



31 October 2017

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 8 November 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 - 3

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

4. NOTIFICATION OF LOBBYING

| | | |
|-----|---|---------------|
| 5. | <u>DEVELOPMENT CONTROL</u> | |
| 5.1 | <u>17/00649/FUL</u> Proposed dwelling (revised scheme) <u>Land to the rear of 51A and 51B Mill Road, Newthorpe</u> | PAGES 4 - 20 |
| 5.2 | <u>17/00154/FUL</u> Construct apartment block consisting of 8 flats following demolition of existing bungalow <u>2A Lily Grove, Beeston, Nottingham NG9 1QL</u> | PAGES 21 - 34 |
| 5.3 | <u>17/00373/REM</u> Construct dwelling and garage (approval of reserved matters relating to planning reference 15/00867/OUT) <u>123 Brookhill Street, Stapleford, Nottinghamshire NG9 7GU</u> | PAGES 35 - 48 |
| 5.4 | <u>17/00435/FUL</u> Change of use from dwelling (Class C3) to residential Institution (Class C2) <u>101 Meadow Road, Beeston NG9 1JQ</u> | PAGES 49 - 59 |
| 5.5 | <u>17/00580/FUL</u> Change of use from hairdresser (Class A1) to massage parlour <u>Poole Hair Design, 19 Sunnyside Road, Chilwell, Nottinghamshire NG9 4FH</u> | PAGES 60 - 65 |
| 5.6 | <u>17/00645/FUL</u> Retrospective permission sought for the construction of a domestic outbuilding for use as a double dog kennel with food preparation and store area <u>2 Estwic Avenue, Eastwood, Nottinghamshire NG16 3EF</u> | PAGES 66 - 72 |
| 5.7 | <u>17/00598/FUL</u> Construct rear extension and detached garage <u>46 Coronation Road, Nuthall NG16 1EP</u> | PAGES 73 - 78 |
| 5.8 | <u>17/00561/FUL</u> Retain agricultural building <u>Whisgills Farm, The Lane, Awsworth</u> | PAGES 79 - 84 |
| 5.9 | <u>17/00514/FUL</u> Retrospective permission sought for hand car wash business comprising canopy, customer waiting shed, valeting area, staff facility within caravan, ancillary car sales area, hard standing and boundary fencing <u>RG Services Site, Gin Close Way, Awsworth, Nottinghamshire NG16 2TA</u> | PAGES 85 - 95 |

5.10 17/00688/FUL PAGES 96 - 101
Change of use of ground floor from bank (Class A2)
to a children's education centre (Class D1)
33-34 The Square, Beeston NG9 2JH

6. INFORMATION ITEMS

6.1 Appeal Statistics

The Committee is asked to NOTE that the position remains unchanged from that reported at its meeting on 22 March 2017. The Council is not therefore currently at risk of special measures based on the figures reported to Committee on the aforementioned date.

6.2 APPEAL DECISION PAGES 102 - 103
17/00064/FUL
Retain boundary wall and install railings and gates
between piers
23 Beeston Fields Drive, Beeston

6.3 Delegated Decisions PAGES 104 - 109

PLANNING COMMITTEE

11 OCTOBER 2017

Present: Councillor M Handley, Chair

| | | |
|--------------|-----------------------|-----------------|
| Councillors: | L A Ball BEM | A Harper |
| | D Bagshaw | R D MacRae |
| | J S Briggs | G Marshall |
| | M Brown | P J Owen |
| | B C Carr (substitute) | M Radulovic MBE |
| | M J Crow (substitute) | R S Robinson |
| | E Cubley (substitute) | |

Apologies for absence were received from Councillors T P Brindley, R I Jackson and J K Marsters.

24. **DECLARATIONS OF INTEREST**

Councillor P J Owen declared a non-pecuniary interest in agenda item 5.1, he being Chair of the Nottinghamshire County Council Children and Young People's Committee, minute no. 27.1 refers.

25. **MINUTES**

The minutes of the meeting held on 13 September 2017 were confirmed and signed.

26. **NOTIFICATION OF LOBBYING**

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

27. **DEVELOPMENT CONTROL**

27.1 **17/00435/FUL**

Change of use from dwelling (Class C3) to residential institution (Class C2)
101 Meadow Road, Beeston NG9 1JQ

The application, as detailed above, had been called into Committee by Councillor T A Cullen.

There were no late items in respect of the application.

Mr Howard Turney (objecting), Diana Hannah (applicant) and Councillor T A Cullen (ward member) addressed the Committee prior to the general debate.

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

The proposals were unsuitable since the parking was not satisfactory and outside space was not adequate. There was the potential for anti-social behaviour due to the use proposed which would result in over-intensification. There were no bedrooms for staff. There were similar facilities already available within the Borough. The property was semi-detached which was unusual since such developments were generally located within detached premises. The principle was laudable but there were amenity issues since the property was unsuitable for the purpose proposed. It would be useful to receive the observations of other public bodies such as the police.

Councillor G Marshall proposed that consideration of the item be deferred to allow for further investigations with the relevant authorities. The proposal was seconded by Councillor R S Robinson and, on being put to the meeting, the proposal was carried.

RESOLVED that consideration of the matter be deferred to allow for further investigations to take place with the relevant authorities and to consider the number of children proposed to be housed in the facility.

27.2 17/00373/REM

Construct dwelling and garage (approval of reserved matters relating to planning reference 15/00867/OUT)
123 Brookhill Street, Stapleford NG9 7GU

The application, as detailed above, had been called into Committee by Councillor R D MacRae.

There were no late items in respect of the application.

Mr Robin Harrison (objecting) and Mr Derek Cox (applicant) addressed the Committee prior to the general debate.

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

The proposals were detrimental to neighbours. Re-siting of the bungalow further down the plot may make the proposal more desirable.

Councillor R D MacRae proposed deferral of the item to allow for further consultations to take place between the applicant, residents and ward members. The proposal was seconded by Councillor L A Ball BEM and, on being put to the meeting, the proposal was carried.

RESOLVED that consideration of the matter be deferred to allow for further consultations to take place between the applicant, residents and ward members.

28. INFORMATION ITEMS

28.1 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.

28.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 12 August and 18 September 2017.

Report of the Chief Executive

**17/00649/FUL
PROPOSED DWELLING (REVISED SCHEME)
LAND TO THE REAR OF 51A AND 51B MILL ROAD, NEWTHORPE**

Given the previous history of this site, the Head of Neighbourhoods and Prosperity has decided that this application should be determined by Committee.

1. Details of the application

1.1 This is the fourth application, following three previous refusals and an appeal, for the construction of a dwelling, on land to the rear of 51a and 51b Mill Road. Access would be gained by way of a drive between the existing frontage properties.

1.2 The current proposal has further revisions and reverts to the size and position of the first application, being a largely square, four-bedroom dwelling, with a gabled roof containing two dormer windows. The dwelling would be positioned towards the rear of the existing gardens, in proximity to 11 Kirby Close.

1.3 This proposal seeks to address the reasons for refusal of the first application, by incorporating design improvements. Specifically, the current scheme includes:

- Omission of the double garage, which was to be positioned adjacent to the boundary with no. 53.
- Replacement of the full height gable window to the landing/staircase, with a high level window.
- Reduction in finished floor level by 200mm.
- Removal of the chimney stack.

1.4 The applicant's planning consultant has submitted further information, which is summarised as follows:

- The revised scheme reduces the bulk and mass of the proposal, which is not considered to be overbearing or to affect the neighbour's outlook.
- It is considered that other concerns raised by neighbours were not found by the Appeal Inspector to be sustainable.
- They are concerned that all previous applications have been refused, contrary to officer advice, which raises concerns that the clear advice of the NPPF has not been followed.
- This fourth proposal now addresses all the key points of concern that have been raised and the design and siting are considered to be wholly in accordance with the Council's own space and design standards.

2. Site and surroundings

2.1 Mill Road is located within a residential area, which largely consists of detached and semi-detached, two and single storey dwellings with relatively

large gardens. There is a variety of styles and architectural form within the area and a mixed pallet of materials is used. 51b is a two storey dwelling and 51a and 53 Mill Road are bungalows, each of differing design. 11 Kirby Close, the adjoining two storey dwelling to the west, has a blank elevation facing the application site.

- 2.2 The site is an approximately 0.054 hectare grassed plot which utilises land from both 51a and 51b Mill Road. The site itself slopes upwards toward the south west and sits significantly higher than the bungalows at 51a and 53 Mill Road. 11 Kirby Close is at a slightly higher level than the application site. Photographs of the site are set out below.



Access to site between nos. 51a and 51b Mill Road.



View from site looking towards no. 53 Mill Road.



View from the access towards no. 11 Kirby Close



View looking towards backland plot, 12 Kirby Close



View towards Walker Street properties.



View from no. 53 looking towards the application site.

3. Relevant planning history

3.1 The first planning application to construct a dwelling (ref: 16/00037/FUL) was of the same size, height and location as the current proposal. This was considered by the Planning Committee on 20 April 2016. The Committee minutes note the following comments:

- The proposed development was garden grabbing, back land development.
- The proposal was too big, out of character and would have an overbearing impact which would be detrimental to the amenity of local residents.
- Not against development but not at this scale.
- Why not build a single-storey bungalow?

3.2 The Committee refused the application for the following reason: *“The proposed development, by virtue of its massing, scale and proportions would have an unacceptable impact on neighbouring amenity contrary to Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014)”*.

3.3 A second, revised application (ref: 16/00464/FUL) was submitted. This was an L-shaped, single storey dwelling, located 2m away from the boundary with no. 53. This application was also refused – contrary to recommendation - at Planning Committee on 13 October 2016 for the following reason:

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

3.4 An appeal against the above application was dismissed on 6 March 2017 and the appeal decision is included as an Appendix to this report. The Inspector concluded: *“Taking into account the difference in land levels, the overall length of the proposed side elevation and the height of the existing fence, consider that the dwelling would have a significantly overbearing impact upon*

the occupiers of No 53 Mill Road, particularly when viewed from the garden area and the ground floor kitchen, lounge and conservatory windows”.

- 3.5 *“For the reasons outlined above, and subject to the imposition of a number of planning conditions, the proposal would not have a significantly adverse impact upon the living conditions of the occupiers of the two host properties or No 11 Kirby Road [sic] in respect of light, outlook and privacy. However, whilst the proposal would not result in a material loss of light or privacy for the occupiers of No 53 Mill Road, it would have a significantly detrimental impact upon the occupiers of this property in terms of loss of outlook. Therefore, and for this reason, I conclude that the proposal would not accord with the amenity aims of saved Policy H7 of the Broxtowe Local Plan 2004 (LP) and Policy 10 of the Broxtowe Aligned Core Strategy 2014”.*
- 3.6 A third, revised application (ref: 17/00285/FUL) was submitted. This proposal sought to address the Appeal Inspector’s concerns and removed the double garage. The proposed north west elevation (facing no. 53 Mill Road) was reduced in length by 4.5m, and was 12.5m long, in comparison to the 17m previously proposed in the appeal scheme. The only other changes to the previous scheme were the erection of a small gable roof above the bungalow entrance.
- 3.7 This application was also refused – contrary to recommendation - at Planning Committee on 21 June 2107 for the following reason: *“The proposed development, by virtue of its massing, scale, proportions and siting would have an unacceptable impact on neighbouring amenity contrary to Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014)”.*

4. Policy context

4.1 National policy

- 4.1.1 The National Planning Policy Framework (NPPF) March 2012, contains a general presumption in favour of sustainable development whereby planning permission should be granted unless any adverse impacts of permitting the development significantly and demonstrably outweigh the benefits, or specific policies in the framework indicate development should be restricted. It outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, sustainable economic development should be proactively driven and supported, high quality design and a good standard of amenity for existing and future occupants should be secured, full account should be taken of flood risk, heritage assets should be conserved in a manner appropriate to their significance, the natural environment should be conserved and enhanced, developments should be located in sustainable locations and effective use of brownfield land should be made.
- 4.1.2 In relation to assessing the highway impacts of a proposal, the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe.

4.2 Core Strategy

4.2.1 The Council adopted the Core Strategy on 17 September 2014 and the overall strategy of this document is “urban concentration with regeneration”. ‘Policy 2: The Spatial Strategy’ sets the overarching strategy for how growth in Greater Nottingham will be accommodated and distributed. It sets the required number of homes for Greater Nottingham (GN) between 2011 and 2028 (6,150 in the Broxtowe Borough part of GN, of which up to 1,250 are in or adjoining the existing built up area of Eastwood) and outlines a settlement hierarchy.

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

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

4.3 Saved Policies of the Broxtowe Local Plan

4.3.1 As the Core Strategy contains broad policies, a Development Management Policies Document will be developed in due course. In the meantime, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows.

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

4.3.3 Policy H6 provides density requirements for residential development: where development is within 400m walking distance of frequent public transport services a minimum density of 40 dwellings per hectare is required (or 45 dwellings per hectare where there is a choice of public transport modes) and if the distance is beyond 400m, 35 dwellings per hectare.

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

4.4 Draft Broxtowe 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 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 Nottinghamshire County Council Highway Authority confirm that there appear to be no highway related changes to the previous proposal and therefore their comments remain unchanged. They have no objections, subject to conditions relating to an extended dropped crossing, provision of hard surfacing and drainage to the proposed drive, and provision of on-site parking spaces.
- 5.2 The Council's Environment and Business Manager has no planning objections but has made comments relating to refuse collection from the proposed bungalow.
- 5.3 Comments from the Council's Tree Officer are awaited and will be reported at Committee: No objections were raised regarding the previous scheme.
- 5.4 Eastwood Town Council's comments are awaited. Regarding the previous scheme, they raised no objections to the development subject to there being no objections from neighbours.
- 5.5 A site notice was displayed and letters sent to 10 residents. The consultation period ends on 31 October 2017. At the time of writing, seven letters of objection (four being of a "round robin" style) have been submitted from local residents regarding the current proposal, the main planning objections being:
- Previous proposals already refused by Committee and at appeal.
 - Applicant has failed to properly address previous reasons for refusal; particularly regarding issues of levels differences, boundary screening, overbearing nature and impact on neighbours.
 - Housing delivery should not be compromised by building at any cost.
 - Proposed layout would have a greater detrimental impact on the neighbours rather than on the applicant's two frontage properties.
 - Over-development of site, inappropriate size and overbearing nature of proposal, exacerbated by the difference in land levels.
 - Proposed height, mass and scale of the dwelling are too large and prominent.
 - Detrimental visual impact, loss of light and open outlook for neighbours.
 - Overlooking from proposed windows, including the proposed dormer and velux windows, which would be exacerbated by the difference in levels and the inadequate boundary treatment on the north side.
 - Noise, vehicle movements and other activity will cause unacceptable intrusion into this quiet residential area, particularly during the construction period.
 - Proposed plans are misleading and inaccurate. This has the erroneous effect of making the proposal appear less overcrowded and better screened.
 - Several issues raised which are not material planning considerations.

6. Appraisal

6.1 It is considered that the main issues relating to the determination of this application are the design and impact on the character of the area, and the impacts on neighbouring amenity and future occupiers. Particularly, whether the concerns previously raised in the refusal of the first application have been addressed.

6.2 Design

6.2.1 The dormer bungalow does not address the street scene and therefore would not be highly visible. Number 12 Kirby Close is a bungalow set back from Mill Road which appears as a form of back land development and this makes it difficult to resist the current proposal on the grounds of loss of character of the area for this reason. There is a mixture of houses and bungalows in the immediate area. The bungalows on Mill Road are not of a consistent design and therefore there is no particular design cue to follow.

6.2.2 The dwelling incorporates a low sloping roof with dormers serving two of the bedrooms. The dormers are of a modest size and of a pitched roof design which integrates with the roof slope without looking overly dominant. The chimney shown on the first application has been removed, reducing its visual impact. The side elevation would be the dominant elevation when approaching the dwelling and this is where the front door and entrance porch is located with a gable feature over the door. Although the orientation is at odds with the Mill Road street scene, this is not considered to justify a refusal of permission, as the dwelling will not be readily visible from the road frontage. Overall the design is considered to be appropriate in its context.

6.3 Amenity of future occupiers of the proposed dwelling

6.3.1 The proposed dwelling has a garden of 13m in length which is deemed acceptable. Overlooking and loss of light are also considered to be suitably addressed to offer a decent standard of amenity to the future occupiers.

6.4 Neighbouring amenity

6.4.1 The proposed dwelling is located 1.575m from the boundary with no. 11 Kirby Close. This property is at a higher level than the application site and the side elevation on the boundary, of the proposed dwelling, contains one obscurely glazed window at first floor which serves an en-suite bathroom. The side elevation of no.11 is blank and therefore it is not envisaged that there will be significant issues of overlooking.

6.4.2 The block plan shows the frontage of the proposed dwelling in line with no. 11 and the rear wall projecting 2.5m beyond the rear wall of no. 11, level with the existing conservatory. It is considered that this alignment is acceptable as, although the dwelling will be accessed from Mill Road, in terms of neighbour impact it would be equivalent to an extension of the Kirby Close road. The orientation is such that afternoon sun from the west will not be blocked and

therefore loss of light to the occupiers of this property is not considered to be sufficient to justify a refusal of permission.

- 6.4.3 The dwelling would be located 4m from the boundary with the bungalow at no. 53 Mill Road. The site is approximately 1m higher than this dwelling and garden area. The revised scheme has a reduction in finished floor level by an additional 200mm, which would have a very marginal benefit in reducing the visual impact on no. 53.
- 6.4.4 The rear elevation of the proposed property, contains three rooflights serving two bedrooms and a bathroom. The use of rooflights and the replacement of the full height staircase window is considered to prevent any unacceptable overlooking to the rear garden serving no. 53. The garage shown on the first application to be adjoining the boundary with no. 53 has been removed, to reduce the potentially overbearing impact to the neighbours.
- 6.4.5 Number 12 Kirby Close is a bungalow which is to the rear of the block of terraces numbered 55-61 Mill Road. Although this dwelling is set at a lower level, there is 24m from the proposed dwelling to the nearest corner of 12 Kirby Close, which is considered a sufficient distance to safeguard against any unacceptable overlooking.
- 6.4.6 As the proposed dwelling is located in the rear gardens of number 51a and 51b Mill Road there is potentially a risk that the amenity of these occupiers may be affected. The rear elevation of 51a Mill Road is facing directly towards the side elevation. There is a gap of 21m between the first floor windows of the proposed dwelling and no. 51a and therefore this relationship is considered acceptable. There is a 19.5m gap from the rear wall of no. 51b and the garden area serving the proposed dwelling. This is also considered a suitable distance to prevent unacceptable overlooking.
- 6.4.7 Occupiers of dwellings on Walker Street whose gardens are adjacent 51b have raised overlooking and overbearing concerns. These properties do not actually abut the site and the proposed dwelling is located in the corner of the site furthest away so, although there is significant level difference, the impact on the amenity of these occupiers in terms of overlooking or overbearing is not considered to be sufficient to justify a refusal of planning permission.

6.5 Removing Permitted Development (PD) Rights

- 6.5.1 The applicant's agent has submitted representations in respect of recommended Condition 10. He has raised concerns that the recommended Condition (which seeks to remove PD rights for the whole site) is not reasonable. He argues that the Condition was originally intended to prevent the erection of a garage adjoining the boundary with no. 53. He considers that the recommended Condition is too onerous, as it would restrict potential extensions on the whole site and therefore be inconsistent with surrounding properties. He has submitted a plan which identifies a reduced area which should only be subject to the restriction.
- 6.5.2 It is considered that if Condition 10 is amended to reflect the applicant's wishes, then the Council would no longer maintain any control over potential

extensions on the garden area to the southeast of the proposed dwelling. Given the restrictive size of the site and the potential impact of any permitted rear extension on the occupiers of 11 Kirby Close, it is considered that this proposal is unacceptable. It is considered that recommended Condition 10 is not amended.

6.6 Addressing previous concerns

6.6.1 This proposal seeks to address the reasons for refusal of the first application, by incorporating design improvements. Specifically, the current scheme includes the omission of the double garage, the reduction in finished floor level, the replacement of the full height gable window to the landing/staircase, and the removal of the chimney stack.

6.6.2 In all the circumstances, it is considered that the revised scheme is materially different from that previously refused and that the reasons for refusal included on the first application have been now been satisfactorily addressed.

7. Conclusion

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

Recommendation

The Committee is asked to RESOLVE that planning permission be granted, subject to the following Conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Site Location Plan, Block Plan (2015/31/DB1 rev A) received by the Local Planning Authority on 8 September 2017, and proposed floor plans and elevations (2015/31/DB) received by the Local Planning Authority on 25 September 2017.**
- 3. The finished floor levels of the proposed dwelling hereby approved shall be 200mm below the existing ground level. Before development commences, full details of existing and proposed levels shall be submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels of surrounding ground. The development shall be carried out in accordance with the approved details.**

4. No building operations shall be carried out until details of the manufacturer, type and colour of the materials to be used in the facing walls and roofs have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.
5. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:
 - (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development;
 - (b) numbers, types, sizes and positions of proposed trees and shrubs;
 - (c) proposed hard surfacing treatment;
 - (d) planting, seeding/turfing of other soft landscape areas;
 - (e) proposed retaining walls or similar structures and boundary treatments.

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

6. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.
7. The dwelling shall not be occupied until the car parking spaces as shown on the approved plan (2015/31/DB1 rev A) are constructed and available for use for the existing dwelling.
8. The dwelling shall not be occupied until the driveways, parking, turning and servicing areas have been constructed in a hard bound material (not loose gravel) so as to prevent the unregulated discharge of surface water therefrom onto the public highway. Details shall first be submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
9. The dwelling shall not be occupied until the dropped vehicular footway crossing has been extended and is available for use and constructed in accordance with the Highway Authority specification.
10. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting this Order, no extensions or enlargements shall be carried out to the dwelling hereby approved, which fall within Classes A or B of Schedule 2 Part 1 of the Order, without the prior written permission of the Local Planning Authority by way of a formal planning permission.

Reasons:

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. In the interests of the appearance of the development and to protect the amenity of surrounding residents, in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Draft Aligned Core Strategy. The requirement is to be satisfied before construction begins in order that potentially abortive work is avoided, if the correct finished floor levels are not complied with.**
- 4. No such details were submitted, in the interests of the appearance of the development and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Draft Aligned Core Strategy. The requirement is to be satisfied before new construction begins in order that potentially abortive work is avoided, if unacceptable materials are used.**
- 5. No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014). The requirement is to be satisfied before new construction begins in order that potentially abortive works are avoided and to ensure that any important tree or plant species are adequately protected.**
- 6. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).**
- 7. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.**
- 8. To ensure that deleterious materials and surface water from the site is not deposited on the public highway, in the interests of highway safety.**
- 9. In the interests of highway safety.**
- 10. In the interests of retaining a sufficiently spacious plot, where occupiers have a satisfactory degree of amenity, and to protect the privacy of immediate neighbouring properties. This Condition accords with the aims of saved Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).**

Notes to Applicant:

- 1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by negotiating amendments with the applicant to address neighbouring amenity concerns.**
- 2. The proposal makes it necessary to widen the vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highways Authority. You are therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80.**
- 3. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see: <https://www.broxtowe.gov.uk/for-you/planning-building/development-in-former-coal-mining-areas/>**
- 4. The developer is reminded of his legal obligation to stop work immediately should any bats be encountered during the building of the proposed extension. The Bat Conservation Trust should be contacted on 08451300228 for further advice in the event of bats or bat roosts being found.**

Background papers

Application case file 17/00649/FUL

APPENDIX – Copy of Appeal decision for 16/00464/FUL**The Planning Inspectorate**

Appeal Decision

Site visit made on 28 February 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 March 2017

Appeal Ref: APP/J3015/W/16/3161949

Land to the rear of 51a and 51b Mill Road, Newthorpe, Nottingham NG16 3QG.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Copeland against the decision of Broxtowe Borough Council.
 - The application Ref 16/00464/FUL, dated 27 June 2016, was refused by notice dated 13 October 2016.
 - The development proposed is the construction of a new dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. At the request of the planning case officer, the appellant revised the layout and elevation plans part way through the determination of the planning application. Such plans show a single storey "L" shaped bungalow with an integral garage. For the avoidance of doubt, I have determined the appeal based on the amended plans.

Main Issue

3. The main issue is the effect of the proposal upon the living conditions of the occupiers of surrounding residential properties in respect of light, privacy and outlook.

Reasons

4. The appeal site falls within an established residential area and comprises parts of the rear gardens of No 51a (a detached bungalow) and 51b (a detached two storey dwelling) Mill Road. It is proposed to erect a dwelling (i.e. a bungalow) on the site with access taken from a drive between the two host properties following demolition of a detached garage belonging to No 51b. Three car parking spaces would be provided to the front of No 51b, and existing parking arrangements at No 51a would be unaffected.
 5. The area includes a mixture of mainly two storey and single storey residential properties which are different in terms of design. In the main, the properties have both front and rear gardens which are proportionate in size, although the garden areas of Nos 51a, 51b and 53 Mill Road are generally larger than the others. The appeal proposal comprises a form of back land development which
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would be similar to No 12 Kirby Road which is to the north of the site. Originally, No 12 Kirby Road may not have been built as a back land form of development (as per the evidence submitted by the current occupier), but nonetheless it has now such an appearance when viewed from within the wider landscape. In this context, coupled with the overall scale and massing of the proposed dwelling (as amended), I do not consider that the erection of a dwelling on this site would have a detrimental impact upon the character and appearance of the area.

6. As regards access details, I note that the Highway Authority raised no objection to the proposal (based on amended details). Subject to a widening of the access onto Mill Road, I am satisfied that the proposal would be acceptable from a highway safety and a car parking point of view.
 7. The Council's refusal notice does not specify which of the properties would be affected by the appeal proposal. I have therefore considered the impact of the erection of the dwelling upon the occupiers of all of the immediately surrounding residential properties.
 8. I note that land at No 11 Kirby Close is at a slightly higher level than the appeal site and that this property includes an extension to the rear elevation. I have considered the position of the property and its relationship with No 11 Kirby Close. Whilst it would be relatively close to the common boundary with such a property, a significant proportion of the rear elevation of the proposed dwelling would be built alongside the two storey blank gable elevation of No 11 Kirby Close. The remaining part of the rear elevation would be built alongside the boundary fencing between the two properties about 0.8 of a metre away.
 9. Taking the above factors into account, and the overall height of the proposed development, on balance I do not consider that the dwelling would cause significant harm to the living conditions of the occupiers of this property in terms of outlook, privacy and light. I reach this conclusion based on the need to excavate a small part of the rear garden area of No 51b Mill Road in order to ensure that the height of the dwelling is kept to a minimum. Had the proposal been acceptable in all respects, I would have imposed a planning condition relating to the approval of the proposed slab and ground levels.
 10. As part of my site visit, I was able to view the appeal site from No 53 Mill Road. The land level is much lower than the appeal site and hence the boundary fence sits on top of a stone wall. Consequently, the boundary treatment when viewed from No 53 Mill Road appears much higher than when viewed from the appeal site. Whilst the existing fencing would screen the side windows/doors of the proposed dwelling from No 53 Mill Road (and hence there would not be a significant loss of privacy), a considerable proportion of the proposed dwelling would nonetheless be very visible from the rear garden area (including the patio seating area) and the rear windows of No 53 Mill Road.
 11. I acknowledge that the proposed development would be single storey. Given the height of the proposed building, and the position of surrounding properties, I do not consider that the proposal would lead to a material loss of light penetrating into properties (including gardens). However, the side elevation of the proposed dwelling would measure about 17 metres and would be sited approximately 2.0 metres from the boundary fence with No 53 Mill Road. Taking into account the difference in land levels, the overall length of the proposed side elevation and the height of the existing fence, I consider that the
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dwelling would have a significantly overbearing impact upon the occupiers of No 53 Mill Road, particularly when viewed from the garden area and the ground floor kitchen, lounge and conservatory windows. In this case, I do not consider that it would be appropriate to impose a planning condition which required the erection of a higher boundary fence, as that would also have dominating and enclosing impact upon the occupiers of No 53 Mill Road.

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

Other Matters

13. I have taken into account representations made by other interested parties. Some of the comments made have already been addressed in the reasoning above.
14. I acknowledge that representations have also been made by occupiers of properties on Walker Street, but these properties are some distance from the appeal site. Based on the layout, scale and appearance details (as amended), I am satisfied, subject to the erection of appropriate boundary treatment to subdivide the existing residential plots, that the single storey dwelling would be a sufficient distance away from No 51a and No 51b Mill Road so as to not cause significant harm in respect of matters of light, outlook and privacy.
15. I consider that the resultant garden sizes for the appeal property and No 51b Mill Road would be adequate. No 51a Mill Road has been extended since the planning application was determined and it now includes a single storey rear extension across the full width of the house (there were once two conservatories on the rear elevation). The effect of this development is that the rear garden area for No 51a Mill Road would be smaller than shown on the submitted plans at about 10 metres in length. On balance, I consider that the garden area for No 51a Mill Road would be just about on the margins of acceptability and given the relatively low height of the proposed dwelling (i.e. single storey) and the "L" shaped layout, coupled with the potential to erect new boundary screening (to be secured by planning condition), I do not consider that there would be a material loss of outlook, privacy or light for the occupiers of the facing two properties.
16. Whilst there may be some disturbance during construction stage, this would be relatively short lived. Had the proposal been acceptable in all respects, a planning condition could have been imposed to deal with this matter. I note the comments made about the effect of the proposal upon protected species (including bats), but I do not have any specific evidence to indicate that material harm would be caused to wildlife/nature conservation interests.
17. Whilst the site is not specifically allocated for housing, I am not aware of any Council policies which would preclude the erection of dwellings on windfall sites
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(including green field sites) such as the appeal site. Saved Policy H7 of the LP does not prohibit the erection of dwellings on non-allocated sites.

18. I note the evolution of this scheme and acknowledge comments made by the Planning Committee indicating that the site "*was suitable for development*". I accept that it might be possible to erect a dwelling on this site without harm being caused to the living conditions of the occupiers of surrounding residential properties. However, it has been necessary for me to determine the appeal that is before me and for the reason outlined above the proposal would not be acceptable.
19. None of the other matters raised outweigh my overall conclusion on the main issue.

Conclusion

20. For the reason outlined above, and taking into account all other matters raised, I conclude that the proposal would not accord with the development plan for the area. Therefore, the appeal should be dismissed.

Daniel Hartley

INSPECTOR



Legend

 Site

Report of the Chief Executive

**17/00154/FUL
CONSTRUCT APARTMENT BLOCK CONSISTING OF 8 FLATS
FOLLOWING DEMOLITION OF EXISTING BUNGALOW
2A LILY GROVE, BEESTON, NOTTINGHAM NG9 1QL**

Councillor T A Cullen has requested this application be determined by the Committee.

1 Details of the application

- 1.1 The application seeks permission to demolish a bungalow and construct a three storey building comprising eight apartments. Six of the apartments would have a single bedroom and the other two would have two bedrooms. All of the flats would have an open plan kitchen/dining/living area. There would be four off-street parking spaces to the front of the building and a shared communal space to the rear. The plans indicate that there would be internal cycle storage and an external bin enclosure to the front. A 1.8m high timber fence is proposed alongside the side boundaries.
- 1.2 Amended plans were submitted during the course of the application. The amendments have resulted in a flat roof building with a brick and render finish. The maximum height of the building would be 9.9m and the building would be 'stepped' with the second floor set in 3.8m from the side boundary with 2 Lily Grove. The second floor has also been set back from the ground and first floors and is also stepped to the rear. Dark grey UPVC windows are proposed throughout. Additional information in an updated flood risk assessment was also submitted during the course of the application.

2 Site and surroundings

- 2.1 The site currently comprises a modest bungalow with a small single storey rear extension. There is a detached garage set back alongside the boundary with 2 Lily Grove which is a bungalow with a rear extension. To the south west of the site, there is a hotel (Fairhaven Guest Accommodation) which is a three storey, pitched roof building on the corner between Lily Grove and Meadow Road. Adjoining the hotel is the Meadow Lodge Residential Care Home. To the south east, beyond the rear boundary, lies 1 Lavender Grove which is a two storey detached house. Directly opposite the site, there is the Beeston Lodge Nursing Home and Turner Violin (shop).
- 2.2 The site lies approximately 1km to the south east of Beeston town centre and 250m from Beeston Railway Station. It is located within Flood Zone 3 which is land with a high probability (1 in 100 or greater) of river flooding.

Images 1 and 2: Front and rear elevations



Image 3: Relationship with 2 Lily Grove



Image 4: Relationship with the hotel



3 Relevant planning history

- 3.1 A planning application (reference 07/00918/FUL) to demolish the bungalow and construct a pair of semi-detached houses was refused in 2007 as it was considered that the proposal failed the sequential test for site selection as there would be reasonably available sites in areas of lesser flood risk.
- 3.2 A planning application (reference 08/00576/FUL) was submitted for a detached two storey house but this was withdrawn prior to a decision being made.

4 Policy Context

4.1 National policy:

4.1.1 The National Planning Policy Framework (NPPF) March 2012, contains a general presumption in favour of sustainable development whereby planning permission should be granted for proposals that accord with the development plan without delay. Paragraph 14 states that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of permitting the development significantly and demonstrably outweigh the benefits, or specific policies in the framework indicate development should be restricted.

4.1.2 The NPPF outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, high quality design and a good standard of amenity for existing and future occupants should be

secured, full account should be taken of flood risk, the natural environment should be conserved and enhanced and developments should be located in sustainable locations. The document outlines that the government's key housing objective is to increase significantly the delivery of new homes and states that there should be a wide choice of high quality homes within safe and accessible environments. Applicants are encouraged to work with the local community to achieve this aim.

4.1.3 Paragraph 49 states if a local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing will not be considered to be up-to-date.

4.1.4 In relation to assessing the highway impacts of a proposal, paragraph 32 states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Paragraph 39 states if setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development
- the type, mix and use of development
- the availability of and opportunities for public transport
- local car ownership levels
- an overall need to reduce the use of high-emission vehicles.

4.1.5 Section 7 states that good design is a key aspect of sustainable development. Paragraph 58 states that planning decisions should aim to ensure that developments create and sustain an appropriate mix of uses; respond to local character and history while not preventing or discouraging appropriate innovation; and are visually attractive as a result of good architecture and appropriate landscaping.

4.1.6 Paragraph 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.

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

4.2 **Broxtowe Aligned Core Strategy:**

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

4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. It states the Council will work proactively with applicants to approve proposals wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Applications which accord with the

Local Plan will be approved without delay unless material considerations indicate otherwise.

- 4.2.3 'Policy 1: Climate Change' 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.
- 4.2.4 'Policy 2: The Spatial Strategy' sets the overarching strategy for how growth in Greater Nottingham will be accommodated and distributed. It sets the required number of homes for Greater Nottingham (GN) between 2011 and 2028 (6,150 in the Broxtowe Borough part of GN, of which 3,800 are in or adjoining the existing built up area of Nottingham) and outlines a settlement hierarchy.
- 4.2.5 'Policy 8: Housing Mix and Choice' sets out the approach to ensuring that new housing development includes an appropriate mix of housing types, sizes and tenures.
- 4.2.6 'Policy 10: Design and Enhancing Local Identity' sets design and layout principles to be applied to new development and looks to ensure that valued local characteristics are reinforced. It states that development will be assessed in terms of its treatment of materials, architectural style and detailing.
- 4.2.7 '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.

4.3 **Saved policies of the Broxtowe Local Plan (2004):**

- 4.3.1 Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 '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.
- 4.3.3 '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.
- 4.3.4 '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.

4.4 Part 2 Local Plan:

- 4.4.1 The Part 2 Local Plan is currently subject to public consultation. As the public consultation is currently on-going, only limited weight can be attached to the emerging policies.
- 4.4.2 However, of relevance to this application is Policy 1: 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'.
- 4.4.3 Policy 17: Place-making, design and amenity states that permission will be granted for development which integrates into its surroundings, creates well defined streets and places, provides adequate amenity space, ensures a satisfactory degree of amenity and does not prejudice the satisfactory development of a wider area.

5 Consultations

- 5.1 The Environment Agency initially objected due to the absence of an acceptable Flood Risk Assessment. Following the submission of additional information including an amended Flood Risk Assessment, the Environment Agency has raised no objection subject to a planning condition securing the flood mitigation measures which are detailed within the Flood Risk Assessment. This includes raised finished floor levels and the production of a flood evacuation plan.
- 5.2 The Highways Authority states that there would be a shortfall of three spaces to serve the site. The lack of off street car parking spaces is not a road safety issue but may cause inconvenience to existing residents. Having taken the road safety into account, the Highways Authority raise no objection to the shortfall of spaces but require an extended dropped kerb to be constructed, a hard bound material to be used and suitable drainage to be incorporated to prevent the discharge of surface water onto the public highway.
- 5.3 10 neighbours were consulted and a site notice was displayed. In respect of the original plans, 15 letters of objection were received. Following the submission of amended plans, a further 15 letters of objection were received.
- 5.4 The objections can be summarised as follows:

- There will be a loss of privacy to neighbouring properties and to the adjacent hotel.
- There will be a loss of daylight and significant overshadowing to neighbouring properties and to the adjacent hotel.
- There will be an increased sense of enclosure to neighbours.
- The plot is too small for the size of building proposed.
- The height and massing of the building is excessive.
- The design is out of keeping with the surroundings.
- The proposed apartments will be too small and would provide a poor quality of living.
- There will be additional noise, smell (from waste bins) and disturbance.
- Insufficient off-street parking is proposed. The amended plans have not overcome this issue. There is already significant demand for on-street parking due to the neighbouring uses which includes a nursing home, the violin shop and a hotel. Users of Beeston Railway Station also park on Lily Grove.
- Increase in traffic and congestion. This will also cause difficulties for emergency services and waste and recycling lorries.
- The hotel will experience a loss of customers as a result of the development.
- The shared outdoor amenity area is unlikely to be maintained to an acceptable standard.
- Additional information regarding boundary treatments, bin storage and cycle storage is required.
- The building work may cause damage to neighbouring buildings.

6 Assessment

6.1 The main issues to assess in respect of this application relate to the principle of the development, whether an acceptable standard of design has been achieved, whether a loss of amenity will occur to neighbouring properties, if sufficient parking has been provided and if the development is acceptable in respect of flood risk.

6.2 **Principle**

6.2.1 It is considered that the principle of providing residential apartments within a predominantly residential location would be acceptable. Whilst there would be a loss of a bungalow, there would be an additional seven residential units as a result of the development. Due to the size of the site, it is considered that the proposal would not prejudice the future development of a larger area. Weight must also be given to the need to significantly boost housing supply, particularly within urban areas such as this. Whether there is sufficient space for eight apartments and the impact a development of this size will have on neighbouring properties will be discussed below.

6.2.2 It must also be noted that prior to the submission of the Council's Part 2 Local Plan, which is currently subject to public consultation, 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.*

6.2.3 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. Whether there would be adverse impacts which demonstrably outweigh the benefits will be considered below.

6.3 Design

6.3.1 Following the submission of amended plans a flat roof, contemporary, three storey building using a mixture of render and brick is proposed. The original plans proposed a building which would use a mix of brick, render and cladding and would have various pitched and flat roofs. Concerns have been raised within consultation responses to both the original and amended scheme that the proposed development would be of a size and design which is not appropriate in this location.

6.3.2 The proposal is for a large building which will differ significantly from the existing bungalow and from neighbouring residential properties to the north east of the site. However, from viewing the supporting information and taking into account the neighbouring buildings to the south west, which includes the three storey hotel, and the mixture of brick and render used on surrounding buildings, it is considered that a three storey building of the style proposed is acceptable. The building has been designed to 'step down' to the north east and the main part of the third storey is also set back. This reduces some of the bulk and provides a transition between the higher buildings to the south west of the site and the residential properties to the north east. It is considered important that high quality materials are used and therefore the submission of material samples will be conditioned. Based on the above, whilst it is accepted that this will be a prominent development and is a significant increase in footprint and size compared to the existing bungalow, it is considered that an acceptable standard of design has been achieved which accords with Policy 10 of the Aligned Core Strategy and the NPPF.

6.4 Amenity

- 6.4.1 The main objections expressed within the consultation responses relate to concerns that there will be a loss of privacy, a loss of daylight, overshadowing and an increased sense of enclosure.
- 6.4.2 To the north east of the site lies 2 Lily Grove which is a bungalow with a modest rear extension. Due to the position, orientation and scale of the proposed building, there would be an impact on the occupiers of number 2 and to other properties located on Lily Grove. The second floor of the proposed building has been set back from the boundary with number 2. The first and second floors have also been 'stepped' to the rear to reduce the amount the building projects beyond the rear of number 2. A 1.14m buffer is also maintained between the side of the building and the boundary. Due to this relationship, it is considered that overshadowing, or an increased sense of enclosure, would not be to an extent which would justify refusing the planning application. Obscure glazed windows are proposed in the side elevations and in the second floor rear elevation. Whilst these are shown on the plans as being obscurely glazed, to ensure that they are obscured to a sufficient level to prevent a loss of privacy occurring, a condition will be included. To prevent a loss of privacy to the rear, a condition will also be included to prevent the flat roof areas from being used as a balcony.
- 6.4.3 Directly beyond the rear boundary lies 1 Lavender Grove and 3 Lavender Grove lies to the south east which are both two storey properties. The distances between the new development and the rear elevation of number 1 vary between 16.4m at ground floor level and 18.3m at second floor level. The first floor of the building is 9.8m from the rear boundary and the second floor is 10.8m. The plans indicate that the second floor windows will be obscurely glazed. Whilst it is considered that there will be some mutual overlooking between the existing houses and the proposed apartments, it is considered that due to the distances stated above, this would not result in an unacceptable loss of privacy. The distances and the staggered rear projection will also prevent the building being unacceptably overbearing on the occupiers of number 1. Details of the landscaping and boundary treatment within the site and along this boundary will be secured by planning condition in the interest of neighbour amenity and to achieve a good overall standard of appearance.
- 6.4.4 To the south west lies a hotel and a residential care home. It is noted that the hotel manager has raised concerns regarding overlooking and loss of light. A site visit was undertaken to the hotel and it was evident that two bedrooms within the hotel would be impacted by the development. On the first floor, a bedroom which has only a single window which overlooks the application site would experience additional overshadowing. However, this bedroom is reliant upon an outlook over the application site and whilst it would be an unacceptable relationship with a residential property, it is considered that the level of additional overshadowing to a hotel room would not be sufficient to refuse this planning application. The hotel room on the second floor also has windows facing Lily Grove which provides sufficient light and outlook. It is considered that other rooms within the hotel and care home could retain a sufficient outlook due to the positioning of the proposed development.

6.4.5 It is considered that any noise and disturbance would not be above a level which would be expected within a residential area. Further details of the bin enclosure will be required to be submitted to ensure this provides an adequate storage area which does not give rise to odour or environmental issues.

6.4.6 With regards to the amenity of the prospective occupiers, whilst the living space would be small, it is considered that the rooms would be of a sufficient size and would have an adequate outlook to provide an acceptable standard of living. The outdoor space will provide a small amenity area for the residents. Due to the relatively small size of this area and as it is common for apartments and flats to have shared amenity spaces, it is considered that maintenance details are not required to be submitted. If the area becomes untidy to an extent it had a detrimental impact on the area, the Council would have the powers to consider taking enforcement action.

6.5 Parking

6.5.1 It is evident within the consultation responses that there is significant concern that the development does not include sufficient parking provision and that this will lead to increased demand for on-street parking. Concerns are also expressed regarding existing congestion along the road.

6.5.2 In relation to assessing the highway impacts of a proposal, paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Whilst paragraph 39 refers to the setting of local parking standards rather than the determination of planning applications, it provides a list of factors which should be taken into account, including the availability of and opportunities for public transport and the type, mix and use of the development. Policy 10 of the Aligned Core Strategy states that development should be designed to reduce the dominance of motor vehicles.

6.5.3 The site lies within close proximity to Beeston Railway Station and the number 18 bus service, providing access to Beeston town centre and Nottingham, is also accessible from Meadow Road. Beeston town centre is 1km to the north west and is therefore within walking distance. Lily Grove is a relatively quiet residential street with low traffic volumes and on-street parking is available without detriment to the free flow of traffic. It is accepted that there will be additional parking demand from the development and this may lead to on-street parking along Lily Grove. However, it is considered that there would not be a severe highways impact and residents would have the opportunity to use more sustainable transport options. Furthermore, the Highways Authority states no objection and it is considered that a pragmatic approach also needs to be taken in respect of developing sites within existing urban areas. Based on the above, it is considered that there would not be sufficient policy justification for refusing the application on transport or parking grounds.

6.5.4 A condition is required to ensure the dropped kerb is extended, the parking area is appropriately surfaced and drained and is available for use prior to the occupation of the apartments.

6.6 Flood Risk

- 6.6.1 The site lies within Flood Zone 3 which is land with a high probability (1 in 100 or greater) of river flooding. 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 and how flood resilient construction methods will be used.
- 6.6.2 The Environment Agency initially objected. Following the submission of additional information, 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 27.74m above Ordnance Datum (AOD) (the road level outside the property is 26.56m AOD) and for occupants to sign up to flood warnings and to follow a prepared evacuation plan. 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.
- 6.6.3 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 the 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. This application is different to previous applications for the site due to the number of apartments proposed and due to the change in policy position.

6.7 Other Issues

- 6.7.1 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.
- 6.7.2 If damage did occur to neighbouring buildings during the construction period, this would be a legal matter.

7 Conclusion

- 7.1 The development will provide additional housing within an existing urban area. The application is considered to be acceptable in terms of design and flood risk. There will be an impact on neighbouring occupiers. However, from assessing the impact, it is considered that it would not be to an extent which would justify refusing the planning application. There would be an additional need for parking as a result of the development. However, it is considered that there would not be a severe highways impact and therefore there would not be sufficient policy justification for refusing the application on transport or parking grounds.

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: 002 Revision D 'Proposed Floor Plans, Site Block & OS Plans' and 003 Revision D 'Proposed Floor Plans & Elevations' received by the Local Planning Authority on 27 July 2017.
3. No above ground works shall commence until samples of the proposed external facing materials have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
4. No above ground works shall commence 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) planting, seeding/ turfing of other soft landscape areas;
 - (c) details of the site boundary treatments and curtilage boundary treatments;
 - (d) a timetable for implementation of the scheme.

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

5. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment Rev A (SCC Consulting Engineering). The finished floor level of the building shall be set no lower than 27.74m AOD, the flood resilient techniques shall be installed to a level of at least 27.84m AOD and occupiers of the apartments hereby approved shall be provided details of the Environment Agency Flood Warning System and the emergency evacuation procedures.
6. No apartment to be erected pursuant to this permission shall be first occupied until:
 - (i) The dropped vehicular crossing has been extended in accordance with the Highway Authority specification.
 - (ii) The parking area has been surfaced in a suitable hard bound material (not loose aggregate), is appropriately drained within the site such that surface water therefrom does not drain onto the public highway and is

available for use. This area shall be maintained accordingly for the life of the development.

7. The first and second floor windows in the north east and south west side elevations and the second floor windows in the south east rear elevation 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 apartments are first occupied and thereafter retained in this form for the lifetime of the development.
8. No flat roof area above ground floor level shall be used as a balcony, roof garden or similar amenity area 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 details are satisfactory, in the interests of the appearance of the area and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
4. To ensure the development presents a satisfactory standard of external appearance of the area, to protect the amenity of neighbouring properties 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).
5. To reduce the risk of flooding to the proposed development and future occupants, to ensure safe access and egress from and to the site in the event of a flood and in accordance with Policy 1 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&8. In the interests of privacy and amenity for nearby residents 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).

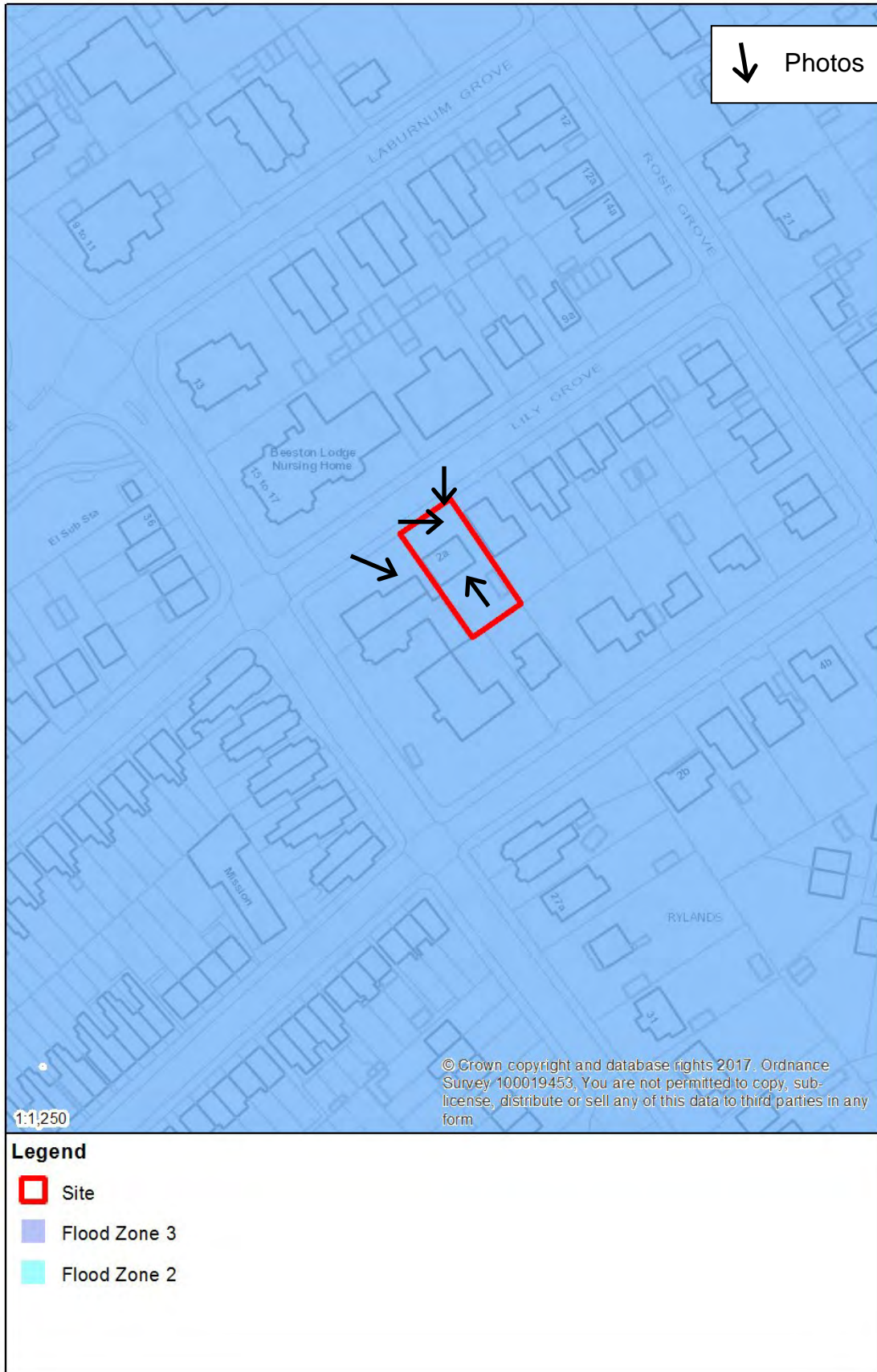
Notes to Applicant:

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: <https://www.broxtowe.gov.uk/for-you/planning-building/development-in->

former-coal-mining-areas/

- 3. Best practicable means should be used during construction to ensure that disturbance from dust and noise is kept to a minimum. Given the proximity to residential properties, it is advised that contractors limit noisy works to between 07:30 and 18:00 Monday to Friday, 07:30 and 13:00 on Saturdays and no noisy works on Sundays and bank holidays. There should also be no bonfires on site at any time to prevent nuisance to neighbours.**
- 4. In order to carry out off-site works, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact the Nottinghamshire County Council Highways team for details on Tel: 0115 9772210 or hdc.south@nottscc.gov.uk**
- 5. The applicant is advised to contact the Council's Waste and Recycling Section (0115 917 7777) to discuss waste and refuse collection requirements.**

Background papers
Application case file



Report of the Chief Executive

17/00373/REM**CONSTRUCT DWELLING AND GARAGE (APPROVAL OF RESERVED MATTERS RELATING TO PLANNING REFERENCE 15/00867/OUT)
123 BROOKHILL STREET, STAPLEFORD, NOTTINGHAMSHIRE NG9 7GU**1. Details of the application

- 1.1 The application was first brought before Planning Committee on 11 October 2017 with a recommendation for approval (original report attached as an appendix). Members deferred making a decision on the application due to concerns about the impact of the proposed dwelling on neighbour amenity. It was requested that the footprint of the proposed dwelling be reduced and with any reduction in footprint, the dwelling be located further away from the boundaries with both neighbours, particularly number 125.
- 1.2 The applicant has considered the request to amend their plans for the proposed dwelling and garage. For the following reasons, they have decided not to further amend the plans:
- The design of the scheme has been thoroughly and carefully thought out to comply with the relevant planning policies and guidance.
 - The dwelling and site layout have been designed by an experienced and professional architect, with advice provided by a planning consultant.
 - The initial scheme was developed to preserve the privacy and amenity of all neighbours, with habitable room windows facing away from existing residential properties and the garden being located to the rear of the new bungalow to reduce disturbance.
 - The roof slopes down towards the garden of number 125. The garden of this property is at a higher level than the application site and contains various structures and bushes. There is a garage within the application site beside the boundary with number 125.
 - During the course of the application, significant amendments have been made to the scheme following receipt of comments from officers.
 - Comparison site plans have been submitted to demonstrate the amendments made and the site elevations in context plan shows the scale of the proposed development relative to the neighbouring property.
 - The plans are considered to be compliant with the relevant planning policies.
 - A reduction in footprint would make the scheme unviable.
 - The amended scheme shows a significant compromise compared to the initial design and shows significant consideration of the privacy and amenity of all neighbours.

2. Conclusion

- 2.1 The recommendation for approval remains the same.

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 location plan received by the Local Planning Authority on 2 June 2017 and drawings numbered: 447:P04A rev B, 447:P05A rev B, 447:P06B rev B and 447:P03C rev C received by the Local Planning Authority on 11 September 2017.
2. No building operations shall be carried out until details of the manufacturer, type and colour of the materials to be used in facing walls and roofs have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.
3. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:
 - (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development
 - (b) numbers, types, sizes and positions of proposed trees and shrubs
 - (c) proposed boundary treatments
 - (d) proposed hard surfacing treatment
 - (e) planting, seeding/turfing of other soft landscape areas.

The landscaping scheme shall be carried out in accordance with the approved details and the boundary treatments and hard surfacing shall be provided prior to first occupation of the hereby approved dwelling.

4. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.
5. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 Classes A and B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no new extensions or roof additions shall be permitted to the dwelling hereby approved.

Reasons:

1. For the avoidance of doubt.
2. 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 that the materials are satisfactory in order to ensure the development presents a satisfactory standard of external appearance in 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).
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 that the details are satisfactory to ensure a satisfactory landscaping scheme is implemented in order to preserve the appearance of the surrounding area and neighbour amenity, in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Draft Local Plan (2017).
4. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Draft Local Plan (2017).
5. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Draft Local Plan (2017).

Note to Applicant:

The decision has been reached taking into account the guidance in paragraphs 186-187 of the National Planning Policy Framework, with positive amendments having actively been sought during the consideration of the application.

Background papers
Application case file

Report of the Chief Executive

APPENDIX

17/00373/REM**CONSTRUCT DWELLING AND GARAGE (APPROVAL OF RESERVED MATTERS RELATING TO PLANNING REFERENCE 15/00867/OUT)****123 BROOKHILL STREET STAPLEFORD NOTTINGHAMSHIRE NG9 7GU**

This application has been requested to be brought before Planning Committee by Councillor R D MacRae.

1 Details of the application

- 1.1 Outline planning permission for one dwelling has been granted on the site subject to reserved matters. The planning application seeks to provide the detail for the previously agreed permission. The proposal is for a bungalow with associated garage and amenity space.
- 1.2 The proposed bungalow is of a T-shaped configuration with a lower section running parallel with the boundary with 125 Brookhill Street (extending for 17.6m), set 1m away and a higher section projecting towards the boundary with 121 Brookhill Street. The proposed dwelling is of a contemporary design with a mono-pitched roof on the lower section which slopes away from the boundary with 125 Brookhill Street. The adjoining higher section also has a mono-pitched roof which slopes upwards towards the rear boundary. The eaves height of the higher section is 3.710m sloping up to 5.055m and the eaves of the lower section is approximately 2.4m sloping up to 3.71m (measurements taken from dpc). Coloured render and vertical cladding is proposed for the walls and profiled metal sheeting is proposed for the roofs.
- 1.3 In addition a garage is proposed alongside the boundary with 125 Brookhill Street which also has a mono-pitched roof with an eaves height of 2.35m sloping to 3.08m (measurements taken from dpc).

2 Site and surroundings

- 2.1 The site currently forms the access drive and part of the rear garden serving 123 Brookhill Street. A mono-pitched outbuilding is located adjacent to the rear boundary. Beyond the north boundary is Queen Elizabeth Park. There are two dwellings adjacent the host property. 125 is a house and 121 is a bungalow.



123 and 125 Brookhill Street



Side elevation of 125 Brookhill Street



Existing outbuilding



Boundary with 125 Brookhill Street



Boundary with 121 Brookhill Street

2.2 Brookhill Street slopes upwards west to east. 121 Brookhill Street is set at a lower level than the application site. On the boundary with the neighbour there is the garden serving this dwelling. There is a brick wall with trellis detailing on the boundary with 125 Brookhill Street and the garden serving this property is set at a higher level. 125 Brookhill Street has one ground floor window on the side elevation beside the site. It has a single storey rear extension and a detached pitched roof outbuilding adjacent to the site boundary.

2.3 Brookhill Street consists of a variety of house types and architectural styles. There are predominantly detached dwellings and bungalows on the northern side of this part of Brookhill Street and semi-detached dwellings on the southern side. Generally the dwellings are from the Edwardian and Victorian period.

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.

3.2 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 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.
- 3.2.4 'Policy 8: Housing Mix and Choice' sets out the approach to ensuring that new housing development includes an appropriate mix of housing types, sizes and tenures.
- 3.2.5 'Policy 10: Design and Enhancing Local Identity' sets design and layout principles to be applied to new development and looks to ensure that valued local characteristics are reinforced. It states that development will be assessed in terms of its treatment of materials, architectural style and detailing.

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 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.
- 3.3.3 '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.

3.4 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 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.

4 Planning History

- 4.1 15/00867/OUT – Outline permission was granted to construct one dwelling with some matters reserved. The approval included two conditions, one specifying that the dwelling must be single storey only and one removing permitted development rights for extensions to the dwelling. The applicant appealed these two conditions. The Inspector agreed that the condition relating to the height of

the dwelling be upheld but removed the condition removing permitted development.

- 4.2 15/00635/OUT – Outline permission for two dwellings on the site was refused for the following reason:

The proposal, by virtue of the size and nature of the application site, will result in an unsatisfactory and cramped form of development which will be out of keeping with prevailing scale and character of properties on Brookhill Street. As a result the development will be harmful to the appearance and character of the area and will have a detrimental impact on the amenity of the future occupiers and the amenity of the occupiers of neighbouring properties contrary to policies H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

- 4.3 74/00254/OUT – Outline permission was refused for a dwelling on the site due to the impact on the character of the area and neighbouring amenity.

5 Consultations

- 5.1 The occupiers of 125 Brookhill Street have written in objecting to the application. They raise a number of issues/concerns including:

- The scale of the proposal is considered to be too large for the plot. A bungalow will require a larger footprint which inevitably would require the dwelling to be sited closer to the shared boundary leading to greater amenity issues as the height exceeds that of the current boundary wall.
- The proposed location of the garage would also impact on amenity due to its height and the increase of activity beside the boundary. They consider that the garage is not necessary to provide sufficient parking.
- They also consider the siting of the proposed dwelling and garage would impede maintenance of the existing boundary wall (this is not a planning consideration).
- The modern design is not in keeping with the local vernacular and the materials and finishes are not specified in the plans. The mono-pitch roof is not in keeping.
- The gravel surfacing is not appropriate and could cause noise disturbance.
- No additional screening is proposed. Request that natural screening around the car parking area is included in the landscaping plan.
- Policy H7 is 12 years old and the Local Plan has not been adopted therefore similar applications which were refused due to massing scale and proportion and the impact on the character of the site should be taken into account.
- Following amendments they remain concerned with the overall height and length and consider these do not represent significant reductions in scale and massing. Also the gap of 0.8m from the boundary is insufficient to protect amenity.

- The Inspector in the appeal case suggested that the dwelling should be at the rear of the plot in order to maintain sufficient separation from 123 Brookhill Street and to provide adequate garden area.
 - Suggest that a condition to prevent the use of power tools in the garage should be included if the application is granted permission. Locating the garage adjacent to the garden of 123 Brookhill Street would be the ideal solution.
 - They suggest a condition removing permitted development rights as the Local Planning Authority had for the outline application (the condition was removed by the planning inspector).
 - They suggest an alternative design, which still includes 4 bedrooms and provide plans and a description to indicate how this could work in practice.
- 5.2 Stapleford Town Council strongly object to the scheme. They consider the proposed construction and design of the building is not in keeping with the general area and would not be a desirable addition to the area.

6 Appraisal

6.1 The main issues with the determination of this application are considered to be the impact of the proposed development on future occupiers and the occupiers of neighbouring properties, the impact on the character of the area and highway safety issues.

6.2 Amenity

6.2.1 The proposed bungalow is positioned beside the shared boundary with 125 Brookhill Street. There is a 17.6m length of wall beside the boundary. This is set 1m from the boundary. The garden serving 125 is at a raised height and as the proposed side wall beside the boundary is a substantial length, there is the potential for an overbearing impact on the garden of this dwelling. However, it is considered that as the roof of the proposed dwelling slopes away from this boundary with the eaves height at 2.4m and a 1m gap, the impact will be acceptable.

6.2.2 The garage is also positioned beside the shared boundary with 125 Brookhill Street. However, as this is a single garage and of fairly modest height and scale, it is not considered this will result in significant loss of amenity for the occupiers of this dwelling. The occupiers also raise concerns with potential noise from the gravel proposed beside the front door. This is not considered likely to cause significant noise disturbance. They also suggest moving the garage closer to the boundary with 123 Brookhill Street. However, it is considered the proposed location is acceptable and this is not necessary.

6.2.3 The occupiers of 125 Brookhill Street suggest that natural screening would assist in preserving privacy. As landscaping detail has not been submitted, this can be controlled by condition.

- 6.2.4 121 Brookhill Street is a bungalow set at a lower level than the application site. The highest section of the proposed bungalow is beside the shared boundary. This has a mono-pitched roof with a maximum height of 5.055m and is beside approximately 7m of the boundary and is located approximately 1m away. As the proposed dwelling is beside only a section of the garden serving number 121, this is considered acceptable. There is a high level window on the west (side) elevation of this section and the ground floor windows in the lower section are located over 11m away and therefore overlooking is not considered to be a significant issue for the occupiers of this dwelling.
- 6.2.5 The proposed dwelling has three decent sized bedrooms, a bathroom, kitchen/dining room and sitting room. There is off-street parking for at least two cars. The garden length is 12m at its longest point and although this is not for the entire width of the plot, this is deemed an acceptable amount of amenity space. There is the potential for some overlooking from the first floor windows of 125 Brookhill Street. However, the windows of habitable rooms are faced away from this boundary and the garden area is partially shielded by the new dwelling. Overall it is considered that the future occupiers of the dwelling would have an acceptable level of amenity.
- 6.2.6 It is proposed that a 13m garden remains to serve the host dwelling (123 Brookhill Street) which is above the guideline of 10m. The elevation of the high section beside the proposed boundary is served by rooflights and the roof slopes away from the boundary. The impact on the amenity of the occupiers of this dwelling in terms of privacy and loss of light is considered to be acceptable.

6.3 Character

- 6.3.1 The proposed bungalow is of a contemporary design. The two separate sections, the variation in heights and the T-shaped layout create a visually interesting building. It is proposed to use render and stained wood cladding which will add to the modern style and present a clean finish. To ensure suitable materials are utilised, materials can be conditioned. The surrounding area consists of a variety of house types and architectural styles and being set back from Brookhill Street, the dwelling is not easily discernible in the street scene. Stapleford Town Council and the immediate neighbours consider that the design is out of keeping with the surrounding area. Although there are few examples of similar design in the immediate area, it is considered that the unique modern design is appropriate in this context as the proposed dwelling will be read separately from the surrounding dwellings.

6.4 Parking/Highway Safety

- 6.4.1 One garage space plus hard standing is proposed for the dwelling. It is proposed that the host dwelling will utilise an existing garage space and driveway to the west of the dwelling. It is considered that this arrangement is acceptable to provide sufficient parking provision for the new dwelling and the existing dwelling. The access is existing and therefore there are not significant highway safety concerns with the proposal. The occupiers of 125 Brookhill Street suggest that a condition is included to prevent noisy activities in the garage. This is not deemed necessary due to the small scale of the garage.

6.5 Other Issues

- 6.5.1 The occupiers of 125 Brookhill Street refer to the Inspector’s decision regarding the outline permission. The Inspector indicated that they would expect the new dwelling to be located to the rear of the plot:

Although indicative, I consider this to be a fair representation of where a dwelling would generally need to be located on the approved plot in order to maintain separation from No 123 and to achieve amenity space for the new dwelling.

Notwithstanding this, the Council must make a decision based on the plans as submitted and it is considered that the proposed design is acceptable in terms of amenity.

- 6.5.2 The Inspector resolved to remove the condition removing permitted development rights which the Local Authority added to the outline permission. They concluded:

The potential for such impacts could only be properly assessed at the time of the submission of the relevant reserved matters, when the Council would have before them design details and other information necessary to inform such judgements.

Having considered the detailed scheme, following negotiations and amended drawings, the impact on amenity is considered to be acceptable. However, it is strongly felt that any increase in the scale of the development could result in a dwelling which has an adverse impact on future and existing occupiers. Therefore it is considered that a condition restricting permitted development rights is necessary to preserve amenity and to ensure that the site does not become overdeveloped.

- 6.5.3 The occupiers of 125 Brookhill Street are also concerned that policy H7 is twelve years old and therefore not up to date. Although in its draft form, so given limited weight, Policy 17 of the Local Plan has also been considered in the determination of this application, as well as Policy 10 of the Broxtowe Aligned Core Strategy, it is considered that this policy context is adequate to assess the application effectively.

- 6.5.4 In their submission, the occupiers of 125 Brookhill Street suggest an alternative layout with a smaller footprint. The applicant has viewed this suggested layout. However, have confirmed that they do not wish to amend the scheme.

7 Conclusion

- 7.1 In conclusion, it is considered that the proposal will not cause any significant loss of amenity or privacy for residents, will not have an adverse impact on the character of the area and will not cause harm to highway safety when judged against approved planning policies.

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 location plan received by the Local Planning Authority on 2 June 2017 and drawings numbered: 447:P04A rev B, 447:P05A rev B, 447:P06B rev B and 447:P03C rev C received by the Local Planning Authority on 11 September 2017.
2. No building operations shall be carried out until details of the manufacturer, type and colour of the materials to be used in facing walls and roofs have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.
3. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details
 - (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development
 - (b) numbers, types, sizes and positions of proposed trees and shrubs
 - (c) proposed boundary treatments
 - (d) proposed hard surfacing treatment
 - (e) planting, seeding/turfing of other soft landscape areas

The landscaping scheme shall be carried out in accordance with the approved details and the boundary treatments and hard surfacing shall be provided prior to first occupation of the hereby approved dwelling.

4. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no new extensions or roof alterations shall be permitted to the dwelling.

Reasons:

1. For the avoidance of doubt.
2. 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 that the materials are satisfactory in order 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

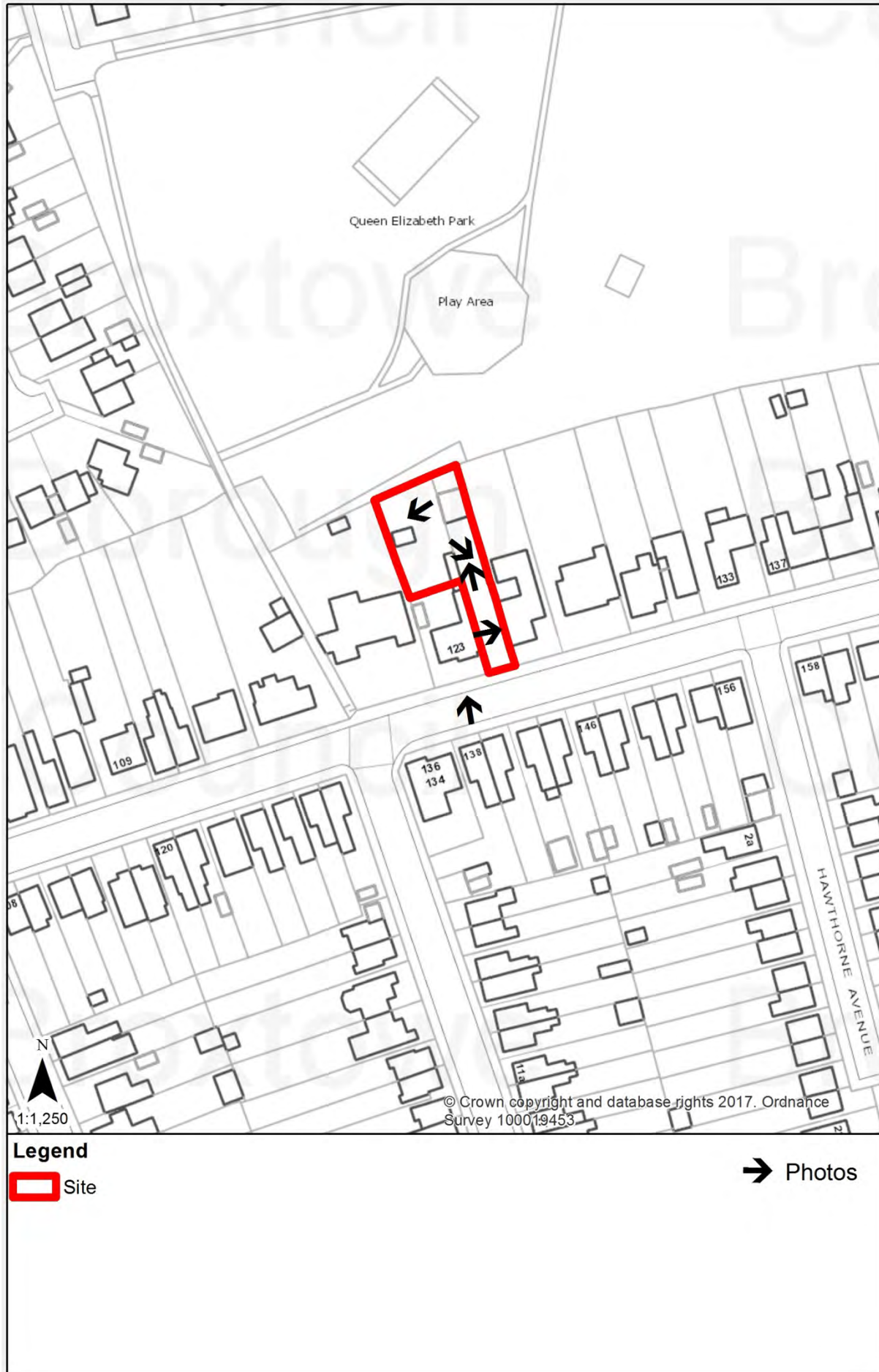
Aligned Core Strategy (2014).

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 that the details are satisfactory to ensure a satisfactory landscaping scheme is implemented in order to preserve the appearance of the surrounding area and neighbour amenity, in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Draft Local Plan (2017).
4. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Draft Local Plan (2017).
5. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Draft Local Plan (2017).

Note to Applicant:

The decision has been reached taking into account the guidance in paragraphs 186-187 of the National Planning Policy Framework, with positive amendments having actively been sought during the consideration of the application.

Background papers
Application case file



Report of the Chief Executive

17/00435/FUL
CHANGE OF USE FROM DWELLING (CLASS C3) TO RESIDENTIAL
INSTITUTION (CLASS C2)
101 MEADOW ROAD, BEESTON, NOTTINGHAMSHIRE NG9 1JQ

1. Details of the application

1.1 The application was first brought before Planning Committee on 11 October 2017 with a recommendation for approval (original report attached as an appendix). Members deferred making a decision on the application due to concerns regarding the number of children which would be cared for at the property, the unsatisfactory parking provision, the insufficient outdoor space, the potential for anti-social behaviour and that a semi-detached property was unsuitable for the proposed use.

1.2 The applicant has considered the issues raised and has provided the following information:

- The number of children cared for would be limited to three.
- The maximum age for children on admission would be 16 years old.
- The home would be staffed during the day by one full-time Registered Home Manager, one full-time Therapeutic Care Worker and a Specialist Therapist. Night shifts would be covered by two, qualified residential care workers of which one would work a waking night shift.
- All children would be in full-time education.
- Matching and assessment of the children would be carried out prior to placement to ensure suitability for the area, the premises and compatibility with the staff and other children in placement. The matching process would be implemented and managed by a Registered Manager who currently holds a national position of Head of Placements Service at Partnerships in Children's Services, overseeing the matching of foster children with over 900 carer families.
- Liaison with Local Authority and third party agencies would form part of the child's care plan. However, following two visits by their Social Worker in the first month of placement, children and young people will only be visited once every three months.
- They have secured allocated off-site parking for six cars at the Jolly Anglers Public House which would be identifiable by 'Jigsaw' name plaques. This would also allow for more of the outdoor area to be used as amenity space.
- They have identified existing semi-detached properties that are currently being used as residential children's homes within Nottingham City and Nottinghamshire including Kimber House which is a three bedroomed, semi-detached property in the Carrington area and Addison House which is a semi-detached property near the Arboretum. Children's homes which are semi-detached within Birmingham and the West Midlands area are also identified.

2. Conclusion

- 2.1 The applicant has stated that the number of children could be limited to three. It is considered that the number of children could be limited to three through a planning condition. The condition can also prevent the building changing to a different C2 use, such as a nursing home, which may have an additional impact on neighbouring properties. The allocated parking cannot be conditioned as it concerns land outside of the applicant's control but does demonstrate that the impact from vehicles arriving and leaving the property can be mitigated. The recommendation for approval remains the same.

Recommendation

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawings: 001 Revision B 'Existing & Proposed Floor Plans, Elevations, Site Block Plan and OS Plan' and 002 'Proposed Site Layout Plan' received by the Local Planning Authority on 31 August 2017.**
- 3. The hereby approved use shall not commence until the noise insulation as detailed on drawing number 001 Rev B has been installed.**
- 4. The premises shall only be used as a children's home for up to and including three children and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).**

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 & 4. In the interests of neighbour amenity and in accordance with the aims of Policy RC12 of the Broxtowe Local Plan.**

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 through requesting additional information during the course of the application.

Background papers
Application case file

APPENDIX

Report of the Chief Executive

**17/00435/FUL
CHANGE OF USE FROM DWELLING (CLASS C3) TO RESIDENTIAL
INSTITUTION (CLASS C2)
101 MEADOW ROAD, BEESTON, NOTTINGHAMSHIRE, NG9 1JQ**

Councillor T A Cullen has requested this application be determined by the Committee.

1 Details of the application

- 1.1 The application seeks planning permission to change the use from a dwelling to a children's home (Use Class C2 'Residential Institution'). No external changes are proposed. Internally there will be an open plan living/dining/kitchen area, five bedrooms, a bathroom, a shower room and an office for the staff.
- 1.2 Up to five children (between the ages of 10 to 17) would be accommodated within the home. The staff will include one Registered Home Manager, four Therapeutic Care Workers and a Specialist Therapist. The number of staff on site at one time would vary depending upon the time of day. There would be two staff supervisors during the night.
- 1.3 A supporting statement has been submitted by Jigsaw Therapeutic Care who would run the children's home. The statement contains details of how the proposed home would be managed and run, how it would be regulated and inspected and provides justification regarding the appropriateness of the location of the proposed home. An additional statement was submitted during the course of the application responding to questions raised within the consultation responses.

2 Site and surroundings

- 2.1 The application site comprises a semi-detached property with a large two storey side extension. The house is at a raised level compared to the street, with decking and a small garden area to the rear which is at a lower level. There are two vehicle accesses and there is parking available to the front and to the side. There are neighbouring residential gardens beyond the west and east side boundaries.
- 2.2 The property lies within a predominantly residential area with the majority of houses being semi-detached properties. To the west of the site, on Meadow Road, there is a public house. Trent Vale Infant and Nursery School lies to the south west of the site and can be accessed from Longlands Road.
- 2.3 The site lies within Flood Zone 3 (land having a 1 in 100 or greater annual probability of river flooding).



3 Relevant planning history

3.1 Planning permission (reference 02/00543/FUL) was granted in 2002 to construct a two storey side extension.

4 Policy Context

4.1 **Broxtowe Local Plan (2004):**

4.1.1 Local Plan Policy RC12 'Caring Institutions' lists criteria for where a change of use to a caring institution will be permitted. This includes that the amenity of neighbouring properties and the character of the area should not be adversely affected, there should be satisfactory outdoor amenity space, attractive outlooks from bedrooms and appropriate parking provision.

4.2 Local Plan Policy T11 'Guidance for Parking Provision' states that planning permission will not be granted for new development unless appropriate provision is made for vehicle parking and servicing. Appendix 4 does not contain a specific reference to children's homes but similar uses require one space per five bedrooms (for visitors) in addition to suitable parking for staff.

4.3 **Broxtowe Aligned Core Strategy (2014):**

- 4.3.1 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.
- 4.3.2 Policy 8 'Housing Size, Mix and Choice' states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. The policy also states that all residential developments should contain adequate internal living space.
- 4.3.3 Policy 10 'Design and Enhancing Local Identity' states that development will be assessed in terms of its impact on the amenity of nearby residents or occupiers.

4.4 Draft Broxtowe Part 2 Local Plan

- 4.4.1 Draft Local Plan Policy 17 'Place-making, design and amenity' states that all new development should provide sufficient, well integrated parking, adequate external storage and amenity space and a satisfactory degree of amenity for occupiers of the new development and neighbouring properties. 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.

4.5 National policy:

- 4.5.1 Paragraph 17 describes how planning should always seek a good standard of amenity for all existing and future occupants and should take account of social wellbeing for all by delivering sufficient community services to meet local needs.
- 4.5.2 Section 6 states that planning authorities should aim to create sustainable, inclusive and mixed communities.
- 4.5.3 Section 7 states that decisions should aim to ensure that developments create safe environments where crime and disorder and the fear of crime do not undermine community cohesion.
- 4.5.4 Section 8 states that decisions should aim to achieve places which promote the opportunities for meetings between members of the community who might not otherwise come into contact with each other.
- 4.5.5 Section 10 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

5 Consultations

- 5.1 Nottinghamshire County Council, as Highways Authority, requested information regarding staff numbers and parking arrangements. Following the submission of additional information, they have stated no objection to the application.

- 5.2 Nottinghamshire County Council Planning Policy states that they have no comments to make in respect of the application.
- 5.3 The Council's Chief Public Protection Officer states no objection.
- 5.4 The Council's Environmental Health Officer (EHO) requested additional information regarding internal insulation and how noise within the home would be managed. Additional information was provided showing details of the internal wall insulation and details regarding the management of the home. The EHO is satisfied with this information and has no objection to the proposed development, subject to the insulation being installed.
- 5.5 County Councillor Kate Foale objects to the application, stating the property is an average sized, semi-detached house on a dangerous bend. It is opposite a public house and has almost no parking. The garden is very small and overlooked. It is highlighted that many residents have raised concerns and that children require space and privacy which cannot be achieved at this property.
- 5.6 Councillor Teresa Cullen states that, whilst not against the plan in general, the house is not large enough to accommodate five young people and staff. Whilst having teenagers as neighbours may not be an issue in itself, the number of children needing therapeutic care may be. States that limiting the number of young people to three would be appropriate.
- 5.7 Eight letters of objection and two letters stating observations were received. A petition containing 23 signatures objecting to the planning application has also been submitted. Following the submission of additional information, a further three letters of objection were received.
- 5.8 The main issues raised in the letters are summarised below:
- There will be increased noise, disturbance and disruption. The existing property has insufficient noise insulation.
 - Loss of privacy (particularly from the raised decking area).
 - Increased risk of anti-social behaviour and crime.
 - A semi-detached house is unsuitable for the proposed use. A detached house would be more appropriate.
 - There would be insufficient outdoor space.
 - Impact on house values.
 - Location is unsuitable due to proximity to Trent Vale Infant and Nursery School and to a public house.
 - Insufficient parking spaces and poor driveway visibility will increase the risk of accidents occurring. On street parking is also dangerous.
 - Questions regarding the details of the company who would manage the home and the qualifications, experience and expertise of the staff.
 - The consultation process for the application was insufficient.
 - The additional information does not provide sufficient clarification regarding the outstanding issues.

6 Appraisal

- 6.1 The main issues relate to the principle of change of use, the impact on the amenity of nearby occupiers, the character of the surrounding area and if sufficient parking can be provided.
- 6.2 The proposal is to change the use from a residential dwelling to a children's home. Planning permission is required for this use as a children's home falls within Class C2 'Residential Institutions'. The use differs from that of a dwellinghouse or a house providing foster care as, whilst the children will live within a single household, staff members will provide care but will not be full time residents.
- 6.3 Local Plan Policy RC12 'Caring Institutions' states that a change of use to a caring institution will be permitted provided that the amenity of neighbouring properties and the character of the area are not adversely affected, there is satisfactory outdoor amenity space, attractive outlooks from bedrooms and appropriate parking provision. Policy 8 of the Aligned Core Strategy requires the provision of adequate internal living space.
- 6.4 With regards to the impact on neighbouring properties, it must be considered what additional impact the proposed children's home would have compared to the existing dwelling. The property is semi-detached and adjoins 103 Meadow Road. The occupiers of number 103 have raised significant concerns including a loss of privacy and increased noise and disturbance. Neighbouring properties which border the rear garden have also raised concerns regarding noise and overlooking. The small size of the rear garden area is also raised as a concern.
- 6.5 The applicant has provided additional information regarding internal insulation and it is contended by the applicant that noise would be no different to that arising from a family home. It is difficult to establish if there would be any increase in internal or external noise as a result of the change of use as this would be influenced by the behaviour of residents and how the home is managed. However, the home will be monitored and inspected by the Office for Standards in Education, Children's Services and Skills (Ofsted) which will include assessing the management of the home. The standards which govern children's homes also require those running children's homes to include policies to show how the home will promote appropriate behaviour which will include limiting potential noise and disturbance. A condition will be used to ensure the proposed insulation is installed.
- 6.6 It is noted that during the day, residents would attend school and as a result, daytime activity levels during the week at the site would normally be limited. The intensity of the use of the site will, to an extent, differ from that of a normal household as the level of care and support will result in a more frequently accessed site by staff and is likely to lead to some additional activity compared to its use as a single dwelling. However, it is considered that the movements caused by the staff, together with the overnight carers, would be minor and would not be significant in relation to impact on local amenity. Accordingly, it is considered that there would not be sufficient planning grounds to refuse the application based on increased noise and disturbance.

- 6.7 With regards to privacy, it is evident that there is an element of overlooking between properties which is a common relationship within residential areas. No new openings are proposed within the house and the use of the rooms and the garden area, including the decking, will be similar to that of a dwelling. Therefore, it is considered that an additional loss of privacy will not occur.
- 6.8 With regards to the garden size, it is considered that the change of use would not increase the intensity of use of the garden area and there would not be sufficient justification to refuse the application for this reason.
- 6.9 Based on the above, it is considered that the proposals will create an increase in activity at the site but this would not be harmful to an extent which would make the proposed change of use unacceptable, particularly when compared to the activity associated with the existing lawful use of the property as a large dwelling.
- 6.10 With regards to the character of the area and the suitability of the location, this is a predominantly residential area. No external changes are proposed and the site will still have the external appearance of a residential property. It is noted that a similar number of residents could live within a dwelling this size. The use would also operate in a similar way to a family home or to a foster home, with children having their own bedrooms but using shared living facilities. Within the objections the proximity to the Trent Vale Infant and Nursery School and to a public house has been raised. However, the supporting statement with the application highlights that during the day, children will be at school and they would not be old enough to use the public house. It is also highlighted the importance of the children being close to local amenities and to be able to integrate with the local community. Policy 8 of the Broxtowe Aligned Core Strategy states that development should create sustainable, inclusive and mixed communities and the NPPF states decisions should promote opportunities for meetings between members of the community who might not otherwise come into contact with each other. The Department for Education's non-statutory guidance for children's homes also recommends that the location of a home should ensure that children feel safe and are able to benefit from good quality services. It also recommends that the location should reduce the likelihood of children becoming drawn into anti-social behaviour. An existing residential area is therefore considered to be an appropriate location for a children's home, would promote a mixed and inclusive community and the character of the area would not be adversely affected by the change of use. It is also noted that, under separate legislation, the location of the home will be annually risk assessed and the home will be regulated by Ofsted.
- 6.11 Within the consultation comments it is stated that the number of children should be restricted to three. However, it is considered that five children would have good sized bedrooms served by existing windows which provide a satisfactory outlook and daylight/ sunlight. There would also be a large kitchen, dining and living area on the ground floor which is considered to be a sufficient size for the number of residents. This is in accordance with Policy 8 of the Broxtowe Aligned Core Strategy. The garden area will also provide a small outdoor space for the residents. Accordingly, it is considered that the dwelling would be a suitable size and layout for five children and there would not be sufficient planning reasons to justify restricting the number of children.

- 6.12 It is considered that sufficient parking will be provided within the application site and the 'in' and 'out' accesses allows for cars to leave in a forward gear. The Highways Authority raises no objection. The supporting statement with the application also states that a number of employees would walk to the site although it is noted that employees may change and therefore sufficient parking must still be provided.
- 6.13 Concerns have been raised regarding an increased risk of anti-social behaviour and crime. It is considered that these concerns relate to assumptions about the behaviours of people which ultimately planning would be unable to control. Notwithstanding this, the supporting statement for the application emphasises that this is a children's home and not a secure unit and children would only be placed in the home after a careful assessment of their needs which would be set out by their social worker and the Children's Commissioning Service.
- 6.14 The site lies within Flood Zone 3 and a flood risk assessment accompanies the application. In terms of flood risk, both dwellings and residential institutions are considered to be 'more vulnerable' uses. The flood risk assessment identifies that the ground floor level is 1.5m above the road level and would be above the flood level in the event the River Trent flood wall was breached. There would be no increase in the level of hardstanding. Based on the above, it is considered that, as the vulnerability of the development will not increase and as the proposal will not increase flooding elsewhere, the proposal is acceptable in flood risk terms.
- 6.15 With regards to the consultation process, adjoining neighbours were consulted and a site notice was displayed for 21 days. Following the submission of additional information, an additional consultation period was conducted.
- 6.16 Whilst background information of the qualifications and expertise of the staff has been provided with the application, this is controlled and monitored under separate legislation and is not a consideration for this planning application.
- 6.17 Impact on house prices is not a material planning consideration.

7 Conclusion

- 7.1 It is evident within the consultation responses that there is significant concern regarding the proposed development. It has been identified that the intensity of the use of the site will differ from that of a normal household as the level of care and support will result in a more frequently accessed site by staff and is likely to lead to some additional activity compared to its use as a single dwelling. However, it is considered that the impact from the additional movements would be minor and would not be significant in relation to impact on local amenity. It is difficult to establish if there would be any increase in internal or external noise as a result of the change of use as this would be influenced by the behaviour of residents and how the home is managed. However, it is considered that adequate steps have been taken to limit the likelihood of noise and disturbance occurring and the home will be monitored and inspected by Ofsted which will include assessing the management of the home.

7.2 Furthermore, it is considered that an existing residential area, such as the location proposed, is an appropriate location for a children's home of this scale. There would be sufficient internal and amenity space and acceptable parking can be provided. It is therefore concluded the application would not be contrary to local planning policies or in conflict with the NPPF.

Recommendation

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawings: 001 Revision B 'Existing & Proposed Floor Plans, Elevations, Site Block Plan and OS Plan' and 002 'Proposed Site Layout Plan' received by the Local Planning Authority on 31 August 2017.**
- 3. The hereby approved use shall not commence until the noise insulation as detailed on drawing number 001 Rev B has been installed.**

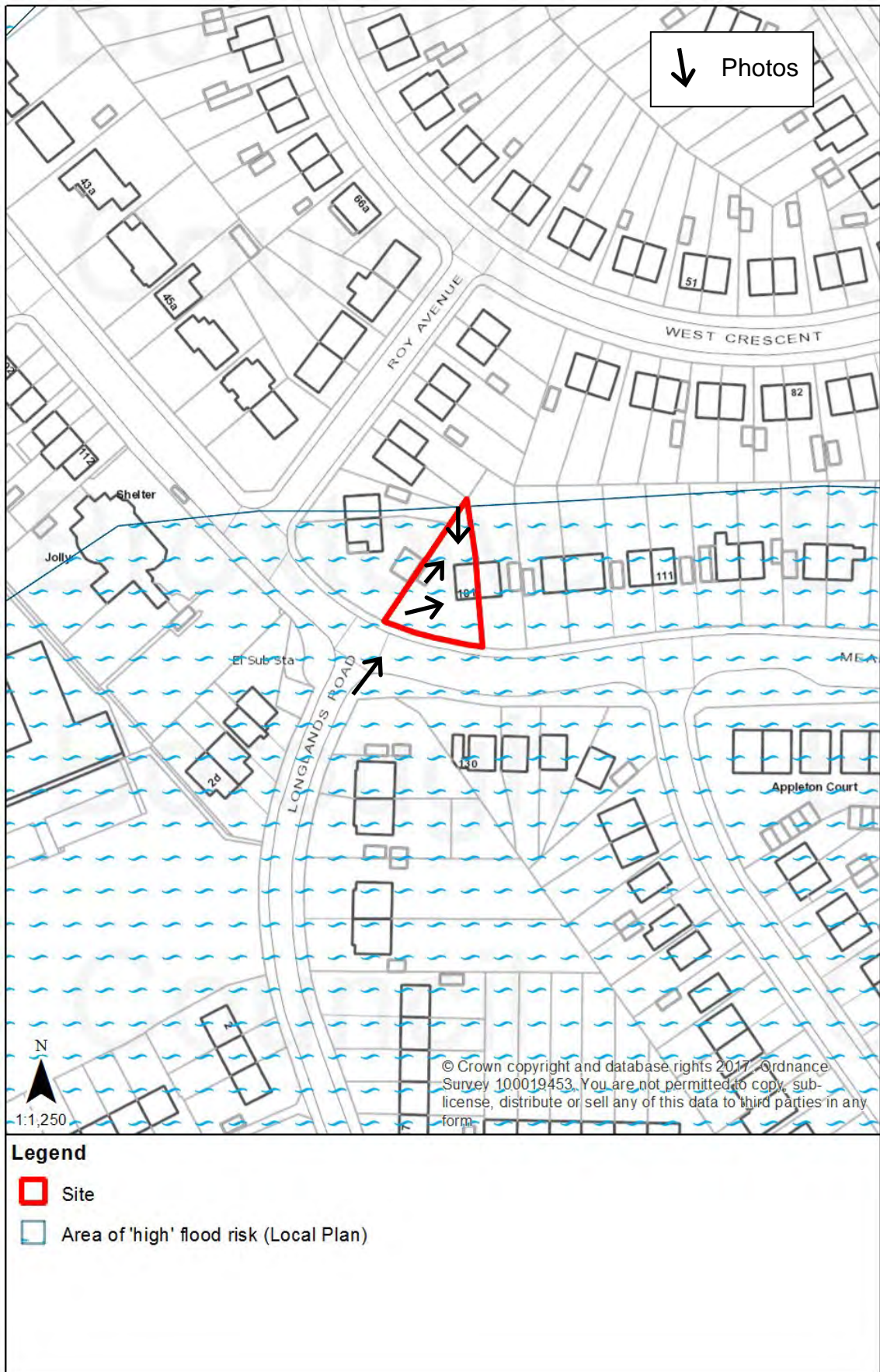
Reasons:

- 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 neighbour amenity and in accordance with the aims of Policy RC12 of the Broxtowe Local Plan.**

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 through requesting additional information during the course of the application.

Background papers
Application case file



Report of the Chief Executive

**17/00580/FUL
 CHANGE OF USE FROM HAIRDRESSER (CLASS A1) TO MASSAGE
 PARLOUR
 POOLE HAIR DESIGN, 19 SUNNYSIDE ROAD, CHILWELL,
 NOTTINGHAMSHIRE NG9 4FH**

Councillor G Harvey has requested this application be determined by Planning Committee.

1 Details of the application

- 1.1 The application seeks permission to change the use of a ground floor vacant retail unit (A1), previously used as a hairdressers, to a massage parlour (a sui generis use).
- 1.2 There are no external alterations or external ventilation proposed to facilitate the change of use.
- 1.3 The proposed massage parlour will have three members of staff. The opening hours will be 10:00 - 20:00 Monday to Saturday.

2 Site and surroundings

- 2.1 The site is located in an end property in a row of ground floor commercial premises with residential flats at first floor level. The front of the property has a wide canopy above the ground floor shop windows. To the rear of the property, there is a balcony and yard area.
- 2.2 The site is relatively flat and measures 81 square metres. The unit is a two storey building with parapet and hipped roof. There is pedestrian and vehicular access from Inham Circus and pedestrian access from Sunnyside Road.





3 Relevant planning history

- 3.1 An application (15/00287/FUL) for a change of use from a hair salon (Class A1) to a hot food takeaway (Class A5) and installation of a flue was refused in 2015 based on the cumulative effect of a further A5 use and the detrimental impact on the amenity of nearby residents, in particular by way of litter, noise and potential disturbance during unsocial hours. It was concluded that the development would be contrary to the aims of Policy S7 of the Broxtowe Local Plan (2004).

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, sustainable economic development should be proactively driven and supported, a good standard of amenity for existing and future occupants should be secured and high quality design should be sought. It defines main town centre uses as including retail development, leisure, entertainment facilities, offices and arts, culture and tourism development.

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 13 'Proposals for Main Town Centre Uses in Edge-of-Centre and Out-of-Centre Locations' states that permission will be granted for retail, leisure, office or food and drink uses in out-of-centre locations providing it is below 500 square metres gross floorspace, it is in an area of deficiency and meets local needs and such a use does not result in a significant adverse impact on the vitality and viability of any nearby centre.

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 a number of criteria including the impact on the amenity of nearby residents.

4.4 Saved Policies of the Broxtowe Local Plan

- 4.4.1 Policy S6 'Protection of Local Shopping' states changes of use of existing units within a group of shops from Class A1 use will not be permitted in cases where it would result in the deterioration of local shopping facilities to an unacceptable degree.
- 4.4.2 Policy T11 'Guidance for Parking Provision' states that new development requires a satisfactory provision of vehicle parking and servicing in accordance with the latest standards.

5 Consultations

- 5.1 The Senior Environmental Health Officer has raised no objection subject to a condition restricting opening times to 08:30 – 21:00 hours Monday to Saturday and at no time on Sundays, Bank Holidays and any other public holidays.
- 5.2 Nine neighbouring properties were consulted on the application and one site notice was displayed on Sunnyside Road. Two neighbours object to the proposed change of use and raise the following concerns: considerably more traffic generated in an already congested area creating parking difficulties for local residents, limited parking space on Sunnyside Road in front of the parade of shops causing obstruction to other vehicles and residents accessing driveways safely, noise and disturbance to the local area in the evening, loss of privacy and the nature of the business will drive away customers from neighbouring premises which will negatively impact the local economy.
- 5.3 Two neighbours support the development proposal, with one stating that the shop has been empty for a significant amount of time which has a negative impact on the street.

6 Appraisal

- 6.1 The main issues to consider with this application are whether the proposed use is acceptable in this location and its impact on surrounding neighbour amenity.
- 6.2 The unit has been vacant for several years and previously operated as an A1 use (hairdressers). The application seeks permission to change the use from A1 to a massage parlour.
- 6.3 The unit is located within a parade of businesses that are predominantly in A1 use, with two units occupied by hot food takeaways (A5 use).
- 6.4 It is acknowledged that the proposed massage parlour does not explicitly comply with Policy S6 of the Broxtowe Local Plan as it would signify the loss of an A1 use. However, it is considered the change of use would not result in an unacceptable deterioration of local shopping facilities due to the retail unit having been vacant for a number of years. It is considered the proposed change of use will add to the existing economy and vitality and viability by bringing back into use this long standing vacant unit.

- 6.5 It is considered that conditioning the opening hours (08:30 - 21:00 Monday - Saturday) will restrict any noise and disturbance to the surrounding residential area. Due to the nature of the proposed business and as there are other businesses with opening hours that exceed 21:00 within the shopping parade, it is considered the proposed change of use will not cause an undue amount of noise and disturbance to surrounding neighbours. As there are no external changes proposed, it is considered there will be minimal impact on the privacy and amenity of the surrounding neighbours.
- 6.6 Although no direct parking is available for customers at the proposed massage parlour, it is anticipated that the change of use will generate relatively the same number of customers as the previous A1 use. The unit is a modest size and is located on a relatively low traffic, residential road. A regular bus service is available on Inham Road within walking distance to the proposed massage parlour. It is considered the proposed change of use will not have an adverse impact on parking issues within the surrounding area and is compliant with Policy T11 of the Broxtowe Local Plan.
- 6.7 The unit has an area of 81 square metres which is considered to be a modest size. It is considered the proposed massage parlour will not have an adverse impact on the vitality and viability of any nearby centre as it is located within a local shopping parade serving a residential area. The proposal is therefore mainly compliant with Policy 13 of the Draft Part 2 Local Plan.
- 6.8 An application (15/00287/FUL) for a change of use from a hair salon (Class A1) to a hot food takeaway (Class A5) and installation of a flue was refused in 2015 based on the cumulative effect of a further A5 use, the detrimental impact on the surrounding neighbours' amenity and negative environmental impacts. The application does not propose the use of any external ventilation for the massage parlour. The Senior Environmental Health Officer raises no objection to the application subject to the opening hours being restricted to 08:30 – 21:00 Monday to Saturday and at no time on Sundays, Bank Holidays and any other public holidays. As the unit has been vacant for a significant amount of time, bringing it back into use would be of a benefit to the local community in terms of appearance, the viability of the parade and providing a service for local residents. It is therefore considered the proposed massage parlour is acceptable.

7 Conclusion

- 7.1 It is concluded that the proposed change of use from retail to massage parlour in this location will not adversely affect neighbouring services or amenity, will seek to enhance vitality and viability by bringing this vacant unit back into use, is appropriately located in relation to a regular bus service and as no external changes are proposed, will not affect the character of the surrounding area. The proposal therefore accords with Broxtowe Local Plan Policies S6 and T11, Policy 10 of the Broxtowe Aligned Core Strategy, Policy 13 of the Draft Part 2 Local Plan and 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 Site Location Plan (1:1250) received by the Local Planning Authority on 9 August 2017 and Proposed Ground Floor Plan received by the Local Planning Authority on 10 August 2017.
3. The premises shall not be open to customers except between the hours of 08:30 - 21:00 Monday to Saturday and at no time on Sundays, Bank Holidays and any other public holidays.

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 protect nearby residents from excessive operational noise and in accordance with the aims of Policy 10 of the Aligned Core Strategy.

Note to Applicant:

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

Background papers
Application case file



Report of the Chief Executive

**17/00645/FUL
RETROSPECTIVE PERMISSION SOUGHT FOR THE
CONSTRUCTION OF A DOMESTIC OUTBUILDING FOR USE AS A
DOUBLE DOG KENNEL WITH FOOD PREPARATION AND STORE
AREA
2 ESTWIC AVENUE, EASTWOOD, NOTTINGHAMSHIRE NG16 3EF**

Councillor D Bagshaw has requested that this application is brought before the Planning Committee.

1. Details of the application

- 1.1. This application seeks to regularise a domestic outbuilding which has been constructed to a height that exceeds the permitted development limit by 0.3 metres.
- 1.2. The outbuilding features a mono-pitch roof design and has been constructed within the rear garden. The intended use is as a purpose built double dog kennel which would also include storage and an area to prepare dog food.
- 1.3. The applicant has confirmed in writing that the kennels would be for their own dogs and not for any commercial business.

2. Site and surroundings

- 2.1. No. 2 Estwic Avenue is a detached bungalow orientated with the gable facing the highway. The rear garden within the plot is over 35 metres long. The rear section of the garden where the kennel outbuilding has been constructed was formerly garden land, forming part of the curtilage of No.23 Owlston Close to the south.



↑ *View of the application site. The kennel outbuilding is not visible from street view.*

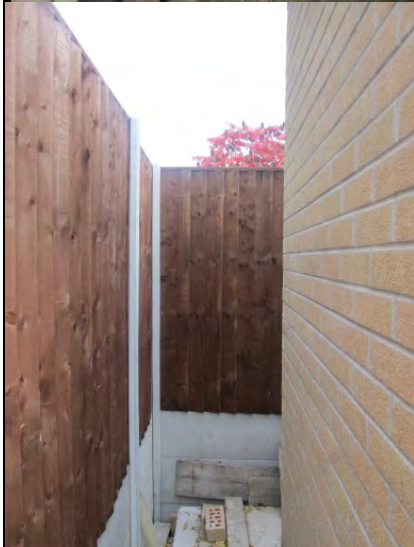


↑ *View towards the west boundary showing depth of the rear garden. Outbuilding is constructed close to the north boundary.*



← *Double dog kennel is of brick and tile construction.*

The outbuilding has a narrow linear footprint and is positioned close to the north boundary beyond which are the gardens of properties along Greenhills Road.



← *View of the gap to the west boundary beyond which is the garden of No.21 Owlston Close*



↑ *View of the gap to the north boundary. New fence boundary treatment has also been erected by the applicant.*



↑ *View of the rear wall of the outbuilding from neighbouring No.78 Greenhills Road's garden to the north*



↑ *The roofscape of the outbuilding is visible from No.23 Owlston Close's garden to the south*

2.2. The section of the application site where the outbuilding has been constructed is surrounded by neighbouring gardens to the north, west and to the south. To the north are the gardens of No.74, No.76 and No.78 Greenhills Road which are on a lower ground level than the application site and each has a length over 15 metres. To the south is the garden of No.23 Owlston Close and to the west is the garden of No.21 Owlston Close.

3. Policy context

3.1. Broxtowe Local Plan 2004:

3.1.1. Saved Policy H11 – Minor Development: Permission will be granted for minor development such as sheds, garages and fences 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.

3.2. Draft Broxtowe Part 2 Local Plan:

3.2.1. Draft Local Plan Policy 17: In the case of householder development, including outbuildings, all such development should be of a size, siting and design that makes a positive contribution to the appearance of the area.

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

3.3. Aligned Core Strategy 2014:

3.3.1. Policy 10 – Design and Enhancing Local Identity: Development will be assessed in terms of its treatment of, materials, architectural style, detailing and impact on the amenity of nearby residents.

3.4. National Planning Policy Framework (NPPF) 2012:

3.4.1. Core Planning Principles, paragraph 17: planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

3.4.2. Section 7 – Requiring Good Design: Developments should function well and add to the overall quality of the area.

4. Consultations

4.1. The Council's Environmental Health Division has raised no objections subject to a condition that the kennels are not used in relation to any commercial activity.

4.2. Eastwood Town Council has raised no objections.

- 4.3. One objection has been received to the application from the occupiers of No. 21 Owlston Close. In the opinion of these neighbouring occupiers, the construction is too high, the colour of the chosen bricks is not in harmony with any of the neighbouring properties and the structure is too large for 2 dogs. Issues with noise/smell and disturbance have also been raised in addition to potential fumes from any heating or cooling equipment.
- 4.4. The occupiers of No. 23 Owlston Close have made observations and stated in their comments that they sold the land to the applicant on the proviso that the building would be no higher than 2.5 metres.
- 4.5. The occupiers of No. 80 Greenhills Road have made observations and stated in their comments that the ground level is much higher and the building looks very tall standing in place of a row of trees which were completely taken out. A suggestion is made that landscaping should be introduced to soften the visibility of the bare brickwork.
- 4.6. The occupiers of No. 78 Greenhills Road have made observations and stated that they do not really object although there was a worry as to how high the building would be especially as their garden is on a lower level. However, the applicant has been very good explaining what has been going on and they hope the wall visible from their garden is completed to a decent standard.

5. Appraisal

- 5.1. The main issues relate to the impact upon visual and residential amenity.
- 5.2. Outbuildings are generally incidental to the enjoyment of a dwellinghouse and within this application, the intention has been to create a purpose built kennel for family dogs. The applicant is passionate about dogs and the building has been designed with space for food preparation and storage, all within a brick built structure with a tiled mono-pitch roof. The outbuilding is not positioned in direct close proximity to the main dwelling and is not readily visible from the street scene as it is located within the rear garden. The kennel does not therefore harm the appearance of the dwelling and there is no specific requirement for outbuildings to the rear to be constructed with materials of a matching type to the main house. The development appears as an ancillary outbuilding similar to domestic structures such as summer houses, sheds and hobby workshops which can be constructed from a variety of materials within rear garden areas. It is considered that there are insufficient design grounds to refuse retrospective permission, and nor does the building as constructed harm the character of the area.
- 5.3. The applicant has confirmed in writing that the kennel is for their own personal dogs and the use is consistent with being an incidental use of the dwellinghouse and not as a private dog kennelling business or for any commercial activity. The Council's Senior Environmental Health Officer has raised no objections to the development. However it is recommended that a condition should be included on any approval to reiterate that the use is for domestic purposes only. The wording of this condition should be amended so

that it relates to the outbuilding generally remaining in ancillary use to the main house. This would be in the interest of protecting neighbouring occupiers from any excessive noise as a commercial dog kennelling business in this residential area is likely to be unacceptable.

- 5.4. The impact upon surrounding neighbours has been carefully assessed and separate site visits undertaken to No. 23 Owlston Close to the south, No. 5 Owlston Close further to the west and No. 78 Greenhills Road to the north. The building as positioned is not in direct close proximity to any main habitable room windows of any surrounding dwellings. As a result, it is considered that the outbuilding results in minimal loss in daylight/sunlight to neighbours. In terms of any invasion of privacy or undue overlooking, it is considered that there are no overriding concerns. The rear and side walls of the outbuilding are blank and the front elevation of the building faces the garden within the application site. From the gardens of properties to the south, including No. 21 and No. 23 Owlston Close, the main walls of the building are screened by boundary fences and only the roofscape is visible. Generally, where surrounding properties are on a similar land level, ground floor openings can be screened by normal domestic boundary treatments measuring 2 metres high (not requiring planning permission).
- 5.5. The outbuilding has been positioned with a gap maintained to the west and north curtilage boundaries. To the north, the gardens of neighbouring No. 74, No. 76 and No. 78 Greenhills Road back onto the application site. The garden levels for these properties are lower than the application site and therefore the rear wall of the outbuilding is visible. The impact of the rear wall is softened by the gap which has been retained to the boundary with these properties whilst the fence that has been erected also helps to avoid the view of a blank expanse of brickwork. With this in mind and taking into account that the gardens of No. 74, No. 76 and No. 78 are over 15 metres long, it is considered that there are insufficient grounds for a refusal based on the outbuilding as constructed resulting in an overbearing sense of enclosure to these neighbours.
- 5.6. It is understood that some trees and vegetation along the north boundary were removed before the outbuilding was constructed. These trees were not protected by way of any tree preservation orders and they were sited on land which the applicant controls. It would be unreasonable to request further landscaping or greenery to be added to the boundary treatment and it is considered that there are inadequate grounds to refuse retrospective permission based on the loss of trees which were not protected.

6. Conclusion

- 6.1. Overall, the outbuilding which has been constructed has a neat design and the gaps which have been retained to curtilage boundaries help to avoid the structure appearing overly prominent or overbearing. Therefore, it is considered that there are insufficient grounds to refuse retrospective permission based on a significant un-neighbourly impact.

- 6.2. Accordingly it is considered that the retention of the development does not conflict with Saved Policy H11 of the Broxtowe Local Plan 2004, Policy 10 of the Aligned Core Strategy 2014 and the NPPF 2012.

Recommendation

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

- 1. The development hereby approved shall remain in accordance with the Site Location Plan at scale 1:500, Site Block Plan at scale 1:500 and Proposed Elevations & Floor Plans Drawing No: 08/17/01 received by the Local Planning Authority on 05 September 2017.**
- 2. The outbuilding hereby approved shall be used for purposes ancillary to the residential use of No.2 Estwic Avenue, Eastwood, Nottinghamshire NG16 3EF and no trade or business shall be operated from within.**

Reasons:

- 1. For the avoidance of doubt.**
- 2. In the interest of amenity and to protect neighbouring occupiers from noise and disturbance above what is reasonably expected within a residential area. This condition also accords with the aims of Saved Policy H11 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategies (2014).**

Notes to Applicant:

The decision has been reached taking into account the guidance in paragraphs 186-187 of the National Planning Policy Framework (NPPF) 2012. The Council has worked proactively to engage directly with the applicant to clarify information that was reasonably required.

Background papers
Application case file



Report of the Chief Executive

**17/00598/FUL
CONSTRUCT REAR EXTENSION AND DETACHED GARAGE
46 CORONATION ROAD, NUTHALL NG16 1EP**

This application was referred to Planning Committee for determination by Councillor J M Owen.

1. Details of the application

1.1 This application seeks consent to construct a rear extension and detached garage. The proposal includes the removal of the existing garage, pergola and rear conservatory.

1.2 The proposal comprises a full width rear extension, projecting out 3.5m from the original bungalow (and 0.9m further than the existing conservatory). The roof would also be extended back above the proposed extension with a matching hipped roof. Seven rooflights are proposed, in both side and rear elevations. The scheme has been amended such that those rooflights on the side elevations are now higher in the roof, to prevent the potential of overlooking. Matching bricks and tiles are proposed.

1.3 A replacement garage is also proposed to be located in the south west corner of the site. This would be a simple single garage (3m x 5.5m), in materials to match the bungalow, with a dual-pitched roof (ridge height 3.2m).

2. Site and surroundings

2.1 The site comprises a bungalow with pyramid roof and large rear mono-pitched conservatory. The bungalow is currently vacant and the gardens very overgrown. There is a carport on the west side, with access to the rear garage and a pergola to west side of rear garden. The surrounding area is wholly residential, with a mixture of houses and bungalows. Photographs of the site are set out below.



Front, street scene view of bungalow.



Side view of frontage, showing car port.



Rear view of bungalow.



Oblique view of rear, showing no. 44 (to the west) in the background.



Oblique view of rear, showing relationship to no. 48 (to the east).



Front view, showing relationship to no. 44.



View from rear garden of no. 48.

3. Relevant planning history

3.1 There have been no previous applications.

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 J M Owen referred the application to Planning Committee.

5.2 Nuthall Parish Council have made no comments.

5.3 Notification letters were sent to all adjoining neighbours. A response has been received from the occupier of no. 48 Coronation Road, who objects on the grounds of a loss of sunlight and an increased sense of enclosure to their rear garden, which would be detrimental to their residential amenities. An anonymous objection was made on the grounds of over intensification and being too close to the neighbouring property.

6. Appraisal

6.1 Principle of the development.

6.1.1 The proposal represents proportionate extensions to an existing dwelling within a residential area. There are no planning policy constraints, and as such, it is considered that it is acceptable in principle.

6.2 Design/Visual amenity

6.2.1 The extensions would primarily be to the rear of the bungalow, such that there would only be minimal views from the street scene. The proposed design, maintaining the pitched roof and utilising matching materials would be in keeping with the appearance of the existing bungalow and consistent with the character of the surrounding area. The removal of the existing dilapidated timber structures would improve the appearance. There would be no loss of parking.

6.2.2 A rear garden of 63m² would be retained. This is much smaller than surrounding properties, and has been caused by this plot being linear rather than square. However, given that the existing pergola is to be removed, the available amenity space would not be much smaller. There would be ample separation to the property to the south, which fronts Kimberley Road.

Matching materials are proposed. The proposal is considered to be in accordance with Local Plan Policy H9.

6.3 Residential Amenity

6.3.1 The ground floor extension would be largely screened by existing boundary features, such that the only impact on either side neighbour would be by way of the proposed roof extension. This would increase the bulk and mass of the roof.

6.3.2 The scheme has been amended such that the proposed rooflights on the side elevations are now higher in the roof, to prevent the potential of overlooking. The two lower rooflights on the rear elevation are to give additional light to the ground floor extension and are not accessible from the first floor.

6.3.3 Regarding the potential impact on the neighbours, the property to the west (no. 44) is set slightly higher and further forward on the plot, such that the proposal would not have an overbearing nature.

6.3.4 Regarding the potential impact on the property to the east (no. 48), there are no proposed side facing windows and the rooflights in the side elevation have now been amended to be higher in the slope, to avoid any potential overlooking. This neighbour is concerned about potential loss of sunlight to their garden. Their property is set lower and is well screened by the existing boundary hedge, such that there is some existing overshadowing. The proposed roof extension would have a double-hipped roof, sloping both away from the boundary and from the rear of the site. It is accepted that the proposed roof extension would have some impact but it is not considered that the neighbour's garden will be fully overshadowed at any time, only some parts of the garden will suffer additional loss of sunlight during the afternoon at certain times of the year. Given all the circumstances, it is not considered that the proposal will result in any sustainable loss of residential amenity.

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 permitted shall be commenced before the expiration of three years beginning with the date of this permission.**

2. The development hereby approved shall only be constructed in accordance with the following drawings: Site Location Plan received by the Local Planning Authority on 17 August 2017; Existing floor plans and elevations (drawing ref: RS/GF/07/08/17/01) and Proposed block plan, floor plans and elevations (drawing ref: RS/GF/07/08/17/02) received by the Local Planning Authority on 15 August 2017.
3. The extension(s) shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing building.

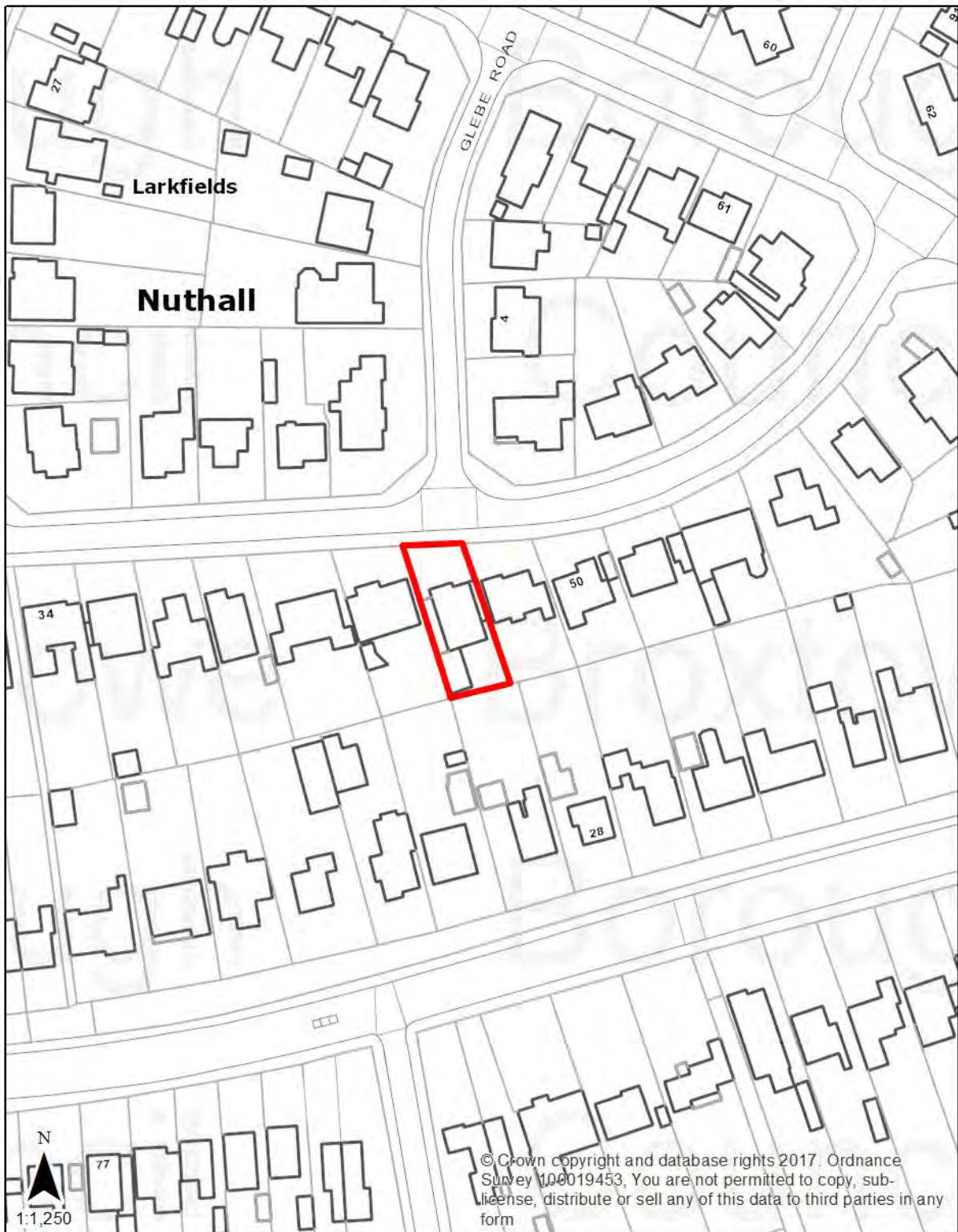
Reasons:

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure the development presents a satisfactory standard of external appearance 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/>

Background papers
Application case file



Legend

 Site

Report of the Chief Executive

**17/00561/FUL
RETAIN AGRICULTURAL BUILDING
WHISGILLS FARM, THE LANE, AWSWORTH**

This application has been referred to the Planning Committee for determination by the Head of Neighbourhoods and Prosperity due to a request by the Parish Council and significant local interest.

1. Details of the application

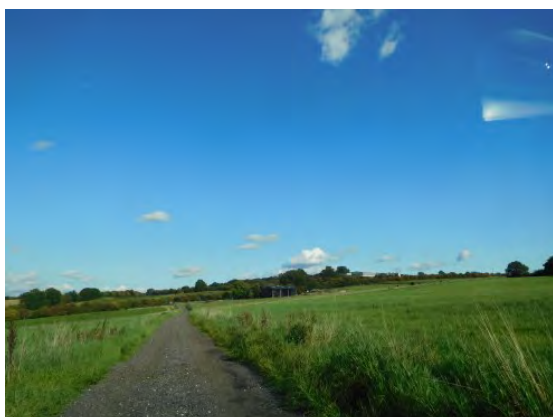
1.1 This retrospective application seeks consent to retain an agricultural building within a field adjoining Whisgills Farm. The building is a dual-pitched, open-fronted structure. It measures 13.5m x 12.4m, with a ridge height of 5.7m. It is constructed of green metal cladding and is used primarily for hay storage. Photographs of the building are shown overleaf.

1.2 A submitted Planning Statement highlights the site history, its agricultural operations and needs. The Statement confirms that the business falls within the remit of the 1990 Planning Act definition of agriculture. The current holding comprises 21 acres (8.5ha), of owned and rented land. Currently 6 acres (2.4ha) are used for cattle grazing and the remainder for a hay crop.

1.3 The size of the building falls within the confines of agricultural permitted development rights and, if it had not been built, could have followed the Prior Notification process.

2. Site and surroundings

2.1 The agricultural building is located within a field immediately to the west of Whisgills Farm. The field is used for animal grazing and there are currently cattle and pigs within the field. The site is accessed by way of a single lane access track, leading from Old School Lane, Awsworth.



Approach along track from Awsworth.



Building shown against backdrop of vegetation and hillside.



Existing building.



View from residential curtilage, showing relationship to domestic garage.

2.2 The surrounding area is largely open countryside used for agricultural purposes and woodland. The nearest other development is at Grasscroft Farm, 300m to the east. Babbington Hall is 330m to the south. The nearest house in Awsworth is over 500m to the west. Public footpaths run to the north and south of the site, the closest being 55m to the north.

3. Relevant planning history

3.1 The site has been the subject of the following previous relevant applications:

- 06/00408/FUL - Construct two storey rear extension – Approved.
- 09/00212/FUL - Retain cattle shelter and hay/food store and hardstanding - Refused.
- 09/00668/FUL - Retain cattle shelter and hay/food store and hardstanding (resubmission) - Approved.

4. Policy context

4.1 National Planning Policy Framework

4.1.1 Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include the provision of buildings for agriculture and forestry.

4.2 Aligned Core Strategy (2014)

4.2.1 Policy 3 – The Green Belt: retains the principle of the Green Belt and considers reviews to boundaries.

4.2.2 Policy 10 – Design and Enhancing Local Identity: Development must make a positive contribution to the public realm and sense of place and reinforce local characteristics.

4.3 Broxtowe Local Plan (2004)

4.3.1 Saved Policy E8 – Development in the Green Belt: Only allows appropriate development, including that required for agriculture and forestry.

4.4 Draft Part 2 Local Plan (2017)

4.4.1 Policy 8 – Development in the Green Belt: applications will be determined in accordance with the NPPF and proposals for diversification will be supported.

4.4.2 Policy 17 – Place-making, design and amenity: sets out best practice guidance and standards for design.

5. Consultations

5.1 Nottinghamshire County Council Rights of Way team has no objections and confirms that the proposal does not affect the nearby footpath.

5.2 The Coal Authority confirms that the application site falls within a defined Development High Risk Area. as such, it initially required a Coal Mining Risk Assessment Report (CMRA), to be submitted as part of the application, or evidence that ground conditions were considered. In the absence of which, it objected to the planning application. However, following confirmation from the applicant that no ground works were undertaken, and that the stanchions were effectively just bolted into the existing hard standing, the Coal Authority was able to withdraw its objection on the grounds of exemption. It also noted that prior approval for the building could have been applied for, had the development not commenced, an application type which is exempt from the requirement of a CMRA.

5.3 Awworth Parish Council objects on the following grounds:

- The new structure is visually very dominant and completely blocks views of the house/cottage in the landscape when viewed from the access track/Right of Way. Suggest a revised location.
- The structure has changed the visual appearance from the village looking east.
- The new construction is one large, much taller building, fully dominating and obstructing the view.
- This application is now the third retrospective planning application submitted. The applicant's total disregard for the planning process over the years should be taken into consideration.

5.4 Notification letters were sent to the nearest neighbour and a site notice was displayed at the end of Old School Lane. Responses have been received from two local residents (one of whom is a Parish Councillor), objecting on the following grounds:

- Concerns raised about repeated retrospective applications.
- Concerns raised about changing development rights for agricultural uses, as the site was originally a cottage.
- Building is visually unacceptable, being detrimental to views from the village and the public footpath.
- Building is out of proportion to and overshadows the existing house.
- Suggest a more appropriate location, to the rear of the existing house.

6. Appraisal

6.1 The planning issues to be considered in the determination of this application include the principle of the development, the impact on the Green Belt and design/visual amenity and coal risk issues.

6.2 Principle of the development

6.2.1 The proposal comprises a development connected with the surrounding agricultural use. Subject to compliance with Green Belt policies, the siting of the building is considered to be acceptable in principle.

6.3 The impact on the Green Belt

6.3.1 Green Belt policies seek to restrict inappropriate development. However, the NPPF and Local Plan Policy E8(a) allow appropriate development, where it is for buildings appropriate to agriculture.

6.3.2 The applicant has submitted documentary evidence demonstrating the agricultural business use of the holding, which measures some 8.5ha (21 acres). The building is used for hay storage and the surrounding fields are currently being used for haylage and for grazing by cattle and pigs. It is accepted that the business falls within the remit of the 1990 Planning Act definition of agriculture and that the building is being used for genuine agricultural purposes. In which respect, it is considered to be appropriate development in the Green Belt.

6.3.3 The positioning of the building in proximity to the existing house and domestic garage, cluster all the buildings of the holding within a small area. It is considered that this concentration of built form mitigates any detrimental impact on the openness of the Green Belt.

6.4 Visual Impact

6.4.1 The agricultural building replaces two smaller structures, used as a cattle shelter and hay store (approved under ref: 09/00668/FUL). It is accepted that the current building is larger and has a greater visual impact. However, the current building is open fronted and finished in 'forest green'. It is of a typical agricultural nature and scale and is considered to be in keeping with the rural character of the surrounding area.

6.4.2 Main views on the approach along the track and public footpath from Awsworth reveal the building set against the backcloth of the domestic buildings, vegetation and rise in levels to the east. There are minimal views from any residential properties and distant views from Awsworth, over 0.5km away, are indistinct. Views of the site from footpaths which cross the surrounding fields are mitigated by the existing hedgerows. Notwithstanding the concerns raised by objectors, it is considered that the visual appearance of the building is acceptable.

6.4.3 The building is a relatively small agricultural structure and is not considered to be out of proportion to the existing residential buildings. It is located over 20m from the house (with an intervening hedge and garage) and to the west, such that any overshadowing would be unlikely.

6.5 Other Issues

6.5.1 Both the Parish Council and neighbours raise concerns relating to a history of retrospective applications. Such proposals must still be assessed on their merits and the fact that an application is retrospective should not affect its determination. In this instance, the building would – in normal circumstances – have benefitted from permitted development rights.

7. Conclusion

7.1 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 be granted, subject to the following Condition:

The development hereby approved shall be retained in accordance with the following documents: Location Plan and photographs, received by the local planning authority on 3 August 2017; Block Plan, floor plans and elevations (drawing ref: 1128-01), received by the local planning authority on 17 August 2017.

Reason:

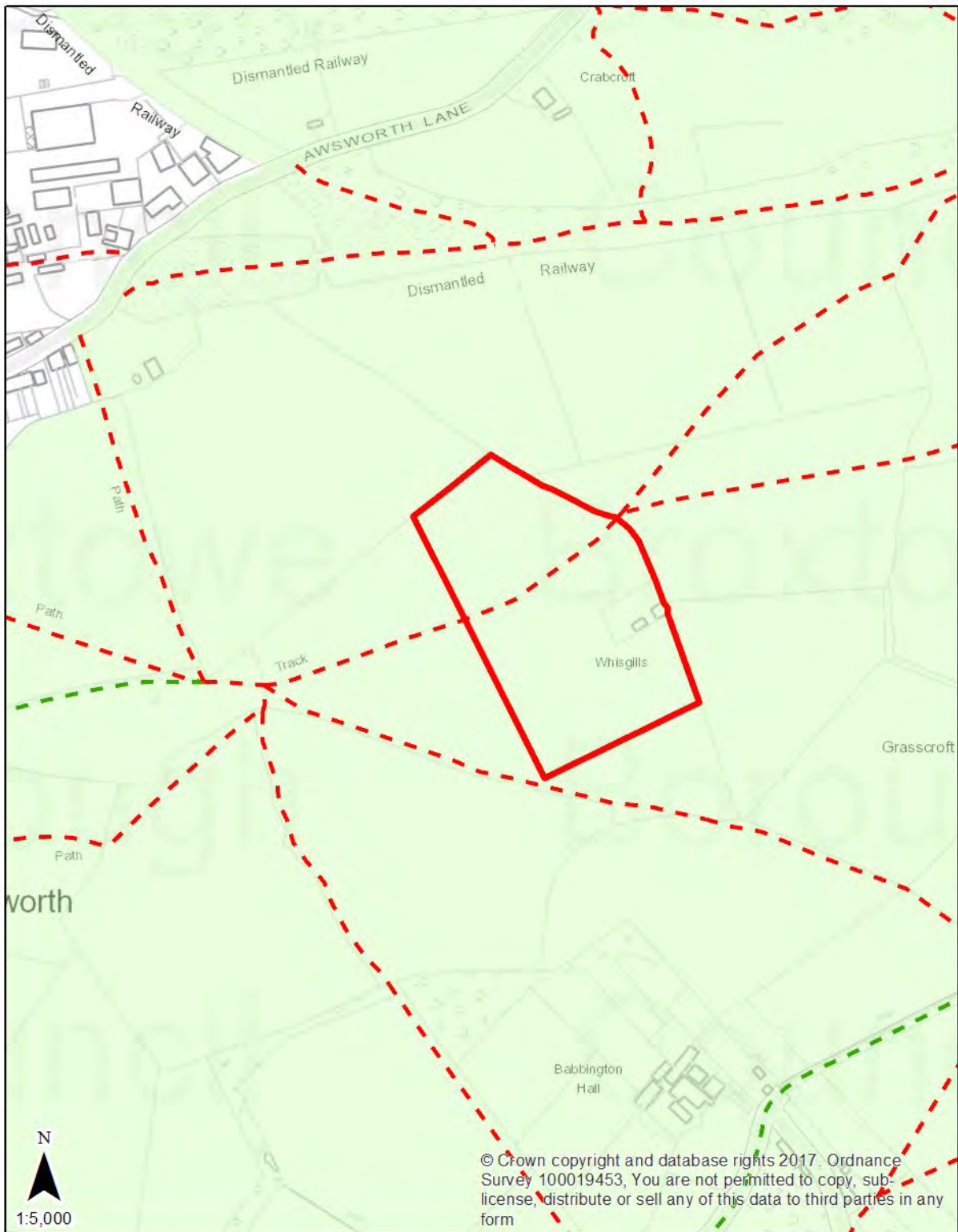
For the avoidance of doubt.

Note to Applicant:

The Council has tried to act positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, through an early visit to the site to appreciate whether any amendments need to be sought and thus afford sufficient time to negotiate these should it have been the case.

Background papers

Application case file



Legend

Site

Green Belt

Public Rights of Way

- Byway open to all traffic
- Bridleway
- Footpath

Report of the Chief Executive

17/00514/FUL**RETROSPECTIVE PERMISSION SOUGHT FOR HAND CAR WASH BUSINESS COMPRISING CANOPY, CUSTOMER WAITING SHED, VALETING AREA, STAFF FACILITY WITHIN CARAVAN, ANCILLARY CAR SALES AREA, HARDSTANDING AND BOUNDARY FENCING R G SERVICES SITE, GIN CLOSE WAY, AWSWORTH, NOTTINGHAMSHIRE NG16 2TA**

Councillor L A Ball BEM has requested that this application is brought before the Planning Committee.

1. Details of the application





- 1.1. This application seeks to regularise the business operations on site which comprises a car wash/valet facility and used car sales area.
- 1.2. A car wash/valet business and car sales operation was previously approved by the Council in 2014 under permission ref: 14/00549/FUL. However, the current business operations have not been developed in accordance with the approved site plan drawing. The main difference is that the car wash facility and car sales area have swapped locations.
- 1.3. Associated structures have also been erected on site to support the car wash. This includes a canopy, customer waiting shed and caravan staff facility. Steel wire fencing has also been erected along the boundary to the grass verge of Gin Close Way.
- 1.4. An existing warehouse on the site was previously approved for car body repairs under permission ref: 14/000549/FUL. This is currently used as an internal valet area instead.
- 1.5. This application has been submitted in an attempt to regularise the business as being operated, including all ancillary buildings.

2. Site and surroundings

- 2.1. The application site is the western section of a wider commercial site that faces Gin Close Way. The wider site is also owned by the applicant and includes industrial warehouses and storage for pallets, materials and commercial vehicles.
- 2.2. The internal access road linking to Gin Close Way splits the application site into two parts with a northern area and a southern area. The used car sales business is confined to within the northern area in an open section of land. The car wash facility has been established within the southern area with new hardstanding and structures that include a canopy, customer waiting shed

and staffroom within a static caravan. Part of an existing warehouse also falls within the southern area and is used as an indoor car valet and preparation area.

- 2.3. The car wash is a busy operation in the area that appears to attract a steady stream of customers. The facility has been designed with an 'In and Out' arrangement to help with the flow of vehicles that use the service.
- 2.4. In recent months the applicant has worked to improve the appearance of the structures and elements associated with the car wash. This includes the application of dark green colour paint to the canopy and its supporting structure, to the toilet block container, the warehouse doors and to all existing palisade fencing. The customer waiting shed has also been painted in a grey colour, new steel wire fencing erected and some bedding flowers have been planted. Numerous banners have also been removed and the intention has been to improve the image of the car wash to passers-by along Gin Close Way. Below are some images of these changes:

| Current Appearance | Previous appearance |
|--|--|
| <p>Car Wash Canopy↓</p>  | <p>Car Wash Canopy↓</p>  |
| <p>Steel wire fencing erected along boundary with the grass verge of Gin Close Way↓</p>  | <p>Old concrete post and mesh fencing. Trees within the site were previously chopped down↓</p>  |

Palisade fencing painted dark green↓



Old palisade fencing colour↓



Warehouse part used as valet area↓



Warehouse used to be for car repairs↓



Facilities associated with car wash

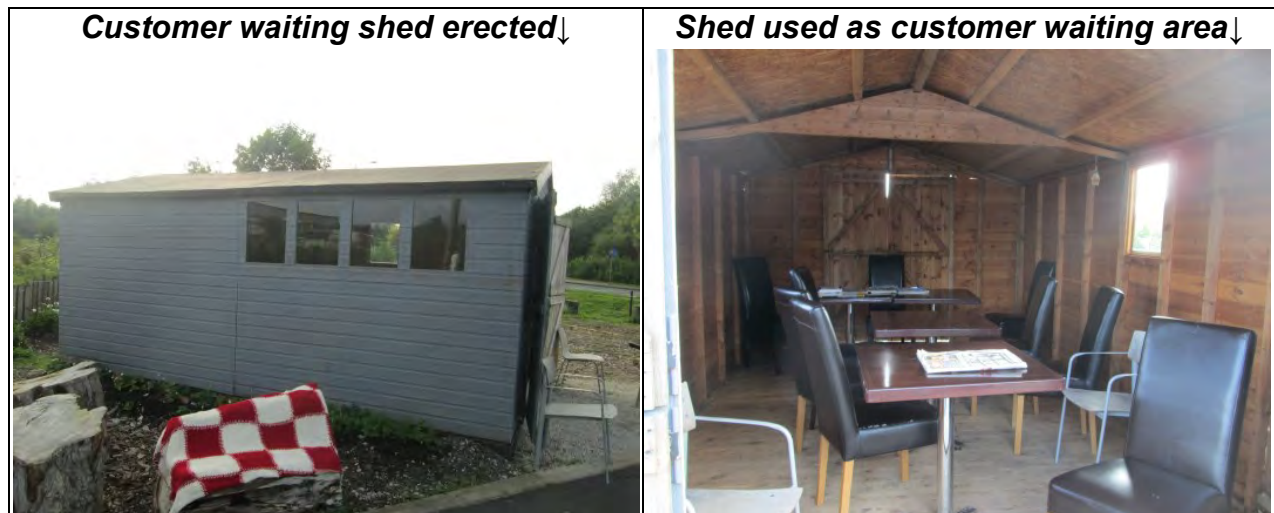
Caravan is for staff use during breaks↓



Interior of caravan used as a staff



room↓



- 2.5. This section of Gin Close Way is characterised mainly by commercial premises. To the north of the application site there is a petrol service station. On the opposing side of the highway in the vicinity there is an industrial site where reconstituted stone building parts are manufactured and which includes a concrete batching plant. There is also a nearby motorhome business with vehicles for sale and a trade business selling building materials.
- 2.6. The application site does not fall under any specific designations and is outside of the Green Belt. However, the application site is split by borough ward boundaries. The majority of the site falls within the Awsworth Parish Council area. Part of the northern car sales area and the warehouse part to the south fall within the Kimberley Town Council area.
- 2.7. To the south of the application site there is an open field which has planning permission for 55 dwellings (15/00011/FUL).

3. Policy context

3.1. Broxtowe Local Plan 2004:

3.1.1. Saved Policy E34 – Control of Noise Nuisance: Permission will not be granted for housing or other noise-sensitive development if the occupants, even with appropriate mitigation measures, would experience significant noise disturbance

3.2. Draft Broxtowe Part 2 Local Plan:

3.2.1. Draft Local Plan Policy 17 – Place Making, Design and Amenity states that: Permission will be granted for development which integrates into its surroundings. 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.

- 3.3. Aligned Core Strategy 2014:
 - 3.3.1. Policy 10 – Design and Enhancing Local Identity: Development will be assessed in terms of its treatment of materials, architectural style, detailing and impact on the amenity of nearby residents or occupiers.
- 3.4. National Planning Policy Framework (NPPF) 2012:
 - 3.4.1. Core Planning Principles, paragraph 17: planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
 - 3.4.2. Section 7 – Requiring Good Design: Developments should function well and add to the overall quality of the area. Decisions should also aim to ensure that developments optimise the potential of the site.
- 4. Relevant planning history
 - 4.1. For the wider commercial site, which includes the application site, permission was granted in 2014 under application ref: 14/00549/FUL for use of the land as a car wash and valet, car sales, car body repairs, storage of pallets, industrial workshop, repair of commercial vehicles, siting of self-storage containers and ancillary offices.
 - 4.2. In terms of the application site being considered under this application, the permission under ref: 14/00549/FUL granted a car wash and valet on the northern section of the site and car sales to the southern section of the site. The plans did not include any canopy, staff facility or customer waiting place in relation to the car wash area.
 - 4.3. In 2016, planning applications were submitted to regularise the operations on site including the structures that have been erected such as the canopy and caravan. However, due to inaccuracies in the plans, these applications were subsequently withdrawn by the agent.
- 5. Consultations
 - 5.1. The County Highways Authority has raised no concerns.
 - 5.2. The Council's Environmental Health Division has raised no objections subject to conditions relating to the hours of operation and for the caravan to remain ancillary to the business use and not as a place of residence.
 - 5.3. Awsworth Parish Council initially commented that this is yet another organisation in their parish that has total disregard for the planning process, consistently undertaking development and applying for permission retrospectively. The comments also stated that the caravan on site has people living in it.

- 5.4. A re-consultation was undertaken after changes to the application were made in order to include the caravan element as a staff facility. Awsworth Parish Council has objected to the application. In the opinion of the Parish Council the development is very visually intrusive and detrimental to the appearance of this part of Gin Close Way. The development also harms the gateway approach into the village of Awsworth and the site is also within the Green Belt. The major tree cutting approach has also meant that this gateway approach into the village has not been safeguarded. The evergreen trees which used to screen the site were probably from an old planning permission for the original lorry park to specifically screen operations at the site. Some form of new landscaping should be reinstated. The site is an eyesore and is readily open to views from the highway. The elements associated with the car wash make it look like a temporary operation. Issues also raised with sewage and how surface water is dealt with. This is a continually expanding unauthorised development which is an unsightly operation in a sensitive location.
- 5.5. R Whitehead Concrete Ltd is an industrial premises on the opposing side of Gin Close Way where there is a concrete batching plant operation. The occupiers of these premises are in support of the application and have raised no objection.
- 5.6. The occupiers of No.3 Old School Lane, Awsworth have stated observations and commented that it is annoying people can do as they wish and then apply for permission retrospectively. Comments also put forward that the trees were taken down which previously screened the site from view and the application mentions hedge planting but there are no details of what sort of planting this will be.
6. Appraisal
- 6.1. The main issues relate to the impact upon visual and residential amenity and whether the car wash business and associated operations can be carried out without detriment to the amenity of the area.
- 6.2. The principle of using the application site for car sales and as a car wash facility has already been approved under the previous permission ref: 14/00549/FUL. The site is located along the section of Gin Close Way which is characterised by commercial activities between settlements and also falls outside of the Green Belt. To the south, the open field has extant permissions for major housing schemes, including a historic permission for which the works to the access road commenced some time ago. Whilst housing is a more sensitive use, having regard to the lawful use of the site, it is not considered that the proposed activity would differ significantly from the site circumstances considered when the permission for the housing development was granted. With this in mind, it is considered that there are no reasonable grounds to refuse the retrospective application based on potential future residential properties being adversely affected due to the car wash and car sales area being swapped around from the approved plans under permission ref: 14/00549/FUL. It is considered that the

business operations are appropriately located and it is evident that the car wash facility in particular has a large customer base that provides a service to local people.

- 6.3. Awsworth Parish Council has objected to the application and raised a number of points which have been carefully considered. Firstly, the application site is not within Green Belt and there are no other designations which would make the principle of development unacceptable in planning terms. The site has been previously approved for this type of use and the location is generally commercial activity between the roundabout for the A610 to the north and the roundabout to the south beyond which there is the route up the hill into the village of Awsworth. It is considered that this section of Gin Close Way does not hold any special character or street scene value that supports a countryside type route into the village. It is more of an industrial activity area, home to commercial premises due to the location with easy links to the highway network such as the M1 via the A610 which companies can take advantage of. With this in mind, it is considered that there are insufficient grounds for a refusal based on the development at the site harming the character of the area, or the openness of the Green Belt.
- 6.4. One of the key issues raised by the Parish Council is in relation to the removal of coniferous trees that used to be within the application site close to the boundary with the grass verge of Gin Close Way. It is understood that these high trees used to screen the view of commercial activities within the site, including the lorry park and industrial warehouses. However, it should be clarified that these trees were not protected by way of any Tree Preservation Orders and nor is there any planning history for the site which specifically conditions that these trees were part of any landscaping scheme that should be retained for a specific period of time. The applicant did not therefore require permission to remove the trees and they were sited on land within the site which is wholly owned by the applicant. The intention has been to open the site up so that the business operations are perceived from the highway and in order to attract customers and maximise coverage. The car wash and the car sales use was previously approved under permission ref: 14/00549/FUL and the view of the site is similar to other operations in the vicinity such as the concrete batching plant, petrol service station and the motorhome vehicle sales business which are all along this section of Gin Close Way. It is considered that there are inadequate grounds to refuse retrospective permission based on the loss of trees which were not protected.
- 6.5. The 'Proposed Site Plan' states that a hedge would be planted along part of the boundary facing Gin Close Way. A new steel wire fence in a dark green colour has already been erected here and the grass verge also provides a buffer to the main highway. There is no overriding need for any further landscaping details in this location and it is considered that the area does not warrant introduction of hedge boundaries as it is characterised by commercial activities rather than a village like semi-rural route. The previously approved plans under permission ref: 14/00549/FUL also did not

- require landscaped boundary treatments here. The applicant may choose to add a hedge in the future. However, at this stage with the boundary fence already erected, it is considered that there are no reasonable grounds to request further landscaping details.
- 6.6. In design terms, it is considered that a reasonable balance has been achieved whereby the applicant has worked to improve the image of the business. The car wash and car sales operations are now promoted by a less garish colour scheme, the canopy structure facing Gin Close Way has been tidied up and painted to appear much neater, new boundary treatments have been erected, new planting undertaken and unsightly banners have also been removed. The nature of a car wash type business is that it is unlikely that associated buildings are going to be of a high quality design or permanent purpose built buildings of brick and tile construction. Generally, car wash sites tend to try to adapt structures so that they serve a functional basis. The key element is to ensure that these structures and additions are controlled and sensitively placed.
- 6.7. It is accepted that a car wash can operate from the site and it should be taken into account that the land area that the site offers is fairly generous for this type of use where vehicles can frequently enter and exit. The car wash facility employs a number of people and the nature of the business is that this physical work can be tiring. It is reasonable to assume that a car wash of this size with a steady stream of customers would require some sort of facility for workers to rest. The static caravan has therefore been adapted to meet this requirement. The caravan has been placed well within the site along the south boundary close to the existing warehouse so as to ensure that it is not in prominent view from the main highway.
- 6.8. For a car wash operation, it is important for the business to offer a covered area for vehicle preparation and valet and therefore the canopy has been erected where cleaning equipment is also stored. A customer waiting shed has also been erected to offer an improved level of service to customers. It is considered that these elements which enable the car wash business to operate are sited in suitable positions and there are insufficient design grounds to refuse the application.
- 6.9. There have been comments that the caravan is allegedly being used as living accommodation. However, from the number of site visits made, the caravan is used as a staff room with space for employees to take a break and kitchen area to have lunch. The Council's Senior Environmental Health Officer has advised that a condition is placed on any approval for the caravan to continue in the future to remain ancillary to the business use and not a place of residence.
- 6.10. An aco-style drain has been installed for the width of the car wash hardstanding area in a central position where water runs into. For an application of this type, there would be no planning requirement for a site specific flood risk assessment or a drainage plan to demonstrate how surface water run-off would be dealt with. There is no evidence presented

that the car wash use has resulted in any flooding issues within the area or environmental impact to any nearby watercourse. If there are any issues with drainage then this is matter that can be investigated in the normal way by Building Control.

- 6.11. It is considered that there are insufficient grounds to refuse the application based on any significant adverse impact to surrounding properties, including by way of noise and disturbance. The Council’s Senior Environmental Health Officer has also raised no objections in terms of the uses causing noise and disturbance. It has been noted that currently the site is operational 24 hours a day, seven days a week. Taking into account that there is possibility for houses to the south, it is reasonable to place a planning condition to control the hours of operation and protect any future residents. The hours of working would still be sufficient and flexible to allow hours of business during the day and only aims to cut out operational noise at night times.

7. Conclusion

- 7.1. Overall, the previous permission established that the principle of development was acceptable and there are no overriding planning grounds to refuse the development because the car wash and car sales areas have been swapped around from what was initially approved. The car wash business is proving to be a successful venture on the site which employs a number of people and provides a service to the local community.

- 7.2. It is considered that the associated elements which support the car wash comprising the canopy, caravan staff room and customer waiting shed are reasonably required for the nature of the development and have been sensitively placed in addition to measures taken to neaten their appearance. This section of Gin Close Way is also a commercial area where there are no residential properties in close proximity that could be affected by the use by way of noise and disturbance.

- 7.3. Accordingly, it is considered that there are insufficient planning grounds to refuse the application to regularise the development on site as the proposal does not conflict with Saved Policy E34 of the Broxtowe Local Plan 2004, Policy 10 of the Aligned Core Strategies 2014 and the NPPF 2012.

Recommendation

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

1. The development hereby approved shall remain in accordance with the Amended Site Plan at scale 1:500 & Caravan Plan Drawing No: 12/15/06 received by the Local Planning Authority on 25 September 2017 and Site Location Plan at scale 1:1250, Car Valet Floor Plan Drawing No: 09/17/11, Elevations Drawing No: 09/17/12, Customer Waiting Shed Plans Drawing No: 09/17/08 & Canopy Elevations Drawing No: 08/17/01 received by the Local Planning Authority on 5 September 2017.
2. The car wash and car sales premises hereby approved shall not be open for business except between 07:30 - 21:00 hours Monday to Saturday and 07:30 – 18:00 hours on Sundays and bank holidays.
3. The caravan staff facility hereby approved shall remain in use ancillary to the business activities on site and shall not be occupied as any place of residence.

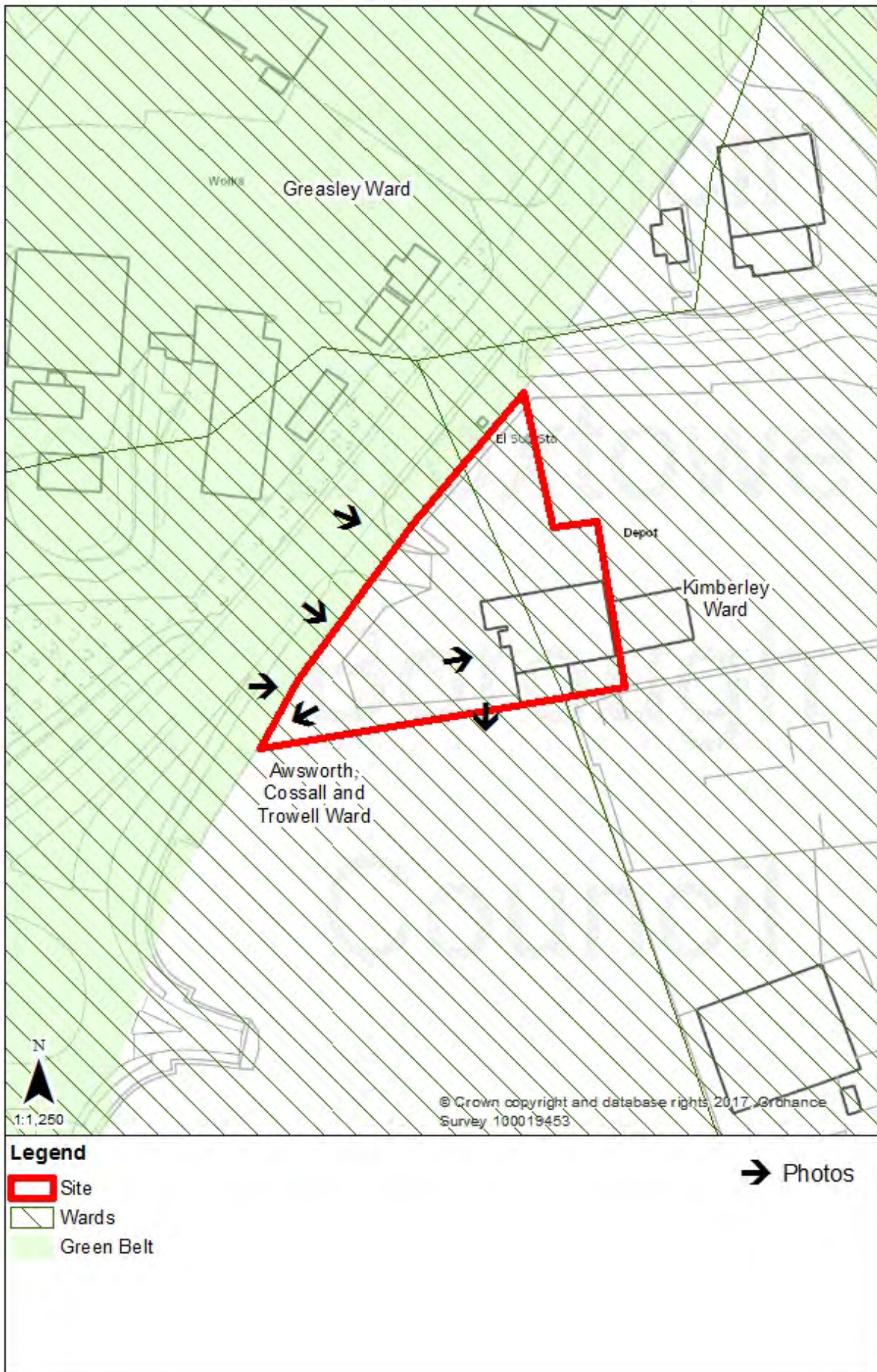
Reasons:

1. For the avoidance of doubt.
2. In the interest of protecting the area from excessive noise and disturbance during night time hours.
3. As per the terms of the application where the caravan is only appropriate as a facility for employees linked to the car wash business and not as a residential development on the commercial site.

Note to Applicant:

The decision has been reached taking into account the guidance in paragraphs 186-187 of the National Planning Policy Framework (NPPF) 2012. The Council has worked proactively to engage directly with the agent and applicant to agree solutions and clarify information.

Background papers
Application case file



Report of the Chief Executive

**17/00688/FUL
CHANGE OF USE OF GROUND FLOOR FROM BANK (CLASS A2) TO A
CHILDREN'S EDUCATION CENTRE (CLASS D1)
33-34 THE SQUARE, BEESTON NG9 2JH**

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

1 Details of the application

- 1.1 The application seeks permission to change the use of the ground floor of a vacant unit, formerly a bank, to an education centre for children.
- 1.2 There are no external alterations proposed to facilitate the change of use.
- 1.3 The proposed education centre will create twenty new jobs and will provide tuition for children aged between five and fourteen years old. The opening hours proposed are 09:00 - 20:00 Monday to Friday, 10:00 - 18:00 on Saturday, 10:00 - 16:00 on Sunday and 10:00 - 18:00 on Bank Holidays.

2 Site and surroundings

- 2.1 The site is located within The Square, Beeston Town Centre and forms part of the Prime Shopping Frontage. It adjoins the building occupied by Argos and is south west of the Wilkinson retail shop and Pure Gym.
- 2.2 The site is relatively flat. The unit is a two storey building with parapet roof and front canopy, located at the end of a terrace of commercial units.
- 2.3 There is pedestrian access from The Square and vehicular access from the service yard to the rear.





3 Relevant planning history

- 3.1 A hybrid application (13/00042/FUL) consisting of outline permission for the removal of the external canopy and refurbishment of the street facing elevations of the building which includes the application property and full permission for demolition and replacement of the wider Square Shopping Centre was approved in July 2013.
- 3.2 An application (15/00505/FUL) for the installation of a new shop front and external alterations and repairs was approved in September 2015. This shop front has been installed.

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, sustainable economic development should be proactively driven and supported, a good standard of amenity for existing and future occupants should be secured and high quality design should be sought. It defines main town centre uses as including retail development, leisure, entertainment facilities, offices and arts, culture and tourism development.

4.2 Draft Part 2 Local Plan

- 4.2.1 As this Plan is currently subject to public consultation but not yet adopted, it can only be afforded limited weight.
- 4.2.2 Policy 10 'Town Centre and District Uses' states that permission will only be granted for development that comprises an A1 use, comprises another 'main town centre use' provided the class of use does not result in over 10% of the ground floor frontage of the centre falling within this use class, or does not result in over 50% of the primary frontage of the centre falling within a use class other than A1 and does not result in an adverse impact on the vitality and viability of the centre.

4.2.3 Policy 11 'The Square, Beeston' confirms that The Square is allocated for a mixed use, retail-led development. The supporting text for this policy sets out that Beeston is a popular retail centre with a diverse selection of independent shops and high street stores and that it is important to ensure that new development increases the vitality and viability of the Town Centre.

4.3 Broxtowe Aligned Core Strategy

4.3.1 Policy 6 'Role of Town and Local Centres' states that the vitality and viability of all centres will be maintained and enhanced, including widening the range of uses (whilst maintaining a strong retail character).

4.3.2 Policy 10 'Design and Enhancing Local Identity' states that development should be assessed in relation to a number of factors including its impact on the amenity of nearby residents.

4.3.3 Policy 12 'Local Services and Healthy Lifestyles' explains that community facilities should be located within the city centre or town centre, be in locations accessible by a range of sustainable transport modes and where possible, be located alongside or shared with other local community facilities.

4.4 Saved Policies of the Broxtowe Local Plan

4.4.1 Policy RC2 'Community and Education Facilities' highlights that education facilities will be permitted if the proposal is well located in relation to the community it serves and to public transport services, neighbouring amenity is not adversely affected, appropriate provision is made for vehicle parking and the character of the area is not adversely affected.

4.4.2 Policy S1 'Shopping and Associated Uses Within Town Centres' states that permission will be granted for the creation, redevelopment or expansion of shops (Class A1), financial and professional services (Class A2) and food and drink uses (Class A3), providing that the proposal does not have an unacceptable impact on neighbouring uses, or on the vitality and viability of the Town Centre.

5 Consultations

5.1 Nottingham Express Transit (NET) has no objection to the proposed change of use providing the applicant is made aware that in order to prevent delays/disruptions being caused to tram services, it is not permitted for any vehicles to obstruct the tramway at any time.

5.2 The Environmental Health Technical Officer raises no objection to the proposed change of use.

5.3 Nottinghamshire County Council Highways Officer raises no objection to the proposed change of use.

6 Appraisal

- 6.1 The main issues to consider with this application are whether the proposed use (education centre) is acceptable in this location and its impact on the vitality and viability of Beeston Town Centre.
- 6.2 The unit has been vacant for five years and previously operated as an A2 use (Yorkshire Bank). The application seeks permission to change the use from A2 to D1 to enable the unit to be occupied by 'Explore Learning', an education centre registered with OFSTED.
- 6.3 The main aim of the Local Plan retail policies is to ensure Beeston Town Centre has a strong retail function. There are no adopted or emerging policies that highlight the need to retain an A2 use within the Prime Shopping Frontage of Beeston Town Centre.
- 6.4 It is acknowledged that the proposed education centre is not classified as a main town centre use in the NPPF but due to the modest size of the unit, it being vacant for five years, its positioning on the edge of the Prime Shopping Frontage and as it is not in A1 use (last use was A2), it is considered a D1 use is acceptable and that it will not have a detrimental impact on the retail function of Beeston Town Centre.
- 6.5 It is considered the proposed change of use will enhance vitality and viability by bringing back into use this long standing vacant unit which occupies a prime location in Beeston Town Centre. The opening hours (open every day), will provide an active frontage and assist in increasing activity within Beeston Town Centre. The unit is located next to regular bus and tram services and can be easily accessed on foot. The proposed D1 use in this location will contribute to the wide range of services offered in Beeston Town Centre and therefore is broadly compliant with Policy 6 of the Aligned Core Strategy.
- 6.6 The proposed D1 use does not explicitly comply with Policy 10 of the Draft Part 2 Local Plan but is considered to be appropriate due to the limited weight that can be attached to this draft policy and because the application will achieve re-use of a town centre building, in accordance with Policies 6 and 12 of the Core Strategy.
- 6.7 It is considered the proposed D1 use will diversify the variety of services available within Beeston Town Centre which is in accordance with Policy 11 of Draft Part 2 Local Plan.
- 6.8 It is considered the proposed educational facility in this location will not adversely affect neighbouring amenity, is well located in relation to sustainable transport modes and the community it will serve and as no external changes are proposed, will not affect the character of the surrounding area. The proposal is therefore considered to be compliant with Policy RC2 of Broxtowe Local Plan.

7 Conclusion

- 7.1 It is concluded that the proposed change from an A2 to D1 use will not contribute to a deterioration of the Prime Shopping Frontage due to the location of the building, its modest size and as it is currently not in A1 use. The proposal will enhance the vitality and viability of Beeston Town Centre by bringing this vacant unit back into use. The proposal therefore accords with Broxtowe Local Plan Policy RC2, with Policies 6 and 12 of the Broxtowe Aligned Core Strategy, with Policy 11 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 Site Location Plan (1:1250) and Proposed Ground Floor Plan received by the Local Planning Authority on 19 September 2017.**

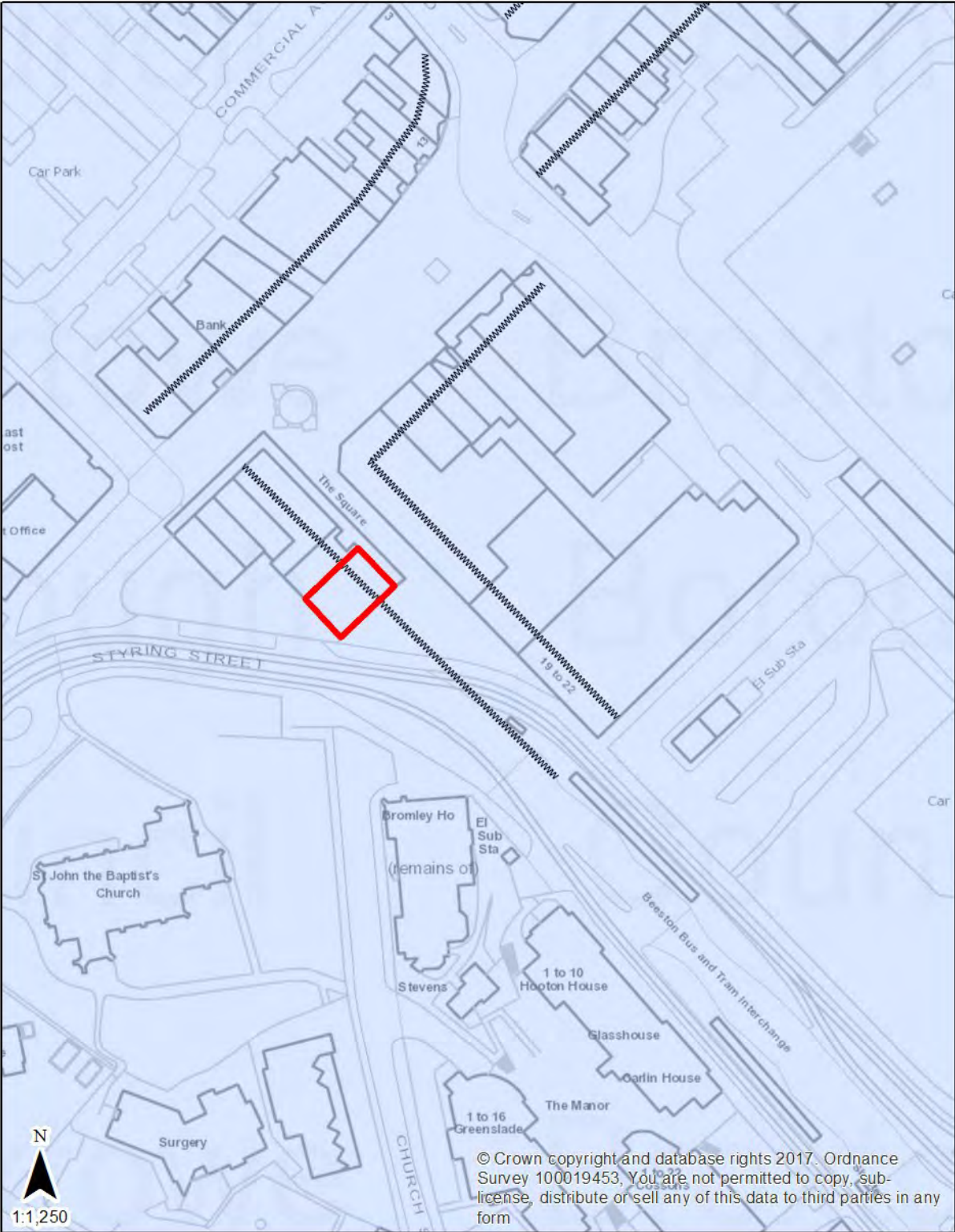
Reasons:

- 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.**

Note to applicant:


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


Background papers
Application case file



Legend

 Site

 Prime shopping frontages

 Town centre

Report of the Chief Executive

APPEAL DECISION

Reference number: 17/00064/FUL
Proposal: Retain boundary wall and install railings and gates between piers
Site address: 23 Beeston Fields Drive, Beeston
Applicant: Mr Adrian Morgan

APPEAL DISMISSED

The application proposed the retention of a front boundary wall and installation of railings and entrance gates. Permission was refused because the extent, bulk and height of the boundary treatment were considered to be out of keeping with the character and appearance of the street scene.

The Inspector considered the main issue to be the effect of the development on the character and appearance of the area. He noted that Beeston Fields Drive is characterised by large, detached, residential properties in spacious plots and that this part of the road has a pleasant, verdant quality with boundaries either being open or consisting of planting. Given the central element of the boundary treatment was proposed to be solid and up to 2.7m in height, the Inspector considered this contrasted sharply with the prevailing open or planted character of the boundary treatments on the road and was imposing and dominant. No comparable brick walls were observed by the Inspector and he concluded that the development significantly harms the character and appearance of the area.



BROXTOWE BOROUGH COUNCIL
DEVELOPMENT CONTROL – NEIGHBOURHOODS & PROSPERITY

PLANNING APPLICATIONS DEALT WITH FROM
19 September 2017 TO 10 October 2017

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 Simon Daly 17/00283/OUT
Site Address : Land Between 33 And 43 Gwenbrook Avenue Chilwell Nottinghamshire
Proposal : **Outline application to construct three detached dwellings (with some matters reserved)**
Decision : **Refusal**

Applicant : Mrs Dhayalini Pirabaharan 17/00534/FUL
Site Address : Service Station 9 Nottingham Road Attenborough Nottinghamshire NG9 6DN
Proposal : **Reconfigure entrance and window positions, install car wash canopy and demolish section of the side elevation**
Decision : **Conditional Permission**

Applicant : Mr Jim Newell 17/00601/CLUP
Site Address : 110 Long Lane Attenborough Nottinghamshire NG9 6BW
Proposal : **Certificate of lawful development to construct single storey side extension**
Decision : **Approval - CLU**

BEESTON CENTRAL WARD

Applicant : Mrs Dawn Viaene 17/00312/FUL
Site Address : 2 Melrose Avenue Beeston Nottinghamshire NG9 1HW
Proposal : **Construct two storey side extension and erect fence**
Decision : **Conditional Permission**

BEESTON NORTH WARD

Applicant : Mr T Mahmood 17/00518/FUL
Site Address : 16 Middleton Crescent Beeston Nottingham NG9 2TH
Proposal : **Construct two storey side/front extension**
Decision : **Conditional Permission**

Applicant : Mr Peter Matthews The United Charities of Abel Collin 17/00560/FUL
Site Address : Abel Collins Homes Derby Road Beeston Nottinghamshire NG9 2TF
Proposal : **Construct side extension to meeting hall and associated landscaping**
Decision : **Conditional Permission**

BEESTON RYLANDS WARD

Applicant : Mr & Mrs Andy Milton-Thompson 17/00574/FUL
Site Address : 52 Meadow Road Beeston Nottinghamshire NG9 1JT
Proposal : **Construct single storey rear extension, insulated render to ground floor side wall and retention of insulated render to external walls**
Decision : **Conditional Permission**

BEESTON WEST WARD

Applicant : Mr A Aziz 17/00463/FUL
Site Address : 87 Bramcote Drive West Beeston Nottinghamshire NG9 1DU
Proposal : **Construct dwelling, double garage and indoor swimming pool following demolition of existing bungalow**
Decision : **Withdrawn**

Applicant : Mr Tom Broster Peveril Securities Limited/Charterpoint Developments Limi... 17/00511/FUL
Site Address : Wilmot Lane Beeston Nottinghamshire
Proposal : **Construction of highway**
Decision : **Conditional Permission**

Applicant : Mr Hill 17/00582/FUL
Site Address : 4 Elm Avenue Beeston Nottinghamshire NG9 1BU
Proposal : **Construct roof extension, dormer and roof lights**
Decision : **Conditional Permission**

Applicant : Mr Raj Manek Loungers Ltd 17/00606/ADV
Site Address : 55 - 57 High Road Beeston Nottinghamshire NG9 2JQ
Proposal : **Display illuminated fascia sign**
Decision : **Conditional Permission**

BRAMCOTE WARD

Applicant : Mr Farhad Fassihi 17/00121/OUT
Site Address : 67A Derby Road Bramcote Nottinghamshire NG9 3GW
Proposal : **Outline planning application to construct 5 dwellings with all matters except access reserved**
Decision : **Refusal**

Applicant : Mr & Mrs Evans 17/00548/FUL
Site Address : 7 Rufford Avenue Bramcote Nottinghamshire NG9 3JG
Proposal : **Construct single and two storey rear extensions**
Decision : **Conditional Permission**

Applicant : Mr gary watmore 17/00600/FUL
Site Address : 67 Balmoral Drive Bramcote Nottingham NG9 3FT
Proposal : **Construct two storey rear extension and construct pitched roof on existing garage (revised scheme)**
Decision : **Conditional Permission**

BRINSLEY WARD

Applicant : Miss Helen Holland 17/00596/FUL
Site Address : 74 Broad Lane Brinsley Nottingham NG16 5BD
Proposal : **Construct single storey rear extension (revised application)**
Decision : **Conditional Permission**

CHILWELL WEST WARD

Applicant : Mr N. Kumar 17/00436/ROC
Site Address : Haveli 10 Attenborough Lane Chilwell Nottinghamshire NG9 5JW
Proposal : **Variation of conditions 4 and 5 of permission reference 14/00382/FUL to amend opening hours to 12:00 to 22:30 Monday to Saturday; 12:00 to 21:00 Sundays and 12:00 to 22:00 on Bank Holidays and Public Holidays and to allow for the extraction and filtration equipment to operate from 10:00 to closing time.**
Decision : **Conditional Permission**

Applicant : Mr A ROBERTS 17/00547/FUL
Site Address : 11 Medway Close Chilwell Nottingham NG9 5FS
Proposal : **Construct single storey side extension**
Decision : **Conditional Permission**

Applicant : Mr Peter Barnett 17/00594/FUL
Site Address : Land Adjacent 5 Leamington Drive Chilwell Nottinghamshire NG9 5LJ
Proposal : **Erect dwelling (revised scheme)**
Decision : **Refusal**

EASTWOOD HALL WARD

Applicant : Mr Graham Thurgood 17/00471/FUL
Site Address : Land Adjacent To 9 Engine Lane Newthorpe Nottinghamshire NG16 3PX
Proposal : **Construct detached bungalow**
Decision : **Conditional Permission**

EASTWOOD HILLTOP WARD

Applicant : Mr Desa McClare 17/00521/FUL
Site Address : Land To The Rear Of 62 Dovecote Road Eastwood Nottinghamshire NG16 3EZ
Proposal : **Construct one dwelling and amendments to approved layout of Plot 1 of 16/00767/FUL**
Decision : **Conditional Permission**

Applicant : Mr Chris Newton 17/00537/CLUP
Site Address : 2 Old Kiln Lane Eastwood Nottinghamshire NG16 3TH
Proposal : **Certificate of lawful development to construct garage**
Decision : **Approval - CLU**

EASTWOOD ST MARY'S WARD

Applicant : Mr David Manchester 17/00464/OUT
Site Address : Land Adjacent To 39 Addison Villas Eastwood Nottinghamshire NG16 3JA
Proposal : **Outline planning application to construct one detached bungalow (with all matters reserved)**
Decision : **Refusal**

GREASLEY WARD

Applicant : Mrs S Morgan 17/00348/CLUE
Site Address : 57A Moorgreen Newthorpe Nottinghamshire NG16 2FD
Proposal : **Certificate of Lawful Existing Use to retain the site for the use of B8 (Storage and Distribution)**
Decision : **Refusal**

Applicant : Mr Robert Cresswell 17/00544/FUL
Site Address : Ram Inn Beauvale Newthorpe Nottinghamshire NG16 2EZ
Proposal : **Change of use from public house/restaurant (Class A4) to a single dwelling (Class C3)**
Decision : **Conditional Permission**

Applicant : Mr G Buchanan 17/00551/FUL
Site Address : 152 Main Street Newthorpe Nottinghamshire NG16 2DG
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr & Mrs J Hall 17/00570/FUL
Site Address : 57 Thorn Drive Newthorpe Nottinghamshire NG16 2BH
Proposal : **Construct single storey rear & side extension**
Decision : **Conditional Permission**

KIMBERLEY WARD

Applicant : Mr Arikaren 17/00532/FUL
Site Address : 16 High Spannia Kimberley Nottinghamshire NG16 2LD
Proposal : **Install new shop front and ramped and stepped pedestrian access**
Decision : **Conditional Permission**

Applicant : Mr N Kazmierczak 17/00583/FUL
Site Address : 34 Oak Drive Nuthall Nottingham NG16 1FJ
Proposal : **Construct detached double garage**
Decision : **Conditional Permission**

| | | | |
|---|---|--|---------------|
| Applicant | : | Ms Jo Taylor | 17/00589/FUL |
| Site Address | : | 8 Stocks Road Kimberley Nottinghamshire NG16 2QF | |
| Proposal | : | Retain single storey rear extension | |
| Decision | : | Conditional Permission | |
| Applicant | : | Mr & Mrs READ | 17/00592/FUL |
| Site Address | : | 40 Park Avenue Kimberley Nottingham NG16 2PW | |
| Proposal | : | Construct rear extension | |
| Decision | : | Conditional Permission | |
| Applicant | : | Mr G Frank | 17/00604/FUL |
| Site Address | : | 57A Main Street Kimberley Nottinghamshire NG16 2NG | |
| Proposal | : | Retain change of use of ground floor from a tattoo parlour to a beauty salon | |
| Decision | : | Conditional Permission | |
| Applicant | : | Mr Chris Foulk | 17/00635/FUL |
| Site Address | : | 5 Chapter Drive Kimberley Nottingham NG16 2QD | |
| Proposal | : | Construct first floor side extension | |
| Decision | : | Conditional Permission | |
| NUTHALL EAST & STRELLEY WARD | | | |
| Applicant | : | Mrs K Oliver | 17/00565/FUL |
| Site Address | : | Land North Of Home Farm Cottage And Park View Cottage Main Street Strelley Nottinghamshire | |
| Proposal | : | Construct extension to approved existing stable block | |
| Decision | : | Conditional Permission | |
| STAPLEFORD NORTH WARD | | | |
| Applicant | : | Mr Richard Lowe | 17/00412/FUL |
| Site Address | : | 89 Pasture Road Stapleford Nottinghamshire NG9 8HR | |
| Proposal | : | Construct dropped kerb and extend tarmac driveway | |
| Decision | : | Conditional Permission | |
| STAPLEFORD SOUTH EAST WARD | | | |
| Applicant | : | Dr Ivan Bakaltchev Aspire Health and Care Limited | 17/00610/FUL |
| Site Address | : | Cambridge House Nottingham Road Stapleford NG9 8AB | |
| Proposal | : | Change of use from offices (Class B1) to residential care home (Class C2) and external alterations including alterations to doors and windows | |
| Decision | : | Withdrawn | |
| STAPLEFORD SOUTH WEST WARD | | | |
| Applicant | : | C/O the Agent | 17/00186/FUL |
| Site Address | : | 168 Derby Road Stapleford Nottinghamshire NG9 7AY | |
| Proposal | : | Change of use of first floor from photographic studio (Class B1) to residential (C3) | |
| Decision | : | Conditional Permission | |
| Applicant | : | Mr & Mrs Parkin | 17/00411/FUL |
| Site Address | : | 30 Park Street Stapleford Nottinghamshire NG9 8EU | |
| Proposal | : | Alterations and proposed front and rear extensions to existing bungalow | |
| Decision | : | Conditional Permission | |
| Applicant | : | Mr Mick Feuz Meadow Lane Scrap Ltd | 17/00523/CLUE |
| Site Address | : | Former Dyeworks Site West End Street Stapleford Nottinghamshire | |
| Proposal | : | Certificate of lawfulness for existing development (engineering works on site) which represents a commencement of the development approved under 13/00609/FUL | |
| Decision | : | Approval - CLU | |

Applicant : Mr Lee Peck Pheonix Vape Ltd 17/00539/FUL
Site Address : 208 Derby Road Stapleford Nottinghamshire NG9 7AY
Proposal : **Change of use of ground floor from taxi office to retail (Class A1) and retain new shop front**
Decision : **Conditional Permission**

Applicant : Mr Omar Munir Shamma 17/00597/FUL
Site Address : 12A Archer Road Stapleford Nottinghamshire NG9 7EP
Proposal : **Construct side extension to create 2 flats**
Decision : **Conditional Permission**

TOTON & CHILWELL MEADOWS WARD

Applicant : Mr W Li 17/00531/ROC
Site Address : 17 Kirkland Drive Chilwell Nottinghamshire NG9 6LX
Proposal : **Variation of condition 9 (garage shall be kept for the accommodation of private vehicles) of planning ref:88/00170/OUT to enable use of garage as habitable room**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Caine 17/00542/FUL
Site Address : 125 Spinney Crescent Toton Nottinghamshire NG9 6GE
Proposal : **Construct two storey side/rear extension**
Decision : **Conditional Permission**

WATNALL & NUTHALL WEST WARD

Applicant : Mr Howard Bateman 17/00593/FUL
Site Address : 1 Watnall Road Nuthall Nottinghamshire NG16 1DT
Proposal : **Construct semi-sunken detached dwelling and associated works**
Decision : **Conditional Permission**

Applicant : Mr A Davies 17/00622/FUL
Site Address : 32 Kimberley Road Nuthall Nottinghamshire NG16 1DF
Proposal : **Construct two storey rear extension**
Decision : **Conditional Permission**
