



5 September 2017

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 13 September 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 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 - 15

The Committee is asked to confirm as a correct record the minutes of the meeting held on 12 July 2017.

4. NOTIFICATION OF LOBBYING

5. PUBLIC PATH DIVERSION ORDERS
- 5.1 Proposed stopping up of Greasley Footpath PAGES 16 - 21  
Number 54 – Land off Smithurst Road, Giltbrook
6. DEVELOPMENT CONTROL
- 6.1 17/00134/FUL PAGES 22 - 52  
Construct 4 dwellings and provision of open space following demolition of existing garages  
Garage Block, Redwood Crescent, Beeston NG9 1JF
- 6.2 16/00801/FUL PAGES 53 - 61  
Construct front and side extensions and brick cladding to external walls  
37 Kimberley Road, Nuthall NG16 1DA
- 6.3 17/00302/FUL PAGES 62 - 68  
Erect 1.8m high fence and vehicular gates  
77 Maple Drive, Nuthall
- 6.4 17/00365/FUL PAGES 69 - 76  
Construct side and rear extensions, including demolition of garage, external works including a redesigned driveway with the addition of electric gates/and raised porch to the rear, finished flush with the existing internal ground floor level (revised scheme)  
187A Nottingham Road, Nuthall NG16 1AE
- 6.5 17/00394/FUL PAGES 77 - 84  
Change of use of summer house to dog grooming business  
65 Highfield Road, Nuthall NG16 1BQ
- 6.6 17/00116/FUL PAGES 85 - 91  
Construct two storey side and single/two storey rear extension  
116 Marlborough Road, Beeston NG9 2HN
- 6.7 17/00416/FUL PAGES 92 - 99  
Site portable building to be used in conjunction with day nursery  
34 Church Street, Stapleford NG9 8DJ
- 6.8 17/00492/FUL PAGES 100 - 106  
Construct 2.1m high front boundary wall, piers and 1.8m high gates  
26 Hallams Lane, Chilwell, NG9 5FH

7. INFORMATION ITEMS

7.1. Appeal Decisions

7.1.1 16/000812/ADV PAGES 107 - 108  
AJW Motors, Nottingham Road, Attenborough

7.1.2 16/00777/FUL PAGES 109 - 111  
9 Lime Grove, Stapleford

7.2 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.**

7.3 Delegated Decisions PAGES 112 - 126

## **PLANNING COMMITTEE**

**12 JULY 2017**

Present: Councillor M Handley, Chair

Councillors: D Bagshaw	L A Ball BEM
J S Briggs	M Brown
E Cubley (substitute)	D A Elliott (substitute)
R I Jackson	R D MacRae
G Marshall	J K Marsters
J M Owen (substitute)	P J Owen
M Radulovic MBE	

Apologies for absence were received from Councillors T P Brindley, A Harper and R S Robinson.

The meeting was preceded by a minute's silence as a mark of respect at the recent sad loss of twelve year old Owen Jenkins, a student at Chilwell School and resident of Beeston Rylands.

### 13. DECLARATIONS OF INTEREST

Councillor R I Jackson declared a non-pecuniary interest in agenda item 5.2 since he knew the applicant, minute no. 16.2 refers.

### 14. MINUTES

The minutes of the meeting held on 21 June 2017 were confirmed and signed.

### 15. NOTIFICATION OF LOBBYING

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

### 16. DEVELOPMENT CONTROL

#### 16.1 17/00134/FUL

Construct 6 dwellings and provision of open space following demolition of existing garages  
Garage Block, Redwood Crescent, Beeston NG9 1JF

The application was initially considered by Committee on 21 June 2017 when members resolved deferral of a decision due to concerns regarding the number of dwellings and the resultant loss of the central area of open space.

The Committee was referred to the summary of late items which stated that following the submission of the amended plans, neighbours and those who had previously provided comments in respect of the application were re-consulted. Twenty-three letters of objection and one observation letter had been received in respect of the amended plans. Additional correspondence had also been received from residents of Redwood Crescent providing plans showing how four bungalows (which could be dementia friendly bungalows) and a larger area of central community space could be provided on the site. The objections and comments were categorised and summarised in the summary of late items.

Dr Kristopher Poole (objecting) and Councillor Dawn Elliott (ward member) addressed the Committee prior to the general debate.

The Committee debated the item and the following comments were amongst those made:

Disappointment was shared with the speakers that the amended plans submitted by the applicant were not considered to be in the spirit of the discussions which took place at the previous meeting. Debate at the previous meeting had called for consultation between the developers and the residents and the residents had welcomed some form of development although the revised proposals could, it was considered, be improved.

A proposal was put to the meeting by Councillor R I Jackson that the matter be deferred until meaningful consultation and dialogue had taken place between the residents and the developer to achieve agreement on a quality open space area and a viable development in keeping with the local area. The proposal was seconded by Councillors G Marshall and P J Owen and, on being put to the meeting, was carried unanimously

**RESOLVED that consideration of the application be deferred to allow for the developer to engage in dialogue and consultation with the local community to achieve agreement on a quality open space area and a viable development in keeping with the local area.**

16.2 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 had called the application in to Committee.

There were no late items in respect of the application.

Mr John Storer (on behalf of an objector), Mr David Singh (applicant) and Councillor M E Plackett (ward member) addressed the Committee prior to the general debate.

Members debated the item and the following comments were amongst those made:

Clarification was requested on a window the subject of discussion since the focus at the site visit had been on the sky lights.

Consideration should be given to attaching a condition requiring either obscure glazing of the bedroom window or plant screening to address concerns of neighbouring residents of properties on Denewood Avenue to prevent overlooking.

A proposal was put to the meeting by Councillor P J Owen, seconded by Councillor J M Owen, that, should permission be granted, such permission be conditioned to include a requirement that the bedroom window be replaced with obscure glazing. The proposal, on being put to the meeting, was lost.

**RESOLVED 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.**

(Councillor R I Jackson, having declared a non-pecuniary interest in the item, left the chamber during debate and voting and accordingly did not speak or vote thereon.)

16.3 17/00302/FUL

Erect 1.8m high fence, pedestrian gate and vehicular gates  
77 Maple Drive, Nuthall

Councillor J M Owen had referred the application to Committee for determination.

There were no late items in respect of the application.

There were no public speakers on this item.

The Committee debated the item and the following comments were amongst those made:

The property was in a pleasant, residential area and the fence which had been erected gave an appearance of 'fortification' due to its height and spoilt the street scene. It was considered that an alternative, more aesthetically pleasing fence design which afforded security would be preferable.

Residents had complained about a mature tree having been cut down. If trees were 'sound' they should be preserved because they enhanced the street scene.

It was stated that a Tree Preservation Order (TPO) would ensure protection of the remaining mature tree on the boundary of the property and there would be merit in amending the rules and regulations to ensure that, if members made a request for a temporary TPO, such a request could be considered at the next appropriate Committee meeting. It was stated that a report should be brought to a Committee to address the issue of members requesting temporary TPOs and the Director of Legal and Planning Services confirmed that such a report would be drafted to reflect members' wishes.

A proposal was put to the meeting by Councillor R I Jackson, and seconded by Councillor L A Ball BEM, that a decision on the application be deferred to give the opportunity for further exploration of the issues raised during debate. The proposal, on being put to the meeting, was carried.

**RESOLVED that consideration of the application be deferred to allow further exploration of the issues raised during debate.**

16.4 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

The application had been deferred by the Committee on 21 June 2017 since members wished to seek and consider further information about staffing numbers and related parking arrangements.

There were no late items in respect of the application.

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

Members debated the item and the following comments were amongst those made:

A member had observed that the car park to the premises had been full and a car had been parked on the road at 6.15pm and wished to point out that the reason for deferral at the previous meeting had been to elicit further information on staffing and its impact on parking requirements and the site's ability to sustain the level of development proposed. It was suggested that the proposals would place an intolerable burden on the road and traffic structure.

It was queried whether the staffing levels proposed for the number of extra bedrooms proposed would be adequate.

There were already major parking problems on Church Street and it was considered that these would be exacerbated should the current application be approved.

Councillor P J Owen proposed that the Committee reject the application due to the Committee's concerns regarding parking capacity due to the additional traffic which would be generated by the proposals. The proposal was seconded by Councillor R I Jackson and, on being put to the meeting, was carried unanimously.

**RESOLVED that permission be refused.**

**Reason**

**The local planning authority is of the view that the residential care home, as extended, would have insufficient parking capacity to accommodate the additional traffic generated by the increased number of residents, staff, visitors and deliveries, which would be contrary to saved Policy T11 and Appendix 4 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).**



16.5 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, Notts DE7 5UD

The application had been brought to Committee for determination since it constituted a major scheme where contributions were also required under a Section 106 agreement.

The Committee was referred to the summary of late items which included details of a letter received from Nottinghamshire County Council relating to secondary school provision and advising that technical advice had also been received from the County Council's Environmental Management and Design section regarding the commissioning of Project Engineer input on any slope stability concerns. In light of the technical advice received, an additional condition was proposed which should be attached to any grant of planning permission, together with a reason and an additional Note to Applicant as set out in the summary of late items.

Mr Richard Bowden, on behalf of the applicant, addressed the Committee prior to the general debate.

The Committee debated the item and the following comments were amongst those noted:

The proposals represented an exciting development which would provide a welcome facility in the north of the Borough.

There were concerns regarding the proposals to manage the country park. It was suggested that the Council could take the initiative and manage the country park as a public asset on behalf of the community.

It was considered that the entrance to the site was not ideal and would benefit from being separate from the access to the industrial park. It would be better for the housing development to have its own access and egress by way of a separate entrance and the site would benefit from containing affordable homes and/or retirement bungalows and should, in any event, contain a mixture of social housing which recognised the needs of Cossall.

In response to access issues raised by members, officers responded that a contribution was proposed in respect of transport mitigation measures. It was stated that, regarding access, no alternative was available if the viability of the scheme was to be maintained.

A member responded that the application was a compromise on a challenging site which had remained undeveloped for decades and could not attract investment. The current proposals were a pragmatic approach.

There was a need to recognise the benefits of the proposals although members were keen to receive further information before committing to the country park in relation to management board issues.

**RESOLVED 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.
21. No development shall commence on any part of the site until extensive Ground Investigation including slope stability assessment for the residential scheme and the country park has been carried out and reports submitted to and approved in writing by the Local Planning Authority in consultation with County Environmental Management and Design. The reports shall include:

- Details on how the potential acid mine run off will be isolated from residential drainage;
- Development of a conceptual site model to identify environmental risks;
- How slope stability will be maintained by controlling surface water infiltration;
- Consideration for whether the tip slope is stable and suitable for dwellings after proposed re-profiling;
- Provide assessment of risks for the country park in relation to land stability, drainage and environmental conditions of the ground; and
- Outline necessary remediation and validation reports.

The development shall only be completed in accordance with the approved remediation strategy.

**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).**

21. Insufficient information has been provided and it is essential to carry out extensive investigation to understand how the slope would behave structurally when excavating during construction and post construction. Without this condition the proposed development could pose risk to human health and/or the environment. This condition accords with the criteria of Saved Policy E29 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 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>

**7. Please note that his permission has been granted contemporaneously with an agreement under Section 106 of the Town and Country Planning Act 1990 and reference should be made thereto.**

17. INFORMATION ITEMS

17.1 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.

17.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 27 May and 19 June 2017.

## Report of the Chief Executive

**PROPOSED STOPPING UP OF GREASLEY FOOTPATH NUMBER 54  
LAND OFF SMITHURST ROAD, GILTBROOK**1. Purpose of report

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

2. Details

- 2.1 The application to stop up part of the route of Greasley Footpath number 54 Greasley Parish has been submitted in order to enable residential development to take place on the land shown on the plan attached to the Stopping Up Order contained within the appendix to this report.
- 2.2 Planning permission was granted on 23 December 2016 (planning reference Ref: 16/00382) for the construction of a residential estate consisting of 91 new dwellings.
- 2.3 The existing footpath to be stopped up is approximately 150m in length and runs north to south from Smithurst Road (marked between points SK47874539 and SK47824521 on the plan attached at the appendix). There are no gates, steps or utilities identified along the length to be diverted. If the footpath is not stopped up, the existing footpath would run immediately adjoining the rear of gardens of properties to be built and would sit up to 3 metres above the adjoining rear gardens.
- 2.4 The Association of Chief Police Officers guidance 'Secured by Design' advises that public footpaths should not run to the rear of dwellings as this would create an unsupervised footpath which could lead to crime and anti-social behaviour. The existing footpath is un-surfaced, of uneven ground and muddy in wet conditions and, if not stopped up, would cause a significant security and privacy issue for the residents whose gardens the path would overlook and also a health and safety issue for users of the footpath.
- 2.5 A Public Path Diversion Order was made by this Committee on 24 March 2017 which proposed an alternative route to run through the new housing estate. Following consultation with the Highway Authority, whilst the proposed new route provides an alternative thoroughfare, it is not in fact a 'diversion' within the meaning of the legislation and the correct Order to make is a Stopping Up Order in relation to the existing footpath.
- 2.6 An Order is not effective until it is confirmed and therefore the Public Path Order made on 24 March 2017 is not effective. This Order is therefore a new

Order for the Stopping Up of Greasley Footpath no. 54 Smithurst Road, Giltbrook.

### 3. Planning Considerations

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

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

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

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

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

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

3.4 The main planning considerations in the determination of this application are that the existing footpath would cause safety issues for users, with the potential increase of anti-social behaviour and also security and privacy issues for the residents whose gardens would be overlooked if the footpath were not stopped up. There is an alternative route directly west along Smithurst Road connecting up to footpath number 53.

3.5 Users will also be able to use the newly created public highway running through the new estate from Smithurst Road in a southerly direction before joining a dedicated footpath, which will provide a safe, lit, even route which will be wider than the footpath to be stopped up and so more accessible and useable for those with impaired mobility.

#### 4. Legal Considerations

- 4.1 Following pre-order consultations carried out by the developer, s257 of the Town and Country Planning Act 1990 gives the Council (as the local planning authority), a discretionary power to make an Order for the stopping up or diversion of a footpath which is necessary to enable development to be carried out in accordance with planning permission. On making the Order, a public Notice describing the Order must be advertised in the press and the Order placed on deposit for public inspection. This public notice and Order map must also be placed at each end of the length of public footpath to be diverted. Owners of the land affected by the Order and various statutory consultees must be contacted and served with the Order and Notice and allowed the opportunity to make objections within 28 days from the making of the Order. If no objections are made, the Order may then be recommended for confirmation as an unopposed order. The Order does not become Effective until it has been confirmed. Any opposed Orders are sent to the Secretary of State for determination.
- 4.2 On confirmation of the Order, similar steps to those outlined above must be repeated enclosing a copy of the Confirmed Order. Objectors may challenge the confirmation in the High Court within a six week period after Notice of the Confirmation is published on the grounds that the Confirmation is outside the Council's powers or that there has been a procedural defect. The Stopping Up Order does not come into effect until the Council certifies that the provisions of the Order have been complied with.
- 4.3 In these circumstances, a footpath Stopping Up Order is necessary to allow an authorised development to be carried out.

#### **Recommendation**

**The Committee is asked to RESOLVE that the Stopping Up Order be made.**

#### Background papers

Nil

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

**THE BROXTOWE COUNCIL PUBLIC PATH**  
**(GREASLEY FOOTPATH NO. 54 SMITHURST ROAD, GILTBROOK)**  
**STOPPING UP ORDER 2017**

This Order is made by Broxtowe Borough Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to stop up the footpath to which this Order relates in order to enable development to be carried out in accordance with planning permission granted on 23 December 2016 under Part III of the Town and Country Planning Act 1990, for the construction of a residential estate consisting of 91 new dwellings (planning application reference 16/00382/ROC) .

**BY THIS ORDER:**

1. The footpath over the land sitting immediately adjoining the rear gardens of plots along the edge, shown as SK4787 4539 to SK4782 4521 on the attached plan and described in Part I of the schedule hereto shall be stopped up as provided by this Order.
2. The stopping up of the footpath shall have effect on the date on which it is confirmed by Broxtowe Borough.
3. Where immediately before the date on which the footpath is stopped up there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.
4. This Order may be cited as the Broxtowe Borough Council Public Path (Greasley Footpath No. 54 Smithurst Road, Giltbrook) Stopping Up Order 2017.

Dated:

2017

**THE COMMON SEAL** of the )  
**BROXTOWE BOROUGH COUNCIL** )  
was hereunto affixed this )  
)  
in the presence of:- )

MAYOR

DULY AUTHORISED OFFICER

**SCHEDULE**

**PART I**

**Description of Site of Existing Path**

That part of the footpath from grid reference SK4874539 to SK47824521 as shown on the attached plan commencing from Smithurst Road to the junction with Greasley Footpath No 81 for a length of approximately 190 metres.



Broxtowe  
Borough  
COUNCIL

**Proposed Stopping Up  
Order**

**Parish and Path No. Affected: Greasley Footpath No. 54**

**OS Sheet No. SK 44 NE**



Date 19/07/2017 Scale 1:2,500

Path to be stopped up: 

Alternative path: 

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GILTBROOK

SK 4787 4539

**Footpath  
No. 54**

SK 4782 4521

345600m

345400m

345200m

447600m

448000m

448000m



## Report of the Chief Executive

**17/00134/FUL  
CONSTRUCT 4 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 as appendix B). 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.
- 1.2 The application was returned to the Planning Committee on the 12 July 2017 (report attached as appendix A). The number of dwellings was reduced to six and an area of open space was proposed. Members deferred the application to allow for the developers to engage in dialogue and consultation with the local community and to reach an agreement to achieve a quality open space area.
- 1.3 The applicant held a community consultation event at the Hetley Pearson Recreation Ground, Beeston on Tuesday 29 August 2017 between 15:30 and 18:00. The applicant has submitted a Statement of Community Involvement which summarises the event and states that 13 residents and the two Ward Members were in attendance. The Statement of Community Involvement also identifies the issues and concerns raised by local residents and how the applicant has tried to address these.
- 1.4 Following the event amended plans were submitted. The amendments include:
- A reduction in the number of dwellings to four.
  - An increase in the size of the open space to 435 m<sup>2</sup> (achieved by reducing the garden lengths of the proposed properties).
  - An increase in the distance between the proposed houses and the boundaries with 2 and 37 Redwood Crescent by 4.2m (to a total of 20m).
  - The retention of more existing trees and the existing hedgerow alongside the north west boundary.
  - An increase in soft landscaping along the north west boundary.
  - The removal of first floor windows in the side elevations.
  - Provision of two parking spaces per dwelling.
  - Removing the direct access from the rear gardens of the proposed houses to the community space.
- 1.5 Additional details of the open space have also been provided. The open space would primarily be a grassed area. A footpath would be provided across the open space and a knee rail fence would be erected to prevent cars parking on the space. A bench would also be provided. Discussions regarding the maintenance

of the land are on-going with the Council's Parks and Environment Department to ensure that it is adequately maintained. It is noted that the Council currently maintains the existing open space.

- 1.6 The houses would still have three bedrooms and would be two storey. A mixture of brick, render and horizontal timber cladding is proposed. Every house would have a garden to the rear and would have off street parking for two cars. 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 or the site history sections of the 21 June 2017 committee report. There have also been no changes to the relevant planning policies. The draft Part 2 Local Plan was reported to the Council's Jobs and Economy Committee on 6 July 2017. However, the consultation period has yet to take place and only limited weight can be applied to policies within the plan.
- 2.2 The number of houses has been reduced to four. This allows for an enlargement in the landscaped area along the north-west boundary of the site and allows for all of the dwellings to have two parking spaces. It also allows for an increased buffer to be achieved between the proposed development and numbers 2 and 37 Redwood Crescent. It has previously been concluded that the principle of residential development would be acceptable. The proposed reduction to four houses allows for more of the existing greenery to be retained, reduces the amount of built development and improves the relationship with neighbouring properties. Whilst the garden lengths have been reduced, the properties now have additional garden space to the side and will have an outlook towards the open space area.
- 2.3 Therefore, it is considered that the principle would still be acceptable and that the amendments have improved the appearance of the development to allow it to be more in keeping with the existing character of the area. As concluded previously, it is considered that there would not be an unacceptable impact on the amenity of existing neighbours. The design, density and layout of the four 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 Throughout the application, local residents have highlighted the importance and value of the open area of space. This has also resulted in the site being listed as an Asset of Community Value. The size of the proposed open space has been increased to 435m<sup>2</sup> (the previous report identified 345m<sup>2</sup> being provided). Further details of the open space have also been provided (see paragraph 1.5). It is considered that the open space is sufficient in size and form to provide a good quality open space for existing and prospective residents. This is in accordance with paragraph 74 of the National Planning Policy Framework (NPPF) which seeks to ensure that equivalent or better provision of open space is made by the development.

- 2.5 A detailed landscaping scheme, which would include details of the planting and materials used within the area of open space, should be secured by a planning condition. The condition should also include a timetable stating when the open space will be completed.
- 2.6 The Environment Agency did not object subject to the flood mitigation measures stated within the Flood Risk Assessment being carried out. It is considered that the further reduction in dwelling numbers 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.
- 2.7 Two parking spaces are now proposed for all properties. It is considered that there will be sufficient off-street parking for the proposed development. 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.
- 2.8 Local residents have requested that yellow lines should be included to allow for large vehicles to manoeuvre around the crescent. However, the Highways Authority considers that this is not required as a result of the proposed development and this cannot be conditioned as it is not necessary to make the development acceptable and it would require works outside of the control of the applicant. Notwithstanding the above, the applicant and the local residents can contact the County Council separately regarding this issue.
- 2.9 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. 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.
- 2.10 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 applicant has held a community consultation event. The Statement of Community Involvement outlines the changes made to the proposed development following this event. It is considered that the amendments, including the reduction in the number of dwellings to four and the increased size of the open space, are acceptable and are in accordance with the Council's planning policies and the NPPF. 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)002 'Location Plan' received by the Local Planning Authority on 16 March 2017 and drawings 2360(08)011 Revision J 'Site Plan as Proposed'; 2360(08)012 Revision A 'Plots 1-2 and 3-4 House Type as Proposed'; and 2360(08)021 Revision F 'Street Elevations as Proposed' received by the Local Planning Authority on 31 August 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) planting, seeding/ turfing of other soft landscape areas;**
  - (e) details of the site boundary treatments and curtilage boundary treatments; and**
  - (f) a timetable for providing the open space.**

**The landscaping scheme and the provision of the open space 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, they 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 hereby approved 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.

**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. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the development presents a satisfactory standard of external appearance to 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).

**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

## 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 B

## 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:**

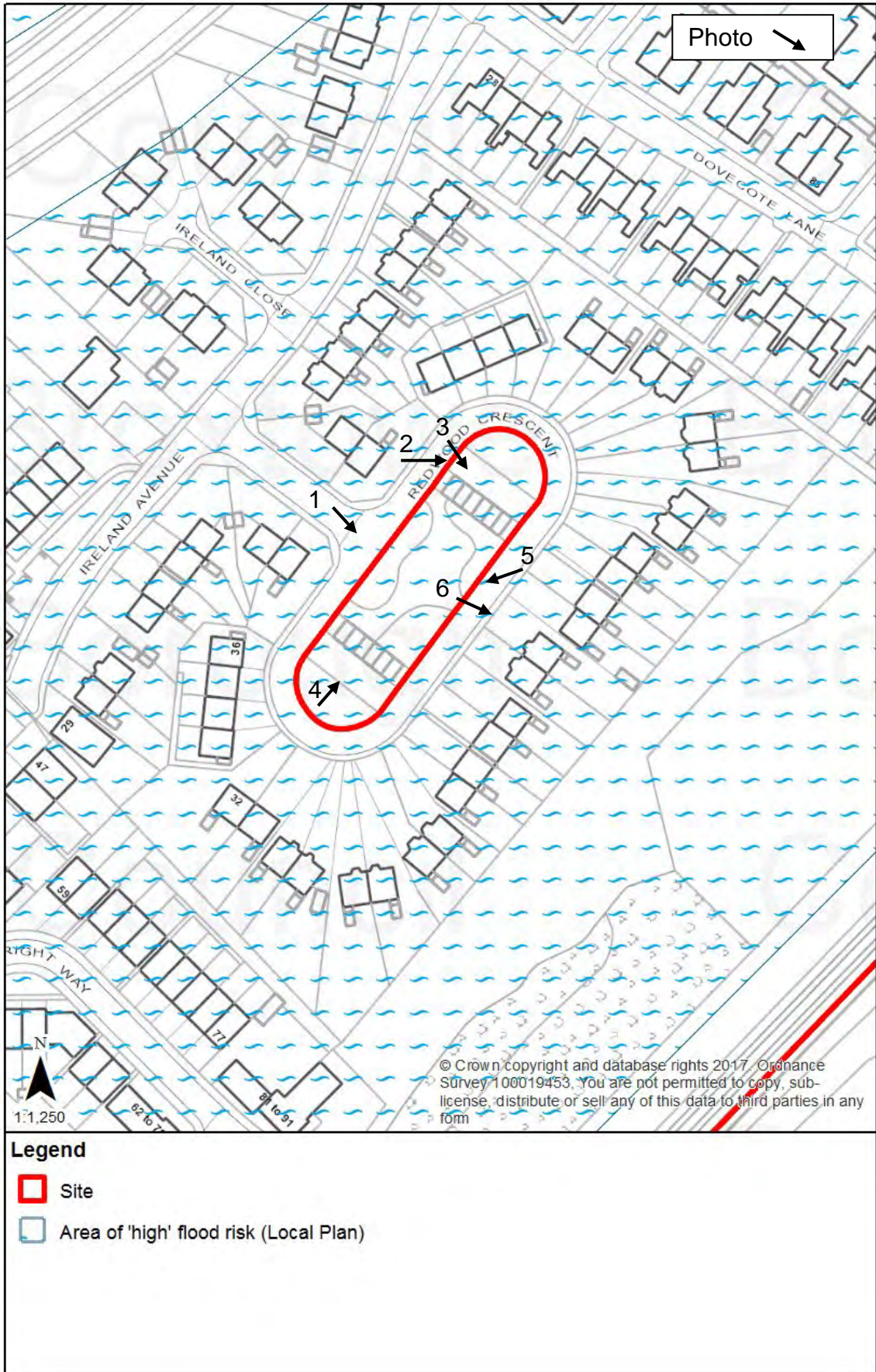
1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure the development presents a satisfactory standard of external appearance of the area and in accordance with the aims of Policy 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 Chief Executive

**16/00801/FUL  
CONSTRUCT FRONT AND SIDE EXTENSIONS AND BRICK  
CLADDING TO EXTERNAL WALLS  
37 KIMBERLEY ROAD, NUTHALL NG16 1DA**

Councillor J M Owen has requested that this application be determined by Planning Committee.

1. Details of the application

1.1 This application seeks consent for front and side extensions at 37 Kimberley Road. The existing property abuts the former boundary wall of the walled garden of Nuthall Temple.

1.2 The proposed extensions include the following:

- Replacement of the existing conservatory with a single-storey dual-pitched roof extension, which would project out 4.7m from the main wall of the property.
- Replacement of existing lean-to outbuildings, on the southwest side of the property, with a 0.8m wider brick-built extension.
- Cladding the remainder of the property with an additional skin of reclaimed bricks and an insulated cavity, adding an additional 0.15m.
- Rebuilding three chimney stacks and insertion of four additional conservation style rooflights.
- Rationalisation of all windows, using conservation grade upvc design.
- Use of reclaimed slates and bricks on all new construction work.

1.3 With respect to the juxtaposition of the proposed extensions to the garden wall, the applicant's structural engineer has surveyed the historic wall and found that, considering its age, it was in a relatively sound condition. The proposed new foundations will extend at right angles to the wall so therefore will not affect its integrity. The new extension will not be directly fixed to the wall since it is proposed to fix the new external walls using structural movement joints, and the internal walls will be formed using independent insulated timber stud-work.

2. Site and surroundings

2.1 The application site comprises a single storey dwelling attached to the boundary wall of the former walled garden of Nuthall Temple. The property was originally the gardener's bothy. It is constructed of rendered, single-skin brickwork and a slate roof. There are existing upvc windows and a flat-roofed, timber conservatory.

2.2 The property is accessed from a shared access drive off Kimberley Road, past nos. 35 and 35a. The drive gives access, through an archway in the



historic wall (immediately to the north east of the application site), to the former Temple nursery. There is a tall conifer hedge on the boundary to the rear of the Kimberley Road properties and a 1.8m high fence separating Temple Lake House.

2.3 Photographs of the site are highlighted below:



Approach to the site, with the archway to the former walled garden on the left.



North east elevation.



View of north east part of property.



View showing existing conservatory.



View of south west part of property.



Existing outbuildings to south west of property.

- 2.4 The site lies within the Nuthall Conservation Area. The surrounding area is primarily residential, with a mixture of houses and bungalows. The site is to the rear of large, detached properties fronting Kimberley Road. Temple Lake House is the nearest property to the south west, approximately 50m away. The former Temple nursery (within the walled garden) is immediately to the south west of the site.
3. Relevant planning history
- 3.1 No previous applications.
4. Policy context
- 4.1 Aligned Core Strategy (2014)
- 4.1.1 Policy 10 – Design and Enhancing Local Identity: All new development should make a positive contribution to the public realm and reinforce valued local characteristics.
- 4.1.2 Policy 11 – The Historic Environment: Heritage assets and their settings should be conserved and/or enhanced. The site lies within the Nuthall Conservation Area. The walled garden is not a listed building.
- 4.2 Broxtowe Local Plan 2004
- 4.2.1 Saved Policy H9 – Domestic Extensions: Will be permitted, subject to being in keeping with the original building and the street scene, and not causing a loss of residential amenity.
- 4.3 Draft Broxtowe Part 2 Local Plan (2017)
- 4.3.1 Draft Policy 17: Place-making, design and amenity sets out best practice guidance and standards for design, sustainability and place making.
- 4.3.2 Draft Policy 23: Proposals affecting designated and non-designated heritage assets sets out a number of criteria, against which applications are to be assessed.
- 4.3.3 These draft policies has not yet been subject to formal examination and are not adopted. They therefore carry very limited weight in the consideration of this application.
5. Consultations
- 5.1 Broxtowe Conservation Officer
- 5.1.1 The Conservation Officer states that the property is located with the Nuthall Conservation Area. It is attached to a boundary wall of the former Nuthall Temple Estate, and is attached to the former Walled Garden. The existing property was originally a garden bothy and, looking at historical maps, there is a structure attached to the wall from the 1914-1917 mapping.

5.1.2 The Conservation Officer does not object to the principle of extending the property. However, she considered that additional information was required to justify attaching the extension directly to the historical wall. Other initial concerns were raised, including the use of appropriate materials for some of the proposed detailing, particularly, the upvc windows.

5.1.3 Following a site meeting with the Conservation Officer and the applicant's architect, amended plans were received. These addressed the heritage concerns but particularly demonstrated the juxtaposition of the proposal to the historic wall. However, further concerns were expressed by the Conservation Officer, including requested amendments to the design of the proposed extension.

5.1.4 Further justification on certain matters was subsequently provided by the applicants. Discussion on the specific heritage issues are highlighted in the appraisal below.

## 5.2 Neighbours and other consultees

5.2.1 Nuthall Parish Council raise no objections to the proposal.

5.2.2 Site notices were displayed and eight individual neighbours were notified of both the initial and amended schemes. Four representations were received. Two neighbours raised no objections. One neighbour (at no. 35a Kimberley Road) confirms that they support the proposal but have concerns relating to how the proposal would be attached to the historic wall. They draw precedent to their property, which was required to be kept separate from the wall. They also raise concerns relating to disruption being caused by construction activities on the shared drive.

5.2.3 The occupiers of Temple Lake House object on the following grounds:

- The proposed construction will overlook their property; this will lead to a loss of privacy and impact on the peaceful enjoyment of their home and garden.
- The building will be visually overbearing. It is an inappropriate design for this part of Nottinghamshire. Such a building would be totally out of keeping with the neighbouring properties, which are mainly traditional style houses.
- Parking will be adjacent to their garden and home causing noise, pollution and dust at all times of the day and night.

## 6. Appraisal

### 6.1 The Principle of the Development

6.1.1 The proposal comprises relatively small extensions to an existing dwelling. Other than the Conservation Area, there are no planning policy constraints

relating to the site. Subject to addressing any heritage and design issues, the proposed extensions are considered to be acceptable in principle.

## 6.2 Impact on Heritage Assets, Design and Visual Impact

6.2.1 The Conservation Officer confirms that there are no objections in principle to the concept of the extensions. With respect to the juxtaposition of the proposed extensions to the garden wall, the proposal to fix the new external walls using structural movement joints, with the internal walls formed using independent insulated timber stud-work is considered to be acceptable and would not affect the wall's structural or historic integrity.

6.2.2 The further information and justification that was submitted with the amended plans, particularly regarding appropriate materials for the detailed construction work, is considered to be acceptable, subject to appropriate conditions being imposed.

6.2.3 The main outstanding concerns relate to the use of upvc windows and the design of the new extension. Regarding the proposed window materials, it is not normal practice to encourage upvc within a Conservation Area. However, the flush windows with astral glazing bars are considered acceptable. The applicants propose to use a conservation grade upvc design. They also have stated that there are numerous examples of upvc windows being used in the surrounding Conservation Area. Given that the existing windows at the property are already partly upvc and that the conservatory is a timber dilapidated structure; on balance, it is considered that the use of new upvc windows throughout, as part of an uplift in the appearance of the property, would give an acceptable consistency of design.

6.2.4 The design of the proposed extension has changed on the latest amended plans to be less contemporary. The applicants state that this change has been done to retain the traditional appearance of the remainder of the property and to increase light to the interior, particularly as several proposed rooflights are now omitted. The conservation rationale (when extending an existing heritage asset and the proposal is different in form and layout from the original building) is normally to ensure that the extension has a more contemporary design, so that it appears visually as a separate addition to the traditional original.

6.2.5 In this instance, it is primarily the north west elevation of the proposed extension which has lost its contemporary feel. On balance, as this elevation is not seen on the approach from the shared drive and is screened from the nearest neighbours by a conifer boundary hedge, it is considered in design terms, to be visually acceptable, subject to appropriate conditions, which specify materials and design details.

## 6.3 Residential Amenity

6.3.1 The proposed extensions are of a very minor nature. There is good separation between the property and the adjoining neighbours. There would be no additional overlooking or visual impact.

6.3.2 Concerns expressed by the occupiers of no. 35a, regarding potential disruption being caused by construction activities, would be a legal matter dependent on the rights of use of the shared drive.

6.3.3 An objection has been received from an agent representing the occupiers of Temple Lake House. This neighbour's property is 50m from the site and the proposed extensions are primarily replacements for the existing outdated conservatory and outbuildings. It is considered that the concerns raised are insufficient to justify a refusal of planning permission.

## 7. Conclusion

7.1 Having regard to the relatively small scale extensions and alterations proposed, and the additional information which demonstrates that the proposal will have a negligible impact on the historic wall; it is considered that, on balance, the proposal is acceptable and preserves the character and appearance of the Conservation Area.

7.2 It is considered that the proposal complies with Saved Policy H9 of the Local Plan, Policies 17 and 23 of the Draft Part 2 Local Plan and Policies 10 and 11 of the Aligned Core Strategy. Consequently, it is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations, including the Public Sector Equality Duty and comments raised in the representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

## 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 following drawings and documents: Site Location Plan and Block Plan (drawing ref: KJ2521.02) received by the Local Planning Authority on 21 November 2016; Proposed sections and details (drawing ref: KJ2521.02R rev B); and Applicant's Agent's Additional Statement, received by the Local Planning Authority on 26 June 2017; the Applicant's Statement received by the Local Planning Authority on 7 August 2017; Proposed Site Plans (drawing ref: KJ2521.03 rev C); and Existing and Proposed Floor plans, elevations and roof plan (drawing ref: KJ2521.01R Rev C), received by the Local Planning Authority on 10 August 2017.**

3. No building operations shall be carried out until samples of the reclaimed bricks and slates to be used in facing the extensions hereby approved have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed only in accordance with those details.
4. The bi-fold doors shall be powder coated aluminium, in a colour to match the proposed windows. The proposed rooflights, hereby approved, shall be of a 'Conservation Style', with a vertical centre glazing bar, and shall be fitted flush with the roofline, and not proud of the roofing material.
5. Rainwater goods shall be cast iron or cast aluminium and finished in a dark colour.
6. The replacement chimney detail shall be in accordance with the Applicant's Statement received by the Local Planning Authority on 7 August 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.
3. No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of the development commencing to ensure the development presents a satisfactory standard of external appearance and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policies 10 and 11 of the Aligned Core Strategy (2014).
4. To ensure that the development presents a satisfactory standard of external appearance and in accordance with the aims of Policy H9 of the Adopted Broxtowe Local Plan (2004) and Policies 10 and 11 of the Aligned Core Strategy (2014).

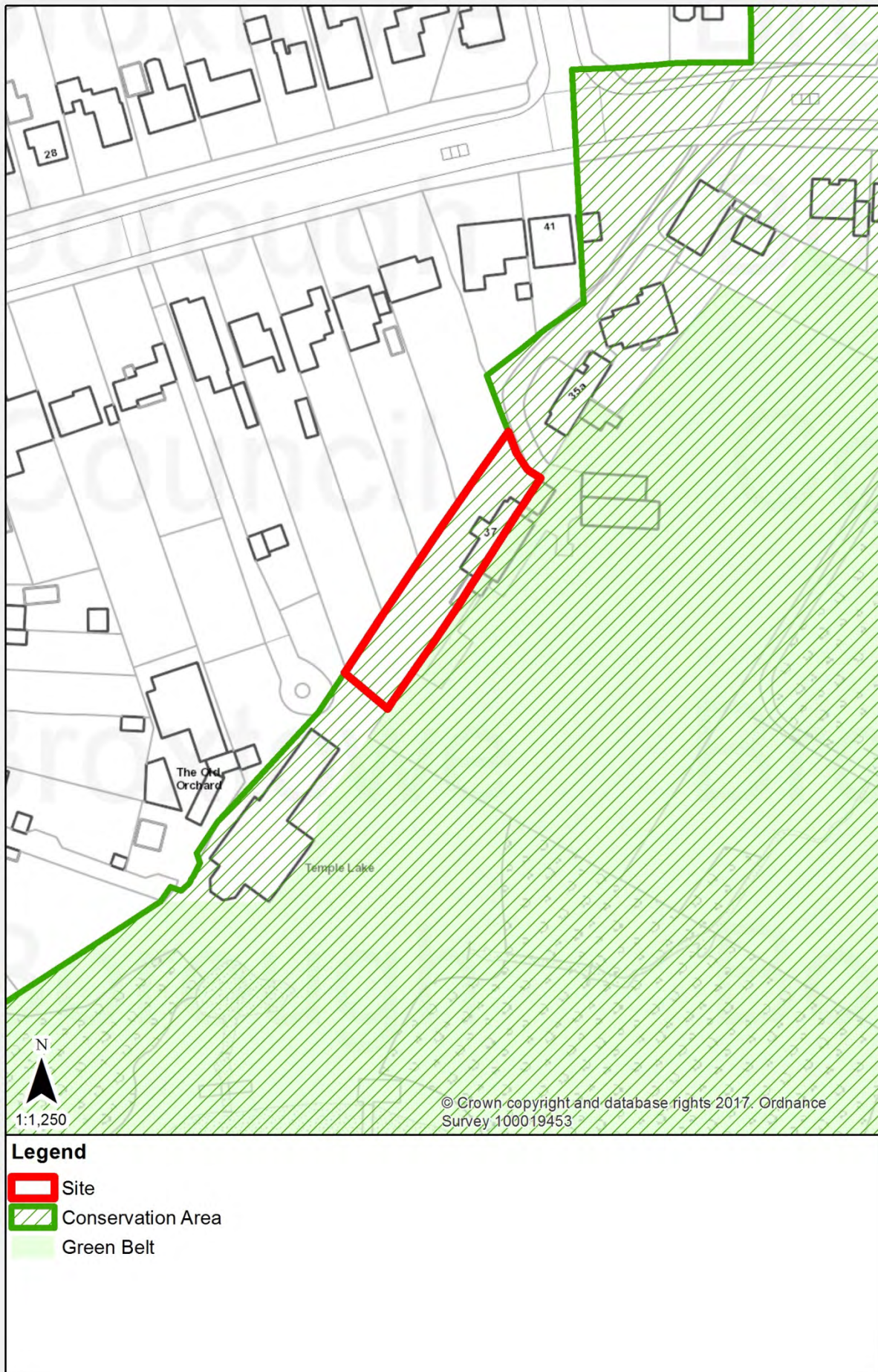
**Notes to Applicant:**

1. The Council has tried to act positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, through an early visit to the site and continued liaison with the applicant's agent, to allow the submission of suitable amendments.

2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see: <https://www.broxtowe.gov.uk/for-you/planning-building/development-in-former-coal-mining-areas/>

Background papers

Application case file ref: 16/00801/FUL.





## Report of the Chief Executive

**17/00302/FUL  
ERECT 1.8M HIGH FENCE AND VEHICULAR GATES. 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 for a frontage fence and gates was deferred at the Planning Committee meeting on 12 July 2017. Members accepted that, for security and privacy reasons, the principle of some form of boundary treatment was acceptable. However, they considered that the design of the proposed fence was unacceptable; that it gave a harmful sense of enclosure, which was out of character with the general open nature of frontages in the surrounding area. The application was deferred to enable the applicant to consider a more suitable design.

1.2 Following further negotiations with the applicant, the application has been amended again and now comprises the following:

- Removal of the existing brick wall, at the back of pavement on the Maple Drive frontage, but only to the north of the bungalow. This has been confirmed as being structurally unsafe.
- Construction of a 1.8m high fence at the back of pavement on the Maple Drive frontage, but only to the north of the bungalow. The fence, posts and gravel boards would all be finished in a dark grey/black colour. The fencing would have alternate solid and trellis panels.
- The remainder of the garden in front of and to the side of the bungalow would remain open, with a new hedge to be planted along the remainder of the Maple Drive frontage.
- Installation of two 1.8m high timber gates, outside the extended 4m wide vehicular access.
- The applicant has also reiterated the fact that there is an existing 2m fence at no. 64, opposite, which creates a solid enclosure.

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 the site, one of which is a highway tree, the other was located within the side garden. The tree within the garden has now been felled.



Kimberley Road frontage



Corner of Kimberley Road/Maple Drive



Maple Drive frontage



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



Damage caused by tree to the wall and footpath.



Existing approved fence outside no. 64.

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 Draft Broxtowe Part 2 Local Plan (2017). Draft Policy 17 – Place-making, design and amenity, currently carries little weight but establishes various criteria for the assessment of new development proposals.
- 4.5 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.
- 5.2 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.
- 5.3 Councillor J M Owen had requested that the two sycamore trees be covered by a TPO.

- 5.4 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.
- 5.5 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.
- 5.6 Following the submission of the first set of amended plans, an additional consultation exercise was carried out. The Parish Council made further comments and three 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.
  - Proposal is significantly different from the existing fence at no. 64.
  - Concern that electric gates would cause highway safety issues, especially as there are numerous learner drivers using Maple Drive.
- 5.7 Further consultations have been carried out regarding the latest amendments. Any comments will be reported at the Committee.
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 proposal has been amended, such that 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 open nature of the site would be increased, as the bungalow itself would not be enclosed by the fencing. The design of the fence has been amended to include alternate solid and trellis panels. This would allow planting to grow through and create a greener, more open appearance. 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.

- 6.4 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 considered that the fence would not have such a detrimental impact on the character of the area to warrant a refusal.
- 6.5 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.
- 6.6 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 and photographs, received by the Local Planning Authority on 8 August 2017.**
- 3. The fence, posts and gravel boards shall be finished in a dark grey, green or black colour.**

**Reasons :**

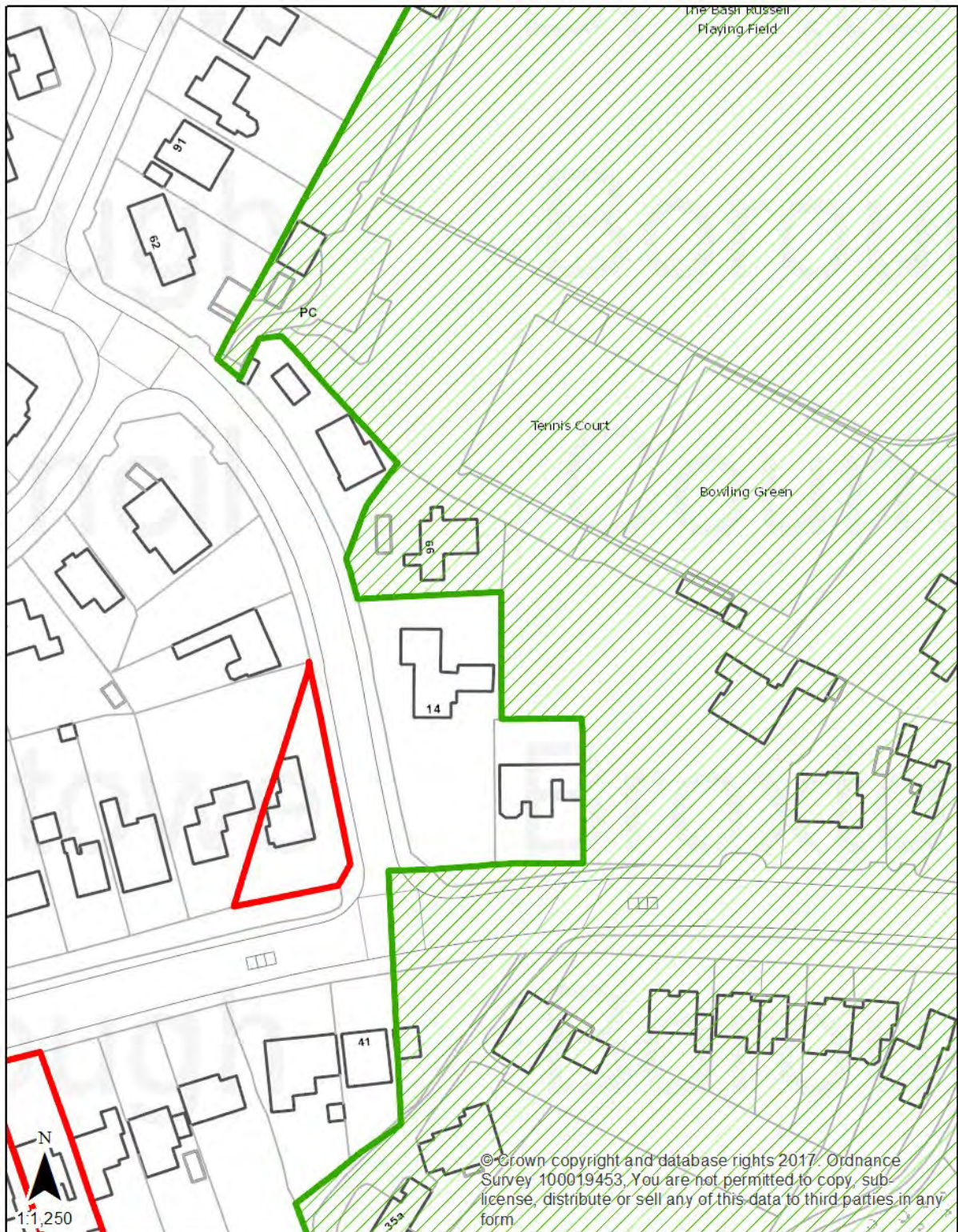
1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. In the interests of the appearance of the street scene and in accordance with the aims of Policy H11 of the Broxtowe Local Plan and Policy 10 of the Aligned Core Strategy.

**Note 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/development-in-former-coal-mining-areas/>
3. The proposed 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 Area

## Report of the Chief Executive

**17/00365/FUL  
CONSTRUCT SIDE AND REAR EXTENSIONS, INCLUDING  
DEMOLITION OF GARAGE, EXTERNAL WORKS INCLUDING A  
REDESIGNED DRIVEWAY WITH THE ADDITION OF ELECTRIC  
GATES/AND RAISED PORCH TO THE REAR, FINISHED FLUSH  
WITH THE EXISTING INTERNAL GROUND FLOOR LEVEL (REVISED  
SCHEME)  
187A NOTTINGHAM ROAD, NUTHALL NG16 1AE**

This application was referred to Planning Committee for determination by Councillor P D Simpson.

1. Details of the application

1.1 The application seeks consent to amend the permission approved (ref: 17/00085/FUL) in April 2017. This was to remodel the existing property with various alterations and the construction of several extensions. Construction works to implement this permission have commenced and are ongoing. The former garage on the west side has been demolished and the porch, east side and rear extensions are largely complete.

1.2 The current revisions include the following:

- The dual-pitched roof extension on the west elevation, comprising a garage with en-suite in the roof above, would be increased in height by 1.3m to give a maximum ridge height of 7.9m. It would also be increased in length by 1.1m, to give a length of 7m. This would be constructed right up to the site boundary with no. 187.
- This extension would now have two en-suite gabled dormer windows (front and rear) and a garage door at both front and rear.
- The scheme has been amended to introduce a hipped edge to the roof, adjoining the neighbouring property.

2. Site and surroundings

2.1 The site lies within a linear residential development along the old Nottingham Road, with the A610 by-pass to the north. There are a variety of house types, including detached, semis and bungalows. There are many large properties in substantial curtilages.

2.2 The application property comprises a substantial detached two-storey house. The site has been cleared and construction work has commenced on the approved scheme. The property is currently unoccupied.

2.3 Photographs showing the site under construction are set out below:





Wider street scene view of house, prior to frontage hedge being removed, and prior to recent construction work.



Previous view of property hedge removed and site cleared



Current view with chimneys removed with and east extension completed.



Front view - Showing relationship to adjoining house to west (no. 187).



Rear view of same relationship.



Recent rear view of property.



View from street, showing relationship to no. 187.

3. Relevant planning history

3.1 The recent planning permission (application ref: 17/00085/FUL), to construct single storey and two storey extensions with a rear raised patio, was granted in April 2017.

4. Policy context

4.1 Broxtowe Aligned Core Strategy 2014

4.1.1 Policy 10 – Design and Enhancing Local Identity: Seeks to reinforce valued local characteristics and make a positive contribution to the public realm and a sense of place. Sets out the criteria for assessing development proposals.

4.2 Broxtowe Local Plan 2004

4.2.1 Saved Policy H9 – Domestic Extensions: Will be permitted, subject to being in keeping with the original building and the street scene, and not causing a loss of residential amenity.

4.3 Draft Broxtowe Part 2 Local Plan (2017)

4.3.1 Draft Policy 17: Place-making, design and amenity sets out best practice guidance and standards for design, sustainability and place making.

4.3.2 This draft policy has not yet been subject to formal examination and is not adopted. It therefore carries very limited weight in the consideration of this application.

5. Consultations

5.1 Councillor P D Simpson referred the application to Planning Committee.

5.2 Councillor P J Owen made no formal response. However, previous informal discussions referred to the need to ensure that the property remains as a single dwelling and is not converted to flats/HiMO.

- 5.3 Nuthall Parish Council objects to the proposal. It considers that it would lead to an over-intensification of the site and a loss of amenity to the neighbouring residents.
- 5.4 Nottinghamshire County Council Highway Authority has no technical objections, as the proposed amendments to the access and set back of the gates are both satisfactory.
- 5.5 Notification letters were sent to both adjoining neighbours. A response has been received from the occupier of no.187 Nottingham Road, who objects on the following grounds:
- Loss of daylight and sunlight – the amended scheme will increase overshadowing, particularly to the neighbour’s side-facing windows.
  - Increased sense of enclosure – caused by the close proximity of the proposal, particularly to the side door of the neighbour’s house.
  - Loss of enjoyment of their land as a result of the above – the side area is used as a sitting out area, due to the noise and pollution of the A610, which impacts on the rear garden.

## 6. Appraisal

### 6.1 Principle of the development

6.1.1 The proposal comprises design changes to a scheme of approved extensions to an existing dwelling within a large curtilage. There are no planning policy constraints. This is a primarily residential area and the plot is large enough to accommodate substantial extensions. The proposals are therefore acceptable in principle.

6.1.2 The front porch, east side extension and rear extension are now largely complete and, except for some minor changes to the rear window arrangements, are largely unchanged from the approved plans. This report therefore only deals with the revisions to the west extension.

### 6.2 Design and Materials

6.2.1 The proposal represents a significant remodelling of the property, transforming it into a dwelling of more contemporary design, with rendering of the existing structure and new brick extensions. This design concept does not change with the revisions.

6.2.2 The west garage/en-suite extension has a proposed gable end design (proposed to gain additional first floor accommodation), which has been amended to have a half-hipped finish, which is considered to be more in keeping with the design of the other rooflines.

6.2.3 Additionally, there are a number of factors which mitigate against any perceived visual impact. The adjoining property (no. 187) is set at a 1m higher level and there is a 2m wide drive between the proposed extension and the adjoining property, such that the proposed gable roof will sit below the roof of

the adjoining property. The brick and tile design of the garage, sitting between the rendered white/cream finishes of the application and adjoining properties, would appear less visually prominent.

6.2.4 The proposal will result in the west extension up to the plot boundary and the potential for introducing a terracing effect must be considered. No. 187 (to the west) is at a marginally higher level. It is set in 2m from the site boundary and the proposed garage roof, now 1.3m higher, would be at the approximate same level as the neighbouring eaves. The previous acceptable degree of physical and visual separation will not be compromised. In all circumstances, it is considered that a terracing effect will not be apparent and that the proposal will not be contrary to Local Plan Policy H9.

### 6.3 Amenity

6.3.1 The proposals have been designed to ensure that the side neighbour is not adversely affected by the extensions. Specifically, the west garage is set at a lower level than no. 187, which also has a 2m fence on the boundary. No. 187 has a ground-floor side door and window and a first floor side facing window but this is to a landing and not a habitable room. The boundary hedge, to the rear, further screens any views of the proposals. To avoid any potential overlooking of the adjoining neighbour, it is recommended that the two windows are obscurely glazed. Although the revisions increase the bulk and mass of the extension, it is not considered that its impact on the neighbour would be so overbearing as to warrant a refusal.

6.3.2 Both the case officer and the Ward Member have met the adjoining neighbour, to understand his concerns. It is acknowledged that the proposal will have an increased impact, beyond any that may have occurred as part of the approved scheme (to which the neighbour did not raise any objection). However, that increased impact is considered to be quite marginal. The side of the neighbour's property would be overshadowed to some respect by the approved scheme. However, this would only be a marginal loss of early morning sunlight. It is considered that any potential increase in loss of light and amenity would not be so significant as to warrant a refusal.

### 6.4 Other Issues

6.4.1 Councillor P J Owen previously raised concerns at the amount of accommodation to be provided. There is no suggestion that the proposals will result in anything other a single dwelling. Should there be evidence in the future of further internal works or that the accommodation is being used in another way then enforcement investigations can be instigated.

6.4.2 The amended scheme now includes vehicular doors to both the rear and front of the proposed side garage. Concerns were raised with the applicant that parking in the rear garden would not be acceptable. The applicant has confirmed that there will be no rear parking, the proposed rear garage door only provides easier access to the rear garden for landscaping purposes.

6.4.3 As construction work has already started, the standard commencement condition is not required.

7. Conclusion

7.1 It is considered that the proposal complies with Saved Policy H9 of the Local Plan, Draft Policy 17 of the Part 2 Local Plan and Policy 10 of the Core Strategy. Consequently, it is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations, including the Public Sector Equality Duty and comments raised in the representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

**Recommendation**

**The Committee is asked to RESOLVE that planning permission is granted, subject to the following conditions:**

- 1. The development hereby approved shall only be constructed in accordance with the following drawings: Location Plan (drawing ref: 03), Block Plan (drawing ref: 04) and Existing Floor Plans and Elevations (drawing ref: 01), received by the Local Planning Authority on 14 February 2017; Proposed Roof Plan (drawing ref: 05) received by the Local Planning Authority on 23 May 2017; and Proposed Floor Plans and Elevations (drawing ref: 02 rev C) received by the Local Planning Authority on 26 June 2017.**
- 2. The extension hereby approved shall be constructed using Wienerberger Desimpel Kempley Antique red bricks and roof tiles of a type, texture and colour so as to match those of the existing building.**
- 3. The en-suite dormer windows to be created in the first floor, north and south elevations of the west extension 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.**

**Reasons:**

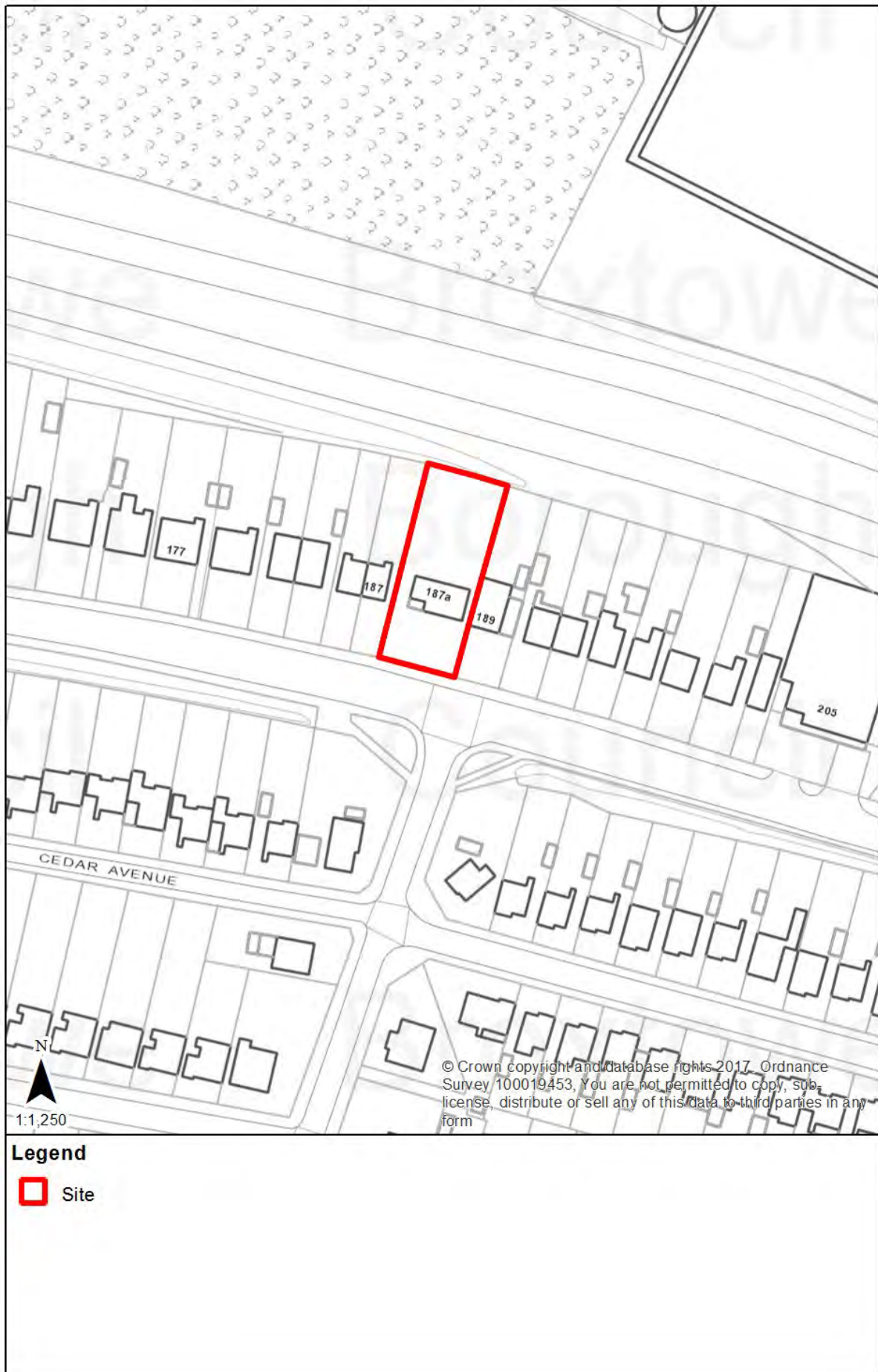
- 1. For the avoidance of doubt.**
- 2. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).**
- 3. To safeguard the residential amenities of the adjoining neighbour and to accord with Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).**

**Notes for 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. 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/>
3. The applicant's stated intentions are that there will be no rear parking and that the proposed rear garage door only provides easier access to the rear garden for landscaping purposes. The applicant is advised that the approved plans do not show any parking or storage of vehicles within the rear garden area. Such a use may constitute a breach of planning control.

Background papers

Application case file ref: 17/00365/FUL



## Report of the Chief Executive

**17/00394/FUL  
CHANGE OF USE OF SUMMER HOUSE TO DOG GROOMING  
BUSINESS  
65 HIGHFIELD ROAD, NUTHALL NG16 1BQ**

Councillor P J Owen has requested that this application be determined by the Planning Committee.

1. Details of the application

1.1 This application seeks consent to retain a domestic summerhouse, constructed under planning permission reference: 16/00535/FUL, for use as a dog grooming business. The summerhouse is located in the rear garden of the property. It is of a timber construction, measuring 7m by 4m, with a dual-pitched roof, height 3.5m.

1.2 The applicant has provided the following information, clarifying the extent of the business use:

- Business has been developed to work around child care and work commitments.
- No other staff employed.
- Business currently open 9am – 3pm Wednesday – Friday with the occasional Saturday.
- Up to three dogs (average one-two dogs) groomed per day, by appointment only. A formal diary of appointments is kept.
- There would be only one dog at any one time. The client drops off the dog and doesn't remain on the premises.
- Most customers are from the Horsendale and Mornington estate, who all tend to walk. On average 85% arrive on foot and 15% by car.
- The only machinery/equipment used is a hairdryer and Hoover, and these cannot be heard outside of the building.
- The only waste produced is a very small amount of clipped hair which rarely fills a sandwich sized lunch bag.
- Applicant would consider renting a commercial unit/shop with additional staff, if the business became successful.

2. Site and surroundings

2.1 The application site is a residential property, comprising a large detached house with long rear garden. The property has a single garage and there are two parking spaces on the frontage.

2.2 The surrounding area is wholly residential, with the adjacent properties primarily detached with significant gardens. There is robust boundary treatment around the rear garden.





Property frontage showing parking area.



Discreet business signage.



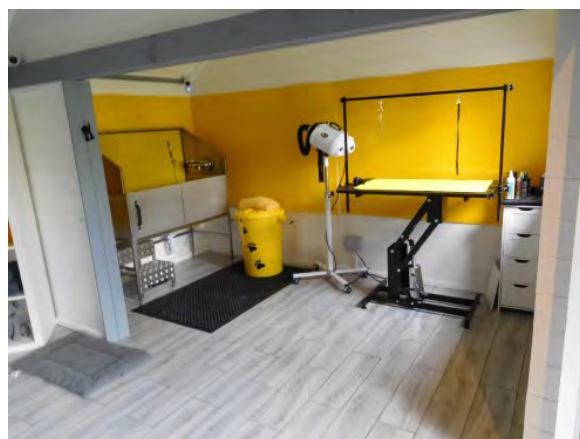
Garden view.



Area to rear of summerhouse.



Internal layout (1)



Internal Layout (2)

3. Relevant planning history

3.1 The following applications are relevant:

- 16/00535/FUL – Erect summer house. Approved 8/9/2016.
- 17/00393/PNH – Prior Notification for large householder extension – Application Withdrawn.

- 17/00536/FUL – Single storey rear extension – approved 30 August 2017.
4. Policy context
- 4.1 Broxtowe Local Plan (2004):
- 4.1.1 Saved Policy H8 – Businesses in Residential Areas and Properties: Will be permitted where residential amenity and character is not adversely affected, and there is appropriate parking provision.
- 4.1.2 Saved Policy T11 and Appendix 4 – Guidance for Parking Provision: Permission will not be granted for new development unless appropriate provision is made for vehicle parking and servicing in accordance with the Highways Authority guidelines.
- 4.2 Draft Broxtowe Part 2 Local Plan (2017)
- 4.2.1 Draft Policy 17 – Place-making, design and amenity: Establishes various criteria for the assessment of new development proposals.
- 4.3 Broxtowe Aligned Core Strategy 2014:
- 4.3.1 Policy 2 – The Spatial Strategy: Achieves sustainable development through urban concentration with regeneration.
- 4.3.2 Policy 4 – Employment Provision and Economic Development: Achieved through provision of suitable sites which assist regeneration and are attractive to the market.
- 4.3.3 Policy 10 – Design and Enhancing Local Identity: New development should reinforce local characteristics and development will be assessed in terms of its treatment of the impact on the amenity of nearby residents.
- 4.4 National Planning Policy Framework (NPPF) 2012:
- 4.4.1 Core Planning Principles include:
- The need “to proactively drive and support sustainable economic development .... Every effort should be made objectively to identify and then meet the business needs of an area”.
  - The need to “promote mixed use developments, and encourage multiple benefits from the use of land in urban areas”.
- 4.4.2 Section 1 - Building a strong, competitive economy: Supports existing business sectors, taking account of whether they are expanding or contracting and, where possible, local planning authorities should identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.

## 5. Consultations

- 5.1 The Council's Environmental Health - Public Protection Division have raised no objections, subject to the imposition of conditions restricting the proposed activities to dog grooming only; restricting opening hours to 09.00-15.00, Wednesday-Saturday only; and restricting commercial vehicle deliveries to 09.00-16.00, Wednesday-Saturday only.
- 5.2 Nuthall Parish Council have commented that they have concerns over parking and the running of a business in a residential area.
- 5.3 Seven adjoining residential neighbours were notified. Two neighbours in Highfield Road confirm that they have no objections. One objection was received from a resident of Horsendale Avenue raising concerns about sense of enclosure and privacy bringing other people and dogs so close to their property".

## 6. Appraisal

- 6.1 The main issues relate to the principle of development and any potential concerns upon neighbouring amenity with regards to noise and disturbance.
- 6.2 Numerous types of business activities can be run from home where a material change of use has not taken place without the need for planning permission. The proposed dog grooming within this application would be a small scale business operating from a summerhouse in the rear garden. The residential character of the street would therefore not be adversely affected. It is considered that the proposed use would be "sui generis" as prior appointments would be required rather than a Class A1 dog parlour which promotes services to passers-by. The principle of this type of small scale business from home is therefore considered to be acceptable.
- 6.3 It is considered that the scale of the business would only attract a small number of customers and the applicant has confirmed that services would only be provided for up to three dogs each day. The Council's Environmental Health Officer has confirmed no objections to the proposal subject to the imposition of conditions. However, it is considered that several recommended conditions are not appropriate, as they relate to other legislation or would be difficult to enforce against.
- 6.4 In line with Local Plan Policy H8, it is considered that the imposition of relevant conditions (relating to numbers of dogs, operating hours and keeping an appointment diary) would ensure that the amenity of occupiers of neighbouring residential properties would not be significantly affected. However, the Environmental Health Officer's suggested restrictions of Wednesday to Saturday seem rather onerous as there would be no difference generally between different weekdays. It is considered that the condition should be recommended to respect this.

- 6.5 Any likely noise, such as barking from dogs which are being treated, would be similar to the occupier having numerous dogs as pets. If only one dog is on the premises at any one time, this is unlikely to be of significant noise level or longevity to cause significant harm. However, any statutory noise nuisance could be addressed through Environmental Health legislation. The only waste anticipated is clipped dog hairs.
- 6.6 The Highways Authority has not raised any objections to the proposal. There is a hard surfaced driveway in front of the dwelling able to accommodate two vehicles, whilst on-street availability should be adequate for the likely small number of proposed customer drop-offs and pick-ups.
- 6.7 The concerns raised by the objector are valid but must be taken in the context of the site layout. Due to the garden length, the objector’s property is some 33m from the summerhouse. There are several trees in proximity to the joint boundary, mitigating any perceived visual impact. Furthermore, the summerhouse is not immediately adjacent to the boundary. There is a shed, log store and other garden materials and equipment stored in the area to the rear of the summerhouse, which is not accessible to the business. It is therefore considered that the proposal would not increase any sense of enclosure or overlooking.
- 6.8 Overall, the proposal constitutes a low-key, working-from-home business where the residential character of the street would not be adversely affected. It is considered that any noise or activity generated would not be significantly greater than could be expected within a residential area, and that the use can be appropriately controlled by conditions to ensure it is acceptable in this area. The proposal is not considered to conflict with saved Policy H8 of the Broxtowe Local Plan 2004, Policy 10 of the Aligned Core Strategy 2014 and the NPPF 2012.

**7. Conclusion**

- 7.1 It is considered that, having regard to the relevant policies of the Development Plan, national planning guidance and to all other material considerations, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of 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 carried out in accordance with the following documents: Site Location Plan; Block Plan; Elevations, Floor plan and roof plan; and digital images, received by the Local Planning Authority on 5 June 2017.**

2. The summerhouse shall be used for a dog grooming business only, and for no other purpose, other than that which is ancillary to a domestic dwelling.
3. The dog grooming business hereby approved shall be carried out only during the following times: 09.00-15.00 on Monday – Saturday only and not at all on Sundays or any Public Holiday.
4. Other than the applicant, no staff shall be employed to work at the premises.
5. Dog grooming shall be undertaken by an appointment system only. Appointment diaries shall be kept and made available to the Local Planning Authority on request. A maximum of 3 dogs per day shall be groomed. Only 1 dog shall be groomed at the premises at any one time.
6. All dog grooming shall be carried out with all the windows and doors of the summerhouse closed.

**Reasons:**

1. For the avoidance of doubt.
2. To ensure that there are not adverse effects on the amenities of the neighbourhood and in accordance with the aims of Policy H8 of the Broxtowe Local Plan (2004).
3. In the interests of the amenities of nearby residents and in accordance with the aims of Policy H8 of the Broxtowe Local Plan (2004).
4. To ensure that the use operates in accordance with the parking guidelines and in the interests of the amenities of nearby residents.
5. In the interests of the amenities of nearby residents and in accordance with the aims of Policy H8 of the Broxtowe Local Plan (2004).
6. In accordance with the applicant's stated intentions, in the interests of the amenities of nearby residents and in accordance with the aims of Policy H8 of the Broxtowe Local Plan (2004).

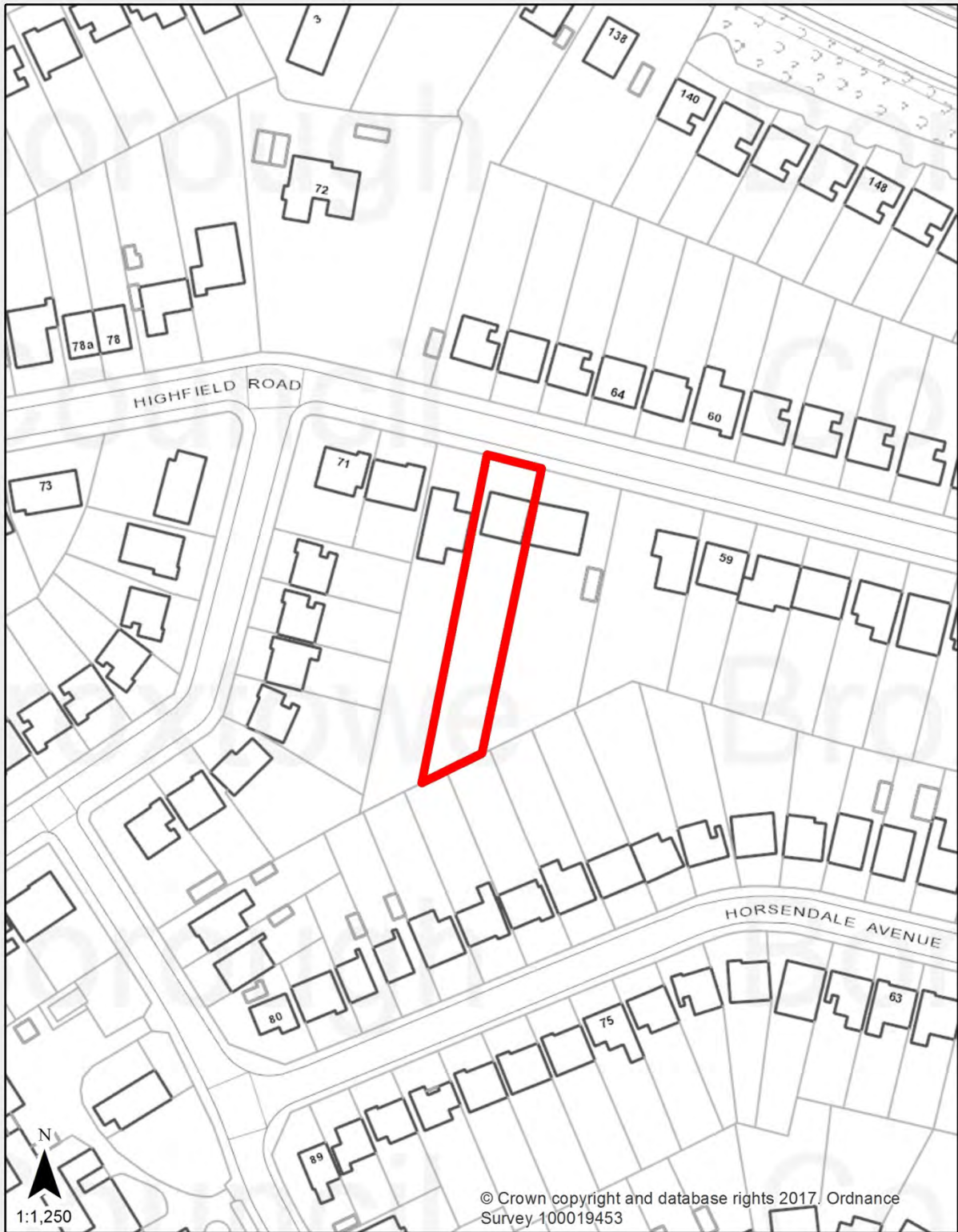
**Notes to Applicant:**

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 applicants to enable the full circumstances of the proposal to be put forward and taken into account in the determination of this application.


- 2. The proposed use of the premises will give rise to particular health and safety risks. The applicant is advised to contact the Health and Safety section within the Food and Occupational Health section of Public Protection, Broxtowe Borough Council, Foster Avenue, Beeston, NG9 1AB (tel: 0115 9177777) for advice.**

Background papers

Application case file 17/00394/FUL



**Legend**

 Site

## Report of the Chief Executive

**17/00116/FUL**  
**CONSTRUCT TWO STOREY SIDE AND SINGLE/TWO STOREY REAR**  
**EXTENSION**  
**116 MARLBOROUGH ROAD, BEESTON NG9 2HN**

Councillor S J Carr has requested this application be determined by Committee.

1 Details of the application

- 1.1 The application seeks permission to construct a two storey side and single/two storey rear extension to form a wraparound extension.
- 1.2 During the course of the application, amendments have been made to reduce the scale of the extensions. The two storey side projection was reduced in width by 1.4m and the projection beyond the rear elevation was reduced by 2.2m.
- 1.3 The two storey extensions will project 3.5m from the side elevation of the house, extend 2m beyond the rear elevation and have a rear width of 6m. The two storey extensions will both have a hipped roof, a height to eaves of 4.6m and height to ridge of 7.6m. The single storey rear extension will have a 2.8m high flat roof, a depth of 2m and will be built up to the boundary line with no. 114. The extensions will be 18m from the rear boundary and 2.5m from the boundary with the pavement with Hetley Road.
- 1.4 A first floor window and ground floor bay window are proposed in the front elevation of the two storey side extension. A flat canopy roof is proposed above the bay window, the front door and existing bay window. Three long slim windows are proposed in the ground floor side elevation and the first floor level will be blank. Two first floor windows, a ground floor window and bifolding doors are proposed in the rear elevation of the rear extension. The side elevations will be blank. The extensions will serve a dining room, lounge and extended kitchen with two bedrooms above.

2 Site and surroundings

- 2.1 The application property is an end terrace dwelling on a corner plot. A 1.2m high privet hedge extends from the front boundary on Marlborough Road around to the side beside Hetley Road. This side boundary and the boundary with no. 114 comprise a mixture of fencing, gates and hedging. A 2m high privet hedge extends across the rear boundary.
- 2.2 The site is relatively flat. Marlborough Road is a street formed of bungalows, terraced, semi-detached and detached houses of various designs.





3 Relevant planning history

3.1 An application (09/00262/FUL) for two storey side, single storey rear extensions, dormer windows, detached garage, front and side boundary wall and canopy to the front elevation was refused in November 2009. The reason for refusal was based on the height, size and bulk of the two storey side extension having an overbearing impact on the occupiers of no. 114 Marlborough Road, causing an unacceptable loss in amenity and being unduly prominent on this corner plot to the detriment of the appearance of the street scene. A revised application (10/00181/FUL) was submitted including minor reductions to the size of the extensions. However, it was still considered the extensions were too large and the revised scheme was refused based on the same reasons as stated in the refusal for planning application reference 09/00262/FUL.

3.2 An application for a single storey rear and two storey side/ rear extension was withdrawn on 17 May 2017 (reference 17/00313/FUL).

4 Policy context

4.1 National Policy

4.1.1 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.

4.2 Draft Part 2 Local Plan

4.2.1 As this Plan has not yet been subject to public consultation and is not yet adopted, it can only be afforded limited weight.

4.2.2 Policy 17 'Place-Making, Design and Amenity' states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

4.3 Broxtowe Aligned Core Strategy

4.3.1 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.

4.4 Saved Policy of the Broxtowe Local Plan

4.4.1 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.

5 Consultations

5.1 Councillor S Carr has submitted two objections in relation to the application. He feels there is little difference to the previous applications and that the side elevation would be directly onto Hetley Road, which is characterised by properties with large front gardens. He states that the proposal will have too great an impact on the street scene and that no. 108 at the opposite end of the terrace has had a similar application approved so this is over development.

5.2 Nine objections have been received from surrounding neighbours consulted. Their objections can be summarised as follows: may cause a danger to pedestrians crossing the road due to increased traffic and parking of work vehicles, obstruction of the right of access across the rear of no. 116, will be built over water and drains that supply five houses, projection of extension beyond the building line of Hetley Road is out of character, extended property will be occupied by students, loss of privacy, property in unkempt state, used as a lever for other plans to be approved, parking problems and noise and disturbance. No. 15 Hetley Road objects but has not provided any reasons for their objection.

6 Appraisal

6.1 The main issues to consider with this application are the design of the proposed extensions and the impact on neighbour amenity.

6.2 There is a variety of housing types and styles on Marlborough Road. A number of the houses have had permission for single storey rear extensions. One nearby property, no. 105, has had permission for a two storey side extension. Another

- nearby property, no. 108, has had permission for two and single storey rear extensions.
- 6.3 The single/two storey rear extensions will project 2m beyond the rear elevation. The two storey rear element will be set in 3.5m from the boundary with no. 114 and have a hipped roof that is set down from the main ridge by 0.3m. Both extensions will have blank side elevations. No. 114 has a sizeable garden, 20m in length. The proposed extensions are positioned to the north west of no. 114 and therefore, taking into account the modest projection of 2m and no. 114's sizeable garden, it is considered the extensions will not have a detrimental impact on the amenity of these occupants. As the application property is on a sizeable corner plot it is considered that no other neighbours would be adversely affected by the proposed development.
- 6.4 No. 114 raise concerns in relation to the proposed extensions being built over a water and mains supply and blocking access to their rear garden via a gate in the boundary fence. The drainage concern would be addressed by the Building Regulations process should the proposal be implemented. The proposed extension will not block access to no. 114's rear garden.
- 6.5 A concern has been raised that the house will continue to be used as a multiple occupancy student accommodation with an increase in occupants. Once extended, the house would have five bedrooms. As the property is not proposed to be used by more than six residents, no change of use planning application is required. It also cannot be anticipated or controlled that there will be an increase in noise created from the type of tenant living within the property once completed.
- 6.6 Nos. 12 and 17 Hetley Road both raise concerns in relation to the two storey side extension projecting beyond the building line of the properties on Hetley Road. The properties on Hetley Road are not characterised by a uniform line, with some properties having a two storey projection to the front. The two storey side extension was reduced so it projects 3.5m from the side. The extensions will be at least 2.5m from the back edge of the pavement beside Hetley Road. Due to the orientation and sizeable rear garden, it is considered a 3.5m projection to the side is acceptable and that the extensions will not look unduly prominent in the street scene. It is considered the size and scale of the proposed extensions are acceptable and will not look out of character or be harmful to the surrounding street scene on Marlborough Road or Hetley Road. No. 12 Hetley Road raise concerns in relation to the extension setting a precedent for further extensions being more likely to be granted permission. Any further planning applications received will be assessed against the relevant policies.
- 6.7 It is acknowledged the site has no provision for parking. However, it is considered that the proposed extension will not generate significant additional demand for parking. Although there is space to park on the street, there are frequent bus and tram links within walking distance of the property. It is considered the addition of two extra bedrooms to the property will not be likely to cause a significant parking issue on Marlborough Road.

6.8 As the materials are not stated on the proposed plans, they will be conditioned to ensure they match the main property. The two storey rear/side extensions will have a hipped roof which matches the style of the original house. The proposed extensions will be visible from Hetley Road and Marlborough Road but as they are setback from both roads and achieve an acceptable level of design, it is considered they will have minimal impact on the character and street scene of the surrounding area.

7 Conclusion

7.1 It is concluded that the extensions would be in keeping with the original dwelling in terms of style, scale and proportion. The extensions would 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, with Policy 17 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

**Recommendation**

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Ordnance Survey Plan (1:1250) received by the Local Planning Authority on 2 March 2017 and drawing number: RS/SA/23/02/17/02 Rev 3 received by the Local Planning Authority on 9 June 2017.**
- 3. The extensions shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing house.**

**Reasons:**

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).**

**Notes to applicant:**

1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by seeking positive amendments and working to determine this application within the agreed determination date.
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/development-in-former-coal-mining-areas/>

Background Papers

Application Case File



- Legend**
- Site
  - Broxtowe Boundary



## Report of the Chief Executive

**17/00416/FUL  
SITE PORTABLE BUILDING TO BE USED IN CONJUNCTION WITH  
DAY NURSERY  
34 CHURCH STREET STAPLEFORD NOTTINGHAMSHIRE NG9 8DJ**

Councillor R D MacRae requested that this application be determined by the Planning Committee.

1. Details of the application

1.1 This application seeks consent to site a portable building beside the northern elevation of the building along the boundary with Middle Orchard Street. The proposed building has a footprint of 2.9m by 9.6m and a height of 2.7m. The fabricated cabin is made from plasterboard and is to have a grey painted finished. There are two access doors and two windows on the side elevation beside the boundary and one window on the elevation beside the main building.

1.2 The proposed layout plan shows the car park to the south associated with the Old Cross Public House and in the supporting statement submitted with the application, it suggests that four of these spaces will be allocated for use by the nursery.

1.3 The portable building is desired in order to accommodate an extra eight children (two year olds) within the nursery. It is understood that the current number of children is 18 and the current opening hours of the nursery are between 07:30 – 18:30 (Monday to Friday). It is proposed to use the portable cabin for only part of the working day, between 09:30 -15:30. Including the chef, it is understood that there are six members of staff working at the premises and there are no plans to increase staff levels as a result of the proposal.

2. Site and surroundings

2.1 The current building, which accommodates the nursery, is a flat roof building of brick construction.

2.2 The application site is located just north of Stapleford Town Centre in an area of mixed usage. Although primarily residential, there are numerous other service uses in the vicinity. These include the listed St Helen's Church, Stapleford Young People's College and the Old Cross Public House and associated car park (to the immediate south of the site).



West elevation



Northern side of building

2.3 The property is a non-designated building just outside of Stapleford Church Street Conservation Area which borders the site to the south. The Conservation Area appraisal has described this part of Stapleford as having a “*village like character*” and that many of the properties are “late 18th to early 19th century two storey, detached houses in small gardens,” The Public House to the south has been noted as having a positive contribution to the conservation area.

### 3. Relevant planning history

3.1 Change of use was granted permission for the Nursery in 2011 (planning application ref: 11/00382/FUL). The former use was for a storage unit.

### 4. Policy context

#### 4.1 Broxtowe Local Plan:

4.1.1 Policy RC13 of the Broxtowe Local Plan (2004) states that the extension of day nurseries will be permitted provided that the premises comprises a detached building with enclosed space for outdoor play, there is appropriate provision for staff parking and to drop off and pick up children in acceptable positions, the site is accessible by public transport and pedestrians and the amenity of nearby residential properties is not adversely affected.

4.1.2 Local Plan Policy T11 and Appendix 4 establish the Council’s parking guidelines. A non-residential institution (Use Class D1) requires one visitor/parent parking space per six children, 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 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 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.

#### 4.4 Publication Version Part 2 Local Plan

4.4.1 Draft Policy 17: Place-making, design and amenity sets out best practice guidance and standards for design, sustainability and place making.

4.4.2 Draft Policy 23: Proposals affecting designated and non-designated heritage assets suggests that proposals will be supported where heritage assets and their settings are conserved or enhanced in line with their significance.

4.4.3 These draft policies have not yet been subject to formal examination and are not adopted. They therefore carry very limited weight in the consideration of this application.

## 5. Consultations

- 5.1 The Council's Environmental Health Officer requested that the applicant provides details of the formal agreement with the owner of the public house to assess the permanency of the parking agreement before they are satisfied with the proposed parking arrangements. Without the proposed provision, the increase in capacity would increase the potential for noise nuisance from the arrival and departure of parents and children affecting the immediate neighbours on Church Street and Middle Orchard Street. Without such clarification, the department would object to the application. Should this information be provided, hours conditions are suggested to ensure that the premises does not operate except between 07:30 and 18:30 week days only.
- 5.2 Nottinghamshire County Council as Highways Authority object to the proposal. They suggest that the use of the adjacent public house car park would be acceptable. However, as this is third party land, this cannot be considered as suitable because the applicant has no control over it. The adjacent highway is a classified road controlled by a traffic regulation order. The traffic regulation order still allows drivers to park whilst dropping off children which would cause obstruction to visibility and/or traffic flow. They would object to an increase in child places or staffing over and above the existing level given the third party status of the car park. Whilst drop off and pick up times are staggered, they would generally occur within peak hours and create issues on the classified road should use of the public house car park be withdrawn. In addition, a site visit found the car park to be fairly full and there is inadequate turning provision. The layout of the car park cannot be rectified as the applicant has no control.
- 5.3 The Council's Conservation Officer objects to the proposal and makes the following: The site is located adjacent to Church Street Stapleford and the Grade 2\* church of St Helen. The existing building does not enhance the character or setting of the entrance to the Conservation Area. The plot appears to be the former garden of a large dwelling, which has been replaced with a modern house which appears to be approximately 50 years old. She objects to the siting of a portable building within close proximity and within the setting of the Grade 2\* Listed Church. The appearance of the building and its surroundings affect the setting and character of the heritage asset and it is the role of the Council to protect, preserve and where possible enhance the character and condition of our heritage assets. Whilst the portable nature of the building may indicate it is temporary, no time constraint is mentioned. The appearance of the existing building will further worsen with the proposed addition, further detracting from the character of the Conservation Area.
- 5.4 Stapleford Town Council support/have no objections to the application. They note that one town councillor had spoken to local residents who had no concerns. They also point out that the portable building would allow the centre to take eight extra children into nursery care when there is a shortage of nursery places in the town, plus further housing developments planned. It is understood there is an agreement with the Old Cross to utilise space in the car park for parents dropping off and picking up children.

## 6 Appraisal

6.1 The main issues in the determination of this application are the impact on parking provision and highway safety, the impact on the amenity of the occupiers of existing properties and the impact of the siting of the portable building on the character of the conservation area and the setting of the listed church.

## 6.2 Parking

6.2.1 The proposed plans show four spaces in the public house car park to be allocated to the nursery. The response from Nottinghamshire County Council Highways suggests that this would be adequate provision to allow for the dropping off and picking up of children. However, as the land is not within the ownership of the applicant, this is not acceptable as the use of the car park cannot be guaranteed into the future and any increase in capacity would lead to unacceptable highway safety issues with parents potentially parking on Church Street which is a classified road.

6.2.2 It is understood that there is an informal agreement with the current landlord of the pub. However, as the current landlord is not the land owner, this arrangement is not indefinite and if he were to re-locate in the future, the use of the car park cannot be guaranteed. Attempts to request that the applicant secure a more formal, binding agreement have not been forthcoming. This uncertainty makes the application difficult to approve from a highway safety perspective.

6.2.3 It is appreciated that the site is located close to Stapleford Town Centre and public transport links and therefore there is a high probability that users of the facility will not rely on cars to pick up and drop off children. However, given the strong objection from the County Council, unless it can be demonstrated that there are suitable parking facilities, over which the applicant has full control, the current parking arrangements are considered unacceptable to accommodate the increase in capacity which will arise as a result of the siting of the portable building.

## 6.3 Residential Amenities

6.3.1 Environmental Health do not have concerns that the increase in the numbers of children on the site will cause significantly more noise or disturbance to the occupiers of residential properties provided that the building is only occupied during the opening hours of the nursery. The use of the nursery has been in existence for a number of years and there is no history of noise complaints. No neighbours have responded to the consultation.

6.3.2 However, the Senior Environmental Health Officer does have concerns regarding the parking arrangements as without guaranteed parking provision in the public house car park, there is a strong potential for an increase in noise nuisance from parents parking on Church Street and Middle Orchard Street during the arrival and departure of children, which could affect the residents.

Although there is some potential for extra vehicular movements close to the residential properties, as the nursery does not open until 7:30 in the morning and closes at 18:30, there is not likely to be significant noise disruption outside of unsociable hours so it is considered that this disturbance is unlikely to warrant the refusal of permission.

#### 6.4 Design and Visual Impact on Conservation Area

6.4.1 The proposed building is a rectangular flat roofed portable building of plasterboard construction with a grey paint finish. It is proposed to be located directly adjacent the north elevation of the existing building, beside the boundary with Middle Orchard Street. Although a brick wall and fence of approximately 2m in height surrounds the site, the existing building and proposed portable building will be visible from Church Street and Middle Orchard Street.

6.4.2 The Council's Conservation Officer strongly objects to the siting of such a building in such close proximity to the conservation area and considers it will have a negative impact on the setting of the listed church (St Helen's). It is acknowledged that the nursery building itself does not positively add to the character of the area and it is considered that the siting of the portable building will worsen this situation, to the detriment of the character of the Church Street Conservation Area and the setting of the Grade 2\* Church of St Helen's.

#### 7. Conclusion

7.2 It is considered that the proposal, without a suitable formal parking agreement, would have an adverse impact on highway safety and, furthermore, the style and form of the proposed building will have a negative impact on the setting of the listed church and the adjacent conservation area.

#### **Recommendation**

**The Committee is asked to RESOLVE that planning permission be refused for the following reasons:**

#### **Reasons:**

- 1. In the absence of a formal legal agreement with the adjacent landowner, the parking arrangements are unacceptable and the increase in capacity, as a result of the siting of the portable building, has the potential to cause obstruction to visibility and/or the flow of traffic contrary to Policies T11 and RC13 of the Broxtowe Local Plan (2004) and Policy 17 of the draft Broxtowe Part 2 Local Plan (2017).**

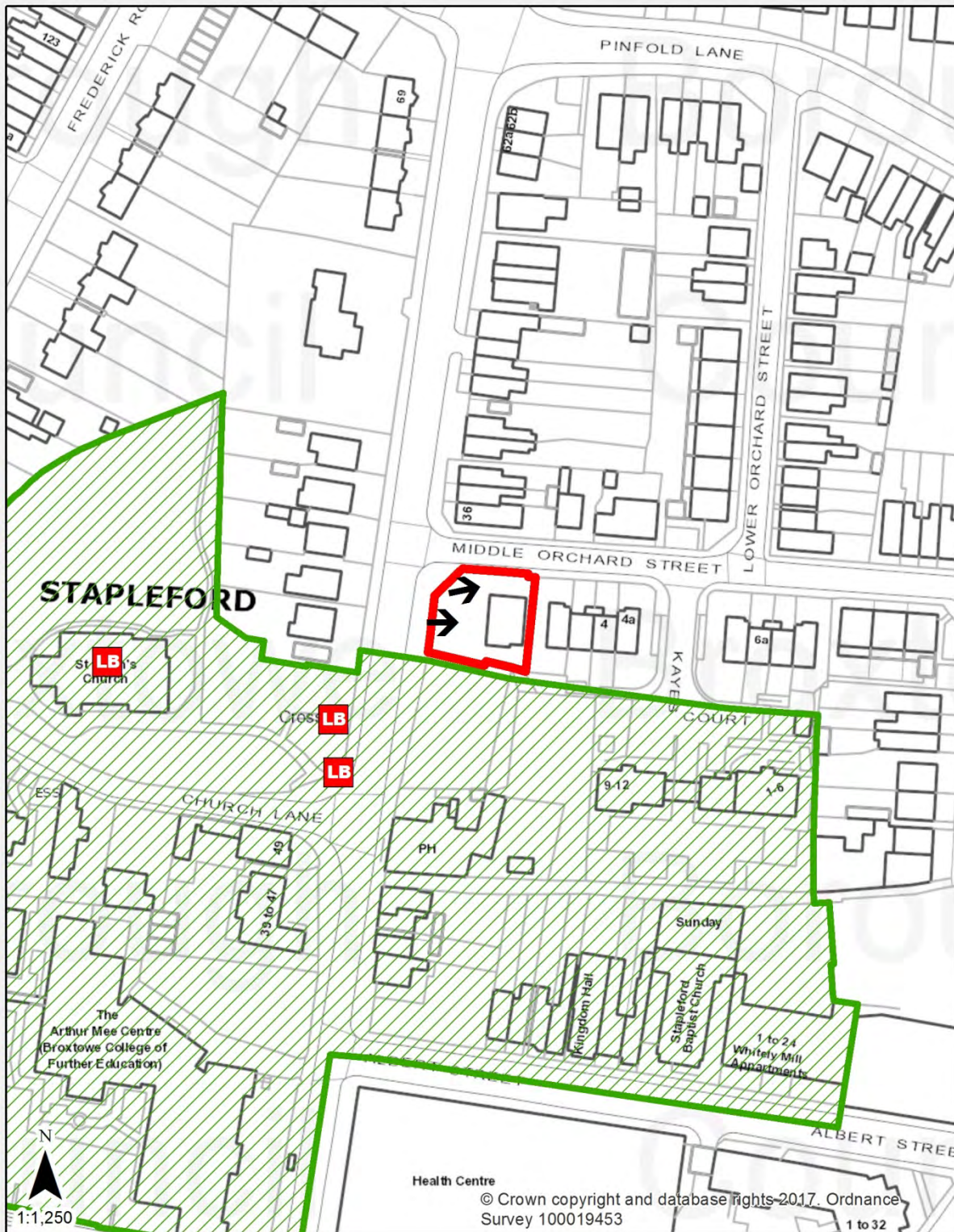
2. The siting and appearance of the portable building will have a significantly detrimental impact on the character of Church Street, Stapleford Conservation Area and the setting of the Grade 2\* Church of St Helen's, contrary to Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014) and Policy 23 of the draft Broxtowe Part 2 Local Plan (2017).

**Note to Applicant:**

The Council has tried to act 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. However, it was felt that the fundamental issues with the scheme, detailed in the reasons for refusal, could not be overcome.

Background papers

Application case file ref: 17/00416/FUL



**Legend**

- Site
- Listed Building
- Conservation Area

Photos

Report of the Chief Executive

**17/00492/FUL  
 CONSTRUCT 2.1M HIGH FRONT BOUNDARY WALL, PIERS AND  
 1.8M HIGH GATES  
 26 HALLAMS LANE CHILWELL NOTTINGHAMSHIRE NG9 5FH**

Councillor R I Jackson requested that this application be determined by the Planning Committee.

1. Details of the application

1.1 This application seeks consent to remove an existing sandstone wall (approximately 1.9m in height) which is located on the frontage of the property and to replace it with a new wall 2.1m in height, with piers and gates of a height of 1.8m. It is proposed to utilise a modern stone similar in style and texture to that of the nearby property at 19 Hallams Lane.

2. Site and surroundings

2.1 The dwelling is located within a residential area in Chilwell. Hallams Lane consists of a variety of styles of detached dwellings on relatively large plots. The dwellings are typically set back from the highway with large frontages. There are a large number of trees protected by Tree Preservation Orders located within the residential curtilages.



Existing access



Collapsed section of the wall



Wall along road and protected tree

2.2 The application site is located within Chilwell Conservation Area. The existing stone wall is characteristic of the boundary treatments in this section of the conservation area. There is a tree protected by a Tree Preservation Order located on the land directly behind the wall. The current wall has collapsed close to the access.

### 3. Policy context

#### 3.1 Broxtowe Local Plan:

3.1.1 Policy H11 of the Broxtowe Local Plan (2004) states that planning permission will be granted for minor development provided that the siting, design and materials do not substantially harm the appearance of the property or the street scene or the amenity of neighbouring occupiers.

3.1.2 Policy E24 of the Broxtowe Local Plan (2004) states that development that would adversely affect important trees and hedgerows will not be permitted.

#### 3.2 Adopted Core Strategy:

3.2.1 Policy 10 (Design and Enhancing Local Identity) of the 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.

3.2.2 Policy 11 (The Historic Environment) of the 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.

#### 3.3 National Planning Policy Framework:

3.3.1 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.

3.3.2 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.

3.3.3 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.



3.3.4 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.

#### 3.4 Publication Version Part 2 Local Plan

3.4.1 Draft Policy 17: Place-making, design and amenity sets out best practice guidance and standards for design, sustainability and place making.

3.4.2 Draft Policy 23: Proposals affecting designated and non-designated heritage assets suggests that proposals will be supported where heritage assets and their settings are conserved or enhanced in line with their significance.

3.4.3 These draft policies have not yet been subject to formal examination and are not adopted. They therefore carry very limited weight in the consideration of this application.

#### 4. Consultations

4.1 The Council's Conservation Officer points out that the stone in the sandstone wall appears to wet, showing signs of weathering and slat deposition which she suspects is because of the use of hard ordinary cement repointing which has trapped moisture in the stone and the damp conditions adjacent to the wall due to the height of the soil in the garden and the lack of water outlets in the wall. She accepts that rebuilding the wall could include the addition of structural reinforcement but it would also be prudent to reduce the volume of soil behind the wall in the front garden to reduce pressure upon the wall. She would prefer to rebuild the wall in the same facing material and where possible, re-use the existing stone. She considers the coursing should follow the line of the front boundary wall and on the curved section to the right of the driveway. She raises strong concerns with the proposed removal of the tree from the front garden as this is an important element of the character of the conservation area.

4.2 The Council's Tree Officer has inspected the protected tree on site and believes it is still worthy of protection by a TPO. To remove and rebuild the wall, it would be necessary to remove the tree as a safety measure as without the retaining wall in position, the tree could uproot into the highway and there would be a major excavation of the soil behind the wall into the root system of the tree. If the wall is classed as safe and could be re-pointed with the correct mortar, then as the tree appears healthy and there is no visible cracking or movement of the wall then it is considered that the tree should remain and the felling application be refused.

4.3 The Council's Senior Building Control Officer has observed the wall on site and does not consider that it has deteriorated since a previous inspection six months ago. He suggests the wall is in need of some pointing and rebuilding especially where the wall has previously been removed. However, it is not

unsafe. The wall is slightly leaning towards the road mainly due to the tree and the weight of earth it is retaining but not to the extent that it is likely to fall. At the time of inspection, the wall did not appear to be in a dangerous condition. However, the Building Control Officer suggests that if no maintenance work takes place, it may deteriorate further to a state where it will be dangerous. The structural report does state that the wall is susceptible to sliding towards the road but does not mention that it is in a potentially dangerous state and should be removed.

4.4 One neighbour responded to the consultation stating no objection.

## 5 Appraisal

5.1 The main issues in the determination of this application are the impact on the conservation area and the impact on the protected tree.

### 5.2 Design and Visual Impact on Conservation area

5.2.1 The style and materials of the existing wall are in keeping with the boundary walls of the surrounding area and it is the preference of the Council's Conservation Officer to rebuild and repair the wall using the same materials to preserve the character of the conservation area. From a heritage perspective, the loss of the tree will have a negative impact on the conservation area as it is an important element of the character of the area. It is therefore considered that in the interests of heritage, the removal of the wall is not desirable and rather, should it be safe to do so, the wall should be re-built utilising the same material and reclaimed stone elsewhere and re-pointed where necessary.

### 5.3 Impact on the Protected Tree

5.3.1 The applicant has also submitted an application to remove the TPO tree on the site. The Tree Officer considers that the tree appears healthy and it's removal is not the preferred option. However, he suggests that the tree would need to be removed if the wall were removed and rebuilt as there is the potential risk that the tree could uproot into the highway and there would be major excavation of the soil behind the wall and within the root system of the tree. It is therefore considered that provided it can be ascertained there are no safety issues, the wall should be rebuilt and maintained to preserve the tree which is deemed worthy of protection.

### 5.4 Condition of the Wall

5.4.1 A structural report was submitted with the application. This report suggests that, although the alignment of the wall face itself is reasonable, there is severe weathering to some parts of the wall and numerous damp patches and degradation of the mortar pointing. There is evidence of poorly undertaken re-pointing which has led to parts of it coming loose and flaking away. A basic calculation was undertaken to check the stability of the wall which suggests that the wall is unlikely to meet current requirements for overall stability without making provision for excavations or resurfacing work in the road or

provision for a surcharge 'imposed' load from the garden. The report therefore recommends that the wall is taken down and re-built to modern standards and that the removal of the tree is necessary from a safety point of view to achieve this.

5.4.2 The Council's Building Control Officer has independently assessed the wall and does not consider it to be an immediate safety concern. However, he suggests that maintenance is required to prevent it from deteriorating further and potentially becoming unsafe in the future. It is acknowledged that the wall is in need of some re-pointing and re-building, especially where the wall has previously been removed. The previous attempts of repointing using an unsuitable mortar have contributed to the poor condition. However, if a suitable lime mortar is utilised, as opposed to cement which has been used in the previous repair work, then a satisfactory repair can be undertaken. This will not require the removal of the wall and therefore would allow for the retention of the protected tree and would preserve the character of the conservation area.

5.4.3 Although the structural report indicates it is desirable to remove the wall and replace it with a wall which complies with modern standards, it does not strongly imply that the wall is currently a dangerous structure. During new construction, it is important to meet current standards. However, in this instance, this has to be weighed against the heritage impact and the impact on the tree. As the Building Control Officer is satisfied that there is no immediate danger, taking into account the impact on the conservation area and the TPO tree, the favourable solution is to rebuild the existing wall.

## 6. Conclusion

6.1 It is considered that it is possible to repair (or re-point and re-build where necessary) the existing wall and retain the protected tree and preserve the character of the conservation area and therefore the application should be refused.

### Recommendation

**The Committee is asked to RESOLVE that planning permission be refused for the following reasons:**

#### **Reasons:**

- 1. The removal of the wall will require the removal of a tree protected by a Tree Preservation Order (TPO). It has not been demonstrated that the removal of the wall is necessary for safety reasons and so it is considered there is not sufficient justification to permit the removal of the TPO tree and the proposal is therefore contrary to Policy E24 of the Broxtowe Local Plan (2004).**

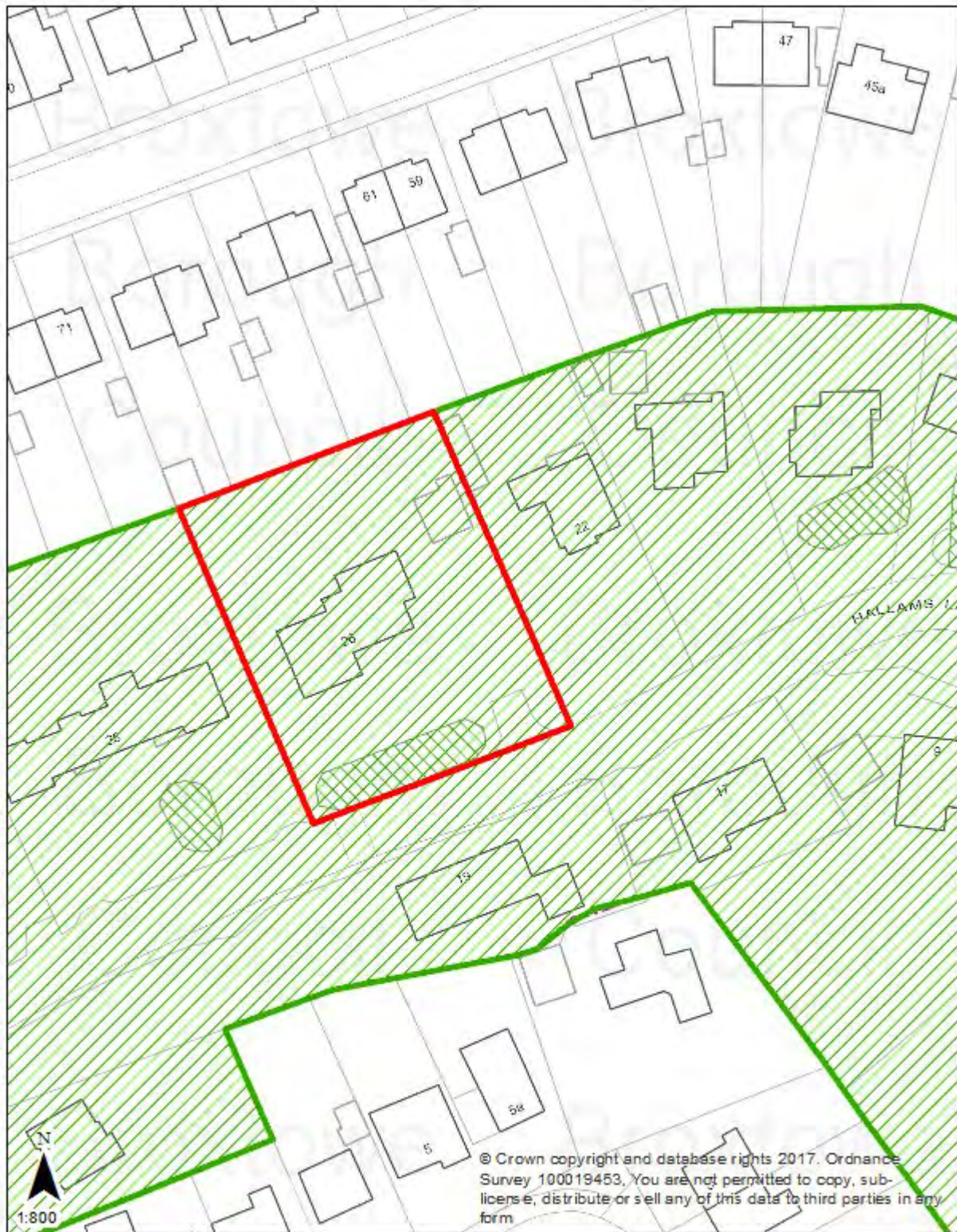
2. The removal of the wall and subsequent removal of the TPO tree will have a significantly detrimental impact on the character and appearance of Chilwell Conservation Area, contrary to Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014) and Policy 23 of the Draft Broxtowe Part 2 Local Plan (2017).

**Note to Applicant:**





The Council has tried to act 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. However, it was felt that the fundamental issues with the scheme, detailed in the reasons for refusal, could not be overcome.

Background papers

Application case file ref: 17/00492/FUL



**Legend**

-  Site
-  Conservation Area
-  Group TPO
-  Conservation Areas (Local Plan)

## Report of the Chief Executive

**APPEAL DECISION**

Reference Number : **16/00812/ADV**  
Applicant/Agent : **Mr W Smith**  
Site Address : **AJW Motors, Nottingham Road, Attenborough, Nottingham,  
NG9 6DP**  
Proposal : **Retain four flags**

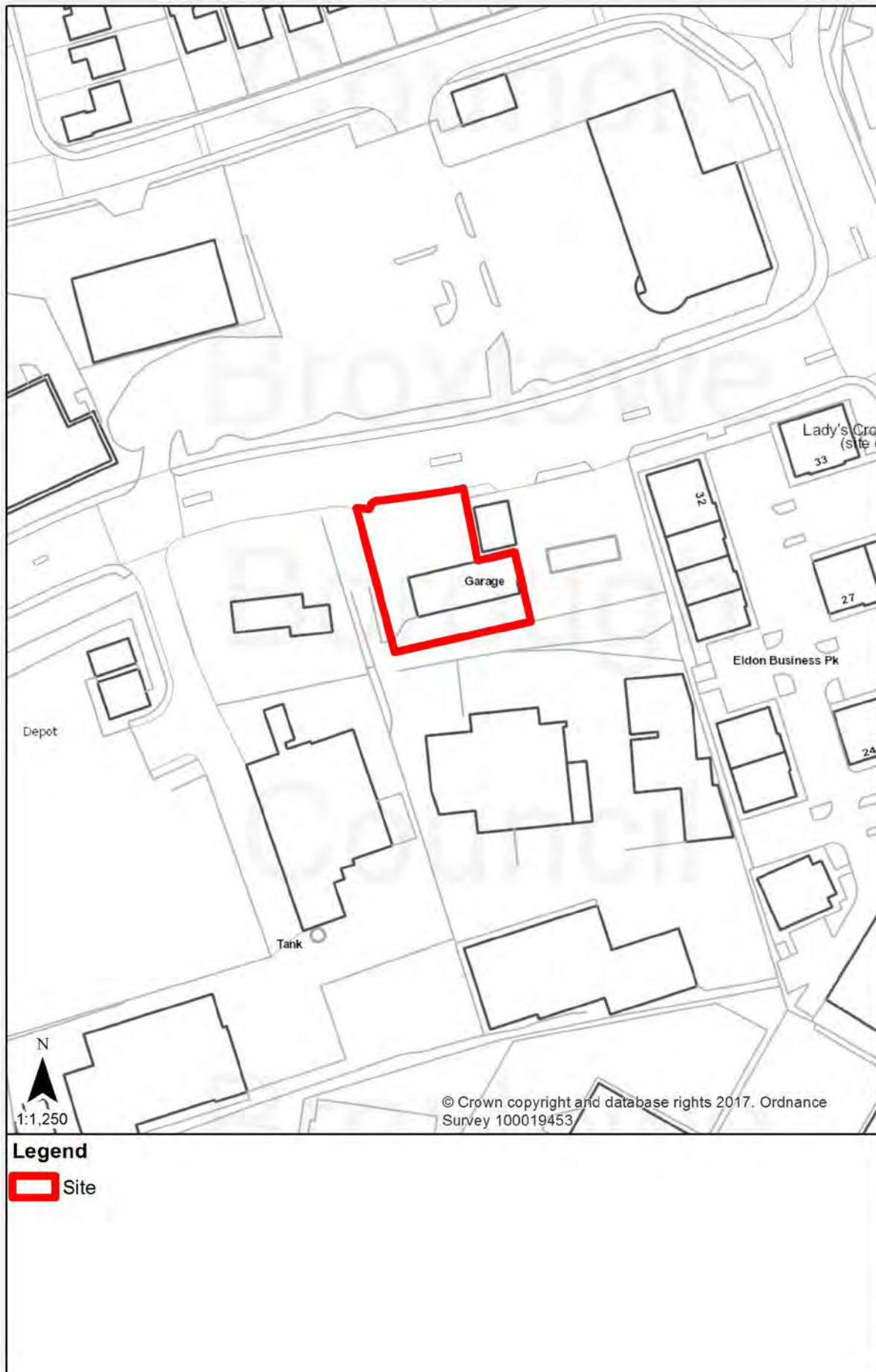
**APPEAL DISMISSED**

The application sought advertisement consent to retain four flags erected between the forecourt and the footway. The proposal was refused consent due to the impact on public safety in regards of the flags overhanging the footway. There were also concerns in relation to the flags causing a loss in visibility to traffic using the access to the west of the site.

The Inspector considered that the main issue is the effect of the flags on public safety. He stated the position of the poles allows the flags to significantly overhang the footway. He also stated that, at the time of his site visit, there was a moderate breeze and he observed the flags blowing outwards over the footway. He considers this would result in there being a possibility of the flags hitting pedestrians and cyclists (who are more likely to use the pavement here due to the busy road) causing them to stumble into the road.

The Inspector notes the flags are positioned close to an access onto Nottingham Road that is used by a number of businesses. However, he considers that due to the position of the flags and as the flags are not solid, their effect on visibility at this junction is limited.

In conclusion, the Inspector considers the display of the advertisements is detrimental to public safety.



## Report of the Chief Executive

**APPEAL DECISION**

Reference Number : **16/00777/FUL**  
Applicant/Agent : **Mr Christopher Nettleton**  
Site Address : **9 Lime Grove Stapleford**  
Proposal : **Retain change of use from residential (Class C3) to a mixed use as residential and use of existing outbuilding as a brewery (including retention of flue)**

**APPEAL ALLOWED**

The application sought planning permission to retain a mixed use to incorporate the running of a microbrewery within the residential curtilage. The main brewing process is located within an existing outbuilding located at the rear of the garden and there is a flue attached to the front (western) elevation of the outbuilding. The application was refused by Planning Committee on 11 January 2017 for the following reason:

*The proposed use would, by reason of increased noise, smells, traffic and general disturbance, adversely affect the amenity of occupiers of neighbouring residential properties and character of the area. Approval of the proposal would therefore be contrary to Policy 10 of the Aligned Core Strategy and Policy H8 of the Broxtowe Local Plan (2004).*

The Inspector considered a noise and odour assessment submitted by the applicant and concluded that the opportunities for noise and odour to escape from the building, where the brewing takes place, are limited. Also due to the lack of objection from Environmental Health, she was satisfied that the brewing process does not create an unacceptable level of noise or odour.

The Inspector also took into consideration a transport assessment submitted by the applicant. This assessment confirmed that all raw materials and the majority of deliveries of the casks are delivered by the applicant in his own van, with only occasional visits by customers. As only one brew is made per week, these movements are limited. She therefore concluded that the traffic flows generated are not significantly different from the residential use of the site. She also concludes that the parking available on the site is sufficient to accommodate the one member of staff that does not reside at the property.

The Inspector also considered that the scale and appearance of the operation is not over and above what would be acceptable in a residential area. She considered that the outbuilding retains a domestic appearance and as it is to the rear of the dwelling and not visible from public vantage points, she considers the residential character is retained.

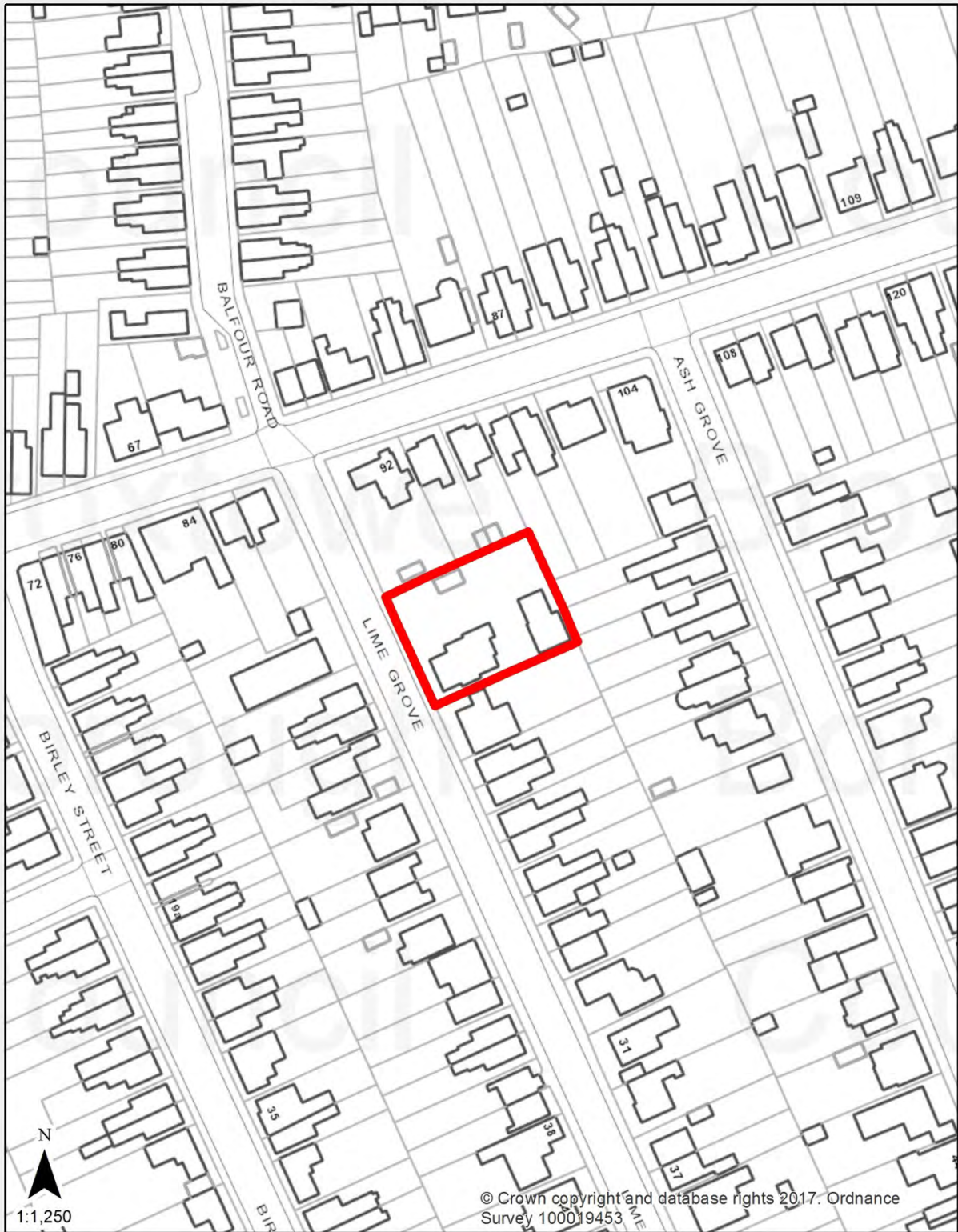
In conclusion, the Inspector considers the change of use of the outbuilding does not have a detrimental effect on the living conditions of nearby residents with particular regard to noise and disturbance, odour and on the general character of the area.



Application for Costs

An application for costs was made by the appellant on procedural and substantive grounds. The appeal was dismissed.

The Inspector found that the Council was at fault by failing to provide all the relevant evidence however accepted that this was due to an unfortunate administrative error. However, this error did not result in significant time delays. The Inspector was satisfied that the Council had substantiated the reason for their decision adequately and consequently concluded that no unreasonable behaviour resulting in unnecessary, or wasted, expense, had been demonstrated. Therefore she concluded that an award of costs was not justified.



**Legend**

 Site

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

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**PLANNING APPLICATIONS DEALT WITH FROM**  
**20 June 2017 TO 11 August 2017**

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**CONTENTS**

Planning applications dealt with under Delegated Powers

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

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

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

**ATTENBOROUGH & CHILWELL EAST WARD**

Applicant : Mr & Mrs T Abdy 17/00223/FUL  
 Site Address : 74 Woodland Grove Chilwell Nottinghamshire NG9 5BQ  
 Proposal : **Construct single storey rear and single/two storey side extensions**  
 Decision : **Conditional Permission**

Applicant : Mrs Wray 17/00247/FUL  
 Site Address : 238 Cator Lane North Chilwell Nottinghamshire NG9 4BP  
 Proposal : **Construct side and rear extensions**  
 Decision : **Conditional Permission**

Applicant : Mr & Mrs G Tunney 17/00318/FUL  
 Site Address : 34 Kingrove Avenue Chilwell Nottingham NG9 4DQ  
 Proposal : **Construct single storey side and rear extension**  
 Decision : **Conditional Permission**

Applicant : Mrs J Kolomyjec 17/00321/FUL  
 Site Address : Lucy And Vincent Brown Village Hall 128 Attenborough Lane Chilwell NG9 6AB  
 Proposal : **Erect rear canopy**  
 Decision : **Conditional Permission**

Applicant : Mr C Ward 17/00325/FUL  
 Site Address : 8 Crofton Close Attenborough Nottinghamshire NG9 5HX  
 Proposal : **Erect garage**  
 Decision : **Conditional Permission**

Applicant : Mr Garry Tunstall 17/00328/FUL  
 Site Address : 26 Lime Grove Avenue Chilwell Nottingham NG9 4AR  
 Proposal : **Construct pitched roof to replace flat roofed side and rear extensions and re-clad side extension**  
 Decision : **Conditional Permission**

Applicant : Mrs Christine Ball Chilwell Memorial Institute 17/00334/FUL  
 Site Address : Chilwell Memorial Institute 129 High Road Chilwell NG9 4AT  
 Proposal : **Construct shed, create vehicular access onto Meadow Lane and erect gates**  
 Decision : **Conditional Permission**

Applicant : Mr Paul Robert Bradbury 17/00353/FUL  
 Site Address : 7 Attenborough Lane Chilwell Nottinghamshire NG9 5JP  
 Proposal : **Extend dropped kerb and widen driveway**  
 Decision : **Conditional Permission**

Applicant : Mr M Start 17/00341/FUL  
 Site Address : 28 Clarkes Lane Chilwell Nottinghamshire NG9 5BL  
 Proposal : **Retain single storey rear/side extension**  
 Decision : **Conditional Permission**

Applicant : Mr Philip Smythe 17/00379/FUL  
 Site Address : 3 Norman Close Chilwell Nottinghamshire NG9 4EW  
 Proposal : **Construct side & rear extensions and front porch**  
 Decision : **Conditional Permission**

Applicant	:	Mr & Mrs Wright	17/00390/FUL
Site Address	:	52 Bramcote Avenue Chilwell Nottinghamshire NG9 4DT	
Proposal	:	<b>Construct two storey extension and extend roof, including front and rear dormer</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs Chilvers	17/00426/FUL
Site Address	:	14 Central Avenue Chilwell Nottinghamshire NG9 4DU	
Proposal	:	<b>Construct single/two storey side extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs Grayling	17/00439/FUL
Site Address	:	23 Highgrove Avenue Chilwell Nottinghamshire NG9 4DN	
Proposal	:	<b>Construct two storey side extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs Stuart Hall	17/00476/FUL
Site Address	:	8 Hurts Croft Chilwell Nottinghamshire NG9 5DE	
Proposal	:	<b>Retain hip to gable roof extension and rear dormer</b>	
Decision	:	<b>Withdrawn</b>	

### **AWSWORTH, COSSALL & TROWELL WARD**

Applicant	:	Mr Steven Watson Swancar Farm Wedding Venue	17/00104/FUL
Site Address	:	Swancar Farm Country House Swancar Farm Nottingham Road Trowell Moor Trowell NG9 3PQ	
Proposal	:	<b>Replace existing marquee on south west elevation with extension to create reception area linked to wedding suite</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Miss Natasha Hughes	17/00363/FUL
Site Address	:	19 Cossall Road Trowell Nottinghamshire NG9 3PG	
Proposal	:	<b>Construct side extension and raise roof height to form first floor accommodation</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Scott Saxton	17/00415/FUL
Site Address	:	42 Hill Rise Trowell Nottinghamshire NG9 3PE	
Proposal	:	<b>Raise roof height including front and rear dormers</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr E Flack	17/00483/PNH
Site Address	:	47 Barlow's Cottages Lane Awsworth Nottinghamshire NG16 2QW	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3.9 metres, with a maximum height of 3.4 metres, and an eaves height of 2.2 metres</b>	
Decision	:	<b>Prior Approval Not Required</b>	

### **BEESTON CENTRAL WARD**

Applicant	:	Ms Estelle Makin	17/00040/FUL
Site Address	:	Land Adjacent To 26 Windsor Street Beeston Nottinghamshire NG9 2BW	
Proposal	:	<b>Subdivide house to provide two dwellings</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr G Mason	17/00159/FUL
Site Address	:	57 Lower Road Beeston Nottinghamshire NG9 2GT	
Proposal	:	<b>Construct single storey rear extension, detached garden room and terracing</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Sheng Shi	17/00315/FUL
Site Address	:	3 City Road Beeston Nottinghamshire NG9 2LQ	
Proposal	:	<b>Construct first floor rear extension and rear dormer</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Ms S Watt	17/00331/FUL
Site Address	:	60 Salisbury Street Beeston Nottingham NG9 2EQ	
Proposal	:	<b>Construct single/two storey side extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs Vivian	17/00378/FUL
Site Address	:	205 - 207 Station Road Beeston Nottinghamshire NG9 2AB	
Proposal	:	<b>Change of use of ground floor hotel annexe (Class C1) to create one apartment (Class C3), including external staircase</b>	
Decision	:	<b>Withdrawn</b>	
Applicant	:	Mr F Williams	17/00398/PNH
Site Address	:	78 Lower Road Beeston Nottinghamshire NG9 2GT	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6.0 metres, with a maximum height of 3.5 metres, and an eaves height of 2.4 metres</b>	
Decision	:	<b>Prior Approval Not Required</b>	
Applicant	:	Mr Gary Arnold MECCA BINGO LTD	17/00451/ADV
Site Address	:	Mecca Bingo 183 Queens Road Beeston NG9 2FE	
Proposal	:	<b>Display 2 illuminated fascia signs and 2 illuminated post mounted signs</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mrs J Andrews	17/00465/PNH
Site Address	:	21 Henry Road Beeston Nottinghamshire NG9 2BE	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the dwelling by 4.25 metres, with a maximum height of 3.10 metres, and an eaves height of 2.210 metres</b>	
Decision	:	<b>Prior Approval Not Required</b>	
Applicant	:	Mr C Jackson	17/00497/PNH
Site Address	:	85 Humber Road Beeston Nottinghamshire NG9 2ET	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.78 metres, with a maximum height of 2.8 metres, and an eaves height of 2.8 metres</b>	
Decision	:	<b>Prior Approval Granted</b>	
<b>BEESTON NORTH WARD</b>			
Applicant	:	Ms Suni Toor	17/00257/FUL
Site Address	:	19 Middleton Crescent Beeston Nottinghamshire NG9 2TH	
Proposal	:	<b>Retain single storey rear extension &amp; raised decked terrace</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Robert Bailey	17/00290/ROC
Site Address	:	7A Middleton Crescent Beeston Nottinghamshire NG9 2TH	
Proposal	:	<b>Variation of condition 2 of planning ref: 16/00446/FUL to move the garage to the western side of the property</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Singh	17/00333/FUL
Site Address	:	18 Cedar Avenue Beeston Nottinghamshire NG9 2HA	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Ioannis Fragkantonis	17/00346/FUL
Site Address	:	132 Wollaton Road Beeston Nottinghamshire NG9 2PE	
Proposal	:	<b>Construct new shop front</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant : Mr Matthew Richardson 17/00362/FUL  
Site Address : 19 Wollaton Vale Nottingham NG8 2PD  
Proposal : **Construct two storey front extension**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Wilson 17/00371/FUL  
Site Address : 11 Kenilworth Road Beeston Nottinghamshire NG9 2HX  
Proposal : **Construct single storey rear and two storey rear/side extensions**  
Decision : **Conditional Permission**

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Applicant : Mrs Le Chang 17/00395/FUL  
Site Address : 21 Peveril Road Beeston Nottinghamshire NG9 2HY  
Proposal : **Construct dwelling**  
Decision : **Conditional Permission**

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## BEESTON RYLANDS WARD

Applicant : Mr Benjamin Bradley 17/00105/FUL  
Site Address : 29 Lilac Crescent Beeston Nottingham NG9 1PD  
Proposal : **Retain single storey side and rear extension and construct steps to the rear and a front door access ramp**  
Decision : **Conditional Permission**

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Applicant : Mr M Chivers Nottingham Enterprise Zone Development Company 17/00157/FUL  
Site Address : Car Park D Main Road Boots Campus Beeston Nottinghamshire  
Proposal : **Construct extension to existing car park**  
Decision : **Conditional Permission**

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Applicant : Mrs Emma Walsh 17/00170/FUL  
Site Address : W Block Beeston Business Park Technology Drive Beeston Nottinghamshire NG9 1LA  
Proposal : **Retain flue and change of use from offices (Class B1) to vehicle repair bodyshop (Class B2) (revised scheme)**  
Decision : **Conditional Permission**

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Applicant : Mr Miller 17/00300/FUL  
Site Address : 87 Beech Avenue Beeston Nottinghamshire NG9 1QD  
Proposal : **Construct single storey rear / side extension and roof extension including rear dormer**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Neil & Hannah Johnson 17/00329/FUL  
Site Address : 107 Meadow Road Beeston Nottingham NG9 1JQ  
Proposal : **Construct single storey rear extension, rear dormer and extend pitched roof over flat roofed side extension**  
Decision : **Conditional Permission**

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Applicant : Mr A Clarke 17/00374/FUL  
Site Address : 9 Lockwood Close Beeston Nottinghamshire NG9 1NP  
Proposal : **Construct two storey rear and side extension**  
Decision : **Conditional Permission**

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## BEESTON WEST WARD

Applicant : Mr Mark Hampton 16/00492/FUL  
Site Address : 72 Park Road Chilwell Nottingham NG9 4DD  
Proposal : **Construct two storey front extension, bay window to rear and erect gate**  
Decision : **Conditional Permission**

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Applicant	:	3S Holdings Limited	16/00867/FUL
Site Address	:	Former 63 - 73 Chilwell Road Beeston Nottinghamshire NG9 1EQ	
Proposal	:	<b>Construct four storey building comprising four ground floor retail units (Class A1) and 10 flats (Class C3)</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Ms S Marriott	17/00129/FUL
Site Address	:	36 Grove Avenue Chilwell Nottinghamshire NG9 4DZ	
Proposal	:	<b>Construct two storey side/rear extension including rear dormer and single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Paul Heery	17/00239/FUL
Site Address	:	12 Grange Avenue Beeston Nottingham NG9 1GJ	
Proposal	:	<b>Retain shed</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mrs Charlotte Purdie The Milk Lounge LTD	17/00263/FUL
Site Address	:	72 - 74 Chilwell Road Beeston Nottinghamshire NG9 1FQ	
Proposal	:	<b>Change of use of ground floor from retail (Class A1) to cafe (Class A3)</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mrs L Jennings	17/00271/FUL
Site Address	:	25 Elm Avenue Beeston Nottinghamshire NG9 1BU	
Proposal	:	<b>Construct garden studio</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Dr Andrew Ashworth	17/00304/FUL
Site Address	:	58 Grove Avenue Chilwell Nottinghamshire NG9 4DX	
Proposal	:	<b>Alter and extend roof to create first floor accommodation and construct front porch</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Damien Mcgrath	17/00307/FUL
Site Address	:	22 Park Road Chilwell Nottinghamshire NG9 4DA	
Proposal	:	<b>Construct two storey and single storey extensions</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Loungers - Beeston Loungers Limited	17/00358/FUL
Site Address	:	55 - 57 High Road Beeston Nottinghamshire NG9 2JQ	
Proposal	:	<b>Change of use from retail (Class A1) to cafe/restaurant (Class A3)</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr J D Cox	17/00360/FUL
Site Address	:	20 Broughton Street Beeston Nottinghamshire NG9 1BD	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Tom Broster Peveril Securities Ltd	17/00370/DEM
Site Address	:	Myford Ltd Wilmot Lane Beeston Nottinghamshire NG9 4AF	
Proposal	:	<b>Demolish buildings</b>	
Decision	:	<b>Prior Approval Not Required</b>	
Applicant	:	Mr Christopher Navarro	17/00375/FUL
Site Address	:	3 Devonshire Avenue Beeston Nottinghamshire NG9 1BS	
Proposal	:	<b>Construct porch</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Samuel Tarr	17/00385/FUL
Site Address	:	335 Queens Road West Chilwell Nottinghamshire NG9 1GT	
Proposal	:	<b>Construct two storey rear and single storey front porch extensions</b>	
Decision	:	<b>Conditional Permission</b>	



Applicant : Mr Stephen Robbins Santander 17/00408/FUL  
Site Address : Santander 81 High Road Beeston Nottinghamshire NG9 2LE  
Proposal : **Construct new shop front including relocation of ATM**  
Decision : **Conditional Permission**

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Applicant : Mr Stephen Robbins Santander 17/00409/ADV  
Site Address : Santander 81 High Road Beeston Nottinghamshire NG9 2LE  
Proposal : **Display one TV within a metal shroud**  
Decision : **Conditional Permission**

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Applicant : Mrs J Sherwood 17/00421/FUL  
Site Address : Garage Blocks Adjacent 44 Robinet Road West End Beeston Nottinghamshire  
Proposal : **Construct dwelling and garage following demolition of garages**  
Decision : **Conditional Permission**

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Applicant : Colleen White 17/00440/FUL  
Site Address : 11 Ellis Grove Beeston Nottinghamshire NG9 1EP  
Proposal : **Subdivide dwelling to create two self-contained flats**  
Decision : **Conditional Permission**

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Applicant : Mrs Marie Rose 17/00478/FUL  
Site Address : 2 Louis Avenue Beeston Nottinghamshire NG9 1DX  
Proposal : **Raise roof height of front gable and construct front dormer**  
Decision : **Conditional Permission**

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Applicant : Mr Alexander Khan Liberty Leisure Ltd 17/00498/FUL  
Site Address : Station Road (Central) Car Park And Adjacent Land Station Road Beeston Nottinghamshire  
Proposal : **Use of land for outdoor events of more than 28 days duration, including installation of temporary structures**  
Decision : **Conditional Permission**

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## BRAMCOTE WARD

Applicant : Mr Peter Favell 17/00200/FUL  
Site Address : 89 Valmont Road Bramcote Nottinghamshire NG9 3JD  
Proposal : **Construct two storey side extension**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Ward 17/00221/FUL  
Site Address : 34 Sandy Lane Bramcote Nottinghamshire NG9 3GS  
Proposal : **Construct two storey side and single storey/two rear extensions, following demolition of existing garage**  
Decision : **Refusal**

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Applicant : Mrs Sarah Wharmby 17/00275/FUL  
Site Address : 33 Cow Lane Bramcote Nottinghamshire NG9 3DJ  
Proposal : **Construct single storey rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr James Skidmore 17/00293/FUL  
Site Address : 15 Ilkeston Road Bramcote Nottinghamshire NG9 3JP  
Proposal : **Construct garage / workshop and create vehicle access onto Ilkeston Road**  
Decision : **Conditional Permission**

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Applicant	:	Mr Peter Hillier Old Bramcote Church Trust	17/00308/LBC
Site Address	:	Remains Of Church Tower Town Street Bramcote Nottinghamshire	
Proposal	:	<b>Listed Building Consent to remove blocked up door opening within the ground floor of the Tower to provide a space for a visual monitor display and to provide a ducted electrical supply below ground</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr M Albrighton	17/00319/FUL
Site Address	:	58 Balmoral Drive Bramcote Nottinghamshire NG9 3FU	
Proposal	:	<b>Construct two storey and first floor front extension and insert first floor window in east (side) elevation</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Ms C Cooper	17/00324/FUL
Site Address	:	45 Bankfield Drive Bramcote Nottingham NG9 3EH	
Proposal	:	<b>Construct single storey rear extension (revised scheme)</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Miss S Ahmed	17/00355/FUL
Site Address	:	54 Hillside Road Beeston Nottingham NG9 3AY	
Proposal	:	<b>Construct rear extension with access ramp and decking area</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr N Clemerson	17/00356/FUL
Site Address	:	54 Eastcote Avenue Bramcote Nottinghamshire NG9 3FF	
Proposal	:	<b>Retain fence</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Utah Elliott	17/00372/FUL
Site Address	:	11 Beeston Fields Drive Beeston Nottinghamshire NG9 3DB	
Proposal	:	<b>Widen access and construct brick piers and gates</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs Kinsey	17/00413/FUL
Site Address	:	81 Arundel Drive Bramcote Nottinghamshire NG9 3FN	
Proposal	:	<b>Construct single/two storey side extension and single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs Kinsey	17/00414/FUL
Site Address	:	81 Arundel Drive Bramcote Nottinghamshire NG9 3FN	
Proposal	:	<b>Construct single/two storey side and rear extensions, including rear Juliet balcony</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Ms Philippa Marshall	17/00420/FUL
Site Address	:	73 Beeston Fields Drive Bramcote Nottinghamshire NG9 3TD	
Proposal	:	<b>Construct single storey rear and first floor side extensions and porch</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mrs Christy Mitchell	17/00423/FUL
Site Address	:	68 Thoresby Road Bramcote Nottinghamshire NG9 3EN	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs Stephenson	17/00430/FUL
Site Address	:	10 Keswick Close Beeston Nottinghamshire NG9 3AR	
Proposal	:	<b>Construct single storey rear extension and patio extension</b>	
Decision	:	<b>Conditional Permission</b>	

## BRINSLEY WARD

Applicant : Dr S Goode 17/00212/FUL  
Site Address : Pear Tree Farm Hall Lane Brinsley Nottingham NG16 5AN  
Proposal : **Construct side extension and erect double garage and associated car parking area**  
Decision : **Conditional Permission**

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Applicant : Mr Roger Cawkwell 17/00389/FUL  
Site Address : 7 Whitehead Drive Brinsley Nottinghamshire NG16 5AW  
Proposal : **Construct single storey side and front extension**  
Decision : **Conditional Permission**

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Applicant : Messers Steve, Richard,& Steve. Swallow, Wells & Spiby 17/00444/ROC  
Site Address : 2, 3 4 Comice Gardens Brinsley Nottinghamshire NG16 5BL  
Proposal : **Variation of condition 11 of planning permission ref: 05/00517/FUL (landscaping)**  
Decision : **Refusal**

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## CHILWELL WEST WARD

Applicant : Mr Ian Hurst 17/00361/FUL  
Site Address : Land To The Rear Of 6 & 8 Marton Road Chilwell Nottinghamshire NG9 5JY  
Proposal : **Construct two dwellings, following demolition of two garages**  
Decision : **Conditional Permission**

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Applicant : Mr Sanjay Jerath 17/00366/PNH  
Site Address : 38 Haddon Crescent Chilwell Nottinghamshire NG9 5JT  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3.9 metres, with a maximum height of 3.46 metres, and an eaves height of 2.1 metres**  
Decision : **Prior Approval Not Required**

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Applicant : Mr Peter Barnett 17/00406/FUL  
Site Address : 5 Leamington Drive Chilwell Nottinghamshire NG9 5LJ  
Proposal : **Construct dwelling**  
Decision : **Refusal**

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Applicant : Mrs H Skinner 17/00431/PNH  
Site Address : 2 Burton Drive Chilwell Nottinghamshire NG9 5NS  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6 metres, with a maximum height of 3.3 metres, and an eaves height of 2.35 metres**  
Decision : **Prior Approval Not Required**

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Applicant : Mrs Trudy Green Alphabet House Day Nursery 17/00461/ROC  
Site Address : 42 - 44 Attenborough Lane Chilwell Nottinghamshire NG9 5JW  
Proposal : **Variation of condition 8 of permission ref: 01/00299/FUL to amend opening hours to 07:00 to 18:00 Monday to Friday**  
Decision : **Conditional Permission**

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## EASTWOOD HALL WARD

Applicant : Mr Mark Stones Stones Sankey Developments Ltd 17/00188/FUL  
Site Address : Land To The Rear Of 44 To 56 Mill Road Newthorpe Nottinghamshire NG16 3PS  
Proposal : **Construct 9 dwellings**  
Decision : **Conditional Permission**

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Applicant : Mr H Cook 17/00301/FUL  
Site Address : 37 Thorn Tree Gardens Eastwood Nottinghamshire NG16 3EE  
Proposal : **Construct side extension**  
Decision : **Conditional Permission**

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## EASTWOOD HILLTOP WARD

Applicant : Mr & Mrs Mucha 17/00277/FUL  
Site Address : 144 Newthorpe Common Newthorpe Nottingham NG16 2EN  
Proposal : **Construct single storey extension**  
Decision : **Conditional Permission**

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Applicant : Dr K Holding 17/00279/FUL  
Site Address : 35 Seymour Road Eastwood Nottinghamshire NG16 3NA  
Proposal : **Construct single storey side / rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr K Tring 17/00339/FUL  
Site Address : 35 Barber Street Eastwood Nottinghamshire NG16 3EW  
Proposal : **Construct pair of semi-detached dwellings including demolition of offices (revised scheme)**  
Decision : **Conditional Permission**

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Applicant : Mr A Smith 17/00401/FUL  
Site Address : 48 Kirby Road Eastwood Nottinghamshire NG16 3PZ  
Proposal : **Construct single storey side/rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr R Tunnecliff Car Sales Eastwood 17/00407/ROC  
Site Address : Hand Car Wash 151 - 155 Nottingham Road Eastwood Nottinghamshire NG16 3GJ  
Proposal : **Variation of condition 1 of planning reference number 17/00002/FUL (to allow revised staff parking layout)**  
Decision : **Conditional Permission**

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## EASTWOOD ST MARY'S WARD

Applicant : Royal Bank Of Scotland Group PLC 17/00364/FUL  
Site Address : National Westminster Bank 25 Nottingham Road Eastwood Nottinghamshire NG16 3AP  
Proposal : **External alterations associated with removal of signage and ATM**  
Decision : **Conditional Permission**

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Applicant : Mr Roger Martin 17/00453/FUL  
Site Address : 15 Oak Drive Eastwood Nottinghamshire NG16 3BW  
Proposal : **Construct ground floor rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr J Jones 17/00516/PNH  
Site Address : 15 Wood Street Eastwood Nottinghamshire NG16 3DD  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.827 metres, with a maximum height of 3.000 metres, and an eaves height of 2.750 metres**  
Decision : **Withdrawn**

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## GREASLEY WARD

Applicant : Next 17/00381/ADV  
Site Address : 2 Giltbrook Retail Park Ikea Way Giltbrook NG16 2RP  
Proposal : **Display 2 sets of Internally illuminated wall mounted letters**  
Decision : **Conditional Permission**

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Applicant : Mr Shaun Selby 17/00388/PNH  
Site Address : 52 Baker Road Giltbrook Nottinghamshire NG16 2GA  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3.5 metres, with a maximum height of 4.0 metres, and an eaves height of 2.35 metres**  
Decision : **Prior Approval Not Required**

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Applicant : Nr & Mrs D Tetley 17/00391/FUL  
Site Address : 4 Brackenfield Drive Giltbrook Nottinghamshire NG16 2US  
Proposal : **Construct 2-storey side extension**  
Decision : **Conditional Permission**

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Applicant : Mr John Crowe 17/00400/FUL  
Site Address : 66 Baker Road Newthorpe Nottingham NG16 2DP  
Proposal : **Construct single storey rear and side extension, and extend rear raised platform patio area.**  
Decision : **Conditional Permission**

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Applicant : Mr Robert Schofield 17/00422/FUL  
Site Address : Wren Cottage 39 Moorgreen Newthorpe Nottinghamshire NG16 2FD  
Proposal : **Construct single storey rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr Kevin Marks 17/00456/FUL  
Site Address : 56 Baker Road Giltbrook Nottinghamshire NG16 2GA  
Proposal : **Construct single storey rear extension, alteration of rear window to include juliet balcony and raised patio (revised scheme)**  
Decision : **Conditional Permission**

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## KIMBERLEY WARD

Applicant : Mr Anthony Bow SUPER CAR WASH 16/00635/FUL  
Site Address : R G Services Site Gin Close Way Awsworth Nottinghamshire NG16 2TA  
Proposal : **Retain Caravan on site**  
Decision : **Withdrawn**

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Applicant : Mr Gary Shaw Brick Craft Developments Ltd 17/00021/FUL  
Site Address : Former Brewery Building And Land On Junction Of Brewery Street And Hardy Street Kimberley Nottinghamshire  
Proposal : **Conversion of building into nine dwellings and demolition of brick storage unit**  
Decision : **Conditional Permission**

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Applicant : Mr A Andreou 17/00269/FUL  
Site Address : 15 Park Avenue Kimberley Nottingham NG16 2PW  
Proposal : **Construct two storey and single storey rear extensions**  
Decision : **Conditional Permission**

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Applicant : Mr D Wheeldon 17/00349/OUT  
Site Address : Land To The Rear Of The Paddocks 22 Knowle Park Kimberley Nottinghamshire NG16 2PY  
Proposal : **Outline planning application with all matters reserved to construct detached bungalow and garage**  
Decision : **Conditional Permission**

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Applicant : Mr Chris Edmondson 17/00354/FUL  
Site Address : 17 Flixton Road Kimberley Nottingham NG16 2TJ  
Proposal : **Raise roof height to enable loft conversion**  
Decision : **Conditional Permission**

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Applicant : Mr Daniel Waldram 17/00448/FUL  
Site Address : 7 Sydney Street Kimberley Nottinghamshire NG16 2LQ  
Proposal : **Construct single storey and first floor rear extensions**  
Decision : **Withdrawn**

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Applicant : Kimberley Town Council Kimberley Town Council 17/00450/LBC  
Site Address : War Memorial Main Street Kimberley Nottinghamshire  
Proposal : **Listed Building Consent to remove copper dome and reinstate original "reconstituted" stone dome, remove masonry paint and decorate with Keim, decorate access door**  
Decision : **Conditional Permission**

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## NUTHALL EAST & STRELLEY WARD

Applicant : Mr THOMAS OSULLIVON 17/00238/FUL  
Site Address : 49 Assarts Road Nuthall Nottingham NG16 1AP  
Proposal : **Construct two storey side and ground floor rear extension**  
Decision : **File Closed**

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Applicant : Mrs J Appleyard 17/00327/FUL  
Site Address : Grange Cottage Main Street Strelley Nottinghamshire NG8 6PD  
Proposal : **Retain walls and gates**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Dimitris Triantafyllidis 17/00392/FUL  
Site Address : 11 Temple Crescent Nuthall Nottinghamshire NG16 1BG  
Proposal : **Construct single storey front and rear extensions**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Birkin 17/00442/FUL  
Site Address : 74 Highfield Road Nuthall Nottinghamshire NG16 1BP  
Proposal : **Construct side porch and rear extensions**  
Decision : **File Closed**

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Applicant : Mr Peter Johal 17/00488/FUL  
Site Address : The Rectory 61 Nottingham Road Nuthall Nottinghamshire NG16 1DN  
Proposal : **Construct single storey rear extension, with associated alterations, including juliet balconies to rear at first floor level**  
Decision : **Withdrawn**

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## STAPLEFORD NORTH WARD

Applicant : Mr & Mrs Jay and Natalie Bentley 17/00311/FUL  
Site Address : 4 Moorbridge Lane Stapleford Nottinghamshire NG9 8GU  
Proposal : **Construct side extension and roof extension to create first floor accommodation**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Eddie Hunter 17/00367/FUL  
Site Address : 41 Hartwood Drive Stapleford Nottinghamshire NG9 8HF  
Proposal : **Construct two storey side & single storey rear extension**  
Decision : **Conditional Permission**

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## STAPLEFORD SOUTH EAST WARD

Applicant : Mr David Gilley 17/00314/LBC  
Site Address : Cloud Villa 102 Nottingham Road Stapleford Nottinghamshire NG9 8AQ  
Proposal : **Listed Building Consent to replace existing two single glazed casement windows to west side of property with new hardwood double glazed flush casement windows**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs J Hales 17/00380/FUL  
Site Address : 12 West Avenue Stapleford Nottinghamshire NG9 8DW  
Proposal : **Construct single storey rear and two storey side extensions**  
Decision : **Conditional Permission**

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Applicant : Mr I Heaps 17/00382/FUL  
Site Address : 56 Central Avenue Stapleford Nottinghamshire NG9 8DZ  
Proposal : **Construct single storey extension**  
Decision : **Conditional Permission**

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Applicant : Mr Ben Cupit 17/00403/FUL  
Site Address : 181 Nottingham Road Stapleford Nottinghamshire NG9 8BE  
Proposal : **Construct single/two storey side and single storey rear extensions**  
Decision : **Conditional Permission**

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Applicant : Mr Andrew Brown 17/00404/OUT  
Site Address : Land Adjacent To 25 Wadsworth Road Stapleford Nottinghamshire NG9 8AZ  
Proposal : **Outline application to construct detached house and garage with all matters reserved**  
Decision : **Conditional Permission**

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Applicant : Mr S McMahon 17/00432/PNH  
Site Address : 9 Central Avenue Stapleford Nottinghamshire NG9 8DZ  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6 metres, with a maximum height of 3 metres, and an eaves height of 3 metres**  
Decision : **Withdrawn**

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Applicant : Mr C McGeown 17/00433/PNH  
Site Address : 147 Nottingham Road Stapleford Nottinghamshire NG9 8AY  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.21 metres, with a maximum height of 3.45 metres, and an eaves height of 2.59 metres**  
Decision : **Withdrawn**

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### STAPLEFORD SOUTH WEST WARD

Applicant : Mr Mark Longden 17/00241/FUL  
Site Address : 1 Tudor Court New Eaton Road Stapleford Nottinghamshire NG9 7DZ  
Proposal : **Construct single storey side extension**  
Decision : **Conditional Permission**

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Applicant : Mr M Snow 17/00280/FUL  
Site Address : 47 Rossell Drive Stapleford Nottingham NG9 7EG  
Proposal : **Construct single storey side and rear extension**  
Decision : **Conditional Permission**

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Applicant : Mrs Michelle Taylor 17/00309/FUL  
Site Address : 52 Oakfield Road Stapleford Nottinghamshire NG9 8FF  
Proposal : **Construct single storey rear extension**  
Decision : **Conditional Permission**

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Applicant : Mrs SWATHI PENDYALA 17/00336/FUL  
Site Address : 34 Edward Street Stapleford Nottingham NG9 8FJ  
Proposal : **Retain rear pergola roof**  
Decision : **Conditional Permission**

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Applicant : Mr Gareth Parkinson Cabin Master 17/00359/FUL  
Site Address : George Spencer Academy Arthur Mee Road Stapleford Nottinghamshire NG9 7EW  
Proposal : **Erect cabin**  
Decision : **Conditional Permission**

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### TOTON & CHILWELL MEADOWS WARD

Applicant : Mrs Donna Wightman 17/00345/FUL  
Site Address : 12 Goodwood Drive Toton Nottingham NG9 6HX  
Proposal : **Construct first floor extension**  
Decision : **Conditional Permission**

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Applicant : Mrs S Green 16/00787/FUL  
Site Address : 25 Cleve Avenue Toton Nottinghamshire NG9 6JH  
Proposal : **Construct first floor extension, porch and rear dormer**  
Decision : **Conditional Permission**

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Applicant : Mr Dennis Noonan 17/00287/FUL  
Site Address : 162 Stapleford Lane Toton Nottinghamshire NG9 6GB  
Proposal : **Construct detached, single storey building to be used as ancillary residential accommodation**  
Decision : **Conditional Permission**

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Applicant : Mr Danielle Stanley 17/00320/FUL  
Site Address : 60 Woodstock Road Toton Nottinghamshire NG9 6JQ  
Proposal : **Retain ground floor rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr J Clarke 17/00337/FUL  
Site Address : 31 Sheriff's Lea Toton Nottinghamshire NG9 6LJ  
Proposal : **Construct porch**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Simon Kinsey 17/00368/FUL  
Site Address : 165 Seaburn Road Toton Nottinghamshire NG9 6HF  
Proposal : **Erect outbuilding**  
Decision : **Conditional Permission**

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Applicant : Mr Malcolm Batchelor 17/00377/FUL  
Site Address : 9 Rutland Avenue Toton Nottinghamshire NG9 6EP  
Proposal : **Construct rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Turner 17/00429/FUL  
Site Address : 5 Hillview Road Toton Nottinghamshire NG9 6FX  
Proposal : **Construct single storey rear extension.**  
Decision : **Conditional Permission**

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Applicant : Ms Lorraine Bates 17/00472/FUL  
Site Address : 21 Erdington Way Toton Nottinghamshire NG9 6JY  
Proposal : **Construct two storey side extension**  
Decision : **Conditional Permission**

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## WATNALL & NUTHALL WEST WARD

Applicant : Mr Singh Home Farm Ltd 17/00189/FUL  
Site Address : The Three Chimneys Nottingham Road Nuthall Nottinghamshire  
Proposal : **Retain and add brick cladding to existing porch structure**  
Decision : **Conditional Permission**

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Applicant : Mr Singh Home Farm Ltd 17/00190/LBC  
Site Address : The Three Chimneys Nottingham Road Nuthall Nottinghamshire  
Proposal : **Listed building consent to retain and add brick cladding to existing porch structure**  
Decision : **Conditional Permission**

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Applicant : Mr Singh Home Farm Ltd 17/00191/FUL  
Site Address : The Three Chimneys And The White House Nottingham Road Nuthall Nottinghamshire NG16 1DP  
Proposal : **Construct single storey glazed extension, and erect porch to The White House**  
Decision : **Conditional Permission**

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Applicant : Mr Singh Home Farm Ltd 17/00192/LBC  
Site Address : The Chimneys And The White House Nottingham Road Nuthall Nottinghamshire NG16 1DP  
Proposal : **Listed Building Consent to construct single storey glazed extension, and erect porch to The White House**  
Decision : **Conditional Permission**

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Applicant : Mr Stuart Singh Home Farm Ltd 17/00207/LBC  
Site Address : Home Farm Nottingham Road Nuthall Nottinghamshire NG16 1DP  
Proposal : **Listed Building Consent to replace windows to Home Farmhouse, Cottage 1 and Cottage 2**  
Decision : **Conditional Permission**

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Applicant : Mrs Jacqueline Lewis 17/00266/FUL  
Site Address : 1 The Spinney Laurel Crescent Nuthall Nottinghamshire NG16 1FN  
Proposal : **Retain decking**  
Decision : **Conditional Permission**

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Applicant : Mr C LLOYD 17/00335/FUL  
Site Address : 58 Kimberley Road Nuthall Nottinghamshire NG16 1DF  
Proposal : **Construct single storey extension to side and rear**  
Decision : **Conditional Permission**

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Applicant : Mr J SANGHERA 17/00338/FUL  
Site Address : 9 St Patricks Road Nuthall Nottingham NG16 1ED  
Proposal : **Construct two storey side and rear and single storey rear extension**  
Decision : **Refusal**

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Applicant : Mrs Judith Robinson 17/00342/LBC  
Site Address : The Cottage 8 Kimberley Road Nuthall Nottinghamshire NG16 1DG  
Proposal : **Retrospective Listed Building Consent sought for the removal of an internal wall**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Buxton 17/00417/FUL  
Site Address : 29 Edward Road Nuthall Nottinghamshire NG16 1DB  
Proposal : **Construct single and two storey side and rear extensions, including balcony and raised terrace; demolition of part of dwelling to allow access to proposed detached double garage; and change of external materials, to include standing seam metal fascias, render and timber cladding.**  
Decision : **Conditional Permission**

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Applicant : Mr R Akers 17/00510/PNH  
Site Address : 24 Watnall Road Nuthall Nottinghamshire NG16 1DU  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5 metres, with a maximum height of 4 metres, and an eaves height of 4 metres**  
Decision : **Prior Approval Not Required**

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