the tree or its roots. Please contact the Forestry department on 0300 500 8080 for advice.**

Background papers

Application case file ref: 17/00302/FUL





- Legend**
-  Site
  -  Conservation Areas (Local Plan)

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**

1. Reason for report

1.1 This report relates to a planning application which was deferred at the Planning Committee on 21 June 2017. Members wished to seek and consider further information about staffing numbers and parking arrangements.

1.2 This application was initially brought before the Planning Committee at the request of Councillor J K Marsters. The initial report is attached as an appendix to this report.

2. Further information

2.1 The applicant has submitted the following information. There are a maximum of 13 full-time staff (1 manager, 11 carers and 1 cook) and 5 part-time (2 carers, 2 housekeepers and 1 cook) employed at the premises. 11 full-time staff and 3 part-time staff (total of 14) cover the two day-time shifts and 2 full-time staff and 2 part-time staff (total of 4) cover the night shift.

2.2 They work in a shift pattern as follows:

SHIFT	HOURS	STAFF	CAR PARKING REQUIRMENT
Day Shift Early	07.30-14.30	3/4	Upto 4
Day Shift Late	14.30-21.30	3	Upto 3
Night Shift	21.30-07.30	2	Upto 2

2.2 The applicants advise that the car parking figure is based on the maximum requirement, based on the total number of staff who drive to work and will vary between the staff rota (6 of the 14 day staff, and 3 of the 4 night staff).

2.3 The existing car parking arrangement comprises 8 spaces in total (6 spaces at the front and 2 spaces at the rear). The proposed car parking arrangement comprises 10 spaces in total (including 2 new spaces at the front). With the proposed layout, four dedicated staff spaces will be available, two at the front and two at the rear.

3. Parking assessment

3.1 The proposed plans 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.

- 3.2 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.
- 3.3 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.

7. Conclusion

- 7.1 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:**

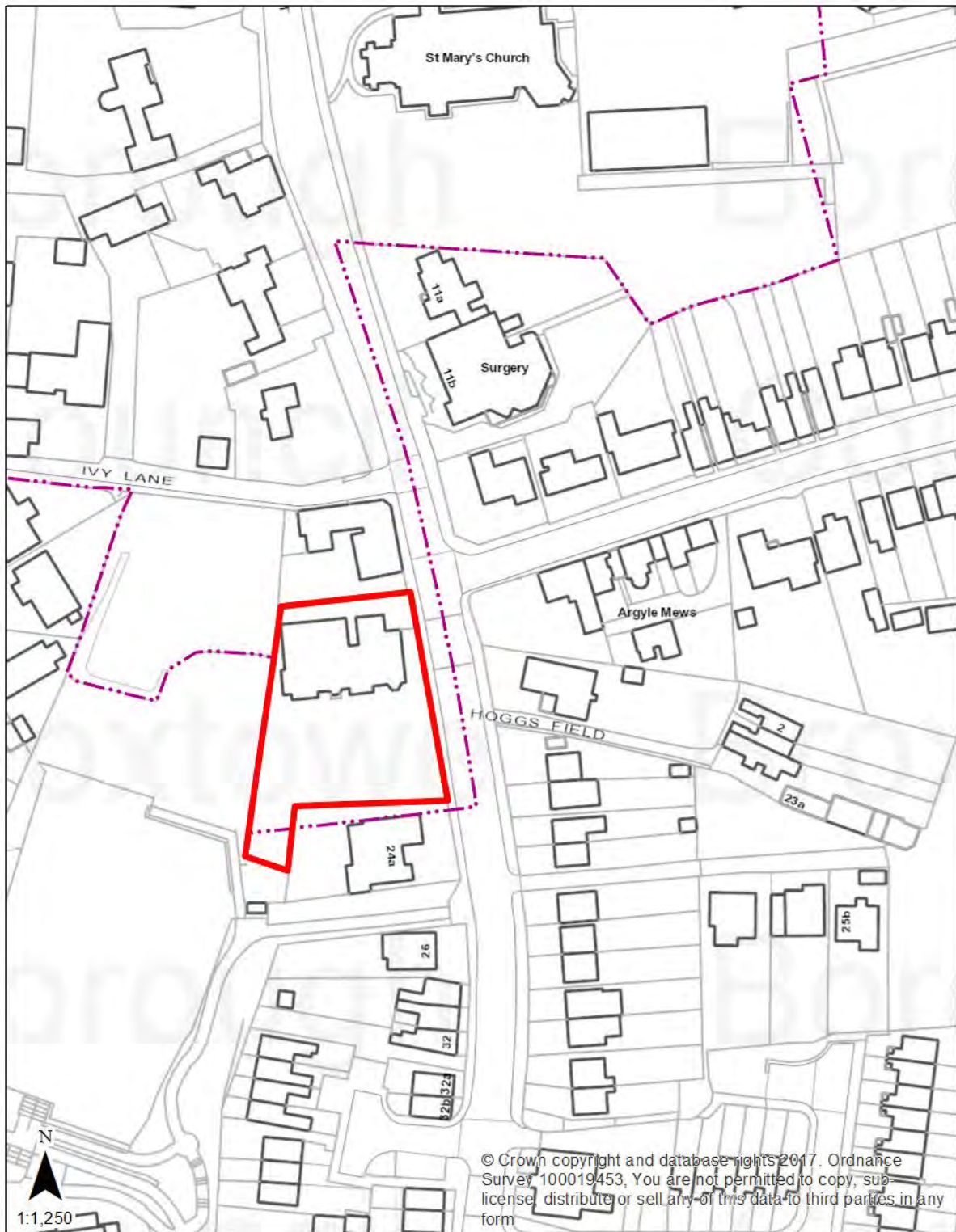
- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading 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 RC12 of the Broxtowe Local Plan (2004).**
- 6. To safeguard the residential amenities of the adjoining neighbour and to accord with Policy RC12 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
- Committee Report 21 June 2017.



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**Legend**

-  Site
-  Conservation Areas (Local Plan)

APPENDIX

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 2 no 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).

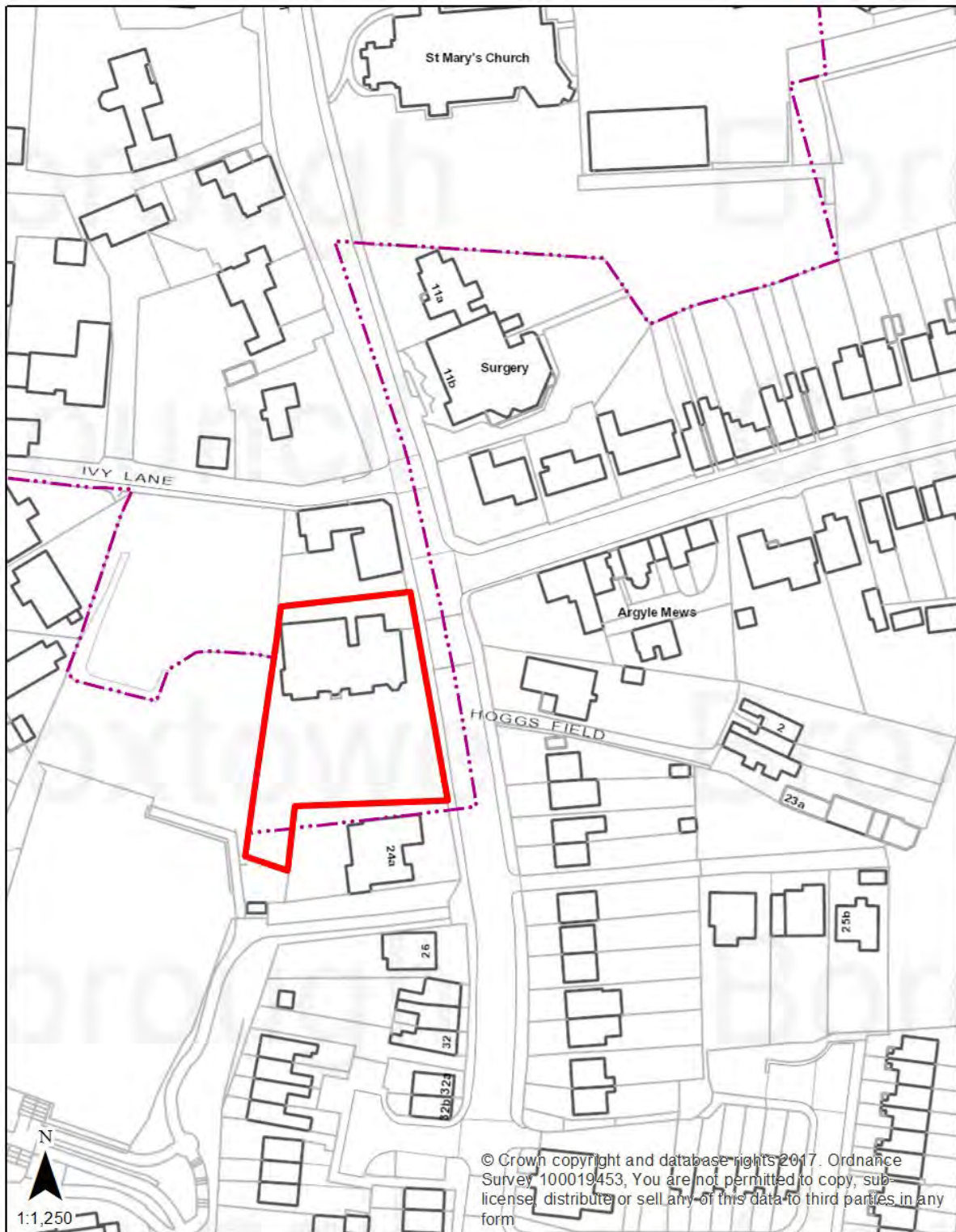
**Notes to Applicant:**

- 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 Services

**17/00237/OUT**

**HYBRID PLANNING APPLICATION SEEKING OUTLINE PERMISSION FOR UP TO 46 NEW DWELLINGS WITH ALL MATTERS RESERVED EXCEPT ACCESS AND FULL PERMISSION FOR CHANGE OF USE FROM FORMER SKI SLOPE / COLLIERY TIP TO FORMATION OF A COUNTRY PARK  
FORMER DRY SKI SLOPE, COSSALL INDUSTRIAL ESTATE, SOLOMAN ROAD, COSSALL, NOTTINGHAMSHIRE DE7 5UD**

This application has been brought before the Planning Committee as it constitutes a major scheme where contributions are also required under a Section 106 Agreement.

1. Details of the application

- 1.1. The application is a hybrid of two parts. The first is outline permission sought to bring forward up to 46 new residential plots. Details of the access arrangements are to be determined as part of this proposal. All matters relating to layout, appearance, scale and landscaping are reserved.
- 1.2. The outline housing scheme is proposed on the section of the application site which is outside of the Green Belt and is designated within the Local Plan as land for new employment expansion.
- 1.3. The second part of the application is full permission sought for change of use of land which was former colliery spoil tip, and later used as a dry ski slope, into a country park which would be open to the public. The details include:
  - Commitment to deliver a fully managed country park
  - New play area
  - Maintenance by conveying ownership of park to a specialist Management Company with an endowment sufficient to ensure care in perpetuity
  - Standard of management to be agreed with the Council and to include managing grassland, woodland safety works, path cutting, rubbish collection, supervision and part-time park warden.
  - Provision of new paths and park furniture to a standard to be agreed with the Council.
  - 15 space surfaced car park
- 1.4. The proposed path network within the country park would include a connection to the bridleway of the disused Nottingham Canal.

2. Site and surroundings

- 2.1. The northern section of the application site is previously developed land outside of the Green Belt which was formerly occupied by buildings and associated car park in relation to the dry ski slope facility. Over the passing of time nature has taken the land back and it now appears vegetated with grass, trees and scrub. Towards the northwest corner of the site the land slopes down steeply and there is a wooded area. The earth and topsoil here appears abnormal and this is probably due to the piled land built of accumulated spoil.
- 2.2. The northern section of land where the housing scheme is proposed is generally flat in most parts however it is on a significantly elevated ground level to Soloman Road. A line of trees and bushes helps to provide screening from the highway.



↑ Outline housing scheme is proposed on the northern section of the application site which has areas of level ground



↑ View of route through woodland area which leads to the northwest corner of the site where land slopes down sharply



↑ Application site is screened from Cossall Industrial Estate by dense vegetation and trees along north boundary



↑ To the east the application site is bounded by the bridleway of the disused Nottingham canal

- 2.3. Soloman Road serves Cossall Industrial Estate which is home to a number of local firms that operate from a mix of warehouse units. The primary activity

within the estate is manufacturing and examples of the types of business includes companies which create off-site build homes, vehicle accident repair, plumbing & heating specialists and construction of sheds/summerhouses. Some buildings also have office and storage use. The majority of companies operating here have unrestricted hours of working and the industrial estate has related machinery noises, smells and fumes which would be expected in addition to frequent movements by heavy goods vehicles.

2.4. Coronation Road to the north of the industrial estate is a main highway providing a link into Ilkeston when travelling to the west and in the opposite direction to the east a route into the village of Awsworth. Directly to the west of Cossall Industrial Estate and the application site there is a railway line where nearby the new Ilkeston Train Station is now operational.



↑Soloman Road is adopted highway and leads into Cossall Industrial Estate



↑Pavements either side of the central section of Soloman Road provide links to Coronation Road where there is a nearby bus stop



↑Mix of industrial premises and warehouse units within Cossall Industrial Estate↑



2.5. The main expanse of the application site where the country park is proposed has a high central point to which most flanks of the site rise steeply to. This is where the top of the dry ski slope once was and at this highest point there is a flat mud-covered area where it appears that motorbike users have created an

informal track. From this area there are views across into the countryside and urban landscape in all directions.

- 2.6. Under Saved Policy RC8 from the Local Plan the prominent landscape area of the application site which is vegetated with grass in addition to areas of woodland to the east and west is allocated for the provision of informal open space. This entire area (excluding the section of the site to the north where the housing scheme is proposed) falls within Green Belt. The west boundary of the application site is also the Broxtowe Borough boundary. Beyond the west boundary the train line falls within Erewash Borough Council’s area.



↑ Steep upward gradient towards highest central point within application site



↑ Views of landscape to the southwest from highest point. Greenery hides view of railway line



↑ Informal dirt track created on high point by motorbikes



↑ Views of landscape to the northeast from highest point

3. Policy context

3.1. Broxtowe Local Plan (2004):

- 3.1.1. Saved Policy E8 – Development in the Green Belt: Planning permission will not be granted for development in the Green Belt except where it constitutes appropriate development.

- 3.1.2. Saved Policy E26 – Pollution: Permission will not be granted for development which would result in significant deterioration in air quality, significant loss of health or amenity to occupants of nearby premises due to pollution, or contamination.
- 3.1.3. Saved Policy E27 – Protection of Groundwater: Permission will not be granted for development which would be liable to result in the infiltration of contaminants into groundwater resources unless measures would be carried out to prevent such contamination taking place.
- 3.1.4. Saved Policy E29 – Contaminated Land: Development of land which may be contaminated will not be permitted unless an agreed method of investigation has been agreed and details of any remedial measures approved.
- 3.1.5. Saved Policy E34 – Control of Noise Nuisance: Permission will not be granted for housing or other noise-sensitive development if the occupants, even with appropriate mitigation measures, would experience significant noise disturbance.
- 3.1.6. Saved Policy H5 – Affordable Housing: The Council will seek affordable housing contributions on housing sites of over 25 dwellings.
- 3.1.7. 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. The supporting text states that bringing forward land for housing within urban areas can best utilise existing infrastructure and support the aims of sustainable development
- 3.1.8. Saved Policy EM1g – New Employment Sites, Part of former ski facility, Soloman Road, Cossall: Allocates northern section of application site as previously developed land for future employment development which would adjoin the existing industrial estate. The remaining undeveloped southern part of the site falling within Green Belt with appropriately designed landscaping to create a country park for public access.
- 3.1.9. Appendix 2B – Development Brief, Part of Former Ski Facility, Soloman Road Cossall: Accompanying plan illustrates an example of how the site could be developed in accordance with the brief where the northern section is employment use under class B1, B2 & B8 and southern section a new country park. The brief states that financial contribution would be negotiated towards walking and cycling measures and improvement of public transport facilities serving the immediate vicinity of the site.
- 3.1.10. Saved Policy T1 – Developers’ Contributions to Integrated Transport Measures: Permission will not be granted for developments which generate

- a requirement for improved transport infrastructure until appropriate contribution has been negotiated.
- 3.1.11. Saved Policy T11 – Guidance for Parking Provision: Permission will not be granted for new development unless appropriate provision is made for vehicle parking and servicing in accordance with the Highways Authority guidelines.
  - 3.1.12. Saved Policy RC6 – Open Space Requirements for New Developments: Permission will not be granted for residential development which is 15 dwellings or more unless provision is made for public open space and children’s play areas or through contributions to the provision or improvement of facilities related to the site.
  - 3.1.13. Saved Policy RC8 – New Informal Open Space: Cossall, former tip associated with ski-slope is allocated as informal open space. The supporting text to this policy states that development will not be permitted unless it improves recreational potential.
- 3.2. Broxtowe Aligned Core Strategy 2014:
- 3.2.1. Policy A – Presumption in Favour of Sustainable Development: A positive approach will be taken when considering proposals and the Council will always work proactively with applicants to find solutions which mean proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions.
  - 3.2.2. Policy 1 – Climate Change: All new development should incorporate measures to reduce surface water runoff. Sustainable Urban Drainage Systems (SUDs) should be incorporated into all new development unless it can be demonstrated that such measures are not viable or technically feasible.
  - 3.2.3. Policy 2 – The Spatial Strategy: Sustainable development will be achieved through urban concentration.
  - 3.2.4. Policy 4 – Employment Provision and Economic Development: Economy will be strengthened by considering the release of sites that are not attractive to the employment market and are not good quality employment sites.
  - 3.2.5. 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. It is stated that in Broxtowe for new residential developments on appropriate sites a 30% affordable housing target will be sought through negotiation.
  - 3.2.6. Policy 10 – Design and Enhancing Local Identity: New development should be designed to make a positive contribution to the public realm and sense of place. Development will be assessed in terms of the potential impact on

important landscape views, potential to create new views, its treatment of plot sizes, impact on the amenity of nearby occupiers and the ground conditions of the site.

- 3.2.7. Policy 14 – Managing Travel Demand: The priority for new development is in firstly selecting sites already accessible by walking, cycling and public transport.
- 3.2.8. Policy 19 – Developer Contributions: All development will be expected to meet the reasonable cost of new infrastructure required as a consequence of the proposal. The supporting justification text states that contributions from a particular development will be fairly and reasonably related in scale and kind to the relevant scheme and directly related to the development.
- 3.3. National Planning Policy Framework (NPPF) 2012:
  - 3.3.1. Core Planning Principles para.17: planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
  - 3.3.2. Section 1 – Building a Strong, Competitive Economy: Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.
  - 3.3.3. Section 6 – Delivering a Wide Choice of High Quality Homes: Housing applications should be considered in the context of the presumption in favour of sustainable development. Local authorities should plan for a mix of housing based on the needs of different groups in the community.
  - 3.3.4. Section 7 – Requiring Good Design: Developments should function well and add to the overall quality of the area, establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Decisions should also aim to ensure that developments optimise the potential of the site and are visually attractive as a result of good architecture and appropriate landscaping.
  - 3.3.5. Section 9 – Protecting Green Belt Land: A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
  - 3.3.6. Section 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change: When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Development should be appropriately flood resilient and the use of sustainable drainage systems should be given priority.
  - 3.3.7. Planning Conditions and Obligations para.203-206: Planning obligations should only be sought where they are necessary to make the development



acceptable in planning terms and fairly and reasonably related in scale and kind to the development.

4. Relevant planning history

4.1. The former dry ski slope facility closed in 1992. In 2000 under application ref: 00/00593/FUL the Council refused permission for a proposal to create a country park with hotel/restaurant, health and fitness unit and family public house.

4.2. The reasons for refusal of application ref: 00/00593/FUL related to the location not being close to any town centres, the development constituting inappropriate development within the Green Belt and the conflict with potential future employment allocation. The Masterplan submitted with the application outlined that the proposed car parking would encroach onto areas of the site which fall within Green Belt.

4.3. There is no relevant planning history for the application site since 2000.

5. Consultations

**External Agencies:**

5.1. The Canal and River Trust has confirmed that the site is next to the disused Nottingham Canal which is not in their jurisdiction. The application falls outside of the notified area and therefore no comments.

5.2. The Coal Authority has raised no objections to the development and is happy with the technical reports that have been submitted which use up-to-date coal mining information. Conditions should be attached to any approval which requires further investigation works prior to commencement of development and a mine shaft mitigation scheme.

5.3. The Environment Agency considers that planning permission could be granted subject to pre-commencement conditions which require the developer to deal with any contamination hot spots responsibly by further site investigations. The conditions would also require that where there is risk to geology identified than remediation criteria is put forward and long-term monitoring and maintenance will be in place to prevent pollution to groundwater.

5.4. Nottinghamshire Wildlife Trust has advised that there are key elements of the application that are welcomed such as the establishment of a country park and the recommendations within the surveys are supported. However additional survey work should be undertaken for reptiles and a reptile/translocation plan. The Trust's Conservation Officer has advised that a suitable condition can be attached to any approval requiring a detailed translocation methodology/reptile mitigation strategy.

**Nottinghamshire County Council (NCC):**

- 5.5. County's Archaeology Leader has advised that the submitted Archaeological Desk-Based Assessment is a thorough piece of work and the development is likely to uncover the remains of buildings and features associated with the colliery which may have historical value. There are no objections to the scheme subject to a pre-commencement condition requesting a level of archaeological supervision over the redevelopment.
- 5.6. The Education Authority has objected and requested that a significantly higher contribution is required from the developer than that which has been negotiated and previously agreed. The additional money would be required to provide secondary school provision at Kimberley School.
- 5.7. The County Highways Authority is happy with the scheme and considers that satisfactory junctions can be provided onto Soloman Road to serve the residential development and car park. The car park is also of a suitable size to serve the country park. The Highways Authority is happy with the agreed level of developer contribution which has been negotiated to improve walkability by improving footway links.
- 5.8. County's Landscape & Reclamation Team has been commissioned to provide project engineer input for each discipline relating to coal mining reports, desk study and site investigations to verify the site conditions and recommend whether development proposals are appropriate and any slope stability concerns are addressed. The recommendation and summary of findings by the Reclamation Team will be reported to Planning Committee.
- 5.9. The Lead Local Flood Authority (LLFA) has confirmed no objections subject to the Flood Risk Assessment and Drainage Strategy being implemented as proposed.
- 5.10. County's Transport & Travel Services section is happy with the agreed level of developer contribution which has been negotiated to improve bus stop infrastructure on Coronation Road.

**Additional Consultees:**

- 5.11. The application site is along Nottinghamshire County's boundary with Derbyshire. Although the entire application site is within Nottinghamshire County Council's area it is likely that residents of a new housing development would use public transport to access Ilkeston Town Centre whilst residents of Ilkeston and further afield in Erewash may use bus services to access recreational facilities created through the opening of a new country park. New residential development may also be close to schools within Derbyshire. Derbyshire County Council has therefore been formally consulted.
- 5.12. Derbyshire County Council has confirmed that they are liaising with NCC Education Authority with regard to secondary school provision. A

coordinated response from both County Education Authorities is expected and will be reported to Planning Committee.

- 5.13. Derbyshire County Council's Strategic Director has commented on the application and advised that the country park would be acceptable use of Green Belt, there may be appropriate justification for residential use on the allocated employment part of the site and it is unlikely that the development would have any adverse impact on Derbyshire's road network.
- 5.14. Erewash Borough Council consider the proposal as a positive one where a contribution is made to Broxtowe's housing land supply requirement whilst the creation of a country park would provide a managed area of localised biodiversity able to complement existing leisure and recreational opportunities.

**Internal Technical Consultees:**

- 5.15. The Council's Senior Environmental Health Officer has advised that the noise report is in line with the NPPF however it only reflects the general characteristics of the site and does not take into account short duration impact noise generated by industrial units or heavy goods vehicles etc. The report takes an average reading based only on two 24 hour surveys. In principle there are no objections however a pre-commencement condition should be attached which requires that the developer suitably considers the noise environment with a more detailed assessment based on the final layout as part of the reserved matters in line with the current British Standards.
- 5.16. The Council's Environmental Health Technical Officer has raised no objections in principle with regards to air quality however further information is required in terms of the effects of dust on local air quality. A suitable pre-commencement condition should therefore be attached.
- 5.17. The Council's Scientific Officer from the Environmental Health Division has confirmed no objections subject to conditions relating to further investigations to ensure any contaminated land is identified and suitable remedial measures are completed. The Contaminated Land Phase 1 Desk Study and Geo-environmental and Coal Mining Investigation Report do not cover the proposed public open space and therefore further investigation work is necessary in order to ensure no risk to public health. The Scientific Officer has confirmed that the pre-commencement conditions would also cover the same information requested by The Environment Agency to protect groundwater pollution.
- 5.18. The Council's Parks & Environment Business and Projects Manager is happy with the principle of the scheme and for a Management Company to own and take care of the country park. Comments have been made that the path network is good however a few more paths could be included. The woodlands will require a lot of management and maintenance whilst the flat area along the southern edge of the site needs managing as grassland

meadow. The top of the site offers excellent viewing areas and there is opportunity for good links between the site and Nottingham Canal which should be maximised.

- 5.19. The Council's Planning Regeneration & Development Manager is supportive of the scheme and considers that the employment allocated site can be released to help bring forward new housing. The site has been allocated for a number of years and no proposals have come forward for employment use or to extend the existing industrial estate.
- 5.20. The Council's Refuse and Cleansing Manager has raised no fundamental concerns and the Council's fleet of refuse vehicles would be able to serve the site if the roads are to Highways Authority adoptable standards.

**Representations Received:**

- 5.21. Cossall Parish Council has not commented on the application.
- 5.22. One objection has been received from the business premises at Unit 10 in the neighbouring Cossall Industrial Estate. Concerns are raised that the access road is not adequate for the level of traffic, the feeder road to the industrial estate is not designed for any through traffic and the footpaths are not suitable for increased pedestrian use.
- 5.23. One letter in support of the application has been received from the business premises known as Signs Direct which operates from Unit 13 within Cossall Industrial Estate.
- 5.24. Comments have been received from Metreel Works which is a business operating from Cossall Industrial Estate. The comments highlight that the unit close to the railway line on occasion is used for 24 hour assembly which requires cranes, lifting equipment and power tools. Any restrictions in working time placed by the Council would have a detrimental effect to their business.
- 5.25. A letter of observations has been received from the business at Heritage House, 5A-5D Soloman Road, Cossall which is in use as offices. Within the comments the development is welcomed however the concerns relate to disruption to local businesses which was the case during recent works at Ilkeston Train Station. There are concerns that access to the site could be restricted and adding more traffic could lead to more accidents. Should the application be approved then it would help local businesses not to have the same parking issues as was encountered during works for the train station. Construction staff should not block lorries and should not hinder businesses that operate in the estate.

6. Five year housing land supply and housing need:

- 6.1. The NPPF states that planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years

worth of housing against their housing requirements with an additional buffer of five per cent to ensure choice and competition in the market for land. Where there has been a record of persistent under-delivery of housing, local planning authorities should increase the buffer to 20 per cent. At paragraph 49, it states that “Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

6.2. As reported to the Jobs and Economy Committee on 26 January 2017, the Council cannot demonstrate a five year supply of housing land and this matter is to be rectified with new allocation in the Council’s Part 2 Local Plan. The current 5 year supply position of Broxtowe Borough Council is 3.6 years with further permissions needing to be granted in the short term to address the shortfall. Given the lack of a five year land supply, paragraph 49 of the NPPF is therefore engaged and the housing supply policies for Broxtowe cannot be considered up-to-date. Under these circumstances, the approach to follow is contained within paragraph 14 of the NPPF, which in respect of decision-taking is:

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

6.3. There has been much debate with some contradictory High Court decisions as to which policies amounted to policies for the supply of housing. The Court of Appeal issued a decision issued on 17 March 2016 in relation to Richborough Estates Partnership LLP (the developer) and Cheshire East Borough Council and Secretary of State for Communities and Local Government. It is considered the key conclusion from this case is that Paragraph 49 should be interpreted widely and it applies to all policies which are restrictive of where housing development can go. The Court of Appeal made clear that the phrase “should not be considered up-to-date” in paragraph 49 has the same meaning as “out-of-date” in paragraph 14 of the NPPF and therefore, if there is no five year supply of housing land, relevant policies for the supply of housing are to be seen as out-of-date.

6.4. The Supreme Court issued a judgment on 10 May 2017 which determined that the ‘narrow’ interpretation on which policies are to be considered as ‘policies for the supply of housing’ is correct. For this case Policy 2 from the Aligned Core Strategies is therefore out-of-date as it directly allocates a distribution of new homes.

7. Appraisal

- 7.1. In respect of the outline housing scheme the main issues relate to the principle of development in terms of the employment allocation weighed against housing need. The country park, play area and car park is proposed within Green Belt and therefore the foremost issue relates to whether the principle constitutes appropriate development and any potential harm upon openness. The assessment of harm to the Green Belt, and any other harm, will be weighed against whether very special circumstances exist. Finally, for the hybrid scheme as a whole the merits of any Section 106 Agreement and suitability of utilising the site in terms of any technical land constraints will be considered.
- 7.2. The housing scheme is proposed entirely on the northern section of the application site which falls outside of the Green Belt. This previously developed land is allocated for future employment use under Saved Policy EM1g of the Local Plan 2004. This site has therefore been allocated for a number of years however the Council has not seen any proposals come forward for employment uses. The reason for the original employment allocation is logical as the site would be reliant on Soloman Road which serves neighbouring Cossall Industrial Estate. The vision was for this site to serve as an extension to the existing industrial estate or for a major firm to potentially develop the whole site as bespoke premises.
- 7.3. There are no buildings currently occupying the employment designated site and the land is fairly flat. The site would be able to accommodate large warehouse type buildings however one barrier for this use could be the elevated ground level to the highway. This may pose problems for creating ease of access and sufficient turning area for heavy goods vehicles especially with a potentially steep incline. In any case, the site has not come forward for employment provision which could extend the existing offer at the industrial estate. The Council's Regeneration Manager is supportive of allowing the site to be released as the prospect of employment use coming forward is unlikely whilst there are also vacant units within Cossall Industrial Estate which the Council would like to see utilised by local firms. Policy 4 of the Broxtowe Aligned Core Strategy states that employment sites should be appropriately managed and where they are not of good quality or attractive to the market than the Council should consider releasing them for other uses. Paragraph 22 of the NPPF also reaffirms that policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.
- 7.4. A realistic view is that Saved Policy EM1 allocated employment sites based on meeting anticipated need relevant to that period of time. However, at this current time and based on the lack of any proposals for employment use coming forward over a number of years it is reasonable to assume the allocation is no longer having regard to market signals. In this scenario the principle of different uses is not wholly unacceptable and applications for alternative uses of land should be treated on their own merits.

- 7.5. The Council cannot currently demonstrate a 5 year housing land supply and is reliant on new sites to be allocated in the Part 2 Local Plan. In advance of the Local Plan Inspector finding these allocations sound the current Local Plan and Core Strategy housing supply policies are out-of-date. Within the north of the borough in particular the key 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. This is the context for the overriding need of new housing and the challenge to optimise the potential of previously developed sites. Section 6 of the NPPF also outlines the importance of significantly boosting the supply of housing. Within this hybrid scheme the application acknowledges that new homes would be introduced in an area where there are none. The site neighbours a busy industrial estate whilst beyond the train line to the west there are further industrial premises. The site clearly has constraints for introducing housing however there are also opportunities to bring forward residential use that coincides with a recreational and open space offer via a new country park.
- 7.6. The vision for the new housing area is to use the elevated land level to turn its back on the industrial estate and then maximise the relationship to a new country park to the south. The hindrance of the location is that access is via Soloman Road which would mean that new residents and visitors would pass through the industrial estate and there would be an introduction of residential traffic movements mixing with heavy goods vehicles. Although this is not ideal the main central section of Soloman Road is wide and it would only be a short straight distance into the industrial site before reaching the access into the site. It would not be a case where the housing is reached via a long route so the experience into the site is not completely dominated by passing through all the industrial units of the estate.
- 7.7. The Masterplan outlines that the northern section of the site can reasonably accommodate up to 46 new residential plots which would make a contribution to the overall picture of housing need. It is considered that a balance has been achieved where the development acknowledges the constraints of being close to industrial activity however new residents would have strong recreational opportunities and easy access to open space. The country park would also be supported by its own separate car park to avoid major parking problems on the internal roads of the new housing whilst there would also be a new children's play area. Taking into account that all matters are reserved with regards to appearance, layout, scale and landscaping it is considered that at this stage any housing scheme for this number of plots could be designed in a suitable layout which turns it's back on the industrial estate and maximises links with a new country park.
- 7.8. Access arrangements are to be determined as part of this application and concerns have been raised within representations received in relation to traffic and highways safety. A joint site visit was undertaken with the County's Senior Development Control Officer to assess the opportunities

for the scheme. A separate site access is proposed for the housing area and for the car park associated with the country park. The characteristics of the area mean that residential movements would undoubtedly mix with heavy industrial use, however the new roads would be developed to adoptable standards. The County Highways Authority has raised no objections and is satisfied at this stage that acceptable junctions onto Soloman Road would be provided.

- 7.9. There are some issues raised with the proposed long section drawings for the gradients of internal roads, however, as layout is a reserved matter this is a technical detail which can be clarified at a later stage. The developer has confirmed that the gradients and internal road design would be changed to comply with the Highways Authority standards in the final scheme design. For the determination of this application the access arrangements are satisfactory and the country park would have an adequate car park where 15 spaces are provided. After negotiations the developer has also agreed to contribute money towards infrastructure improvements. The contribution would cover improvements to walkability by providing a footway from the proposed housing access that links to the existing footway provision on Soloman Road in addition to tactile paving at radius kerbed accesses and along Coronation Road on the pedestrian desire lines. Bus stop infrastructure on Coronation Road would also be improved with this contribution. It is considered that there are no reasonable grounds to go against the technical opinion of the Highways Authority and refuse the hybrid scheme based on any traffic, highway safety grounds or parking problems.

8. Deliverability of Country Park:

- 8.1. Within this hybrid scheme the country park would play an essential role in giving the residential element an identity and setting. Therefore the housing is only acceptable in planning terms by making use of the open space opportunity. The deliverability of the country park is vital and there should be a guarantee that the housing is not built and occupied without formation of the country park. At the same time it should also be taken into account that developers require flexibility which helps to deliver projects. The attractiveness of the site to developers would be reduced if the country park has to be delivered including the infrastructure and handing over management with an endowment to a Management Company all before a single dwelling has been sold and occupied. This could create a cash-flow problem.
- 8.2. In order to introduce a degree of flexibility and also guarantee that the country park is delivered alongside the housing then a suitable planning condition can be added which allows up to 20 houses to be sold and occupied, or within 2 years from the commencement of development that the country park is available for general public use with the standard to the satisfaction of the Council. This would ensure flexibility to accommodate cash flow considerations whilst also ensuring confidence that the housing will not be built without the country park and once work has started it will



come forward in a timely fashion whatever the position with the rest of the site. A condition should also be added to ensure the children's play area is made available before any dwelling is occupied to ensure the facility is available for new residents.

9. Green Belt:

- 9.1. The southern Green Belt section of the application site would be formed into a country park which would be open to the public. The actual development within the Green Belt would consist of park furniture, a new network of paths through the landscape in addition to a car park and play area within the northeast corner of the site.
- 9.2. The NPPF does not list changes of use as a type of development which may be considered as 'not inappropriate'. The lack of a specific reference to changes of use in the Green Belt in the NPPF has been considered in case law (*Timmins v Gedling Borough Council* 2014). The case decided that because material changes of use are not specifically mentioned as being potentially not inappropriate in the NPPF, then they should be considered to be inappropriate. The principle of development is therefore unacceptable and changes of use within the Green Belt must be subject to the very special circumstances test if they are to be granted permission.
- 9.3. Inappropriate development is by definition harmful however the essential characteristic of Green Belt is openness which relates primarily to an absence of development rather than solely an assessment of visual impact. Within this scheme the intention is to retain the prominent landscape, mature vegetation, woodland areas and rising topography and to open it up for people to experience as part of a country park. The network of paths is not over intensive and formalises the existing routes through the landscape. The distinctive aspect of the country park would be the route up towards the central high point as from here people would be able to enjoy views out in all directions of surrounding urban and countryside areas. Therefore the country park would be for the enjoyment of local people and would bring forward significant recreational opportunities.
- 9.4. The car park and children's play area would be suitably located close to the housing scheme and public highway which would mean that any visual effects of this in built form would be constrained to only short distance receptors such as from the industrial estate and effects would reduce with viewing distance. The car park and play area would not interrupt the expanse of the country park landscape and it is considered that these elements constitute appropriate facilities which support the outdoor recreational use. The vegetation, woodland and topography are the positive landscape characteristics and it is considered that the change of use would comply with the fundamental aim of Green Belt policy to preserve the absence of development as there would be no significant reduction in openness.

- 9.5. The change of use of land represents inappropriate development which is by definition harmful to the Green Belt. However, it should be taken into account that the likelihood of a fully managed country park being brought forward are rare and the Council's own design brief for the site under Appendix 2B of the Local Plan has always earmarked a country park within the Green Belt area. This scheme presents an opportunity to fulfil this long term opportunity of the site by linking it to a new housing scheme. For the change of use to proceed the development would generally consist of clearance works, planting, cutting back trees, managing/maintenance of the grassland and woodland, installation of path network, park furniture and associated car park and children's play area. The established country park would also help to maximise links to the bridleway of the disused Nottingham Canal to the east.
- 9.6. At the heart of national policy there is an aim for Green Belt land to be diverse and filled by nature but also opened up to people to experience it, as stated in the NPPF Ministerial Foreword. The new land use as a country park would have an overriding aim to preserve openness and it is considered that this would outweigh any potential harm by reason of inappropriateness. It is considered that this opportunity to bring forward a community open space can equate to 'very special circumstances' unless any other harm or other considerations clearly outweigh the Green Belt balance.
10. Other Matters:
- 10.1. This scheme has been brought forward by working collaboratively with the developer and all technical consultees throughout pre-application discussions and during the course of the application. As outlined in the report the response from all technical consultees is generally that the scheme is acceptable. However, additional site investigations are necessary for the public open space and more technical work is required during the reserved matters stage for the housing as the site layout is advanced.
- 10.2. A key concern of introducing housing within the area is potential noise and disturbance to new residents due to the proximity to a busy industrial estate where many units are not controlled by hours of working. The Council's Senior Environmental Health Officer has confirmed no objections in principle to the scheme, however the scope of the submitted noise report is considered to be limited. Moving forward further investigation will be necessary in line with British Standards to understand the noise environment to establish the type, duration and specific impact of the noise climate on the proposed residential units and to suggest suitable noise mitigation measures. The final layout of the housing will also relate to what mitigation measures may be necessary and this could include the introduction of acoustic fencing, wall insulation, specific internal layouts of homes and upgraded glazing/ventilation. A suitable pre-commencement condition should therefore be attached to any approval.

- 10.3. In terms of the land constraints The Coal Authority, Environment Agency and the Council's Scientific Officer raise no objections to the scheme however relevant pre-commencement conditions should be attached to any approval requiring further investigations.
- 10.4. During the course of the application potential issues have been raised with land stability due to the land as former spoil tip and in particular what impacts there may be as a result of significant amounts of cut and fill for the housing. At the reserved matters stage there would be more detail in terms of the finished floor levels of the housing however it is important at this stage to ensure that there are no fundamental issues where the residential site ends and the country park area starts in terms of land stability. The County Reclamation Team has therefore been commissioned to undergo specific work to advise whether the scheme would be acceptable from a land stability point of view and to advise of any further investigations which should be carried out and can be attached as pre-commencement conditions.
- 10.5. In terms of flooding the site is outside of Flood Zone 3 or 2 and the Environment Agency has not notified the Council of the area having any critical drainage issues. A sustainable urban drainage system would be incorporated into the scheme where run-off rates could be restricted and an attenuation pond would store additional volume on site prior to discharge. The County Lead Local Flood Authority (LLFA) has raised no objections to the scheme and therefore it is considered that in line with the NPPF the scheme could be appropriately flood resilient and flood risk would not increase elsewhere.
- 10.6. Nottinghamshire Wildlife Trust has advised that some additional survey work is necessary and the developer has agreed for this work to be undertaken. Suitable conditions should be attached to any approval. It is considered that an established country park with wildlife-led management could result in overall net gain to biodiversity.
11. Developer Contributions:
- 11.1. The application constitutes a major scheme and Saved Policy T1 from the Local Plan and Policy 19 from the Broxtowe Aligned Core Strategy requires that a planning obligation is sought from the developer. In line with the NPPF any planning obligation should meet the tests of being necessary in planning terms, directly related to the development and fairly and reasonably related in scale and kind. A Section 106 Agreement has been negotiated and the developer is in the process of starting to draft a legal document.
- 11.2. The scheme will introduce houses into an area where there are none and the planning balance is that unlocking the site for residential is only acceptable where the country park is brought forward. The contributions agreement has therefore been negotiated placing great weight on the need to deliver the country park whilst also accepting the substantial cost

- implications associated with initial infrastructure and then transfer to a Management Company for park management in perpetuity. The park would not be a burden on any new residents within the housing area as the on-going management would be covered by an endowment from the developer and there would be no add-on fees for each new homeowner. In any case 46 dwellings is not a large enough number of properties which could on their own support maintenance of such an open space.
- 11.3. The developer has agreed to procure the provision of a new country park including the new play area, surfaced car park, provision of paths and park furniture. Open space requirements would therefore be fully satisfied on site. The Council is not in a position to manage any new open space areas whilst it is understood that the Wildlife Trust and the Woodland Trust are also not in a position to take care of the land even with a small endowment. This has led to the agreement that the country park ownership would be transferred to a specialist Management Company that would likely have experience of looking after parks and would maintain the land in perpetuity. The future management of the site would include management of the grassland, woodland safety works, path cutting, rubbish collection and supervision potentially including a part-time park warden. The developer has already explored the types of costs involved in a Management Company taking over a park of this size and the initial endowment costs could be in excess of £350,000.
- 11.4. Any 106 agreement would include specific triggers that ensure the Council is able to control whether the park works are of a suitable standard. Only when the Council is satisfied with the park condition will it then be handed over for management and this can also be tied to the development of the housing scheme via planning condition. The intention is to allow all the construction works and a certain number of houses to potentially be sold so as to not stifle the developer. By also linking the park to commencement of development it would allow the developer to sell some houses to avoid cash-flow problems. This would give the developer flexibility and enhance the deliverability of the country park.
- 11.5. It has been highlighted that the housing scheme needs to link better with the existing highway network whilst there is also a need to increase the sustainability of the scheme by improving existing public transport infrastructure. A contribution of £20,000 has been negotiated which will cover the full costs of a footway link from the proposed access to the existing footway provision on Soloman Road, installation of tactile paving to radius kerb accesses and new bus stop infrastructure along Coronation Road. It is considered that this would improve walkability to and from the site and provides a pedestrian desire line to the nearest bus stops. This contribution would go directly to Nottinghamshire County Council.
- 11.6. The negotiations for contributions with the developer started early within the pre-application stage where it was ensured that the County Education Authority was party to the discussions and included fully in the process. The Education Authority requested at pre-application stage that

contributions would be required for providing primary provision to accommodate additional pupils. The amount of contribution over £100,000 was agreed with the developer who made sure that this amount was always built into their costing's as the scheme evolved towards this formal application submission.

- 11.7. During the course of this application the Education Authority has advised that in addition to the primary school contribution the development would yield secondary school places and therefore additional contribution is also required. In addition to £114,550 for primary provision the Education Authority has requested an extra £120,820 for secondary provision. The developer is unwilling to increase the existing education contribution.
- 11.8. Taking a pragmatic view the Education Authority would have an extra year worth of pupil and birth rate data since pre-app discussions. However, within the data for Kimberley School which the Education Authority has provided it outlines that the overall pupil places went down by 16 places from 2015/16 to 2016/17. From this point onwards the projections for overall places rises sharply to a high point of 1469 in 2023/24. The additional amount of money that has been requested is considerable and would make the hybrid scheme unviable for the developer taking into account the aim to deliver a country park with a substantial endowment figure in addition to abnormalities associated with the land as former spoil tip.
- 11.9. It is likely that due to the location of the site families may send their children to schools in Ilkeston which is in easy reach and falls within Derbyshire County's area. Derbyshire County's Education Authority has been consulted as it may be that secondary school provision can be provided within the local school in Derbyshire. Derbyshire County's Education Authority is yet to respond to the application and is understood to be in contact with Nottinghamshire County Education Authority to provide a coordinated response. This response will be reported to Planning Committee.
- 11.10. The priority of this scheme is to deliver the country park which has been earmarked by the Council for a number of years and would benefit the wider community. A significant amount has already been negotiated for education which would relate directly to the proposed housing element. With this in mind it is considered that the desirability of bringing forward new houses coinciding with a managed country park outweighs the need to provide any further education contribution. In line with paragraph 204 of the NPPF it is considered that the amount of contribution would be fairly and reasonably related in scale and kind to the development.
- 11.11. The Education Authority has objected and requested that a further contribution of £120,820 is required in addition to the already agreed £114,550.
- 11.12. The scheme would introduce housing into a new area surrounded by established industrial activity and therefore high land values would not likely

be generated. Taking into account the deliverability of the country park and endowment required for transfer to a Management Company it is considered unviable for the developer to also provide affordable housing units either on-site or full financial contributions to enable provision off-site. However, after negotiations the developer has agreed to a smaller affordable housing contribution of £10,000.

12. Developer Contributions Offered:

- Commitment to deliver a fully managed country park with initial capital costs for play area, 15 space surfaced car park, provision of path network and park furniture.
- Sufficient endowment to transfer ownership of country park to a Management Company to ensure care in perpetuity. On-going maintenance would likely consist of managing the grassland, woodland safety works, path cutting, rubbish collection, security and supervision potentially including a part-time park warden. Exact details of the management would be to a standard to be first agreed with the Council via the 106 Agreement.
- Contribution of £20,000 to make improvements to highway and bus infrastructure including improving footway links and new bus stop.
- Education contribution of £114,550 to provide primary provision at Awworth Primary School
- Off-site affordable housing contribution of £10,000

13. Conclusion

13.1. It is considered unreasonable to continue to hold on to the allocated employment section of the site where over a number of years there has been no prospect of employment use coming forward which clearly indicates that the market is not conducive to this type of development at this time. On this basis alternative uses of land should be treated on their own merits and in this regard this hybrid scheme acknowledges that houses on their own in an area where there are none would be an unattractive scheme. However, the basis to unlock housing is to also bring forward a country park which would provide a managed area of localised biodiversity able to complement leisure and recreational opportunities in the borough.

13.2. The formation of a country park would have an overriding aim to preserve openness and it is considered that this would outweigh any potential harm to the Green Belt by reason of inappropriateness. The opportunities to bring forward a community open space which provides significant public benefit equates to 'very special circumstances' and it is considered that there would be no significant other harm or other considerations which clearly outweigh the Green Belt balance.

- 13.3. A schedule for an agreement under Section 106 has been negotiated with the developer which would bring forward financial contributions that are necessary to make the scheme acceptable. As part of this weight is given to the formation of the country park which would be brought forward by initial capital costs to cover the path network, park furniture, children’s play area and surfaced car park in addition to future management in perpetuity where there is no financial burden on any new residents. The country park would give the residential element an identity and setting and therefore the housing is only acceptable in planning terms by making use of the open space opportunity.
- 13.4. Accordingly it is considered that the hybrid scheme is acceptable and does not conflict with Saved Policies of the Broxtowe Local Plan 2004, the Broxtowe Aligned Core Strategy 2014 and the National Planning Policy Framework (NPPF) 2012.

**Recommendation**

**The Committee is asked to RESOLVE that, subject to the prior completion of an Agreement under Section 106 of the Town & Country Planning Act 1990 to secure contributions for highways & transport infrastructure, education, affordable housing and towards delivery of a fully managed country park including initial capital costs, planning permission be granted for the hybrid scheme subject to the following conditions:**

- 1. Application for approval of the reserved matters in relation to the housing scheme shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**
- 2. The housing scheme 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.**
- 3. This outline permission for housing relates to the Illustrative Masterplan Drawing No: 7067-L-03 Rev D received by the Local Planning Authority on 31 March 2017.**
- 4. For the outline housing scheme details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority before any part of the housing development is commenced:**
  - a. Appearance**
  - b. Landscaping**
  - c. Layout**
  - d. Scale**

**The development shall be carried out strictly in accordance with the approved details to the satisfaction of the Local Planning Authority.**

- 5. Prior to the commencement of the development, details of the children's play area shall be submitted to and approved in writing by the Local Planning Authority. The play area shall be completed in accordance with the approved details, and made available for use prior to occupation of any dwelling on the site.**
- 6. The country park hereby approved shall be completed and available for general public use, including the associated path network, park furniture and surfaced car park, to the satisfaction of the Local Planning Authority:
  - a) prior to the first occupation of twenty dwellings; or**
  - b) within 24 months of the commencement of the development,**whichever is the sooner.**
- 7. No development shall commence on any part of the site until full details and specification of the path network, park furniture and surfaced car park are submitted and approved in writing by the Local Planning Authority.**
- 8. No construction works shall take place for the housing scheme hereby permitted until details of the new internal road layout have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority in consultation with the County Highways Authority.**
- 9. No dwelling shall be first occupied until an appropriate scheme for footway/pedestrian crossing improvements linking through the industrial site to the public transport provision on Coronation Road have been implemented, in accordance with details to be first submitted and approved in writing by the Local Planning Authority in consultation with the County Highways Authority.**
- 10. The new dwellings hereby approved shall not be first occupied unless associated driveways and parking areas have been provided and are surfaced in a hard bound material (not loose gravel). The driveways and parking areas shall thereafter be drained to prevent the unregulated discharge of surface water onto the public highway.**
- 11. No dwelling shall be first occupied until the enhancements/installation and/or relocation of the bus stops on Coronation Road (BR0475 and BR0491) have been made which shall include bus stop poles and raised boarding kerbs to the satisfaction of the Local Planning Authority in consultation with County Transport & Travel Services.**



**12. No development shall commence on any part of the site until further intrusive site investigation works are undertaken in order to establish the exact situation regarding shallow mineworkings. This will include:**

- **The submission of a scheme for intrusive site investigations for areas of shallow mine workings for approval;**
- **The undertaking of that scheme of intrusive site investigations;**
- **The submission of a report of findings arising from the intrusive site investigations;**
- **The submission of a scheme of remedial works for approval; and**
- **Implementation of those remedial works.**

**These details shall be first submitted and approved in writing by the Local Planning Authority in consultation with The Coal Authority.**

**13. No development shall commence on any part of the site until a mitigation strategy for mine entries 447342-001 and 447342-002 is submitted and approved in writing by the Local Planning Authority in consultation with The Coal Authority. The agreed mitigation strategy shall thereafter be fully implemented before development works commence.**

**14. No dwelling shall be first occupied until the proposed surface water drainage system, drainage layout and on-site attenuation is implemented in accordance with the Flood Risk Assessment and Drainage Strategy ref: w10080-170329-FRA received by the Local Planning Authority on 31 March 2017. The drainage and attenuation system hereby approved shall be appropriately maintained throughout the life of the development to the satisfaction of the Local Planning Authority in consultation with the County Lead Local Flood Authority (LLFA).**

**15. a) No development shall commence on any part of the site until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.**

**b) No 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.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
17. No construction works shall take place for the housing scheme hereby permitted until a noise report is submitted to and approved in writing by the Local Planning Authority. The report shall be prepared in accordance with the provisions of BS4142-2014, DoT Calculation of Road Traffic Noise, to predict noise levels at nearest proposed noise sensitive locations. Predictions shall be contained in the report which sets out: a large scale plan of the proposed housing layout; noise sources and measurement/prediction points marked on plan; a list of noise sources; a list of assumed noise emission levels; details of noise mitigation measures; description of noise calculation procedures; noise levels at a representative sample of noise sensitive locations; a comparison of noise level with appropriate criteria.  
  
Where criteria are exceeded at any location the applicant should explain why that excess is immaterial or what further mitigation will be undertaken to ensure that criteria will be met.
18. No development shall take place within the application site until a written scheme for archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.
19. No development shall commence until additional survey work including a reptile translocation methodology/mitigation strategy in accordance with recommendations 1 & 2 of the Reptile Survey Project No: 15-1093.02 has been submitted to and approved in writing by the Local Planning Authority.
20. Prior to commencement of any works, the developer shall submit a Dust Management Plan to mitigate the effects of dust on the local air quality and sensitive premises from the proposed development. Such a scheme shall be agreed in writing with the Local Planning Authority prior to the commencement of any development.

**Reasons:**

- 1. To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 3. For the avoidance of doubt.**
- 4. The housing part of the application was submitted in outline only and to ensure that the details of the scheme are acceptable to the Local Planning Authority.**
- 5. To ensure the community facility is delivered to a high standard of design and is available for use by new residents.**
- 6. As per the terms of the hybrid permission where the houses on their own would be unattractive however the formation of a fully managed country park would give the residential element an identity and setting whilst also increasing leisure and recreational opportunities. This condition accords with the aims of Saved Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Aligned Core Strategies (2014) and Core Planning Principles paragraph 17 & Section 7 of the National Planning Policy Framework (2012).**
- 7. No such details were submitted and to ensure the country park is delivered to a high standard of appearance and design for public benefit.**
- 8. In the interests of highway safety.**
- 9. To improve walkability and in the interests of pedestrian safety.**
- 10. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and in the interests of highway safety.**
- 11. To promote opportunities for sustainable travel.**
- 12. In the interests of public safety and to ensure that the site is suitable for its new use taking into account ground conditions and land instability including from former activities such as mining. This condition accords with paragraph 121 of the National Planning Policy Framework (2012).**
- 13. In the interests of public safety and to ensure that the site is suitable for its new use taking into account ground conditions and land instability including from former activities such as mining. This condition accords with paragraph 121 of the National Planning Policy Framework (2012).**

14. To mitigate flooding as a result of surface water run-off and in accordance with the aims of Policy 1 of the Aligned Core Strategies (2014) and Section 10 of National Planning Policy Framework (2012).
15. In the interests of public health and safety and to prevent pollution to groundwater. This condition accords with the criteria of Saved Policies E26, E27 & E29 of the Broxtowe Local Plan (2004).
16. In the interests of public health and safety and to prevent pollution to groundwater. This condition accords with the criteria of Saved Policies E26, E27 & E29 of the Broxtowe Local Plan (2004).
17. To protect new residents from excessive operational noise and in accordance with Saved Policy E34 of the Broxtowe Local Plan (2004).
18. To record archaeological features affected by the development in line with the requirements of paragraph 141 of the National Planning Policy Framework (2012).
19. To protect reptile species within the site and in the interests of preserving biodiversity.
20. To protect the air quality of the immediate area from excessive operational dust and in accordance with Saved Policy E26 of the Broxtowe Local Plan (2004).

**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 at the earliest opportunity to find solutions and request further information which has helped to satisfy any concerns.
2. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and the developer should make every effort to prevent it occurring.
3. This development will require approval under Section 19 of the Nottinghamshire County Council Act 1985 and where the new streets are to be adopted an Agreement pursuant to Section 38 of the Highways Act 1980 will be required. Please contact Nottinghamshire County Council to ensure that approvals and agreements are secured before commencement of works.

The developer should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highways Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highways Authority as early as possible.

It is strongly recommended that the developer contact the Highways Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

4. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste – Sampling of Waste Materials – Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

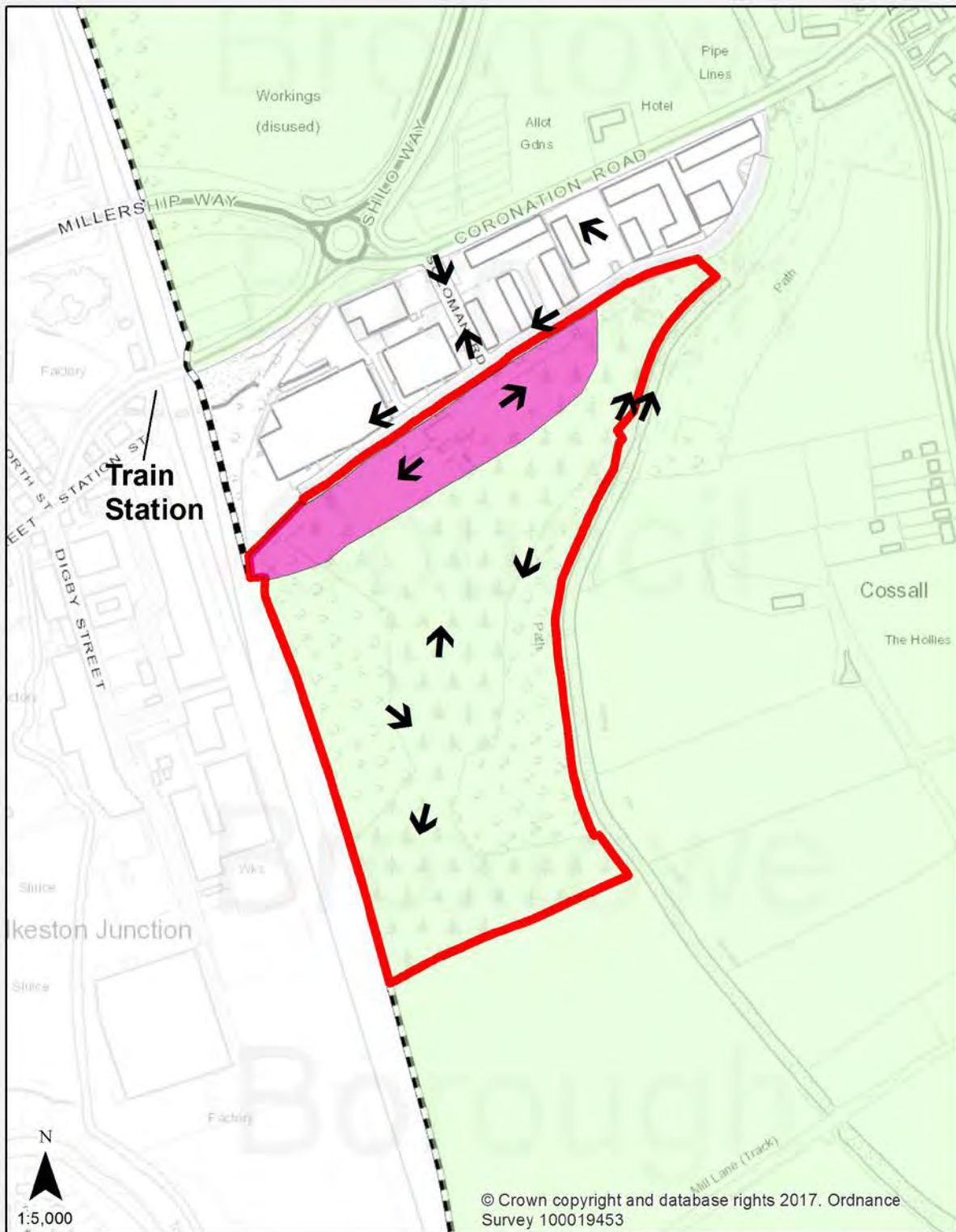
If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.

5. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

6. Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Background papers  
Application case file



**Legend**

- Proposed employment sites EM1 a-q
- Site
- Green Belt
- Broxtowe Boundary

**➔ Photos**

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

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**PLANNING APPLICATIONS DEALT WITH FROM**  
**27 May 2017 TO 19 June 2017**

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**CONTENTS**

Planning applications dealt with under Delegated Powers

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



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

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

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**ATTENBOROUGH & CHILWELL EAST WARD**

Applicant : Mr Maher 17/00268/FUL  
Site Address : 19 Barratt Lane Attenborough Nottingham NG9 6AD  
Proposal : **Construct single storey side extension**  
Decision : **Conditional Permission**

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Applicant : Mr Earnest Chambers 17/00270/ROC  
Site Address : 2 Raynford Avenue Chilwell Nottinghamshire NG9 5DR  
Proposal : **Removal of condition 3 (garage to be used for vehicles only) of planning ref: 89/00049/FUL to allow for conversion of garage to living accommodation**  
Decision : **Conditional Permission**

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Applicant : Mr E Chambers 17/00281/FUL  
Site Address : 2 Raynford Avenue Chilwell Nottinghamshire NG9 5DR  
Proposal : **Replace all windows and alter and extend sun room**  
Decision : **Conditional Permission**

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**AWSWORTH, COSSALL & TROWELL WARD**

Applicant : Mr Richard Freeman 17/00119/FUL  
Site Address : Field Adjacent To Moor House Nottingham Road Trowell Moor Trowell Nottinghamshire  
Proposal : **Retain stables and hay barn**  
Decision : **Conditional Permission**

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Applicant : Mr Graham Pritchard 17/00253/FUL  
Site Address : 98 Church Lane Cossall Nottinghamshire NG16 2RW  
Proposal : **Construct a two storey extension**  
Decision : **Conditional Permission**

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Applicant : Mrs Sarah Costello 17/00258/FUL  
Site Address : Boarding Kennels Naptha House Shilo Way Awsworth NG16 2BF  
Proposal : **Erect timber summerhouse for use as dog grooming, dog daycare and dog training business**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Bromley 17/00278/FUL  
Site Address : 55 The Glebe Cossall Nottinghamshire NG16 2SH  
Proposal : **Construct detached garage with vehicular access onto Bonners Road**  
Decision : **Refusal**

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**BEESTON CENTRAL WARD**

Applicant : Mr Gary Arnold MECCA BINGO LTD 17/00261/FUL  
Site Address : Mecca Bingo 183 Queens Road Beeston Nottinghamshire NG9 2FE  
Proposal : **External recladding**  
Decision : **Conditional Permission**

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Applicant : Mr Gary Arnold Mecca Bingo Ltd 17/00262/ADV  
Site Address : Mecca Bingo 183 Queens Road Beeston Nottinghamshire NG9 2FE  
Proposal : **Display 2 illuminated fascia signs incorporating digital screens and 2 illuminated post mounted signs**  
Decision : **Refusal**

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Applicant : Mrs Changhao 17/00272/PIAPA  
Site Address : 3 City Road Beeston Nottinghamshire NG9 2LQ  
Proposal : **Prior Notification under Class M - Change of use from a launderette to a dwellinghouse (Class C3)**  
Decision : **Prior Approval Not Required**

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Applicant : Mrs J Andrews 17/00296/PNH  
Site Address : 21 Henry Road Beeston Nottinghamshire NG9 2BE  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.25 metres, with a maximum height of 3.10 metres, and an eaves height of 2.210 metres**  
Decision : **Withdrawn**

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Applicant : Mr Keith Taylor 17/00297/ADV  
Site Address : 204 - 206 Queens Road Beeston Nottinghamshire NG9 2DB  
Proposal : **Retain fascia sign**  
Decision : **Conditional Permission**

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Applicant : 17/00316/PNH  
Site Address : 8 Lower Road Beeston Nottinghamshire NG9 2GL  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4 metres, with a maximum height of 3 metres, and an eaves height of 3 metres**  
Decision : **Prior Approval Not Required**

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#### BEESTON NORTH WARD

Applicant : Mrs Roohi Rahman 17/00274/FUL  
Site Address : 84 Boundary Road Beeston Nottinghamshire NG9 2QZ  
Proposal : **Construct single storey rear and two storey rear & side extensions**  
Decision : **Conditional Permission**

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#### BEESTON WEST WARD

Applicant : Miss Amy Lu 16/00640/FUL  
Site Address : The Durham Ox 83 High Road Beeston NG9 2LE  
Proposal : **Change of use of part of first floor to residential, construct smoking shelter, pitched roof over balcony, external staircases and external alterations.**  
Decision : **Conditional Permission**

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Applicant : Mr C Hall Gilbert and Hall 17/00249/FUL  
Site Address : Former Temporary Showhome For The Lace Mill Albion Street Beeston Nottinghamshire  
Proposal : **Change of use to cafe & office (Class A3 & Class B1) and external alterations including insertion of roof light and vent tiles**  
Decision : **Withdrawn**

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Applicant : Mr C Hall Gilbert and Hall 17/00251/LBC  
Site Address : Former Temporary Showhome For The Lace Mill Albion Street Beeston Nottinghamshire  
Proposal : **Listed building consent to insert roof light, vent tiles, internal stud partitions, lift, stairs, opaque film/obscure glass to some rear windows and internal etched glass panels**  
Decision : **Withdrawn**

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Applicant : Barbara Aluisi 17/00357/FUL  
Site Address : 23 Bramcote Drive Beeston Nottinghamshire NG9 1AT  
Proposal : **Construct single-storey front, side and rear extension**  
Decision : **Withdrawn**

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## BRAMCOTE WARD

Applicant : Mr Philip Rickaby 17/00136/FUL  
Site Address : 82 Ullswater Crescent Bramcote Nottinghamshire NG9 3BE  
Proposal : **Construct rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr Fiz Hussain 17/00236/FUL  
Site Address : 44 Derby Road Bramcote Nottingham NG9 3BA  
Proposal : **Construct first floor side and two/single storey rear extensions including balcony**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs A Parkes-Smith 17/00246/FUL  
Site Address : 26 Finsbury Road Bramcote Nottinghamshire NG9 3FZ  
Proposal : **Construct detached garage, fence, gates and brick piers**  
Decision : **Conditional Permission**

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Applicant : Mr Nigel Richardson 17/00286/FUL  
Site Address : Beeston Fields Drive Beeston NG9 3TD  
Proposal : **Erection of a CCTV/APNR column**  
Decision : **Conditional Permission**

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Applicant : Mr Stephen Jones 17/00295/FUL  
Site Address : 42 Claremont Avenue Bramcote Nottinghamshire NG9 3DG  
Proposal : **Construct dwelling**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs A Slowey 17/00347/PNH  
Site Address : 47 Marshall Drive Bramcote Nottinghamshire NG9 3LE  
Proposal : **Single storey rear extension, extending beyond the rear wall of the original dwelling by 5.7 metres, with a maximum height of 3.5 metres, and an eaves height of 2.35 metres**  
Decision : **Refusal**

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## BRINSLEY WARD

Applicant : Ms S Trower Brinsley Parish Hall 17/00220/FUL  
Site Address : Brinsley Recreation Ground Church Lane Brinsley Nottinghamshire  
Proposal : **Site 2 portacabins (for use as changing and shower facilities), with connecting canopy and privacy screens.**  
Decision : **Conditional Permission**

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Applicant : Mr Peter Wilkins 17/00231/OUT  
Site Address : The Farmhouse 51 Cordy Lane Brinsley Nottinghamshire NG16 5BY  
Proposal : **Outline planning application to construct 3 dwellings with all matters reserved**  
Decision : **Conditional Permission**

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## CHILWELL WEST WARD

Applicant : Co-operative Group Food Ltd 17/00260/FUL  
Site Address : Double Top 69 Bramcote Lane Chilwell NG9 5EL  
Proposal : **Construct convenience store (Class A1) with associated plant and parking, following demolition of public house**  
Decision : **Conditional Permission**

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## EASTWOOD ST MARY'S WARD

Applicant : Mr Robert Hodgkinson Sturdy Construction Ltd. t/a  
Hodgkinson Builders 16/00754/FUL  
Site Address : Land Adjacent To Great Northern Road Eastwood Nottinghamshire NG16 3PD  
Proposal : **Construct 11 dwellings including demolition of industrial buildings**  
Decision : **Conditional Permission**

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## GREASLEY WARD

Applicant : Mr & Mrs Brown 17/00063/FUL  
Site Address : 78 Moorgreen Newthorpe Nottinghamshire NG16 2FB  
Proposal : **Construct two rear dormers**  
Decision : **Conditional Permission**

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Applicant : Mrs D Viitanen 17/00162/OUT  
Site Address : Gilt Hill Farm Gilt Hill Kimberley NG16 2GZ  
Proposal : **Outline application for up to 16 dwellings following demolition of existing farm buildings, with all matters reserved except access (farmhouse retained)**  
Decision : **Refusal**

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Applicant : Mr & Mrs Paul & Helena Derriscott 17/00202/FUL  
Site Address : Field At Grid Reference 447169 349394 Willey Lane Newthorpe Nottinghamshire  
Proposal : **Erect field shelter / stable**  
Decision : **Conditional Permission**

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Applicant : Mr R Turnbull 17/00245/REM  
Site Address : 176 Moorgreen Newthorpe Nottinghamshire NG16 2FE  
Proposal : **Construct detached bungalow (approval of reserved matters relating to access, appearance, landscaping, layout and scale)**  
Decision : **Conditional Permission**

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Applicant : Mr Robert Schofield 17/00350/PNH  
Site Address : Wren Cottage 39 Moorgreen Newthorpe Nottinghamshire NG16 2FD  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 7.8 metres, with a maximum height of 3.96 metres, and an eaves height of 3.025 metres**  
Decision : **Withdrawn**

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## KIMBERLEY WARD

Applicant : Ms Huang 17/00098/FUL  
Site Address : The Queens Head 34 Main Street Kimberley Nottinghamshire NG16 2LL  
Proposal : **Subdivision of first floor accommodation into 2 self-contained flats, with changes to window arrangements; construct staircase access with glazed enclosure above inner courtyard; construct replacement extraction flue on southwest elevation; and construct metal gates to vehicular access.**  
Decision : **Refusal**

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Applicant : Mr Z M Lin The Oriental 17/00196/FUL  
Site Address : 2 James Street Kimberley Nottinghamshire NG16 2LP  
Proposal : **Replace external flue and install air conditioning units**  
Decision : **Conditional Permission**

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Applicant : Mr Robert Kinniburgh 17/00298/FUL  
Site Address : 53 Main Street Kimberley Nottinghamshire NG16 2NG  
Proposal : **Retain change of use from offices (Class A2) to beauty salon/nail bar**  
Decision : **Conditional Permission**

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Applicant : Mr David Bartram 17/00303/ROC  
Site Address : 55 Gilt Hill Kimberley Nottinghamshire NG16 2HR  
Proposal : **Variation of condition 2 of planning ref: 16/00062/FUL (to include additional second floor window in side elevation and removal of chimney stack .....)**  
Decision : **Conditional Permission**

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Applicant : Mr J Heap 17/00344/PNH  
Site Address : 45 Little Lane Kimberley Nottinghamshire NG16 2PE  
Proposal : **Single storey rear extension, extending beyond the rear wall of the original dwelling by 5.0 metres, with a maximum height of 3.32 metres, and an eaves height of 2.8 metres**  
Decision : **Refusal**

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#### **NUTHALL EAST & STRELLEY WARD**

Applicant : Mr G Singh Bhaker 17/00289/FUL  
Site Address : 8 Rochester Court Nuthall Nottinghamshire NG6 8WL  
Proposal : **Construct single storey front and side extension**  
Decision : **Conditional Permission**

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Applicant : Mr S Woodcock Woodcock Holdings Ltd 17/00306/FUL  
Site Address : Nuthall Chiropractic Clinic 23 Horsendale Avenue Nuthall Nottinghamshire NG16 1AQ  
Proposal : **Change of Use from non-residential institution (Class D1) to retail (Class A1) (part ground floor), alterations to shop front and single storey rear extension, to form 2 self contained apartments (remainder of ground floor and first floor)**  
Decision : **Conditional Permission**

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#### **STAPLEFORD NORTH WARD**

Applicant : Mr S Coe Nottingham Audio Visual 17/00248/ADV  
Site Address : 135 Pasture Road Stapleford Nottinghamshire NG9 8HZ  
Proposal : **Retain two signs and display two additional boards**  
Decision : **Conditional Permission**

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#### **STAPLEFORD SOUTH EAST WARD**

Applicant : Mr Ian Jowett William May Developments Limited 17/00184/FUL  
Site Address : Cambridge House Nottingham Road Stapleford Nottinghamshire NG9 8AB  
Proposal : **Proposed external alterations to include new cladding, render and louvered panels, alterations to windows, extension to front canopy, alterations to front access steps, partial increase in height of external walls and rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr Carl Lippett 17/00230/FUL  
Site Address : 62 Westerlands Stapleford Nottinghamshire NG9 7JG  
Proposal : **Construct single storey side extension**  
Decision : **Conditional Permission**

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#### **STAPLEFORD SOUTH WEST WARD**

Applicant : Mr T Broster Peveril Homes Limited and UKPP (Toton) Limited 17/00131/ROC  
Site Address : Land To The West Of Toton Lane Stapleford Nottinghamshire  
Proposal : **Variation of condition 20 of outline planning permission reference 12/00585/OUT (No occupation of buildings until works to M1 J25 and A52 Bardills junction have been implemented) to remove reference to the M1 J25 works and to alter the proposed trigger point for implementation of the A52 Bardills junction works to prior to occupation of the 200th dwelling**  
Decision : **Conditional Permission**

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Applicant : Mrs R Mcall 17/00224/FUL  
Site Address : 3 Church Lane Stapleford Nottinghamshire NG9 8GB  
Proposal : **Install new front windows and one rear window at first floor level**  
Decision : **Conditional Permission**

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Applicant : Miss N Lawson 17/00340/PNH  
Site Address : 53 Rossell Drive Stapleford Nottinghamshire NG9 7EG  
Proposal : **Single storey rear extension, extending beyond the rear wall of the original dwelling by 4.5 metres, with a maximum height of 3.5 metres, and an eaves height of 2.45 metres**  
Decision : **Prior Approval Not Required**

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#### TOTON & CHILWELL MEADOWS WARD

Applicant : Mrs A Infield 17/00343/PNH  
Site Address : 37 Whitburn Road Toton Nottinghamshire NG9 6HP  
Proposal : **Single storey rear extension, extending beyond the rear wall of the original dwelling by 3.5 metres, with a maximum height of 3.0 metres and an eaves height of 2.4 metres**  
Decision : **Prior Approval Not Required**

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#### WATNALL & NUTHALL WEST WARD

Applicant : Mr Philip McGarr 17/00225/FUL  
Site Address : 89 Kimberley Road Nuthall Nottingham NG16 1DD  
Proposal : **Construct first floor extension over existing garage**  
Decision : **Conditional Permission**

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Applicant : Mr Stuart Lee 17/00282/FUL  
Site Address : 18 Watnall Road Nuthall Nottinghamshire NG16 1DU  
Proposal : **Construct garage / garden store**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs A Green 17/00330/FUL  
Site Address : 104 Newdigate Road Watnall Nottinghamshire NG16 1HG  
Proposal : **Construct hip to gable roof enlargement, rear dormer, single storey rear extension and raised patio to garden**  
Decision : **Conditional Permission**

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