



28 November 2017

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 6 December 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 - 12

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

4. NOTIFICATION OF LOBBYING

5. DEVELOPMENT CONTROL

5.1 17/00731/ROC

Removal of Condition 3 of planning permission 15/00285/FUL to allow for the retail store to be open to customers prior to practical completion of all dwellings on the site

PAGES 13 - 34

17/00732/ROC

Variation of Condition 2 (the development shall be carried out in accordance with the approved plans) of planning permission 15/00285/FUL (construct retail store and dwellings) to enable revisions to the design of the retail store, car park layout, landscaping and boundary treatments

Pinfold trading estate and Nags Head, Nottingham Road Stapleford NG9 8AD

5.2 17/00608/FUL – Site A – Dagfa House

PAGES 35 - 64

Convert Dagfa House and construct student accommodation (to provide 91 bed spaces) following demolition of school buildings

Construct bin store and cycle stores

17/00607/FUL – Site B – Salthouse Lane

Construct student accommodation providing 136 bed spaces, bin store and cycle stores

Dagfa House School Ltd, 57 Broadgate, Beeston NG9 2FU

5.3 17/00649/FUL

PAGES 65 - 81

Proposed dwelling (revised scheme)

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

5.4 17/00658/FUL

PAGES 82 - 92

Construct two detached dwellings and outbuildings following demolition of bungalow

9 Hope Street, Beeston NG9 1DJ

5.5 17/00724/FUL

PAGES 93 - 98

Construct single storey side extension
56 Marshall Drive, Bramcote NG9 3LD

6. INFORMATION ITEMS

6.1 Appeal Statistics

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

6.2 Delegated Decisions

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7. EXCLUSION OF PUBLIC AND PRESS

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

8. 17/00598/FUL

Construct rear extension and detached garage
46 Coronation Road, Nuthall NG16 1EP

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PLANNING COMMITTEE

8 NOVEMBER 2017

Present: Councillor M Handley, Chair

| | | |
|--------------|-----------------------|-----------------|
| Councillors: | L A Ball BEM | R I Jackson |
| | D Bagshaw | R D MacRae |
| | J S Briggs | J K Marsters |
| | T P Brindley | P J Owen |
| | M Brown | M Radulovic MBE |
| | E Cubley (substitute) | R S Robinson |

Apologies for absence were received from Councillors G Marshall and A Harper.

29. **DECLARATIONS OF INTEREST**

Councillor P J Owen declared a non-pecuniary interest in agenda items 5.1 and 5.4. Item 5.1 was withdrawn from the agenda and in respect of item 5.4, Councillor Owen was Chairman of the Leisure and Young Persons Service Committee for Looked After Children in his capacity as Nottinghamshire County Councillor (minute no. 32.4 refers). Councillor L A Ball declared a non-pecuniary interest in agenda item 5.8, she being a member of Awsworth Parish Council, and would withdraw from the meeting during debate and voting on that item in the interests of transparency (minute no. 32.8 refers).

30. **MINUTES**

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

31. **NOTIFICATION OF LOBBYING**

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

32. **DEVELOPMENT CONTROL**

32.1 **17/00649/FUL**

Proposed dwelling (revised scheme)

Land to the rear of 51A and 51B Mill Road, Newthorpe

The above-named item was deferred for consideration at the Committee's 6 December 2017 meeting.

32.2 17/00514/FUL

Construct apartment block consisting of 8 flats following demolition of existing bungalow
2A Lily Grove, Beeston NG9 1QL

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

The Committee was referred to the summary of late items which contained a correction to paragraph 6.4.3.

Mr Gavin Whyler (objecting), Mr Ian Upton (applicant) and Councillor T A Cullen (ward member) addressed the Committee prior to the general debate.

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

- The flats were of a good, modern design but would be detrimental to the person living next door in the bungalow by reason of overshadowing.
- The flats were of a good design but in the wrong place and the number of parking spaces allocated to the development was considered to be insufficient.
- The development was out of keeping with the rest of the Rylands.
- The need for housing was well-documented although this should not be at the expense of local people by impacting on their amenity.
- The plot size was considered to be too small to accommodate eight flats and associated adequate parking.
- The proposed development was overpowering and the massing was not in keeping with the area.
- The proposed development would have a considerable and unacceptable impact on the amenity of the immediate neighbours.

RESOLVED that permission for the proposed development be refused due to concerns about the over intensity of development and the impact on neighbours, the precise wording for refusal to be delegated to the Head of Neighbourhoods and Prosperity and the Chair of the Planning Committee.

32.3 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 deferred by Committee at its meeting on 11 October 2017 due to members' concerns about the impact of the proposed dwelling on neighbour amenity.

The Committee was referred to the summary of late items which contained details of letters received from an objector and the agent.

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

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

- It was preferable if neighbours worked together.
- Disappointment was expressed that the applicant had not taken the Committee's advice conveyed at the previous meeting to modify the application to lessen the impact on the neighbours.
- The design was good and whilst it was inevitable that people would want to extend their homes, applicants should be mindful of neighbours' concerns.
- Disappointment was expressed that the applicant had chosen to ignore the Planning Inspector's advice regarding the outline permission relating to the siting of the new dwelling.

RESOLVED that permission for the proposed development be refused due to concerns about the over intensity of development and specifically the adverse impact on neighbours at 125 Brookhill Street being contrary to Local Plan and Core Strategy policies in that regard, the precise wording for refusal to be delegated to the Head of Neighbourhoods and Prosperity and the Chair of the Planning Committee.

32.4 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 deferred by Committee at its meeting on 11 October 2017 due to members' concerns about the number of children who would be cared for at the property, the unsatisfactory parking provision, insufficient outdoor space, the potential for anti-social behaviour and concerns that the semi-detached property was unsuitable for the proposed use.

The Committee was referred to the summary of late items which outlined a consultation response received from a Nottinghamshire Police Inspector for Broxtowe.

Mr Howard Turney (objecting), Diane 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 noted:

- It was noted that the applicant had taken heed of members' and residents' concerns about the number of children to be accommodated in the property, the current proposals having reduced the number of children proposed to be accommodated from a maximum of five to a maximum of three.
- The house was not too small to accommodate the number of children proposed to be accommodated and the neighbourhood was a good place for young people.

Councillor M Radulovic MBE proposed that the wording of condition 4 be amended to avoid any ambiguity by stating that 'The premises shall only be used as a children's home up to a *maximum* of three children...'. The proposal was seconded by Councillor T P Brindley and, on being put to the meeting, was carried.

RESOLVED that planning permission be granted subject to the following conditions, and the inclusion of the aforementioned amendment:

- 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.

32.5 17/00580/FUL

Change of use from hairdresser (Class A1) to massage parlour
Poole Hair Design, 19 Sunnyside Road, Chilwell NG9 4FH

The application, as detailed above, had been called into Committee by Councillor G Harvey.

There were no late items in respect of the application.

Mrs Narumon Royal (applicant) addressed the Committee prior to the general debate.

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

- The shop had been empty for a long time and it would be good to bring it back into use.
- The ward member stated that he had not received any objections in respect of the application.
- Any grant of permission should include a condition relating to the provision of adequate security measures.

Councillor D Bagshaw proposed that adequate security measures be put in place in consultation with the applicant. The proposal was seconded by Councillor R D MacRae and, on being put to the meeting, was carried.

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

- 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.

32.6 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, Eastwod NG16 3EF

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

There were no late items in respect of the application.

Mr Eric Elwick (applicant) addressed the Committee prior to the general debate.

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

- A neighbour had complained to the ward member about the height of the building.
- There were concerns that the structure obscured the view of near neighbours.
- Concerns were expressed at the frequency of retrospective applications coming before the Committee in general.
- Following on from the previous bullet point, members stated that there was a need for planning staff to issue clear guidance to agents.

During the course of debate, Councillor Radulovic stated that the applicant was known to him which he had not previously realised. On seeking advice

from the Deputy Monitoring Officer regarding declarations of interest, Councillor Radulovic was deemed not to have a declarable interest.

RESOLVED 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 5 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 and 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.

32.7 17/00598/FUL

**Construct rear extension and detached garage
46 Coronation Road, Nuthall NG16 1EP**

The application, as detailed above, had been called into Committee by Councillor J M Owen.

There were no late items in respect of the application.

Mr G Harvey (objecting) and Councillor J M Owen (ward member, speaking on behalf of the residents of no. 48 Coronation Road) addressed the Committee prior to the general debate.

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

- The application site was an old property which the applicants wanted to carry out improvements to.
- The bungalow was relatively small and the neighbours were not objecting in principle but had concerns about the scale of the development.

Councillor P J Owen proposed that consideration of the matter be deferred to allow the objector and applicant to come together and see if they could create a mutual way forward. The proposal was seconded by Councillor R I Jackson and, on being put to the meeting, was carried.

RESOLVED that consideration of the matter be deferred to allow the objector and applicant to enter discussions as to a compromise.

32.8 17/00561/FUL
 Retain agricultural building
Whisgills Farm, The Lane, Awsworth

The application had been referred to the Committee for determination due to a request by the Parish Council and significant local interest.

There were no late items in respect of the application.

Councillor Graham Spencer, Chairman of Awsworth Parish Council (objecting) and Claire Cole (applicant) addressed the Committee prior to the general debate.

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

- Although the building blended in well, the most significant concern for members was that this was yet another retrospective application and, as evidenced by the comments of the objecting speaker, such applications invariably caused anger since applicants could be perceived to be trying to 'flout' the rules.
- However, the applicant had been 'punished' since if she had applied under permitted development (PD) rights the application would have been free of charge and by 'getting it wrong' this had cost her.
- Not many people would be able to see the building and therefore would not be affected by its presence.

RESOLVED 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.

(Councillor L A Ball BEM, having declared an interest in the item, left the chamber and did not therefore speak or vote thereon.)

32.9 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, hard standing and boundary fencing
RG Services Site, Gin Close Way, Awsworth NG16 2TA

The application, as detailed above, had been called into Committee by Councillor L A Ball BEM.

There were no late items in respect of the application.

Councillor Graham Spencer, Chairman of Awsworth Parish Council (objecting), Mr Bledar Ndini (applicant) and Councillor L A Ball BEM addressed the Committee prior to the general debate.

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

- The planning case officer was thanked for his work with the applicant in conveying to him the wishes of the Parish Council.
- The car wash had improved due to the applicant's efforts and was very popular.
- It was suggested that the applicant kept improving the site and more planting was encouraged.
- Concern was expressed at the close proximity of three entrances on Gin Close Way.
- It was suggested that strong and enforceable conditions were needed to improve the site environment and manage the area via a bona fide environmental project.

Councillor M Radulovic MBE proposed the inclusion of an approved environmental scheme. Councillor J S Briggs seconded the proposal which, on being put to the meeting, was carried.

RESOLVED that planning permission be granted subject to the following conditions and the inclusion of the aforementioned amendment relating to the inclusion of an approved environmental scheme:

- 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 and 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.

(Councillor L A Ball BEM withdrew from the Chamber after speaking as ward member and did not therefore take part in the debate or vote thereon.)

32.10 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

The application had been brought before the Committee since the Council was the landowner.

There were no late items in respect of the application.

Jessica Wester (applicant) addressed the Committee prior to the general debate.

Members debated the application and the following comment was amongst those noted:

- The shop had been empty for a long time and the application was supported.

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

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250) 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.

33. INFORMATION ITEMS

33.1 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.

33.2 Appeal Decision

23 Beeston Fields Drive, Beeston – 17/00064/FUL

Members noted that the appeal to retain a boundary wall and install railings and gates between piers had been dismissed.

33.3 Delegated Decisions

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

Councillor Radulovic highlighted an error contained on page 107 since the applicant was erroneously referred to as 'Mr' when her correct title was 'Mrs'.

Councillor Brown queried when the storage units located at 57A Moorgreen would be removed and was advised that enforcement action for removal of the units was proceeding.

34. VOTE OF THANKS

Councillor P J Owen referred to the imminent departure of Senior Planning Officer, Mr Sachin Parmar, who was leaving the authority for another job. Councillor Owen wished to place on record members' thanks for Mr Parmar's assistance and unfailing courtesy. Councillor Owen's comments were endorsed by Councillor L A Ball and other members and Councillor Owen's vote of thanks in respect of Mr Parmar was duly seconded by Councillors Ball and Bagshaw.

Report of the Chief Executive

17/00731/ROC

REMOVAL OF CONDITION 3 OF PLANNING PERMISSION 15/00285/FUL TO ALLOW FOR THE RETAIL STORE TO BE OPEN TO CUSTOMERS PRIOR TO PRACTICAL COMPLETION OF ALL DWELLINGS ON THE SITE

17/00732/ROC

**VARIATION OF CONDITION 2 (THE DEVELOPMENT SHALL BE CARRIED OUT IN ACCORDANCE WITH THE APPROVED PLANS) OF PLANNING PERMISSION 15/00285/FUL (CONSTRUCT RETAIL STORE AND DWELLINGS) TO ENABLE REVISIONS TO THE DESIGN OF THE RETAIL STORE, CAR PARK LAYOUT, LANDSCAPING AND BOUNDARY TREATMENTS
PINFOLD TRADING ESTATE & NAGS HEAD, NOTTINGHAM ROAD, STAPLEFORD NG9 8AD**

Councillor R D MacRae has requested these applications be determined by the Committee.

1. Details of the applications

1.1 Both applications relate to the conditions attached to planning permission reference 15/00285/FUL which was a detailed permission for 1,254 sq m of retail floor space accessed from Nottingham Road and outline permission to construct dwellings on an adjoining 0.29ha site (access included and to be from Pinfold Lane) granted permission by Committee in January 2015.

1.2 Application reference 17/00731/ROC proposes to remove condition 3 which requires the practical completion of the residential dwellings prior to the retail store being open to customers:

The retail store hereby approved shall not be open to customers unless the residential element of this permission is implemented and until the practical completion of all dwellings on the site, within the area annotated as 'Land for residential use', as shown on drawing reference V09A93-P007 Rev A, received by the Local Planning Authority on 9 June 2015.

The primary reason for the imposition of this condition was to ensure the deliverability of the housing element on the site.

1.3 Application reference 17/00732/ROC proposes to vary condition 2. This condition requires the development to be carried out in accordance with the approved drawings. The applicant has submitted amended drawings and proposes to revise the design of the development to include the following amendments:

- Omission of all glazing from the south west elevation and partial omission of glazing from the south east elevation,
- Omission of entrance/exit lobby (to be included internally),

- Amending the roof design to a monopitch roof which slopes down from the south east (beside Nottingham Road) to the north west (beside the proposed store car park),
- Height of building beside Nottingham Road increased by 2.3m,
- Change to materials from white render to silver and onyx (black) cladding,
- Boundary treatment between the store and residential site amended to 1.8m high close boarded fence above a retaining wall (1.1m high wall above a retaining wall previously approved),
- Southern boundary treatment changed from 1.1m high brick wall with railings to timber knee rail and boundary treatment beside Nottingham Road changed from 1.1m high brick wall above a retaining wall to 1m high railings above a retaining wall,
- Boundary treatment beside Pinfold Lane changed from 2.3 – 3.2m high retaining wall to 0.6 – 2m high retaining wall, with 1m high fence around the edge of the car park,
- Boundary treatment beside Upper Orchard Street changed from 1.8m high wall to 1.8m high wall to 1.8m high fence,
- Re-location of plant compound to south west of building (rather than north west),
- Reduction in number of car parking spaces by three from 121 to 118,
- Increase in width of vehicular access to site,
- Revisions to landscaping as a result of the above changes.

2. Site and surroundings

2.1 The site (1.07ha) is a vacant piece of land, following the demolition of the industrial units which formerly comprised the Pinfold Trading Estate (accessed from Nottingham Road) and the former Nags Head Public House (accessed from Pinfold Lane). Hoardings, fencing and walling are located on the site boundaries.



Nottingham Road frontage





Pinfold Lane frontage

2.2 There are significant changes in levels across the site. Along the Nottingham Road frontage, the land levels vary from 46.23m AOD in the east to 47.96m in the west, a difference of 1.73m. Along Pinfold Lane, the levels range from 43.72m in the east to 40.86m in the west, a difference of 2.86m. Nottingham Road ranges from 3m to 7m higher than Pinfold Lane.

2.3 To the south east of the site is Nottingham Road, which is characterised by a mix of commercial buildings varying in height. Opposite the site, there is a three storey former office building (Cambridge House) which is currently being converted into apartments and Sandcliffe garage, which carries out vehicle sales and repairs. Directly to the south of the site are two storey buildings occupied by commercial and residential occupiers. Pinfold Lane is to the north of the site, which is predominantly characterised by residential properties but also includes a local fire station. A three storey apartment block, with parking at the lower level accessed from Pinfold Lane, is located to the east of the site. To the west of the site, there are residential properties on Lower Orchard Street, Middle Orchard Street and Upper Orchard Street. At the southern corner of the site is Church Walk which currently provides pedestrian and vehicle access from Nottingham Road to Upper Orchard Street.

3. Relevant planning history

3.1 In 2009, outline permission was granted on the site of units 12-15 Pinfold Trading Estate for residential development, following partial demolition of industrial buildings (09/00246/OUT). Access and layout details were determined at that stage. The layout showed a terrace of six houses and an apartment block containing six flats at the eastern end of the site. Both forms of development would have been three storeys in height. The commercial units (12-15) have been demolished.

3.2 In 2014, the Planning Committee resolved to grant planning permission for 50 dwellings subject to the signing of a Section 106 Agreement (13/00322/OUT). Details of access and layout were submitted as part of the application but all other matters (appearance, scale and landscaping) were reserved for future consideration. The layout submitted showed a mix of detached, semi-detached and terraced properties. The Section 106 Agreement has to date not been completed and therefore planning permission has not been granted.

3.3 In February 2016, planning permission was granted for a hybrid application (15/00285/FUL) comprising of a full application to construct a shop (Class A1)

including solar panels and with associated car parking, access and landscaping on 0.78 hectares of the site, in addition to outline permission to construct dwellings (Class C3) on an adjoining site of 0.29 hectares with all matters reserved apart from access. A Section 106 Agreement was completed and required a £5,000 financial contribution for the installation of real time information at the nearest bus stop and a £5,000 contribution towards the community bus initiative.

- 3.4 In January 2017, Planning Committee refused permission for an application (reference 16/00732/ROC) to remove condition 3 of planning permission reference 15/00285/FUL to allow for the retail store to be open to customers prior to practical completion of all dwellings on the site. The reason for refusal was as follows:

Insufficient justification has been submitted to warrant the removal of the condition. There is a need for housing in sustainable locations in the Borough and if the condition is removed, it renders uncertain the provision of the ten dwellings. Accordingly, the proposal is contrary to Policy 2 of the Aligned Core Strategy, Policy H7 of the Broxtowe Local Plan and paragraph 47 of the NPPF and there are no other considerations that outweigh this harm, such as would justify treating this proposal as an exception.

4. Policy Context

4.1 National policy

- 4.1.1 The National Planning Policy Framework (NPPF) at paragraph 14 contains a general presumption in favour of sustainable development. It outlines twelve core planning principles which underpin the planning system. The most relevant to these applications include:

- Pro-actively drive and support economic development.
- Focus significant development in locations which are or can be made sustainable.
- Encourage the effective use of land by reusing land that has been previously re-developed.
- Promotion of mixed use development.
- Securing high quality design and a good standard of amenity for existing and future occupants.

- 4.1.2 A key objective of the NPPF is to increase significantly the delivery of new homes and there should be a wide choice of high quality homes within safe and accessible environments. The NPPF states that planning permission should be granted where local policies are out of date unless permitting the development brings about adverse impacts that significantly and demonstrably outweigh the benefits.

- 4.1.3 Section 7 of the NPPF requires good design in development. Paragraph 60 states that decisions should not attempt to impose architectural styles or stifle innovation, although makes it clear that it is proper to seek to promote or reinforce local distinctiveness.

4.1.4 Paragraphs 203 – 206 of the NPPF advise on planning obligations and conditions and state that obligations can only be used if they are necessary to make the development acceptable in planning terms, must be directly related to the development and be fairly and reasonably related in terms of scale and kind to the development. Paragraph 205 of the NPPF advises that, where seeking obligations, local authorities need to take into account changes in market conditions over time and be flexible so as to prevent development stalling. Paragraph 206 requires that planning conditions are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

4.2 Broxtowe Aligned Core Strategy

4.2.1 Policy A: Presumption in Favour of Sustainable Development – the Council will work proactively with applicants to secure sustainable development.

4.2.2 Policy 1: Climate Change – all development proposals will be expected to mitigate against and adapt to climate change.

4.2.3 Policy 2: The Spatial Strategy – sustainable development in the plan area will be achieved through a strategy of urban concentration with regeneration meaning development will be located in or adjoining the main built up area of Nottingham.

4.2.4 Policy 6: Role of Town and Local Centres – sets out the hierarchy of centres, with further details to be included in Part 2 Local Plans. Stapleford is classed as a ‘district centre’ and is identified as being a centre in need of enhancement or to be underperforming. It states that main town centre uses should be located in centres, if no suitable sites are available in centres then edge of centre locations should be used. Proposals for edge of centre sites should satisfy the sequential test and show how the development will not have a severe impact on any centre.

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. It sets out the approach to affordable housing and establishes a 30% target for Broxtowe Borough.

4.2.6 Policy 10: Design and Enhancing Local Identity - sets design and layout principles to be applied to new development.

4.2.7 Policy 19: Developer Contributions – all development will be expected to meet the reasonable cost of new infrastructure required as a consequence of the proposal; contribute to the delivery of necessary infrastructure to enable the cumulative impacts of development to be managed and provide for the future maintenance of facilities provided as a result of the development.

4.3 Saved Policies of the Broxtowe Local Plan

4.3.1 Policy E29 ‘Contaminated land’ – development of land which may be contaminated will not be permitted until a site investigation has been undertaken and any necessary remedial measures have been agreed.

- 4.3.2 Policy E34 'Control of noise nuisance' – planning permission will not be granted for housing and other noise sensitive development if the occupants would experience significant noise disturbance.
- 4.3.3 H5 'Affordable housing' - on housing sites of over 1 hectare or over 25 dwellings, the Council will seek to ensure that at least 25% of dwellings built will be affordable or, exceptionally, that a financial contribution is made to facilitate off-site provision.
- 4.3.4 H6 'Density of housing development' - provides density requirements for new 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.
- 4.3.5 H7 'Land not allocated for housing purposes' – residential development on sites within the existing built-up area will be permitted provided the amenity of existing and proposed occupiers is not adversely affected; the development would not result in an undesirable change in the character or appearance of the area; the development of a larger area is not prejudiced; satisfactory provision is made for access and parking; the site is not of significant nature conservation value and the site is not required to be retained for another purpose in the local plan.
- 4.3.6 Policy T1 states that planning permission for developments which generate a demand for travel will not be granted until a contribution towards transport infrastructure has been negotiated.
- 4.3.7 Policy T11 and Appendix 4 require satisfactory provision of vehicle parking and servicing, in accordance with the latest standards.
- 4.3.8 S6 'Food and drink retailing outside town centres' – such uses will not be permitted if their individual or cumulative effect would cause environmental or traffic problems or detriment to residential amenity.

4.4 Draft Part 2 Local Plan

- 4.4.1 Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations – permission will be granted for retail, leisure, office or food and drink uses in edge of centre and out-of-centre locations providing it is below 500 sq m 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. Impact assessments will be required for all edge of centre and out of centre retail, leisure, office or food and drink uses proposals of 500 sq m or more.
- 4.4.2 Policy 15: Housing mix, size and choice – 10% or more of housing should be affordable in Stapleford which recognises the more difficult viability situation in the town. If less than this is proposed, a viability assessment must accompany the application. Affordable housing provision should be made on site, unless there are exceptional circumstances. Developments should provide an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents

of all parts of the borough are met. At least 10% of the dwellings should comply with requirement M4(2) of the Building Regulations regarding 'accessible and adaptable dwellings'.

- 4.4.3 Policy 17: Place-making, design and amenity – permission will be granted for development which meets a number of criteria (where relevant) including that it integrates into its surroundings; provides, or is close to, community facilities; has good access to public transport; creates a place with a locally inspired or otherwise distinctive character; takes advantage of existing topography and buildings; provides sufficient, well-integrated parking; ensures satisfactory standards of amenity for existing and proposed residents; enables convenient use by people with limited mobility; incorporates ecologically sensitive design, with a high standard of planting (makes use of native species) and features for biodiversity (including bat/bird boxes) and does not prejudice the development of a larger site.
- 4.4.4 Policy 19: Pollution, Hazardous Substances and Ground Conditions - development of land which may be contaminated will not be permitted until a site investigation has been undertaken and any necessary remedial measures have been agreed.
- 4.4.5 Policy 26: Travel Plans – a Travel Plan will be expected to be submitted for developments of 10 or more dwellings or 1,000 sq m or more gross floorspace.
- 4.4.6 Policy 32: Developer contributions – financial contributions may be sought from developments of 10 or more dwellings or 1,000 sq m or more gross floorspace for provision, improvement or maintenance, where relevant, of: affordable housing; health; community facilities; green space; biodiversity; education and highways.

5. Consultations

17/00731/ROC

- 5.1 Nottinghamshire County Council as Lead Local Flood Authority have advised that the application falls outside the guidance set by Government for those applications that require a response from the LLFA.
- 5.2 The Environmental Health Technical Officer has no objections to the removal of condition 3 but prior to the store opening, any agreed remedial measures relevant to the store site area will need to have been completed and validation of such submitted to the Local Planning Authority.
- 5.3 217 items of support/no objections and two objections have been received. The comments made in support of the applications can be summarised as follows:
 - Stapleford needs a supermarket, particularly given the closure of the Co-op supermarket, more than it needs housing
 - Lack of choice - only have Sainsbury's and small shops which are expensive
 - Residents have to travel to Sandiacre, Ilkeston, Beeston or Long Eaton for large supermarkets
 - If building does not go ahead, the site will become more of an eyesore

- Construction work should be encouraged to start without delay
- New jobs needed
- Starting work on the store may encourage the residential site to be developed and achieve a better design
- Struggle for elderly people/non-car drivers to buy food – Stapleford town centre predominantly charity shops and cafés
- Stapleford town centre is run down/ghost town and this development would rejuvenate the town by bringing more shoppers to the area
- Will make shopping more convenient for residents
- Ample parking proposed
- Plenty of housing being constructed in Stapleford including at Cambridge House opposite the site
- Aldi are retailers not house builders
- Better to build houses after store has been built to avoid disturbing the new residents
- Would like to see housing built after the store within set time frame
- Houses and landscaping will lift appearance of Pinfold Lane
- 10 houses meagre number which does not outweigh economic and community benefits of new store
- If the houses were required to be affordable, would be more weight for requiring them to be built but this is not requirement so condition 3 is unnecessary restriction
- Aldi have been held to ransom
- Stapleford does not want to lose the store and the houses
- The Council should represent the people of Stapleford and help the regeneration of the area
- Council is denying residents of Stapleford a supermarket
- Store should open as soon as possible
- Will enhance the approach into Stapleford.

5.3.1 The objections made can be summarised as follows:

- Aldi have tried to have the condition removed before and if it is removed, they will build the store and no houses.
- Finding a builder for a small number of houses is not problematic.
- The application should be refused and the original plan for all houses on the site should be implemented.
- The store will lead to the further decline of Stapleford town centre due to its out of centre location.
- An alternative would be for Aldi to deposit a £5m bond ensuring the houses are built within a specified timescale. If they fail to build them, they forfeit the £5m which is used to build the houses.
- Houses are a priority rather than another supermarket.
- There are many local traders in Stapleford who can serve the population.

17/00732/ROC

5.4 Nottinghamshire County Council as Highway Authority consider the revised plans will have negligible highway implications so have no objections.

5.5 Nottinghamshire County Council as Lead Local Flood Authority have no objections.

5.6 The Business and Projects Manager (Environment) advises that the amended landscaping scheme is well thought out and as long as it is well maintained, it will produce an attractive landscaping feature.

5.7 The Senior Environmental Health Officer raises no objection.

5.8 147 items of support/no objections, two observations and one objection have been received. The comments made in support of the application (in addition to those listed at 5.3) can be summarised as follows:

- Do not object to the changes to the design, just want the store built
- Minor cosmetics unimportant
- Common sense should prevail
- Council creating unsightly area by refusing permission to build
- Thinking of devising petition due to length of time taken
- Why were 1,300 signatures rejected last year?

5.8.1 The observations made can be summarised as follows:

- Concern expressed about the use of Himalayan Birch given it can grow to 15m high which would obscure planned signage of business at 45 Nottingham Road and potentially negatively impact on the business. Suggests that trees are removed or replaced with something shorter.
- Car park for the store will cause loss of privacy for residents on Pinfold Lane – request for fence on top of retaining wall.
- Due to expected increase in traffic on Pinfold Lane, request made for double yellow lines.

5.8.2 The objection made can be summarised as follows:

- For over one year, had to look at overgrown land and graffiti on a wall from Pinfold Lane.
- Dwellings and store should be developed at same time.
- If dwellings to rear of the store will not sell, whole site should be used for dwellings as need houses more than store.
- Store needed but housing development should be progressed more quickly than at present.

6. Appraisal

6.1 The main issue with application 17/00731/ROC is whether the removal of condition 3 will have an adverse impact on the delivery of the housing element on the site to the point where it would delay the delivery of the housing, when taking account of national and local policies and guidance and the Council's position in relation to its five year housing supply. In addition, consideration will be given to whether condition 3 impedes the delivery of the Aldi store in a timely fashion and the impact this will have on Stapleford.

- 6.2 The main issues with application 17/00732/ROC are the impact of the design changes on the street scene, residential amenity and the highway network.
- 6.3 Delivery of retail store and housing on the site
- 6.3.1 The officer recommendation for the hybrid application (15/00285/FUL) was to approve the residential element and to refuse the retail element. The refusal of the retail element was, for the most part, based on independent advice which suggested that the store would have a “significant adverse impact” on the vitality and viability of Stapleford District Centre due to the trade diversion away from the Co-op store and the potential loss of this anchor store and the detrimental impact this would have on the overall district centre.
- 6.3.2 The outline part of application reference 15/00285/FUL was for residential development with all matters reserved apart from access. A planning application (reference 13/00322/OUT) was to be granted permission (subject to completion of a S106 agreement) for 50 dwellings on the entire site. The submitted layout plan for application reference 15/00285/FUL was indicative only and showed provision for 10 dwellings which amounted to a reduction of 40 dwellings compared to the previously proposed redevelopment of the site. The granting of planning permission for the retail store has therefore resulted in 40 fewer dwellings on a brownfield site which is a significant loss in terms of meeting the Council’s Core Strategy housing targets and reducing the need to build on Green Belt and greenfield sites which is contrary to the aims of the NPPF and the Aligned Core Strategy. The officer’s recommendation (for 15/00285/FUL), considered that any reduction in housing land supply in sustainable urban locations was most unfortunate. However, it was not considered that this alone was sufficient to justify a refusal of planning permission.
- 6.3.3 The Committee took a different view to the officer’s recommendation as regards to the retail element of the scheme. The Committee considered that the public and economic implications for Stapleford of having the store in this location would be beneficial and would not have a significant impact on the vitality and viability of Stapleford Town Centre.
- 6.3.4 The loss of housing land and the need to ensure delivery of ten dwellings on the site were seen by the Committee to be significant issues, and it was due to this that condition 3 was attached to the approval to ensure that the dwellings were completed prior to the opening of the store.
- 6.3.5 The applicant believes that if they can sell the land to a third party, there is a high risk that the houses would not be built within the required time frame which could jeopardise the delivery of the retail store. Aldi have therefore offered the construction of the store on a tender basis to six parties as they consider any profit achieved would be attractive enough for the builder to commit to building the residential development. Aldi have set a deadline of 1 March 2018 for the submission of the reserved matters application for the dwellings. However, Aldi’s legal advisors are still concerned about the level of risk to the whole development given the dependency on a third party to deliver the housing. Whilst Aldi state they are committed to delivering the whole development, the application to remove the condition has been submitted to create a fall-back position.

6.3.6 The concerns of Aldi are noted and it is acknowledged that there are difficulties if Aldi put the opening of the store in the hands of a third party. However, condition 3 does not require them to do this. Aldi could build the houses themselves at the same time as the store. Aldi state that they are not a house builder and have no experience of the sale of residential properties. However, it should be recognised that Aldi have been involved with mixed use schemes, including those combining residential and retail development. They could also arrange for an affordable housing provider to build the 10 homes whilst Aldi retain the site in their ownership. Either of these solutions should be very achievable. They could also agree a timetable for the completion of the dwellings with a housing developer to ensure they are built prior to the store opening and it is noted that a time limit has been included within the proposed tendering process detailed above.

6.3.7 As Aldi state, there is significant public support for the store to be delivered as is clearly evidenced by the volume of responses in support of the current applications and the previous applications. However, it is considered that condition 3 does not prevent the store opening - it requires that 10 homes (as indicatively proposed) are built at the same time which without the condition may well not be built at all.

6.3.8 The opportune delivery of the store needs to be carefully weighed against the need for housing delivery, in particular the Council's position in terms of five year housing land supply, which was the primary reason for the imposition of condition 3 on the planning permission.

6.4 Five year housing land supply and housing need

6.4.1 The NPPF (2012) states that planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements, with an additional buffer of five per cent to ensure choice and competition in the market for land. Where there has been a record of persistent under-delivery of housing, local planning authorities should increase the buffer to 20 per cent. At paragraph 49, it states that "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".

6.4.2 The Council currently 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 which can only be fully addressed with new allocations in the Council's Part 2 Local Plan. The development of previously developed sites (brownfield) within existing urban areas is vital to meeting the outstanding housing need. The NPPF also encourages the effective use of land by reusing land that has been previously developed and the Government's key housing objective is to increase significantly the delivery of new homes. Given the lack of a five year land supply, paragraph 49 of the NPPF is therefore engaged and the housing supply policies for Broxtowe cannot be considered up-to-date. Under these circumstances, the approach to follow is contained within paragraph 14 of the NPPF, which in respect of decision-taking is:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date (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.*

6.4.3 It is not the granting of planning permission for housing developments, but the number of completions on sites which has primarily led to the inability to demonstrate a five year supply. Information in the SHLAA is that there has been year on year increases in residential permission for the previous 5 years. The delivery of housing is therefore of great importance to the Borough and given this absence of a five year supply and the shortfall of housing delivery on the site, any mechanism which will speed up the housing completions on the site should be afforded significant weight in the determination of application reference 17/00731/ROC.

6.5 17/00732/ROC Design, residential amenity and highway considerations

6.5.1 The store location remains broadly as approved but the application to vary condition 2 proposes a number of changes to the design of the store, with the most notable amendments being to the roof design and the south east (Nottingham Road) and south west elevations. Although there is no concern about the change to a monopitch roof design, with the roof now being over 2m higher beside Nottingham Road and sloping down in a north westerly direction towards the store car park, there is some concern about the changes to the elevations. During discussions about the previously approved store, the design was specifically amended to include more glazing in the south east and south west elevations to ensure that the residents of Upper Orchard Street were not faced with a blank elevation and that the expanse of building beside Nottingham Road was visually broken up (by the use of glazing). The proposed amendments will mean that the residents of Upper Orchard Street will face a blank elevation, as well as a fenced plant compound, albeit with a landscaped area inbetween the store and these neighbouring properties. Beside Nottingham Road, the store will be over 55m in length with the only relief to this elevation provided by a strip of glazing 0.9m in height and the two different colours of cladding.

6.5.2 The number of car parking spaces for the store is proposed to be reduced by three and the resultant changes to the car park layout, in addition to the amendments to the access (widening), will cause no highway safety concerns. County Highways raise no objection to the application.

6.5.3 The nearest dwelling (on Upper Orchard Street) to the proposed store is located over 20m away from the building where it has a height of 6.2m and over 19m from the proposed plant compound. As the building is located at an angle to Upper Orchard Street, given the proposed landscaping and as the plant compound will be fenced (and Environmental Health have raised no objection to

its repositioning), it is considered the amendments made to the store design and plant compound will have minimal impact on neighbour amenity.

6.5.4 An amended landscaping scheme has been submitted during the course of the application to address concerns raised about the lack of trees beside Nottingham Road and a shrub species (Scots Pine) proposed to the west of the building. The amended landscaping scheme is considered to be acceptable, as are the revisions to the boundary treatments.

6.5.5 Since the application for the store and dwellings was granted permission, a prior notification application has been granted for the offices at Cambridge House on the south side of Nottingham Road to change use to form 42 flats. Conversion works are ongoing. Given the intervening road and separation distance of over 22m, it is considered the proposed development will have no adverse impact on the amenity of the residential occupants of Cambridge House.

6.6 Section 106 Agreement

6.6.1 A S106 Agreement has been agreed in relation to the previous approval (15/00285/FUL). If permission is granted, it is proposed that the provisions of this agreement would be carried over to relate to the new permission(s).

6.6.2 The applicant has agreed to fund the installation of real-time information at the nearest bus stop in the southbound direction (i.e. BR0147 Cemetery Road) in line with the costs identified in the previous County Council consultation response (i.e. a £5,000 financial contribution for the installation of real time information). In addition, a £5,000 contribution towards the community bus initiative was agreed.

6.6.3 The S106 Agreement will also include the provision for 30% affordable housing if 25 dwellings or more are proposed on the outline residential site. This is proposed to remain as it is very unlikely that more than 10 properties will be built given the size of the residential development site and the Part 2 Local Plan has not yet been subject to its formal examination process.

6.7 Conclusions

17/00731/ROC

6.7.1 The proposed residential element of the development is required to assist in meeting the borough's overall housing requirement as the Council cannot currently demonstrate a five year housing land supply. As the site is located in the main built-up area, this carries significant weight as the location is sustainable. The provision of 10 dwellings (as indicatively proposed) is considered to carry significant weight and, given the reduction from the 50 houses that would contribute to the Core Strategy target, their opportune delivery is seen as highly important. Hence, it is therefore considered that condition 3 on the planning permission should not be removed as the planning permission would be wholly unacceptable if there were no control over the delivery of the ten dwellings on the site. The condition is considered to meet all of the NPPF tests and is reasonable and necessary.

6.7.2 It is concluded that the proposed retail store in this location would not have been acceptable without the imposition of condition 3 and the application to remove this condition should be refused.

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6.7.3 The design changes to the store development overall are considered to be acceptable.

Recommendation

17/00731/ROC

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

Insufficient justification has been submitted to warrant the removal of the condition. There is a need for housing in sustainable locations in the Borough and if the condition is removed, it renders uncertain the provision of the ten dwellings. Accordingly, the proposal is contrary to Policy 2 of the Aligned Core Strategy, Policy H7 of the Broxtowe Local Plan and paragraph 47 of the NPPF and there are no other considerations that outweigh this harm, such as would justify treating this proposal as an exception.

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 communicating with the agent throughout the course of the application.

17/00732/ROC

The Committee is asked to RESOLVE that:

The Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission subject to:

(i) the prior completion of a Planning Obligation to secure the provision of contributions towards the installation of real-time bus information and the community bus initiative, 30% affordable housing if 25 dwellings or more are proposed on the outline residential site and a requirement for the store to only be operated by a discount retailer, and

(ii) the following conditions:

FULL PLANNING APPLICATION

1. The development hereby permitted shall be commenced before 26 February 2019.

2. The development hereby permitted shall be carried out in accordance with drawing numbers V09A93-P001 'Site Location Plan'; 2138-101 'Proposed GA'; 2138-103 'Proposed Site Sections', and 2138-104 'Proposed Roof' received by the Local Planning Authority on 9 October 2017; 2138-102 'Proposed Elevations' received by the Local Planning Authority on 11 October 2017; V2138 L01 Rev A 'Landscape Plan' received by the Local Planning Authority on 23 November 2017 and 2138-100 Rev B 'Proposed Site layout' received by the Local Planning Authority on 27 November 2017.
3. The retail store hereby approved shall not be open to customers unless the residential element of this permission is implemented and until the practical completion of all dwellings on the site, within the area annotated as 'residential site', as shown on drawing reference V09A93-P001, received by the Local Planning Authority on 9 October 2017.
4. No development shall take place until details of any retaining walls have been submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
5. (a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.

(b) No building to be erected pursuant to this permission shall be first occupied or brought into use until:

 - (i) all the necessary remedial measures have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and
 - (ii) it has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified, unless an alternative has first been approved in writing by the Local Planning Authority.
6. The retail store hereby approved shall not be opened to customers until a vehicle access onto Nottingham Road, (shown for indicative purposes only on drawing number 14037-SK150914.1 - 'Proposed Road Widths' received by the Local Planning Authority on 14 September 2015) has been constructed in accordance with further details, which shall have first been submitted to and approved by the Local Planning Authority.

7. The retail store hereby permitted shall not be brought into use until the parking, turning and servicing areas have been provided in accordance with drawing number 2138-100 'Proposed site layout', or such other drawing as may first be agreed in writing by the Local Planning Authority. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.
8. The retail store shall not be first occupied until cycle parking facilities have been provided in accordance with details that shall have first been submitted to and agreed in writing by the Local Planning Authority. The facilities shall be retained for the life of the development.
9. No deliveries to or from the premises by commercial vehicles shall take place between 23.30 and 06.00 hours.
10. The retail store shall not be open to customers other than between the hours of 07.30 - 23.30 on any day.
11. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Friday, 08.30-13.00 on Saturdays and at no time on Sundays or Bank Holidays without prior agreements in writing with the Local Planning Authority.
12. All plant/machinery installed pursuant to this permission shall be operated and/or attenuated in accordance with Section 6 of the NSL Noise report ref BS33713/NIA Rev 6 submitted by the applicant.
13. The approved landscaping, as shown on drawing number V2138 L01 'Landscape Plan', shall be carried out not later than the first planting season following the substantial completion of the retail store and any trees or plants which, within a period of 10 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.

OUTLINE PLANNING APPLICATION

14. Application for approval of the reserved matters shall be made to the Local Planning Authority before 26 February 2019.
15. The development hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
16. The development hereby permitted shall be carried out in accordance with the drawing numbers V09A93-P001 'Site Location Plan' and 2138-100 'Proposed Site layout' received by the Local Planning Authority on 9 October 2017.

17. Before any development is commenced detailed drawings and particulars showing the following shall be submitted to and approved by the Local Planning Authority:

- a) the scale, layout and external appearance (including the external facing and roofing materials) of all buildings;**
- b) the landscaping treatment of the site;**
- c) cross sections through the site showing the finished floor levels of the new dwellings in relation to adjoining land and buildings. These details shall relate to a known datum point.**

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

18. No development shall take place until details of the site boundary treatments and individual curtilage boundary treatments have been submitted to and approved in writing by the Local Planning Authority: No dwelling shall be occupied until its own boundary treatment and site boundary treatments have been erected in accordance with the agreed details.

19. 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.**

20. 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.

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

(b) No building to be erected pursuant to this permission shall be first occupied or brought into use until:

- i) all the necessary remedial measures have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and**
- ii) it has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified, unless an alternative has first been approved in writing by the Local Planning Authority.**

- 22. No single dwelling shall be occupied until the access driveway or associated parking spaces have been provided.**
- 23. All access driveways/private drives/parking areas shall be surfaced in a suitably bound material (not loose gravel) for a minimum distance of 5.0m behind the highway boundary. The private drives and parking areas shall be maintained in such bound material for the life of the development.**
- 24. All access driveways/private drives/parking areas shall be constructed with provision to prevent the unregulated discharge of surface water from the private drive/parking areas to the public highway.**

Reasons:

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. To ensure that the residential scheme is brought forward and to assist in meeting the housing needs of the borough in a timely fashion.**
- 4. 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 in the interest of local amenity and in accordance with Policy 10 of the Aligned Core Strategy.**
- 5. 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 in the interests of public health and safety.**
- 6. In the interests of highway safety to ensure safe access is provided in accordance with the aims of Policy T11 of the Broxtowe Local Plan.**
- 7. In the interests of highway safety and to ensure sufficient parking, turning and servicing areas are provided and retained in accordance with the aims of Policy T11 of the Broxtowe Local Plan.**
- 8. In the interests of supporting sustainable modes of transport and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).**

9. To protect the amenity of the occupiers of neighbouring properties in accordance with Policy 10 of the Aligned Core Strategy.
10. To protect the amenity of the occupiers of neighbouring properties in accordance with Policy 10 of the Aligned Core Strategy.
11. To protect local residents from excessive construction/demolition noise, in accordance with the aims of Policy 10 of the Aligned Core Strategy 2014.
12. To protect local residents from excessive noise, in accordance with the aims of Policy 10 of the Aligned Core Strategy 2014.
13. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 10 of the Aligned Core Strategy.
14. To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
15. To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
16. For the avoidance of doubt.
17. The application was submitted in outline only and 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 in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004).
18. 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 in the interest of residential amenity and the appearance of the area and in accordance with Policy H7 of the Broxtowe Local Plan (2004).
19. 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 in the interest of residential amenity and the appearance of the area and in accordance with Policy H7 of the Broxtowe Local Plan (2004).
20. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy H7 of the Broxtowe Local Plan (2004).
21. 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 in the interests of public health and safety.
22. In the interest of highway safety.

23. To prevent deleterious material from being discharged onto the public highway.

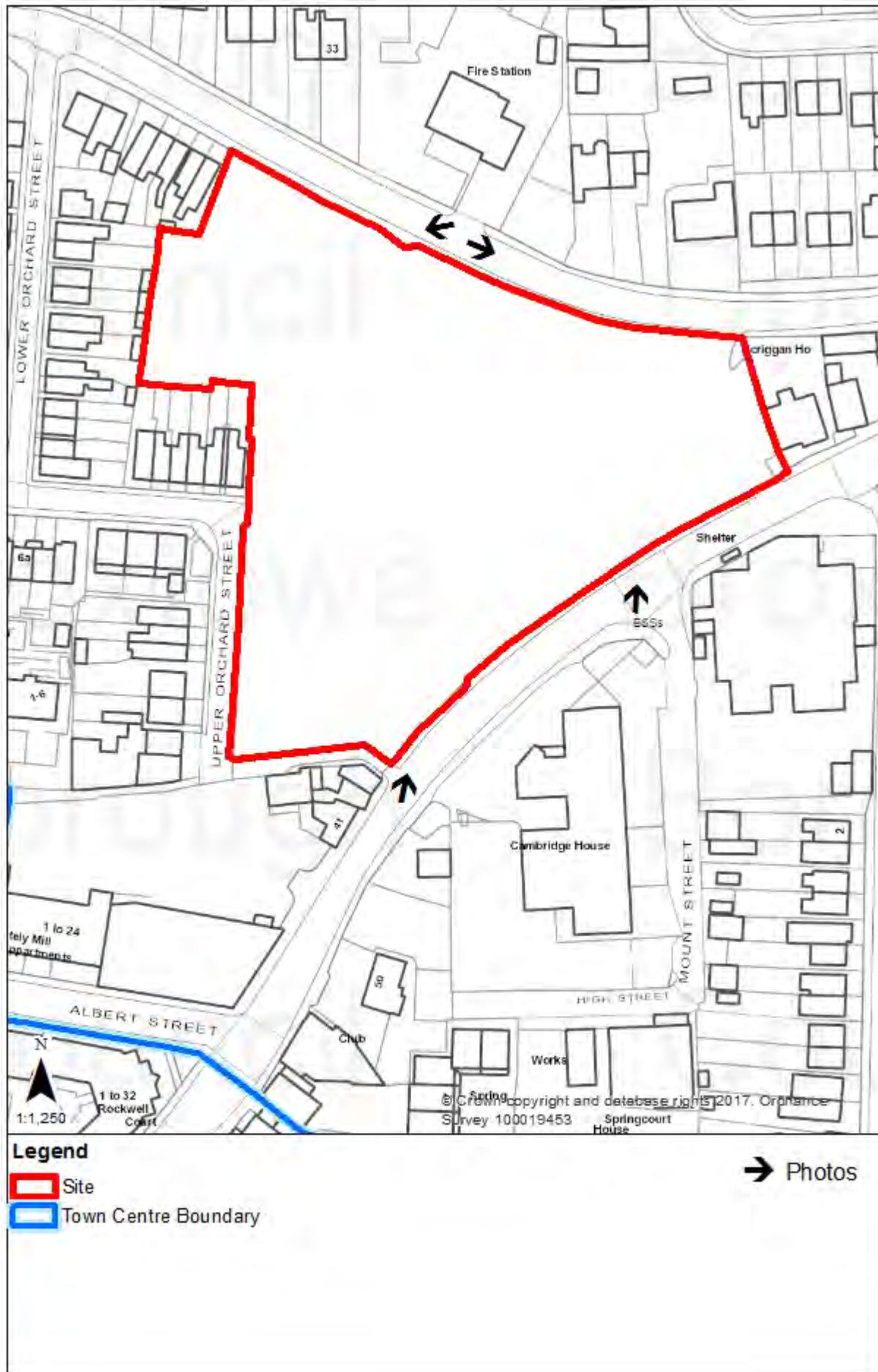
24. To prevent surface water being discharged onto the public highway.

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 communicating with the agent throughout the course of the application.
2. This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
3. The applicant is reminded of the advice contained with the Ecology Report and to ensure where necessary updated reports are provided before works commence on site.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.
5. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
6. The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.
7. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
8. In order to carry out the off-site works associated with the retail store, 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.

- 9. The applicant shall have regard for the submitted Travel Plan dated January 2015 submitted by Connect Consultants and have regard for the advice provided by Nottinghamshire County Council as the Highway Authority with regard to the monitoring and implementation of the Travel Plan.**

Background papers
Application case file



Report of the Chief Executive

17/00608/FUL - SITE A – DAGFA HOUSE - CONVERT DAGFA HOUSE AND CONSTRUCT STUDENT ACCOMMODATION (TO PROVIDE 91 BED SPACES) FOLLOWING DEMOLITION OF SCHOOL BUILDINGS, CONSTRUCT BIN STORE AND CYCLE STORES

17/00607/FUL - SITE B – SALTHOUSE LANE - CONSTRUCT STUDENT ACCOMMODATION PROVIDING 136 BED SPACES, BIN STORE AND CYCLE STORES

**DAGFA HOUSE SCHOOL LTD, 57 BROADGATE,
BEESTON NG9 2FU**

Councillor S J Carr has requested that these applications are brought before the Planning Committee.

1. Details of the applications

- 1.1 These two applications relate to the former Dagfa House School site and seek to redevelop the two parts of the site, at Broadgate and Salthouse Lane, for student accommodation.
- 1.2 The applicants have supported each application with a Planning Statement, Transport Assessment, Ecology Report, Heritage Statement, Tree Survey and Land Contamination/Flood Risk Assessment.
- 1.3 Site A (application ref: 17/00608/FUL) relates to the site fronting Broadgate, comprising the former Dagfa House school and its immediate surroundings.
- 1.4 This application seeks consent for the following:
- Retention and conversion of the Listed former school building at Dagfa House to student accommodation (comprising two clusters of 16 bed spaces and three studios);
 - Demolition of the former school science and music blocks, temporary classroom and cottage, to the north of the former playground;
 - Construction of six, four storey stepped blocks of student accommodation (comprising six 12 bed space town houses) following the demolition of the school buildings;
 - Provision of new landscaped frontage to Salthouse Lane, including the provision of a minimal number of staff/disabled parking spaces, construction of bin and cycle stores.
- 1.5 Site B (application ref: 17/00607/FUL) relates to the northern part of the site accessed from Salthouse Lane, comprising the former sports hall and outdoor pitch.

- 1.6 This application seeks consent for the following:
- Demolition of the former sports hall and the associated three storey, locally-listed building.
 - Construction of student accommodation, including a separate four storey townhouse block in the south west site corner and a four and five storey wrap-around townhouse/cluster block around a central courtyard.
 - 40 bed spaces would be provided within the cluster units and 96 bed spaces within the eight townhouses (a total of 136 bed spaces).
 - Provision of new landscaped central courtyard and the construction of bin and cycle stores.
- 1.7 The Planning Statements conclude that the applications include a number of key benefits which comprise:
- Viable retention of the Listed Building
 - Provision of student accommodation in a highly sustainable location
 - Development that is in keeping with its location being surrounded by existing student accommodation
 - Excellent pedestrian and cycle links to university buildings
 - Excellent access to public transport
 - Bespoke design that compliments the character and appearance of the area
 - Viable redevelopment of brownfield land
 - Design and layout that protects amenity of existing dwellings
 - Efficient use of land to maximise provision of student accommodation
 - Development which respects and conserves the setting of a Listed Building.
- 1.8 The Statements conclude that, *“the proposal will provide high quality, sustainable development delivering high quality student accommodation in a sustainable location with excellent access to the university campus. The development is sensitively designed to respect its context and surroundings, whilst positively contributing to the street scene. The development will also boost the provision of student accommodation within easy walking distance of the campus while helping to relieve pressure on the existing local housing stock to provide student accommodation”*.
2. Site and surroundings
- 2.1 The sites lie on the eastern edge of Beeston, in close proximity to the University of Nottingham. Site A comprises the former Dagfa School site, which is located on the corner of Broadgate and Salthouse Lane. It comprises the Listed Building and substantial landscaped grounds fronting Broadgate, including a lawned area and mature trees (covered by a group Tree Preservation Order). To the north of this site are the former science and music blocks, temporary classroom and cottage, located around the former school playground.

- 2.2 Site B is a separate parcel of land to the north, accessed from Salthouse Lane. The site contains the former sports hall, outdoor pitch and a locally-listed building, known as The Woodlands, formerly converted to teaching accommodation. There are several individual trees covered by a TPO.
- 2.3 Both sites are surrounded by university student accommodation, Broadgate Park, arranged in a number of blocks and accessed from Salthouse Lane. On the east side of Salthouse Lane, also fronting Broadgate, is the Beeston Evangelical Free Church behind which is a small development of 20 houses (The Cloisters), accessed from Salthouse Lane.
- 2.4 On the south east side of Broadgate, opposite Dagfa House, are a number of listed and locally-listed detached properties, including no. 72 Broadgate, a listed building which is the headquarters of the East Midlands Universities Air Squadron. Beyond the student accommodation to the north west of the application sites are other residential properties on Kenilworth Road.
- 2.5 Photographs of the site and surroundings are highlighted below.



Broadgate frontage



Junction of Salthouse Lane with Free Church in background.



Dagfa House, viewed from Salthouse Lane



View from the garden.



North elevation



Relationship with former science block



Playground and cottage in background.



Approach from north, view across playground.



Cottage, temporary classroom and adjoining student house.



Entrance to Site B.



Former sports hall and school block.



Relationship of former sports hall to adjoining student block.



Surrounding student blocks.



View across Salthouse Lane.



Salthouse Lane view.



View of the Free Church and The Cloisters.

3. Relevant planning history

3.1 The following applications relate to both sites and all were approved:

- 74/0209 - Construction of extension to nursery.
- 79/0065 - Erection of laboratory/ classroom.
- 81/0041 – Erection of new classroom building.
- 90/00393/LBC – Reroofing of school building.

- 92/0773 – Construction of extension to form two storey school hall and single storey laboratory and craft room.
- 97/00344/FUL and 97/00345/LBC – single storey extensions on the southern elevation of Dagfa House.
- 98/00432/FUL and 98/00433/LBC – Two storey rear extensions, to form kitchen, stairs and replacement classrooms.
- 97/00556/FUL and 97/00438/LBC – Replacement of front section of northern boundary wall.
- 02/00906/FUL – Construct new science laboratories and classroom replacing existing temporary buildings.
- 02/00946/LBC – Listed building consent to replace temporary buildings with new science laboratories and classroom.
- 05/00707/FUL and 05/708/LBC – Construct new science laboratories phase 1, replacing existing prefabricated temporary laboratories and classrooms.
- 07/00226/FUL and 07/00302/LBC – Construct two storey side and single storey front extension to create performance space, biology lab and IT room.
- 08/00195/FUL and 08/00197/LBC – Construct two storey detached building fronting Salthouse Lane.
- 08/00607/FUL and 08/00608/LBC – single storey extension on north-facing elevation.
- 13/00682/LBC – Replacement windows.

4. Policy context

4.1 National Planning Policy Framework (March 2012)

- 4.1.1 The NPPF is underpinned by a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay. Paragraphs 29 to 41 describe the promotion of sustainable transport. Paragraph 38 states that within large-scale residential developments, key facilities should be located within walking distance of most properties.
- 4.1.2 NPPF paragraphs 47-50 require local planning authorities to identify a supply of specific deliverable sites to provide five years housing land. Applications should be considered in the context of the presumption in favour of sustainable development. Moreover, housing policies should not be considered up-to-date if the Council cannot demonstrate a five-year supply of deliverable housing sites. A wide choice of high quality homes is required in order to create sustainable, inclusive and mixed communities.
- 4.1.3 NPPF paragraphs 57-61 seek high quality and inclusive design for all development. Although decisions should seek to promote or reinforce local distinctiveness, and to ensure connections and integration of schemes, they should not attempt to impose architectural styles or particular tastes.
- 4.1.4 NPPF paragraphs 126-141 deal with heritage assets, including the potential impact of the proposal on their significance and the benefits of enabling development.

4.1.5 NPPF paragraph 204 advises that planning obligations should only be sought where they meet the various tests.

4.2 Aligned Core Strategy (2014)

4.2.1 Policy A: Presumption in favour of sustainable development seeks a positive approach to development proposals that reflect the principles of sustainable development.

4.2.2 Policy 1: Climate change seeks to mitigate against and adapt to climate change.

4.2.3 Policy 2: The Spatial Strategy seeks to ensure that new development is located in or adjoining the main built up areas of Nottingham.

4.2.4 Policy 7: Regeneration - designates areas in particular need of regeneration.

4.2.5 Policy 8: Housing size, mix and choice seeks to ensure a mix of housing tenures, types and sizes to create 'sustainable, inclusive and mixed communities'. The policy states that affordable housing will be required in new residential developments on appropriate sites, and in Broxtowe a target of 30% affordable housing will be sought.

4.2.6 Policy 10: Design and enhancing local identity seeking to ensure that new development makes a positive contribution to the area.

4.2.7 Policy 11: The Historic Environment states that heritage assets and their settings shall be conserved and/or enhanced in line with their interest and significance.

4.2.8 Policy 12: Local services and healthy lifestyles encourages accessibility by a range of sustainable transport modes.

4.2.9 Policy 14: Managing travel demand seeks to secure new developments in the most accessible location.

4.2.10 Policy 16: Green infrastructure, parks and open space protects existing corridors and assets.

4.2.11 Policy 18: Infrastructure - states that contributions will be sought from development proposals which give rise to the need for new infrastructure.

4.2.12 Policy 19: Developer contributions - seeks to ensure that new development will be expected to meet the reasonable cost of new infrastructure required as a consequence of the proposal.

4.3 Broxtowe Local Plan (2004)

4.3.1 Saved Policy E24 – Trees and hedgerows: Development that would adversely affect these will not be permitted.

- 4.3.2 Saved Policy E29 – Contaminated land: Development will be subject of investigation and remediation as necessary.
- 4.3.3 Saved Policy H4 – Subdivision or adaptation of existing buildings: Proposals which produce new housing will be permitted provided that the residents would have an acceptable standard of amenity and it would not cause unacceptable parking problems.
- 4.3.4 Saved Policy H5 – Affordable Housing: On housing sites of over 25 dwellings, the Council will seek to ensure that at least 25% will be affordable or that a contribution towards off-site provision is made.
- 4.3.5 Saved Policy H6 – Housing Densities: The net density of new residential development will not be below 45 dwellings per hectare where there is a choice of public transport options within 400m.
- 4.3.6 Saved Policy H7 – Unallocated Land: Residential development within existing built up areas will be permitted subject to protection of occupier's amenities and meeting other environmental criteria.
- 4.3.7 Saved Policy T11 and Appendix 4 – Parking Guidelines: Appropriate provision must be made for vehicle parking and servicing.
- 4.4 Draft Broxtowe Part 2 Local Plan (2017)
- 4.4.1 The draft plan has recently undergone public consultation but has yet to be subject to formal Examination. Therefore the following draft policies carry little weight:
- 4.4.2 Draft Policy 15 – Housing size, mix and choice: proposals on unallocated sites for development of more than 10 units within Use Classes C2 or C3 should provide 30% or more affordable housing on site, unless there are exceptional circumstances. Where less affordable housing is proposed, such applications should be accompanied by a viability assessment. Developments of market and affordable housing should provide an appropriate mix of house size, type, tenure and density including the provision of a proportionate amount of accessible and adaptable dwellings and self-build plots.
- 4.4.3 Draft Policy 17 – Place-making, design and amenity: permission will be granted for development which meets a number of criteria including: that it integrates into its surroundings; provides or is close to community facilities; has good access to public transport; creates a place with a locally-inspired or otherwise distinctive character; provides sufficient, well-integrated parking; provides adequate external storage and amenity space and ensures a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.
- 4.4.4 Draft Policy 23 – Proposals affecting designated and non-designated heritage assets: proposals will be supported where heritage assets and their settings

are conserved or enhanced in line with their significance. It will need to be demonstrated that the significance of the assets and their setting is understood, identify the impact of the development upon them and provide clear justification for the development. Criteria for assessing proposals affecting a heritage asset and/or its setting are provided.

- 4.4.5 Draft Policy 32 – Developer Contributions: Financial contributions may be sought from developments of 10 or more dwellings or 1,000 square metres or more gross floorspace for provision, improvement or maintenance, where relevant. Affordable housing, Green Space, and Highways are included in the list of possible contributions.

5. Consultations

5.1 Neighbour Representations

- 5.1.1 Two site notices were displayed and 153 letters were sent to local residents and organisations in Broadgate, The Cloisters, Sycamore Court, Salthouse Lane and Broadgate Park Student Village.

- 5.1.2 A total of eight representations were received in respect of both applications. These were submitted by Councillor Carr, by residents of The Cloisters, Broadgate Park Student Village, Marlborough Road and from Beeston Free Church. One representation supports this suitable use for the site. The remaining seven representations object to the proposals, making the following observations:

- Unacceptable overdevelopment of the site.
- Unacceptable relationship of proposed blocks to the listed building, in terms of scale, proximity, proportion and design.
- No economic benefit to surrounding area.
- Sufficient student accommodation already.
- Loss of amenity to adjoining residents, through increased anti-social behaviour.
- Increased noise nuisance, activity, disturbance and parking problems, particularly during the construction phase.
- Concern relating to large construction vehicles and refuse collection vehicles, being detrimental to residential amenity and worsening the state of the road surface.
- Nuisance will be detrimental to students studying.
- Concern expressed by the Church of potential Sunday construction work.
- Site would be better used for affordable housing.
- Need for an effective and competent student management company.
- Need for the site and grounds to be satisfactorily maintained and for trees to be retained.

5.2 Consultation Responses

- 5.2.1 Environment Agency – Note that the site lies within a SPZ3 and a principal aquifer but due to the proposed use of the site, would class the proposal as low risk. Have no detailed comments to make.
- 5.2.2 Nottinghamshire County Council Highways Authority – The development proposals anticipate a high number of additional cyclists and pedestrians resulting from the development (hence 180 cycle parking spaces are to be provided at the proposed development). It is therefore considered that a toucan crossing is required to safely accommodate the anticipated increase in cyclists and pedestrians resulting from the development so that they can safely access the cycling route networks.
- 5.2.3 Therefore in view of the above, the Highways Authority would recommend conditions relating to the provision of a signalised Toucan crossing on Broadgate, adjacent to the A6464 Woodside Road Roundabout (including a S278 Agreement), provision of dropped kerb crossings, closure of redundant crossings, provision of cycle parking areas/stands/sheds/hoops and of wheel washing facilities.
- 5.2.4 Nottinghamshire County Council Flood Risk Management - Object to the proposals because the application does not contain any Flood Risk Assessment or Drainage Strategy. There is insufficient information to show that consideration has been given to the management of surface water on and from the site. The LLFA require further evidence to be submitted. The applicants are preparing further information and this, and any further consultee response, will be reported at Committee.
- 5.2.5 Nottinghamshire Wildlife Trust – The submitted ecological assessment did not raise any significant issues but a number of recommendations are made in section 4 of the report in relation to precautionary measures to protect bats and nesting birds. These include the need for an update survey prior to demolition and prior to any work on tree 17, and a further survey if work is to take place during the bird nesting season. Recommend securing the above advice by means of an appropriately worded condition or advisory note.
- 5.2.6 Broxtowe Borough Council – Business and Projects Manager, Environment – Regarding any potential S106 contribution for green open space, accepts that there is already an extensive area of accessible open space and the Council would not be looking for any other open space. Therefore the only consideration is the maintenance implications of this development on our existing open spaces. Given the proximity of the development to Nottingham City, it is likely that the main impact will be on the City Council's University Park. Given this position, would find it very difficult to demonstrate a strong argument for a maintenance contribution.
- 5.2.7 Broxtowe Borough Council – Waste & Recycling Manager - Gave advice concerning the dimensions, allocation and location of bins and the storage

areas. The applicants submitted further information to confirm that they would be using a private contractor and therefore no objection to this arrangement.

- 5.2.8 Broxtowe Borough Council – Environmental Health – No objections. Agree with the recommendations of the site appraisal report, regarding contaminated land and the need for an investigative survey. Also need a scheme to limit the transmission of noise between each residential unit. Recommend the imposition of suitable conditions, including control of construction times (excluding work on Sundays). Also recommend informatives regarding disposal of asbestos and use of mobile crushing machines. A phase 2 contamination survey has been submitted and any further comments from Environmental Health will be reported at Committee.
- 5.2.9 Broxtowe Borough Council – Conservation Officer – Dagfa House is a Grade II Listed Building. The Conservation Officer has undertaken two site visits and contributed to the pre-application advice. No objections are raised concerning the conversion of Dagfa House or the impact on the proposals on its setting, as the layout of the proposed new blocks on Site A have been set back and staggering to retain views of the northern elevation of Dagfa House from Salthouse Lane. A detailed assessment of any internal works will be the subject of a subsequent application for Listed Building Consent.
- 5.2.10 The former school building on Site B, known as “The Woodlands” is designated as a local interest building. This is an historic designation and no other information is available.
- 5.2.11 Broxtowe Borough Council – Tree Officer - No objection to the trees proposed to be removed from Site A or B. Requests further details of Root Protection Areas and proposed pruning. This information has been submitted and any further comments will be reported at Committee.

6. Appraisal

6.1 Principle of the Development

- 6.1.1 The site is located within the urban area, located close to the Nottingham City boundary and the University campus. The proposal site would be located within the built-up area of Beeston, with good access to a range of services and amenities and would be primarily surrounded by existing student accommodation blocks.
- 6.1.2 The site is very accessible to the university, with a range of public transport travel options close to the site. Additionally, Beeston Town Centre is within walking or cycling distance.
- 6.1.3 It is considered that the site is in an accessible and sustainable location within the urban area. The proposed development will form a well related and logical addition to existing student accommodation. The proposed development would also contribute to the Council’s housing requirement though the provision of 25 units of accommodation.

- 6.1.4 The applicants argue that, by targeting returning and post-graduate students, demand to provide student rental accommodation within the existing local housing market will be reduced. This will benefit the Borough by avoiding the loss of existing housing stock to student accommodation.
- 6.1.5 Regarding the loss of the former school facility and the proposed conversion of the building, the applicants confirm that the school closed in 2016 due to financial problems. The school is not designated as a community asset. It is accepted that the financial issues which lead to the closure demonstrate that a similar use in this location would be unlikely to be viable and that alternative uses should be considered. It is considered that the proposed use for student accommodation would also provide a long-term viable use for the listed building.
- 6.1.6 It is considered that the proposed development will meet the housing needs of the particular location and also focus development in a sustainable location, thereby achieving the NPPF objectives of sustainable development. It is considered that the proposed development would be in accordance with the Core Strategy and Local Plan policies and consequently would be acceptable in principle.

6.2 Proposed Layout, Design and Visual Appearance

- 6.2.1 The applicants state that the design approach was informed by pre-application advice and incorporates a preference for contemporary design and for the scale of the buildings to be in keeping with that of the surrounding student accommodation. They consider that the proposed design is appropriate to its context, being generally well screened from the wider area and sensitively arranged relating to its impact on neighbouring occupiers.
- 6.2.2 It is considered that the proposed layout has a significantly high density. There is minimal space around the proposed buildings for circulation, setting and amenity space. The proposed blocks are four-five storeys, higher than the surrounding existing three-four storey blocks, which are positioned within a more expansive setting. The proposals would give a greater sense of enclosure to Salthouse Lane. The loss of trees would give a greater sense of a high density layout. In that respect, the proposals could be viewed as being out of keeping with the character, scale and layout of the surrounding student accommodation.
- 6.2.3 However, the proposals must be viewed in the round, as part of the whole package of development. The proposed development would contribute to the Council's housing requirement. The proposal facilitates the retention and conversion of the listed Dagfa House, thereby bringing it back into a meaningful use. It also retains the large lawned garden and protected trees to the south of the house, fronting Broadgate. This ensures that the setting of the Listed Building is retained and also provides for a significant amount of amenity space as part of the whole scheme. The remainder of the layout

seeks to introduce small courtyards with new planting, to compensate for any loss of trees.

- 6.2.4 The juxtaposition of the proposed four-five storey blocks adjacent to the surrounding three-four storey accommodation has been carefully considered. The proposed blocks are positioned so as to mitigate any harm. This has been done by staggering the relevant building heights, by ensuring that views from existing windows are not blocked and by introducing “butterfly windows”, to avoid any direct overlooking.
- 6.2.5 The proposed four storey blocks are generally up to 1m higher than the ridge lines of the surrounding buildings. It is considered that this visual relationship would not be unduly harmful. The five storey elements are generally located along the Salthouse Lane frontage rather than within the body of the site, such that they have less of an impact on the surrounding accommodation. The fact that the surrounding accommodation is located within a more open setting benefits the proposal.
- 6.2.6 The proposed design features a stepped, angular appearance with the blocks to be constructed of a mixture of coloured and textured brickwork and dark coloured rain screens on the upper storeys. Detailed features include aluminium windows frames and timber doors. It is considered that this proposed contemporary design would be visually acceptable within its setting. It is considered that the proposed layout, design and materials are acceptable and comply with the development plan policies.

6.3 Impact on Heritage Assets

- 6.3.1 The existing Grade II listed building, Dagfa House, is vacant and in need of repair and maintenance to avoid the deterioration of this heritage asset. This proposal seeks consent for the principle to change the use of Dagfa House. A subsequent listed building consent application will be necessary to undertake any external alterations or internal works.
- 6.3.2 A Heritage Statement was submitted with the application, which concludes that the former school building needs a viable and beneficial new use. Historic England Advice Note 2 accepts that the best way to conserve a building is to keep it in use. Furthermore, the NPPF accepts that sympathetic changes will need to be made from time to time to keep buildings in active use.
- 6.3.3 It is agreed that the proposed use offers a long-term viable new use for Dagfa House, whilst ensuring its ongoing maintenance as a heritage asset, which would maintain the historic character and appearance of the surrounding area. Furthermore, any proposed alterations and extensions required to facilitate the proposed use should be able to be undertaken without unduly harming the special architectural or historic interest of the listed building, or its overall significance.
- 6.3.4 The layout of the site has been designed to minimise the impact on the setting of Dagfa House. The proposed layout avoids any proposals in the garden

area to the south of the building. Additionally, in line with the Conservation Officer's comments, the layout of the proposed new blocks on Site A have been set back and staggered to retain views of the northern elevation of Dagfa House from Salthouse Lane.

- 6.3.5 The proposed redevelopment of Site B includes the demolition of the locally-listed former school building known as "The Woodlands". This has no statutory designation and no records appear to exist relating to its historic character. The building already has a setting dominated by newer development, including the linked sports hall. Its loss must be viewed as a consequential part of the whole package of development, with the whole proposed scheme contributing to the Council's housing requirement.
- 6.3.6 In summary, it is considered that the proposals are in accordance with the requirements of the NPPF and Core Strategy Policy 10. They respect the significance of the listed building, would not unduly harm its setting and would provide an active and viable long term use.

6.4 Impact on Ecology

- 6.4.1 An ecology appraisal report was submitted with the applications. The appraisal concludes the mature trees within the site are a feature of some ecological value, providing possible opportunities for nesting birds, roosting and foraging bats and forming part of a tree-lined stretch of Broadgate.
- 6.4.2 The appraisal states that there is no evidence to suggest that the buildings within the site support bat roosts. The buildings are in good condition; they provide very limited opportunities for bats. Given the results of the survey, an impact on bats is not anticipated from the demolition or refurbishment of buildings within the site. No further survey work for bats is recommended. As a precaution, a pre-construction/pre-demolition inspection is recommended prior to commencing work on the buildings and prior to the removal of Tree 17 (a pear tree adjoining the playground to the north of Dagfa House).
- 6.4.3 Furthermore, if development work has to take place during the bird breeding season, between February and August inclusive, then it is recommended any features are surveyed for active bird nests by a suitably qualified ecologist before the work is carried out. If active bird nests are present, then work within the area supporting the nests would need to be delayed until nesting activity has ceased.
- 6.4.4 Nottinghamshire Wildlife Trust agreed that the submitted ecological assessment did not flag up any significant issues but a number of precautionary measures were highlighted in relation to protecting bats and nesting birds. It is recommended that such issues are covered using informatives.

6.5 Impact on Trees

- 6.5.1 An arboricultural report was submitted with the applications. The tree survey revealed 74 items of woody vegetation, comprised of 70 individual trees and 4 groups of trees or shrub groups. Category A trees are those of high quality with a remaining life expectancy of at least 40 years; category B trees are those of moderate quality with a remaining life expectancy of at least 20 years; category C trees are those of low quality with a remaining life expectancy of at least 10 years or young trees with a stem diameter below 150mm and category U trees are those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. Of the surveyed trees: one tree is category 'U'; seven trees are category 'A'; 15 trees are category 'B'; and the remaining 49 trees are category 'C'. Species diversity at the site is good. The dominant tree species are Sycamore, Holly, Yew, and Laurel. Most of the trees are semi-mature or early-mature with only occasional mature trees.
- 6.5.2 The report concludes that the higher value retention category 'A' and 'B' trees and groups should be retained, where possible, and incorporated into any new development design. If construction of new buildings is required within the trees Root Protection Areas (RPA) it may be possible to employ special foundation design such as mini/micro pile and suspended beam or a cantilevered foundation. Construction of hard surfaces, for drives and paths, within the RPA, can have negative impacts on tree roots. However, the potential negative impacts can often be overcome or minimised by employing 'no-dig' type construction methods with a porous final surface. The retained trees may require protection by fencing during the development phase.
- 6.5.3 The comments of the Council's Tree Officer will be reported at Committee. It is recommended that conditions are imposed to reflect the points raised in the arboricultural report, relating to tree root protection and protective fencing around retained trees.

6.6 Residential Amenity

- 6.6.1 A number of nearby residents have raised objections regarding possible loss of amenity caused through increased noise nuisance, activity, disturbance and anti-social behaviour. Representations seek to ensure that there is not disruption to either students studying or to the Free Church. In particular, the need for an effective and competent student management company is requested.
- 6.6.2 Although the site is largely surrounded by other student accommodation, consideration must be given to any potential impact on other residents, particularly those living in The Cloisters and on the Free Church. Furthermore, due to the proximity of the surrounding accommodation, adequate privacy needs to be maintained between the proposed and existing blocks.
- 6.6.3 Potential disturbance and anti-social behaviour caused by students has been taken into account in the proposals. The accommodation targets second and

third year and post-graduate students. Furthermore, a management plan will be prepared which will set out a holistic range of procedures to ensure that the development will not cause harm to the amenity of local residents that is significantly different from the current situation.

- 6.6.4 It must also be appreciated that the former school caused a high level of impact on local residents, by causing traffic congestion at peak times during drop off and pick up times and with noise at playtimes through the day. The redevelopment of the site for student accommodation will remove these elements of nuisance.
- 6.6.5 Provision has been made to protect window to window relationships through the design and layout of the site. To avoid a serious adverse impact between the proposed and existing student accommodation on the upper floors of the north-western block on Site B, partly-observed, "butterfly windows" are proposed. These would mitigate any overlooking between habitable rooms with the neighbouring accommodation block.
- 6.6.6 The site would be occupied as student accommodation, generally similar to the surrounding development, such that any potential impacts are likely to be no worse than the proposed development and it is not considered that the proposals would result in an adverse impact that is significantly greater than the existing situation. It is therefore considered that the development would comply with the requirements of the Local Plan Policies.

6.7 Highway Safety Issues

- 6.7.1 The applicant has submitted a Transport Statement which anticipates that all students will have the option to make regular journeys to and from the site on foot, by bike or by public transport, without any need for private car travel. The Statement concludes that the existing amenities and sustainable travel facilities in close proximity to the application site would provide a highly sustainable location with accessibility by a range of transport modes.
- 6.7.2 The predicted vehicular trip generation produced by the redevelopment proposals would result in a noticeable reduction in peak hour trips. The proposals can therefore be considered as having a positive impact on local highway capacity during the peak hours. The proposals are not considered to have any significant capacity impact on the local highway network and therefore no off-site mitigation measures are considered necessary.
- 6.7.3 The Highways Authority concur with the above considerations and have not requested any Integrated Transport Contribution. They consider that primary journeys by students occupying the proposed accommodation will be to the University. However, other journeys would involve different destinations, such that they consider a toucan crossing on the Broadgate/ Woodside Road Roundabout is required to safely accommodate the anticipated increase in cyclists and pedestrians resulting from the development, so that they can safely access the cycling route networks.

6.7.4 Further commentary relating the requested Toucan crossing is set out in section 7 of this report.

6.8 Flood Risk and Drainage Issues

6.8.1 The Environment Agency note that due to the proposed use of the site, they would class the proposal as having a low level of flood risk. However, the County as Lead Local Flood Authority (LLFA) objects to the proposals because there is insufficient information to show that consideration has been given to the management of surface water on and from the site. The applicants have submitted further information and the response of the LLFA to this will be reported at Committee.

7. Section 106 Agreement/Developer Contributions

7.1 Affordable Housing

7.1.1 Regarding affordable housing contributions, it is the Council's consideration that student accommodation would fall within the definition of residential development, and thereby trigger potential affordable housing contributions. This view reflects the central Government position and consequently many local authorities with high levels of student population have set out specific policies and thresholds to address this.

7.1.2 The applicant's view is that affordable housing contributions are not required based on the following points:

- the applications are for sui generis use (student accommodation) and should not be treated as a typical residential use for the purposes of Core Strategy Policy 8;
- There is overwhelming evidence in local and national cases where "sui generis" uses have not been subject to affordable housing contributions.
- By targeting returning students, pressure to provide student housing in HMOs in existing housing stock will be reduced and will indirectly benefit affordability of housing in the area;
- The development for student accommodation should not be taken as new permanent market dwellings but will serve as restricted accommodation for the limited period of time that the occupants are studying at the university, before returning or moving to a permanent, unrestricted address. If new housing is required to provide for their permanent address then it is at that point that contributions for any affordable housing should be provided, not as part of their transient occupation of student accommodation; and
- Such an approach would be consistent to how the City Council have applied Policy 8 of the Core Strategy.

7.1.3 Despite the applicant's assertions, it is considered that all residential proposals (including those for student accommodation) should be considered against the requirements of Core Strategy Policy 8.5. Nottingham City

Council's approach with the same ACS policy is that affordable housing is not required when student accommodation is proposed and the applicant is proposing to restrict occupation of the accommodation to students only through the S106. The City Council are proposing to introduce a policy whereby student accommodation does trigger a requirement for an affordable housing contribution in their own Part 2 Local Plan. It is acknowledged that the applicant is resolute no affordable housing is required and Nottingham City Council, using the same policy, do not currently require affordable housing when student accommodation is proposed. As a matter of principle, Policy 8 gives the Council the right to request affordable housing contributions but the details of this need to be resolved through the Part 2 Local Plan, including how much each student flat or 'cluster' will be expected to contribute to any off-site contribution and how and where that will be spent. Prior to this occurring, it is not considered to be appropriate to refuse planning permission for much needed student housing or to include an affordable housing requirement in the S106.

7.2 Highway Contributions

7.2.1 The proposals are not considered to have any significant capacity impact on the local highway network and therefore no off-site mitigation measures are considered necessary. The County Highways Authority have not requested any Integrated Transport Contribution. However, as set out above, they have requested the provision of a toucan crossing on the Broadgate/ Woodside Road Roundabout.

7.2.2 The applicant's agent queries the relevance of the highway incident record at the Broadgate/Woodside roundabout. They also dispute the need for the additional toucan crossing, on the basis that the evidence provided by Highways does not demonstrate that it is necessary, particularly as there are existing toucan crossings which would serve the stated purpose in a more efficient manner. They conclude that, without the evidence that a third toucan crossing is necessary, then a Grampian condition would fail the 6 tests for conditions set out in the NPPF. They contend that reasonable justification has not been provided and that the existing crossings provide a safe and efficient option for both pedestrians and cyclists which results in the request for a new toucan crossing being unnecessary and contrary to the requirements of the NPPF.

7.2.3 Having assessed County Highway's request and the applicant's response, it is considered that there are already crossings on both Broadgate (adjacent to the junction with Salthouse Lane) and on Woodside Road / University Boulevard such that all potential journeys from the site would be contained. There is insufficient evidence to demonstrate that a further crossing could be justified.

7.3 Other Contributions

7.3.1 The Council's Parks Manager accepts that the Council would only be looking at the maintenance implications of this development on the existing open

spaces. However, given the likely main impact of the proposal will be on the City Council's University Park, this Council would find it very difficult to demonstrate a strong argument for a maintenance contribution.

7.3.2 As the proposal would not cater for families, no education contribution has been requested.

7.4 Establishment of a Student Management Company

7.4.1 As the proposal seeks to target 2nd and 3rd year and post-graduate students, any Section 106 Agreement will need to define the use and the occupiers, and give details of the mechanisms by which future occupiers will be controlled. The applicant's agents have forwarded examples used elsewhere, which seek to control issues primarily including the management scheme, terms of residence, 24 hour contact details, site security, cleaning and refuse.

8. Conclusion

8.1 It is considered that these applications would provide a number of key benefits, including the provision of student accommodation in a sustainable and accessible location, in keeping with the character of the surrounding area of existing student accommodation. The proposed development has been satisfactorily designed to respect its context and surroundings, including maintaining the setting of the Listed Building and the protected trees.

8.2. 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 permission is granted for the following applications, subject to the signing of a relevant Section 106 Agreement (defining the use and the occupiers, and requiring the establishment of a student management scheme) and subject to the following conditions:

17/00607/FUL - Site B – Salthouse Lane - Construct student accommodation providing 136 bed spaces, bin store and cycle stores

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the following plans and documents:**

Site Location Plan – ref: P0001; Ground floor plan- ref: P0111; First Floor plan – ref: P0112; Second Floor Plan - ref: P0113; Third floor plans – ref: P0114; Fourth floor plan – ref: P0115; Roof Plan – ref: P0116; Sections – ref: P0161; NE/SE Courtyard Elevations – ref: P0193; NE/SE Elevations – ref: P0191; NW/SW Courtyard Elevations – ref: P0194; and NW/SW Elevations – ref: P0192, received by the Local Planning Authority on 18/8/2017; Site Plan – ref: P0011 rev A, received by the Local Planning Authority on 7/9/2017 and Butterfly Window details, received by the Local Planning Authority on 10 October 2017.

3. No development above slab level shall be carried out until details of the manufacturer, type and colour of the materials to be used in the facing walls have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.
4. No development above slab level 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) numbers, types, sizes and positions of proposed trees and shrubs,
 - (b) proposed hard surfacing treatment,
 - (c) planting, seeding/turfing of other soft landscape areas,
 - (d) proposed retaining walls or similar structures and boundary treatments,
 - (e) a timetable for implementation.

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

5. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.

- 6. No development hereby permitted shall commence until wheel washing facilities have been installed on the site, in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.**
- 7. No part of the development hereby permitted shall be brought into use until the cycle parking areas/stands/sheds/hoops have been provided, constructed and are available for use and those areas shall not thereafter be used for any purpose other than the parking of cycles.**
- 8. a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.**

b) No building to be erected pursuant to this permission shall be occupied or brought into use until:

 - (i) All necessary remedial measures have been completed in accordance with details approved in writing by the Local Planning Authority; and**
 - (ii) It has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.**
- 9. No deliveries, demolition or construction work in connection with the permission shall be carried out except between the hours of 07.30-18.00 hours Monday to Friday, 08.30-13.30 hours Saturdays and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.**

10. During the construction works, no materials, equipment, machinery, temporary buildings or surplus soil shall be placed or stored beneath the branches of the trees protected by a Tree Preservation Order, and no oil, bitumen, cement or other materials likely to be injurious to a tree shall be discharged within 10 metres of the trunk. If any trenches for services are required within the canopy areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 25mm (1 inch) or more shall be left unsevered.
11. The erection of fencing for the protection of the preserved trees shall be undertaken in accordance with details to be submitted to and approved by the Local Planning Authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

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. Full details were not submitted, in the interests of the appearance of the development and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
4. No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
5. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
6. In the interests of highway safety to minimise the amount of mud/debris carried onto the highway and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
7. To ensure that cycle facilities are available for students, in the interests of supporting sustainable modes of transport and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004) and in accordance with the aims of Policy 14 of the Aligned Core Strategy (2014).

8. **Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy E29 of the Broxtowe Local Plan (2004).**
9. **To protect the local residents from excessive delivery, demolition and construction noise and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).**
- 10 & 11. **To ensure the existing trees protected by a Tree Preservation Order are not adversely affected and in accordance with the aims of Policy E24 of the Broxtowe Local Plan (2004).**

Notes to Applicant:

1. **The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by communicating with the agent throughout the course of the application.**
2. **The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see: <https://www.broxtowe.gov.uk/for-you/planning-building/development-in-former-coal-mining-areas/>**
3. **Many buildings still contain asbestos. In order to comply with the Control of Asbestos Regulations 2012, an assessment is required to determine whether the building has asbestos containing materials (ACMs). A 'Refurbishment / Demolition Survey' is required. Copies of reports relating to asbestos identification and management should be sent to Environmental Health, Broxtowe Borough Council.**
4. **The Council's Environmental Health team will need to be notified of the arrival on site of any Mobile Crushing plant, for them to carry out an inspection of the crushing equipment, in line with the operational permit issued under the Pollution Prevention and Control Act 1999 Environmental Permitting (England and Wales) Regulations 2010 (as amended).**
5. **No work on any trees should take place during the bird nesting season, between March and August inclusive. If work affecting the trees on site has to be carried out during these months, then the trees should be surveyed for active bird nests by a suitably qualified ecologist before the work is carried out. If active bird nests are present, then work within the area supporting the nests would need to be delayed until nesting activity has ceased.**

17/00608/FUL - Site A – Dagfa House - Convert Dagfa House and construct student accommodation (to provide 91 bed spaces) following demolition of school buildings Construct bin store and cycle stores.

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following plans and documents: Site Location Plan – ref: P0002; Ground floor plan - ref: P0101; First floor plan – ref: P0102; Second floor plan- ref: P0103; Third floor plan – ref: P0104; Roof Plan – ref: P0105; Sections – ref: P0151; NE/SE Elevations – ref: P0182; NW/SW Elevations – ref: P0183 and Dagfa House Elevations – ref: P0181, received by the Local Planning Authority on 18/8/2017; and Site Plan – ref: P0012 rev A, received by the Local Planning Authority on 7/9/2017.
3. No development above slab level shall be carried out until details of the manufacturer, type and colour of the materials to be used in the facing walls have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.
4. No development above slab level 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) numbers, types, sizes and positions of proposed trees and shrubs,
 - (b) proposed hard surfacing treatment,
 - (c) planting, seeding/turfing of other soft landscape areas,
 - (d) proposed retaining walls or similar structures and boundary treatments
 - (e) a timetable for implementation.

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

5. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.

6. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing, constructed in accordance with the Highway Authority specification, is available for use.
7. No part of the development hereby permitted shall be brought into use until the redundant crossings are reinstated as footway.
8. No development hereby permitted shall commence until wheel washing facilities have been installed on the site, in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.
9. No part of the development hereby permitted shall be brought into use until the cycle parking areas/stands/sheds/hoops have been provided, constructed and are available for use and those areas shall not thereafter be used for any purpose other than the parking of cycles.
10.
 - a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.
 - b) No building to be erected pursuant to this permission shall be occupied or brought into use until:-
 - (i) All necessary remedial measures have been completed in accordance with details approved in writing by the Local Planning Authority; and
 - (ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.
11. No deliveries, demolition or construction work in connection with the permission shall be carried out except between the hours of 07.30-18.00 hours Monday to Friday, 08.30-13.30 hours Saturdays and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.

12. Before any conversion works commence, a scheme for limiting the transmission of noise between each residential unit of accommodation and/or any other part of the building which is not exclusively used as a unit of accommodation shall be submitted to the Local Planning Authority. Formal written approval of the scheme shall be obtained from the Local Planning Authority and all works must be completed and tested by the developer to the satisfaction of the Local Planning Authority before any of accommodation is occupied.
13. During the construction works, no materials, equipment, machinery, temporary buildings or surplus soil shall be placed or stored beneath the branches of the trees protected by a Tree Preservation Order, and no oil, bitumen, cement or other materials likely to be injurious to a tree shall be discharged within 10 metres of the trunk. If any trenches for services are required within the canopy areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 25mm (1 inch) or more shall be left unsevered.
14. The erection of fencing for the protection of the preserved trees shall be undertaken in accordance with details to be submitted to and approved by the Local Planning Authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

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. Full details were not submitted, in the interests of the appearance of the development and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy.
4. No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
5. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the 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. In the interests of highway safety to ensure the footway is reinstated.
8. In the interests of highway safety to minimise the amount of mud/debris carried onto the highway and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
9. To ensure that cycle facilities are available for students, in the interests of supporting sustainable modes of transport and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004) and in accordance with the aims of Policy 14 of the Aligned Core Strategy (2014).
10. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy E29 of the Broxtowe Local Plan (2004).
11. To protect the local residents from excessive delivery, demolition and construction noise and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
12. To protect occupiers from excessive noise transmission between properties and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
13. To ensure the existing trees protected by a Tree Preservation Order are not adversely affected and in accordance with the aims of Policy E24 of the Broxtowe Local Plan (2004).

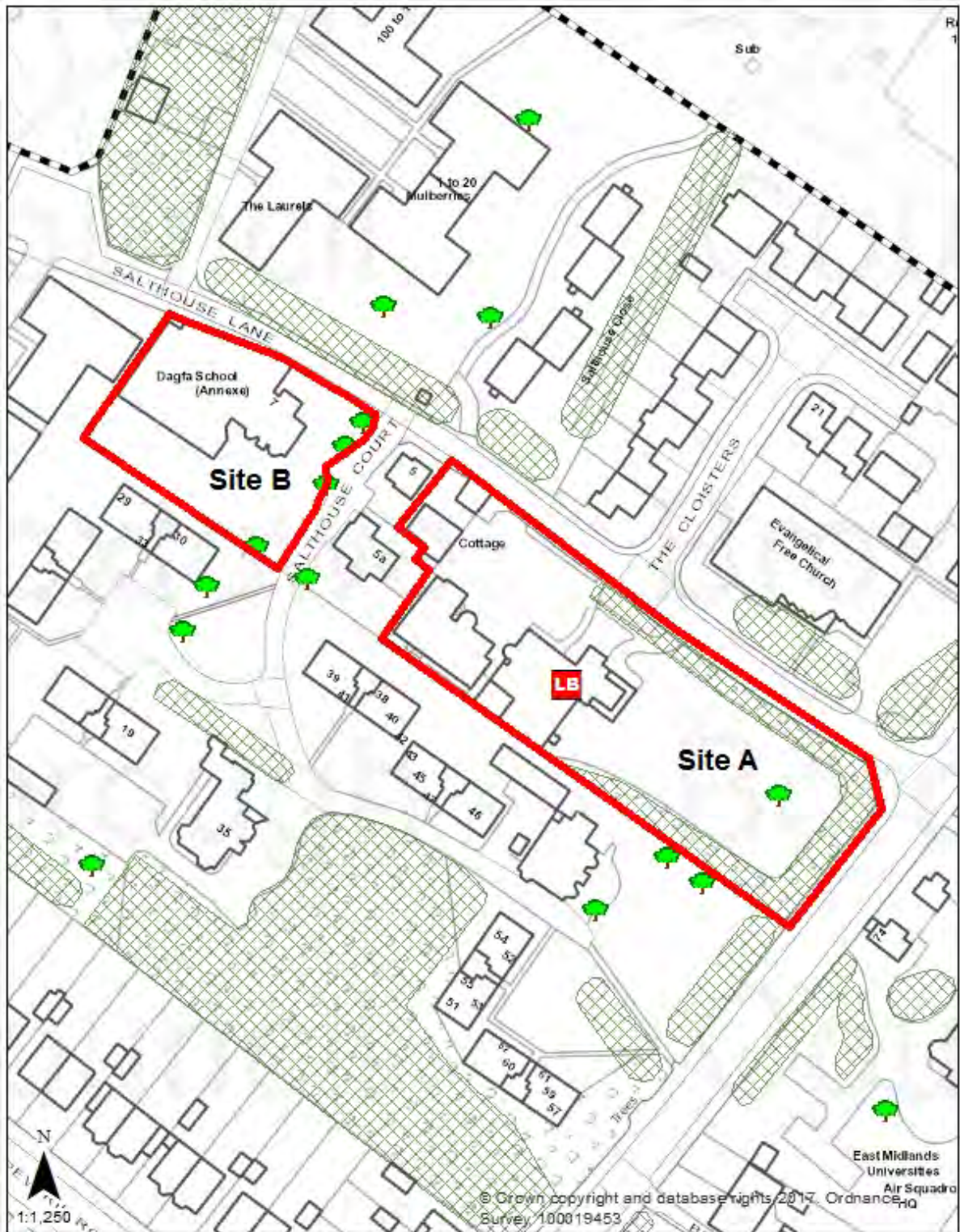
14. The requirement is to be satisfied before any equipment etc is brought onto site to ensure the existing trees protected by a Tree Preservation Order are not adversely affected and in accordance with the aims of Policy E24 of the Broxtowe Local Plan (2004).

Notes to Applicant:

1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by negotiating amendments with the applicant to address neighbouring amenity concerns.
2. The proposal makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works to be carried out, Tel: 0300 500 80 80.
3. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Daniel Sullivan (Highways South, Nottinghamshire County Council) on 0115 9773991 for details.
4. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see: <https://www.broxtowe.gov.uk/for-you/planning-building/development-in-former-coal-mining-areas/>
5. Many buildings still contain asbestos. In order to comply with the Control of Asbestos Regulations 2012, an assessment is required to determine whether the building has asbestos containing materials (ACMs). For properties or parts of properties needing upgrading, refurbishment or demolition, then a 'Refurbishment / Demolition Survey' is required. Copies of reports relating to asbestos identification and management should be sent to Environmental Health, Broxtowe Borough Council.
6. The Council's Environmental Health team will need to be notified of the arrival on site of any Mobile Crushing plant, for them to carry out an inspection of the crushing equipment, in line with the operational permit issued under the Pollution Prevention and Control Act 1999 Environmental Permitting (England and Wales) Regulations 2010 (as amended).

- 7. No work on any trees shall take place during the bird nesting season, between March and August inclusive. If work affecting the trees on site has to be carried out during these months, then the trees should be surveyed for active bird nests by a suitably qualified ecologist before the work is carried out. If active bird nests are present, then work within the area supporting the nests would need to be delayed until nesting activity has ceased.**
- 8. Prior to any development commencing and prior to the removal of Tree 17, a pre-construction/pre-demolition protected species inspection should be carried out, in accordance with the recommendations of the submitted BSG Ecology Report.**

Background papers
Application case file



- Legend**
-  Site
 -  Listed Building
 -  Single TPO
 -  Group TPO
 -  Broxtowe Boundary

Report of the Chief Executive

**17/00649/FUL
PROPOSED DWELLING (REVISED SCHEME)
LAND TO THE REAR OF 51A AND 51B MILL ROAD, NEWTHORPE
NG16 3QG**

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 square, 1½ -storey, 4-bedroom dwelling, with a gabled roof. 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 affect neighbours' 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, I consider that the dwelling would have a significantly overbearing impact upon*

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

- 3.5 *“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 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 northwest 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 upto 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 confirms that there appear to be no highway related changes to the previous proposal and therefore its comments remain unchanged. It has 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 bungalow incorporates a low, sloping roof with dormers serving 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 house 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 is 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.

6.4.4 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.

6.4.5 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 first floor windows of the proposed dwelling and no. 51a and the proposed elevation contains obscurely glazed windows at first floor 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.

6.4.6 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 Addressing previous concerns

6.5.1 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.

6.5.2 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 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 Highway's Authority. You are therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80.

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

**17/00658/FUL
CONSTRUCT TWO DETACHED DWELLINGS AND OUTBUILDINGS
FOLLOWING DEMOLITION OF BUNGALOW
9 HOPE STREET, BEESTON NG9 1DJ**

Councillor J C Patrick has requested that this application is brought before the Planning Committee.

1. Details of the application

- 1.1 This application seeks consent to construct two detached dwellings on the site of the existing bungalow. The proposal includes the demolition of the existing bungalow and redundant outbuildings, the general clearance of the site and the construction of two five-bedroom, 2½-storey dwellings. The proposed dwellings would be of a traditional design with a gable dormer and canopy roof at first floor on the front elevation and a more contemporary design to the rear. The dwellings would be finished in a chalk painted render and natural slates. Two frontage parking spaces are to be provided for each dwelling. A large single-storey outbuilding spanning the width of the site is proposed also. This will comprise domestic storage/workshops for each new dwelling and is to be constructed in the gardens, adjoining the rear boundary.
- 1.2 The applicant's agents have submitted a Design Statement, which concludes that, *"the proposals have been carefully thought out and designed to provide attractive, sustainable and energy efficient family homes. The development will rejuvenate a derelict, unattractive site and improve the aspect of the locality."*
- 1.3 Following negotiations and in response to objections raised by local residents, the proposal has been amended. The amendments primarily include the removal of the previously proposed first floor roof terraces and the redesign of the outbuildings as single storey with a flat roof. The applicants are also investigating the alleged presence of great crested newts.

2. Site and surroundings

- 2.1 The site is currently occupied by a vacant bungalow (9 Hope Street), a garage and various outbuildings. The former occupier had a number of aviaries around the rear garden. These are now derelict and the rear garden is very overgrown, largely with self-set trees. There is significant vegetation on the north boundary (with no. 11). The surrounding area is wholly residential, with a mixture of traditional and more modern detached and semi-detached dwellings. Photographs of the site are shown below.



Streetscene view of the site.



Garage and outbuildings on the left.



The existing bungalow.



Rear view, looking towards no. 7



Side view from rear garden, with Bramcote Road properties visible.



View from rear garden of 128 Park Road North.



View from rear garden of 2 Bramcote Road.



Side view from rear garden of no. 7



Side view from rear garden of no. 11

3. Relevant planning history

3.1 Permission (ref: 78/00962/FUL) was granted in 1978 for extensions to the bungalow and a rear conservatory was added under the leaseholder's permitted development rights. Earlier this year, prior notification consent was granted (ref: 17/00591/DEM) to demolish the existing bungalow, although this has not yet commenced.

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 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.

4.2.4 Policy 17: Biodiversity, seeks to control development and mitigate harm to sites with biodiversity value.

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 E24 seeks to control development which might affect important trees.

4.3.5 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 Draft Policy 31: Biodiversity Assets - permission will not be granted for development that results in any harm to the Biodiversity Asset, unless the benefits of development are clearly shown to outweigh the harm.

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

5. Consultations

5.1 Nottinghamshire County Highways

5.1.1 Comment that each proposed dwelling provides just two parking spaces. The 6Cs Design Guide requires three spaces for dwellings of this size but there is space for the third vehicle to park on-street outside the dwellings if this is not possible so it is considered that an objection on this basis would not be sustained at appeal.

5.1.2 The spaces are 5 metres in length, which does not accommodate a number of modern vehicles and 5.5 metres is preferred. However, the guidance in many current documents state those spaces have to be 4.8 metres long so the proposed is acceptable. All spaces are the required 2.4 metres in width.

5.1.3 The development requires both existing dropped crossings to be extended. This may interfere with the existing round topped road hump and any amendments required to this to enable the accesses to function are to be made at the expense of the developer at the time of the amendments to the dropped kerbs.

5.1.4 Given the above, Nottinghamshire County Council Highways has no objections to the development, subject to the imposition of conditions regarding the provision of the accesses and surfacing of the parking areas.

5.2 Waste and Recycling Manager

5.2.1 No objections but advice regarding refuse bins to be forwarded to the developer.

5.3 Neighbouring Residents

5.3.1 A site notice was displayed and letters were sent to nine adjoining residents. A total of 11 representations were submitted objecting to the original scheme on the following grounds:

- Contrary to Local Plan Policies.
- Unacceptable and disproportionate overdevelopment of the site.
- Proposed houses are too large, have excessive mass and would be overbearing, giving an unacceptable sense of enclosure and visual impact on neighbours.
- Loss of light, outlook and privacy, particularly from proposed terrace and dormer windows.
- Mix of traditional and contemporary designs would be out of character.
- Inadequate amenity space for such large dwellings.
- Insufficient car parking proposed, will lead to an increase in on-street parking.
- Impact on nature conservation, through loss of trees on site, impact on neighbouring trees and alleged protected species (great crested newts) on site.

- Proposed outbuildings are incongruous, too large and overbearing, causing a sense of enclosure and loss of light.
- Alleged proposed unauthorised use of large outbuildings.
- Physical disturbance of adjoining houses, may lead to possible subsidence.
- Restrictive covenant on the site, which forbids two detached dwellings.

5.3.2 Residents were notified of the amended proposals and a further 9 responses have been received objecting on the following grounds:

- The 3.1metre high wall of the outhouses on the boundary of the site will block light, result in a loss of outlook and be out of keeping. Side facing windows will result in loss of privacy.
- The outbuildings should be removed from the application, reduced in height or moved away from the boundary.
- Loss of established trees.
- Outbuilding present a security hazard.
- Rear dormers will result in loss of privacy.
- Over intensive development of the plot, the massing is disproportionate to the plot size, existing neighbouring properties will be completely dominated and will result in loss of light.
- Local of parking.
- Insufficient space for maintenance and concern for foundations of neighbouring properties due to proposed proximity.
- Property boundary of neighbouring property is shown incorrectly.

5.4 Beeston Civic Society

5.4.1 Makes observations on the amended scheme, welcoming steps that have been taken to address overlooking issues. They comment that the plot is too small for two properties of this scale and consider one detached or two semi-detached dwellings to be a more acceptable development.

6. Appraisal

6.1 Principle of the development

6.1.1 The proposal represents the redevelopment of an existing site within a residential area, to provide two dwellings. This is a large plot which is capable of supporting two dwellings. There are no site-specific planning policy constraints, and as such, it is considered that it is acceptable in principle.

6.2 Design/visual amenity

6.2.1 It is acknowledged that the proposed two dwellings are of a substantial size, mass and scale. However, this is a relatively large plot, extending back some 40m. The area of each proposed individual plot is approx. 340m², which is substantially greater than many of the existing detached plots in Hope Street. It is considered that the site has the capacity to be able to accommodate this level of construction.

- 6.2.2 The amended design comprises a traditional appearance to the street scene, which would be in scale and proportion with the adjoining houses. The frontage would have a traditional gable dormer and front canopy and would utilise red bricks, chalk render and slates. The appearance would be consistent with the character of the surrounding area.
- 6.2.3 The design of the rear elevation has a more contemporary feel, with a metal-clad square dormer and flat roof. The proposed rear dormer and single storey elements complement each other as an integrated design, rather than having the single storey elements looking like an extension to a traditional dwelling. The rear elevation will be viewed separately to the front elevation and it is not considered that this needs to be in the same style as the front or the surrounding dwellings. It is considered that this proposed appearance is acceptable.
- 6.2.4 The redesign of the outbuildings, to be a single-storey flat-roofed structure, now incorporates a more contemporary design to reflect the appearance of the rear of the proposed dwellings. The rear of the outbuildings, when viewed from Park Road North, would appear as a brick boundary wall with cast stone copings to the top and the roof would not be visible from the rear. This will minimise the impact on the properties to the rear. The proposal is considered to be in accordance with Local Plan Policy H9.

6.3 Residential amenity

- 6.3.1 Firstly, regarding the impact on the adjoining properties in Hope Street. The amended scheme removes the first floor terrace. The proposed rear elevation of the two storey element would be level with the rear of no. 7 (to the south), such that it would not be overbearing. It would also be on the north side of this property, such that there would be no loss of light. There is good separation to no.11 (to the north), and substantial boundary vegetation which already screens the rear garden, such that neither adjoining neighbour would be materially affected.
- 6.3.2 Secondly, the removal of the first floor terrace reduces any potential overlooking and potential nuisance from high level activity, which would have had an impact on both the adjoining neighbours and those properties in Bramcote Lane, which back onto the site. There would be a window-to-window distance of over 40m between the proposals and those houses to the rear, in Park Road North. It is considered that this relationship exceeds the normal standards and should not lead to any overlooking or loss of privacy.
- 6.3.3 Finally, the reduction in height and scale of the rear outbuildings mitigates any impact on those properties in Park Road North. The applicant's agent clarifies that the outbuilding is important to the development, as it will provide valuable secure storage space for bicycles and a quiet space away from the house to work from home. Neither of these uses are likely to cause noise nuisance.
- 6.3.4 Overall, it is considered that the amended scheme addresses the objections such that there would be minimal amenity impact with regard to overbearing

or overlooking. Consequently, it is considered that the proposal will not result in any adverse loss of residential amenity.

6.4 Highway/parking issues

6.4.1 Nottinghamshire County Council Highways point out that the proposed two parking spaces per dwelling is less than the three spaces required in the 6Cs Design Guide. However, they claim that an objection on this basis would not be sustained at appeal. They also point out that at 5m in length the parking spaces are shorter than the 5.5m preferred length. However, they still consider the 5m length to be acceptable. Consequently, they conclude that they have no objections to the development, subject to the imposition of conditions regarding the provision of the accesses and surfacing of the parking areas.

6.5 Nature conservation issues

6.5.1 The existing rear garden has a substantial amount of unmanaged vegetation, mostly comprising self-set trees, which are to be removed. However, there are three mature trees on the north site boundary which are shown to be retained. These trees are in the rear area so would not warrant a Tree Preservation Order. However, to ensure their retention and maintain a green environment, it is recommended that building methods should ensure that these trees are not adversely affected during construction.

6.5.2 Neighbours have raised concerns that protected species may be prevalent on the site, claiming that a pond within the existing rear garden supports great crested newts. A desk-based habitat suitability assessment has concluded that the predicted presence of newts is likely to be poor/below average. The applicants are investigating the alleged presence of great crested newts and it is anticipated that a report will be submitted. This will be reported at the meeting.

6.6 Other issues

6.6.1 Neighbours raise a number of issues which are not material planning considerations. Any alleged future unauthorised use cannot prejudice this decision and it would be subject to enforcement investigations at the time. Issues of restrictive covenants and possible subsidence are civil matters.

7. Conclusion

7.1 It is considered that the proposal complies with Saved Policies H6, H7, E24 and T11 of the Local Plan, Policies 17 and 31 of the Draft Local Plan and Policies 2, 8, 10 and 17 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 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 and Block Plan, received by the Local Planning Authority on 8 September 2017, and Proposed floor plans and elevations (drawing refs: TC-1710-1a, 2a, 3b and 4a) received by the Local Planning Authority on 31 October 2017.
3. During the construction works, no materials, equipment, machinery, temporary buildings or surplus soil shall be placed or stored beneath the branches of the three trees shown on the approved plans to be retained. No oil, bitumen, cement or other materials likely to be injurious to these trees shall be discharged within 10 metres of the trunk. If any trenches for services are required within the canopy areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 25mm (1 inch) or more shall be left unsevered.
4. The development hereby approved shall not be occupied until the parking areas have been provided in accordance with the approved plans and surfaced in bound material with provision to prevent the discharge of surface water to the public highway and maintained such for the life of the development.
5. 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.
6. 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. To ensure the trees to be retained are not adversely affected and in accordance with Policy E24 of the Adopted Broxtowe Local Plan (2004).

4. To ensure that the maximum amount of off-street parking is available to reduce the potential for on-street parking in the area as a result of the development and to reduce the possibility of deleterious material and surface water being deposited on the public highway causing danger to road users.
5. In the interests of highway safety.
6. 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 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. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and you should undertake every effort to prevent it occurring.
4. The development makes it necessary to amend vehicular crossings over the footway on Hope Street which is public highway. These shall be constructed to the satisfaction of the Highway Authority. You are therefore required to contact Viaem (who are responsible for works on the County's highways) on 0300 500 8080 to ensure the necessary licenses and permissions are in place.

Background papers
Application case file

Report of the Chief Executive

17/00724/FUL
CONSTRUCT SINGLE STOREY SIDE EXTENSION
56 MARSHALL DRIVE, BRAMCOTE, NOTTINGHAMSHIRE NG9 3LD

Councillor J C Goold requested this application be determined by the Committee.

1. Details of the application

1.1 The application seeks permission to construct a single storey side extension.

1.2 The proposed side extension will extend the width of the property by projecting 1.635m from the side (east) elevation of the property and will extend for the entire depth of the property (11.72m). The proposed extension will have a lean-to roof, hipped at the front and rear, with a ridge height of 3.565m and an eaves height of 2.42m. The proposed extension will be 0.8m from the boundary with no. 54 at the closest point and 17.5m from the rear boundary of the property. The proposed extension will be 5m from the front boundary of the property. Matching brickwork and roof tiles are proposed.

1.3 The roof will include three roof lights. The front elevation is proposed to have one window with a single gate set back 2.4m from the front of the property which will be located between the proposed extension and the boundary with no. 54. There will be two windows and one door on the side elevation, and one window on the rear elevation. The proposed extension would create a bathroom, a utility room and an enlarged kitchen.

2. Site and surroundings



Site as viewed from Marshall Drive. No. 56 on the left and no. 54 on the right.



Site as viewed facing north.



Site as viewed facing south.

- 2.1 The application property is a detached hipped roof dwelling with red/brown brick and dark brown pan tiles. The property has a two storey and single storey rear extension constructed from orange brick with a flat roof. The previous extension extends from the rear of the property by approximately 3.7m, with an 'L' shaped layout on the first floor, creating a flat roof space above a single storey extension on the eastern side that extends 2.4m and is 2m wide.
- 2.2 The front of the property has a double height bay window and a brick driveway with space for two cars. The brick driveway extends around the eastern side of the property and acts as a patio at the rear of the property, extending for approximately 3m. The eastern side of the property currently has an approximately 2.4m high double wooden gate at the front elevation of the property that adjoins with no. 54.
- 2.3 The western boundary with no. 58 is a 2m high wooden fence that decreases in height by approximately 0.2m beyond the brick patio. No. 58 has a concrete shed with a corrugated roof approximately 2.3m in height which extends for 4.5m adjacent to the boundary. The rear boundary of the property has a significant amount of vegetation, with three large trees on the boundary with no. 52. The rear (north) boundary is a 3m high hedge with trees beyond the rear boundary that largely obscure the view of no. 29 Park Road. The hedge extends around to the side boundary of no. 54 for approximately 5m and then a 2m high wooden fence that adjoins with the single storey rear extension of no. 54 forms the boundary. The application property has a pebbledash garage that extends adjacent to the boundary of no. 54 by 6.5m. The current application does not include the removal of the garage. No. 54 has a single storey rear extension that extends from their original property by 3.5m adjacent to the boundary with no. 56. The side of no. 54 has one obscurely glazed window on the ground floor.
- 2.4 The site is relatively flat. Marshall Drive is a residential street with detached and some semi-detached houses of similar design.
- 2.5 Similar development is visible at no. 59 Marshall Drive, which is a detached property opposite the application site and the house is of similar design. In January 2000, planning permission was granted to construct a side extension forming a kitchen, utility and w.c. (00/00011/FUL). The neighbour (no. 57) does not have any side windows beside the boundary.

3. Relevant planning history

3.1 An application (BS/132/74/64) was approved in 1974 for the previously constructed single and two storey rear extension with a flat roof. It extended to the rear of the property by 3.7m and covered the full width of the rear of the property.

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. It outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, a good standard of amenity for existing and future occupants should be secured, and developments should be located in sustainable locations.

4.2 Broxtowe Aligned Core Strategy

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

4.3 Saved Policy of the Broxtowe Local Plan

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

4.4 Draft Part 2 Local Plan

4.4.1 The Part 2 Local Plan has recently been subject to consultation and has not yet been examined so only limited weight can be attached to the emerging policies.

4.4.2 Policy 17 'Place-Making, Design and Amenity' states that householder developments should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene. Any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

5. Consultations

5.1 No. 54 objects to the application based on the potential for the proposed extension to block light to their only window in a long room.

6. Appraisal

- 6.1 The main issues to consider with this application are the design of the extension and the impact on neighbour amenity.
- 6.2 The extension will have a lean-to roof, hipped at the front and rear. Matching brickwork and roof tiles are proposed. The use of matching materials will be conditioned. The design is considered to be appropriate and will be in keeping with the design of the existing property. A gap of 0.8m is proposed between the proposed extension and no. 54. The extension is a modest size and it is therefore considered that it will not have a significant impact on the street scene.
- 6.3 No. 54 is a detached house with a similar design to the application property. The east side of no. 54 is parallel to the boundary with the application property and has one obscurely glazed window on the ground floor. The existing gap between the properties is approximately 2.3m and the proposed extension would reduce that gap to 0.8m at the closest point. The proposed extension would have two windows and one door on the side (east) elevation, none of which will be directly opposite the existing window at no. 54, and therefore will not cause significant overlooking. The eaves height of the proposed extension will be 2.4m, which is similar in height to the existing double wooden gates at the front of the application property. Due to the low eaves height of the proposed extension, the existing height of the wooden gates and the window of no. 54 being obscurely glazed, it is considered there will be minimal impact on the amenity of no. 54.
- 6.4 No. 58 is a detached house with a similar design to the application property. Due to the location of the proposed extension on the west side of the application property, no. 58 will not have a direct view of the extension. Therefore, it is considered there will be no significant impact on their amenity.
- 6.5 The properties to the rear of the application property are no. 27, 29 and 31 Park Road. The rear boundary of the application property has an approximately 3m high hedge as well as tall trees beyond the rear boundary. The application property also has a pebbledash garage parallel to the eastern boundary that will limit the view of the proposed extension. It is considered the proposed extension will have no significant impact on the neighbours to the rear.
- 6.6 The properties located across the road, no. 59 and no. 57, will have a view of the proposed extension. However, given the intervening road and a separation distance between the properties and the application property of approximately 23m, there will be no significant impact on their amenity.
- 6.7 It is considered the proposed extension is of an acceptable size, scale and positioning that does not cause an adverse impact on neighbour amenity.
- 6.8 The front drive of the application property has adequate space to park two cars, and therefore the reduction in space at the side of the property will not reduce the availability of suitable off-road parking for the property.

7 Conclusion

- 7.1 In conclusion, it is considered that the development is not harmful to neighbour amenity. The proposal therefore accords with Broxtowe Local Plan Policy H9, with Policy 10 of the Broxtowe Aligned Core Strategy, Policy 17 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

Recommendation

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Proposed Block & Location Plans (1:1250 and 1:500), the Proposed Roof Plan (1:100) and the Proposed Plan & Elevations (1:100) received by the Local Planning Authority on 5 October 2017.**
- 3. The extension shall be constructed using materials 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 a satisfactory standard of external appearance and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Draft Part 2 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, by communicating with the agent throughout the course of the application.

Background papers
Application case file



- Legend**
- Site
 - ↓ Photos

BROXTOWE BOROUGH COUNCIL
DEVELOPMENT CONTROL – NEIGHBOURHOODS & PROSPERITY

PLANNING APPLICATIONS DEALT WITH FROM
11 October 2017 TO 10 November 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 : Mrs L Riddell Chilwell School 17/00323/FUL
Site Address : Caretakers House Chilwell Comp 4 Ladybridge Close Attenborough Nottinghamshire NG9 6BS
Proposal : **Change of use from learning centre (Class D1) to dwelling (Class C3) and extend property curtilage**
Decision : **Conditional Permission**

Applicant : Mr Wayne Smith AJW Motors 17/00641/ADV
Site Address : AJW Motors Nottingham Road Attenborough Nottinghamshire NG9 6DP
Proposal : **Retain 4 flag signs (revised scheme)**
Decision : **Conditional Permission**

Applicant : Mr L Sullivan 17/00663/PNH
Site Address : 2 Brookland Drive Chilwell Nottinghamshire NG9 4BD
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4 metres, with a maximum height of 4 metres, and an eaves height of 2.7 metres**
Decision : **Prior Approval Not Required**

Applicant : Mr & Mrs Chilvers 17/00675/FUL
Site Address : 14 Central Avenue Chilwell Nottinghamshire NG9 4DU
Proposal : **Construct two storey side extension (revised scheme)**
Decision : **Conditional Permission**

Applicant : Mr C Wright 17/00712/PNH
Site Address : 2 Central Avenue Chilwell Nottinghamshire NG9 4DU
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4 metres, with a maximum height of 3.60 metres, and an eaves height of 2.75 metres**
Decision : **Prior Approval Not Required**

AWSWORTH, COSSALL & TROWELL WARD

Applicant : Mr Harty Fear 17/00533/FUL
Site Address : 4 Grange Estate Robinettes Lane Cossall NG16 2SL
Proposal : **Construct detached garage and storage building**
Decision : **Withdrawn**

Applicant : Mr D Burke 17/00624/FUL
Site Address : The Manor House 29 Church Lane Cossall Nottinghamshire NG16 2RW
Proposal : **Construct single storey rear flat roofed extension with roof lanterns**
Decision : **Conditional Permission**

BEESTON CENTRAL WARD

Applicant : Mr Adrian Swan Swan Homes Nottingham Limited 17/00595/FUL
Site Address : Neville Sadler Court Beeston Nottinghamshire
Proposal : **External alterations to include new cladding, render, construction of canopy, alterations to windows (including insertion of new windows), erection of boundary fence and provision of additional car parking spaces**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Millington 17/00666/CLUP
Site Address : 22 Queens Drive Beeston Nottinghamshire NG9 2ES
Proposal : **Certificate of Lawful Development to construct loft conversion including new site gable and rear dormer**
Decision : **Approval - CLU**

Applicant : Mr A Andricopoulos 17/00725/PNH
Site Address : 56 Salisbury Street Beeston Nottinghamshire NG9 2EQ
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6 metres, with a maximum height of 3 metres, and an eaves height of 3 metres**
Decision : **Prior Approval Granted**

Applicant : Mr A Andricopoulos 17/00735/PNH
Site Address : 24 Lower Road Beeston Nottinghamshire NG9 2GL
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6 metres, with a maximum height of 3 metres, and an eaves height of 3 metres**
Decision : **Prior Approval Not Required**

BEESTON NORTH WARD

Applicant : Mr Javed Iqbal 17/00500/FUL
Site Address : 7 Crowborough Avenue Beeston Nottinghamshire NG8 2RN
Proposal : **Construct two storey and single storey front / side and rear extensions, including attached single garage (revised scheme)**
Decision : **Conditional Permission**

BEESTON WEST WARD

Applicant : Mr Suraj Pathak 17/00535/FUL
Site Address : 6A Chilwell Road Beeston Nottinghamshire NG9 1AA
Proposal : **Change of use from retail (Class A1) to restaurant (Class A3) and install flue and front awning**
Decision : **Conditional Permission**

Applicant : Mr P Cribb Inspire Culture Learning Libraries 17/00569/ADV
Site Address : Beeston Library 8 Foster Avenue Beeston Nottinghamshire NG9 1AE
Proposal : **Display sign on front wall and free standing externally illuminated monolith sign**
Decision : **Conditional Permission**

Applicant : Mr Keiran Murphy 17/00603/FUL
Site Address : 119 Park Road North Chilwell Nottingham NG9 4DF
Proposal : **Construct first floor rear extension**
Decision : **Conditional Permission**

Applicant : Mr Raj Manek Loungers Ltd 17/00605/FUL
Site Address : 55 - 57 High Road Beeston Nottinghamshire NG9 2JQ
Proposal : **Install new shopfront, two ventilation ducts and two condenser units**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Mayfield 17/00613/FUL
Site Address : 113 Bramcote Drive West Beeston Nottingham NG9 1DU
Proposal : **Construct porch, two storey side and single/two storey rear extension**
Decision : **Conditional Permission**

Applicant : Ms Z Mayes 17/00614/FUL
Site Address : 51 Robinet Road Beeston Nottinghamshire NG9 1GP
Proposal : **Construct two storey extension**
Decision : **Withdrawn**

Applicant : Mr & Mrs R Bursztyn 17/00625/FUL
Site Address : 4 Winchester Avenue Beeston Nottinghamshire NG9 1AU
Proposal : **Construct first floor rear and single storey front extensions. Insert first floor side window**
Decision : **Conditional Permission**

Applicant : Mr Dino Labbate Swish Architecture Ltd 17/00629/FUL
Site Address : 4 Devonshire Avenue Beeston Nottinghamshire NG9 1BS
Proposal : **Construct two storey side and rear extensions, detached garage / annexe, new driveway, external alterations and erect gates following partial demolition of front boundary wall**
Decision : **Conditional Permission**

Applicant : Mr Mark Terrett 17/00633/FUL
Site Address : 42 Larch Crescent Chilwell Nottingham NG9 4DL
Proposal : **Construct single storey rear and side extension**
Decision : **Conditional Permission**

Applicant : Mrs Linda Jennings 17/00661/FUL
Site Address : 25 Elm Avenue Beeston Nottinghamshire NG9 1BU
Proposal : **Construct single storey side and rear extension**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Geoff & Fran Kershaw 17/00676/FUL
Site Address : 106 Bramcote Drive West Beeston Nottinghamshire NG9 1DU
Proposal : **Construct single storey rear extension and first floor side extension**
Decision : **Conditional Permission**

Applicant : Mr G Wood 17/00726/PNH
Site Address : 54 Imperial Road Beeston Nottinghamshire NG9 1FN
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3.4 metres, with a maximum height of 4 metres, and an eaves height of 2.5 metres**
Decision : **Prior Approval Not Required**

BRAMCOTE WARD

Applicant : Mr & Mrs Ward 17/00620/FUL
Site Address : 34 Sandy Lane Bramcote Nottinghamshire NG9 3GS
Proposal : **Construct single/two storey side and rear extensions, following demolition of existing garage (revised scheme)**
Decision : **Conditional Permission**

Applicant : Mr John Daly 17/00627/FUL
Site Address : 21 Valmont Road Bramcote Nottinghamshire NG9 3JL
Proposal : **Construct single storey side extension**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Neil Martin 17/00639/FUL
Site Address : 70 Burnside Drive Bramcote Nottingham NG9 3EF
Proposal : **Construct front and rear extensions and raise ridge height to create first floor accommodation with Juliet balcony to rear**
Decision : **Conditional Permission**

Applicant : Mrs H Muir 17/00640/FUL
Site Address : 98 Hillside Road Beeston Nottingham NG9 3AT
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

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| Applicant | : | Mr Castle | 17/00653/FUL |
| Site Address | : | 39 Ullswater Crescent Bramcote Nottinghamshire NG9 3BE | |
| Proposal | : | Construct single storey rear extension | |
| Decision | : | Conditional Permission | |
| Applicant | : | Mr & Mrs Jon & Laura Bott | 17/00665/FUL |
| Site Address | : | 21 Claremont Avenue Bramcote Nottinghamshire NG9 3DG | |
| Proposal | : | Construct single/two storey front extensions, front dormers, two storey rear extension and cladding to existing walls | |
| Decision | : | Conditional Permission | |
| Applicant | : | Mr & Mrs Goodall | 17/00681/FUL |
| Site Address | : | 4 Manor Court Peache Way Bramcote Nottinghamshire NG9 3DR | |
| Proposal | : | Construct single storey rear glass canopy | |
| Decision | : | Conditional Permission | |
| Applicant | : | Mr Michael Powell The White Hills Park Federation Trust | 17/00689/FUL |
| Site Address | : | Caretakers Bungalow Alderman White Comprehensive School Chilwell Lane Bramcote Nottinghamshire NG9 3DU | |
| Proposal | : | Change of use from dwelling (Class C3) to student support centre (Class D1) | |
| Decision | : | Conditional Permission | |
| BRINSLEY WARD | | | |
| Applicant | : | Mr Dan Walker | 17/00671/FUL |
| Site Address | : | 56 Church Lane Brinsley Nottinghamshire NG16 5AB | |
| Proposal | : | Construct dropped kerb | |
| Decision | : | Conditional Permission | |
| Applicant | : | Miss S Porter | 17/00716/PNH |
| Site Address | : | 96 Broad Lane Brinsley Nottinghamshire NG16 5BD | |
| Proposal | : | Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.30 metres, with a maximum height of 2.95 metres, and an eaves height of 2.60 metres | |
| Decision | : | Withdrawn | |
| CHILWELL WEST WARD | | | |
| Applicant | : | Mr Stephen Willoughby | 17/00562/CLUP |
| Site Address | : | 59 Haddon Crescent Chilwell Nottinghamshire NG9 5JT | |
| Proposal | : | Certificate of lawful development to construct single storey rear extension | |
| Decision | : | Approval - CLU | |
| Applicant | : | Mr Jacob Brown | 17/00566/FUL |
| Site Address | : | 1 Kedleston Close Chilwell Nottinghamshire NG9 5ER | |
| Proposal | : | Construct two storey front extension and semi detached house following demolition of attached garage | |
| Decision | : | Conditional Permission | |
| Applicant | : | Mr Paul England | 17/00631/FUL |
| Site Address | : | 22 Midhurst Close Chilwell Nottinghamshire NG9 5FQ | |
| Proposal | : | Retain fence | |
| Decision | : | Conditional Permission | |
| Applicant | : | Ms Mel Wraight | 17/00651/OUT |
| Site Address | : | 5 Pearson Avenue Chilwell Nottingham NG9 4GQ | |
| Proposal | : | Outline application to construct dwelling with all matters reserved | |
| Decision | : | Conditional Permission | |

EASTWOOD HALL WARD

Applicant : Mr & Mrs Scott Dignum 17/00552/FUL
Site Address : 96 Garden Road Eastwood Nottinghamshire NG16 3FW
Proposal : **Construct single storey rear and two storey extensions**
Decision : **Conditional Permission**

Applicant : Mr Richard Broughton 17/00617/FUL
Site Address : 31 Lower Beauvale Newthorpe Nottinghamshire NG16 3PY
Proposal : **Construct two detached dwellings (revised scheme)**
Decision : **Conditional Permission**

Applicant : Mr Tony Byrne 17/00652/FUL
Site Address : 5 Meadow Close Eastwood Nottingham NG16 3DQ
Proposal : **Construct porch and single storey rear extension**
Decision : **Conditional Permission**

Applicant : Ms Julie Salt 17/00786/TMPCOU
Site Address : 18 Mansfield Road Eastwood Nottinghamshire NG16 3AQ
Proposal : **Temporary Change of use from retail (Class A1) to cafe (Class A3)**
Decision : **Acceptance of Change of Use**

GREASLEY WARD

Applicant : Mr Douglas Priestley 17/00519/FUL
Site Address : 2 Clover Rise Newthorpe Nottingham NG16 2BJ
Proposal : **Construct side extensions**
Decision : **Conditional Permission**

Applicant : IKEA Properties Investments Limited 17/00578/ADV
Site Address : Ikea Nottingham 4 Giltbrook Retail Park Ikea Way Giltbrook Nottinghamshire NG16 2RP
Proposal : **Display of 18 replacement and new illuminated and non-illuminated signs and flags**
Decision : **Conditional Permission**

Applicant : Robert Bryan 17/00626/FUL
Site Address : 18 Brackenfield Drive Giltbrook Nottinghamshire NG16 2US
Proposal : **Construct two storey rear extension**
Decision : **Conditional Permission**

Applicant : Mrs Lisa Palmer 17/00662/FUL
Site Address : 193 Main Street Newthorpe Nottinghamshire NG16 2DL
Proposal : **Construct rear extension and detached garage**
Decision : **Refusal**

KIMBERLEY WARD

Applicant : Rev Barbara Holbrook Holy Trinity Church 17/00305/FUL
Site Address : Holy Trinity Church Eastwood Road Kimberley Nottinghamshire
Proposal : **Demolish church hall and construct 2 dwellings with associated access, create new access for church leading to reorganised church car park, associated landscaping and boundary treatment works and erect storage shed**
Decision : **Conditional Permission**

Applicant : Mr Paul Wilkinson 17/00567/FUL
Site Address : Lawn Mills Cottage Gilt Hill Kimberley NG16 2GY
Proposal : **Construct two dormer windows to form additional bedroom and retain rear porch and workshop**
Decision : **Conditional Permission**

Applicant : Miss Michelle Matthews 17/00683/ROC
Site Address : 77 High Street Kimberley Nottinghamshire NG16 2LR
Proposal : **Retain variation of condition of conversion of garage into habitable room**
Decision : **Conditional Permission**

Applicant : Mrs lois wilde 17/00690/ROC
Site Address : Orchard House 6 Brown's Flats Kimberley Nottinghamshire NG16 2JU
Proposal : **Removal of condition 1 (The first floor windows to the north west elevations serving bedroom 2 shall be obscurely glazed....) of planning ref: 12/00322/FUL (NMA)**
Decision : **Refusal**

NUTHALL EAST & STRELLEY WARD

Applicant : Mr Seth Wood Marston's Inns and Taverns 17/00616/FUL
Site Address : Old Moor Lodge Mornington Crescent Nuthall Nottinghamshire NG16 1QE
Proposal : **External alterations including installation of new boarding to replace existing cladding, replacement porch entrance lobby, removal of bay windows, recladding of bin store, replacement windows and doors, construction of play area and associated landscaping alterations including extending patio for outdoor seating**
Decision : **Conditional Permission**

STAPLEFORD SOUTH EAST WARD

Applicant : Mrs C Ganly 17/00623/FUL
Site Address : 53 Windsor Street Stapleford Nottinghamshire NG9 7HE
Proposal : **Construct single storey rear/side extension**
Decision : **Conditional Permission**

Applicant : Mr Scott McMahon 17/00632/FUL
Site Address : 9 Central Avenue Stapleford Nottingham NG9 8DZ
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr M Towle 17/00691/PNH
Site Address : 109 Ewe Lamb Lane Bramcote Nottinghamshire NG9 3JW
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4 metres, with a maximum height of 3.350 metres, and an eaves height of 2.475 metres**
Decision : **Prior Approval Not Required**

STAPLEFORD SOUTH WEST WARD

Applicant : PDM+SS Holdings 17/00530/FUL
Site Address : 48 Derby Road Stapleford Nottinghamshire NG9 7AA
Proposal : **Alterations to create additional flat at first floor and loft conversion including front, side and rear dormers to create 1 flat at second floor**
Decision : **Conditional Permission**

Applicant : Kathleen Webster 17/00619/ALT
Site Address : Sports Ground Bailey Street Stapleford Nottinghamshire
Proposal : **Application for Certificate of Appropriate Alternative Development for residential purposes (use class C3)**
Decision : **Withdrawn**

Applicant : Mr Craig Halls Stapleford Boarding Kennels 17/00660/FUL
Site Address : 101 Bessell Lane Stapleford Nottinghamshire NG9 7BX
Proposal : **Retain two dome security cameras on pole and erect one dome security camera on pole**
Decision : **Conditional Permission**

TOTON & CHILWELL MEADOWS WARD

Applicant : Mr David George 17/00575/FUL
Site Address : 18 Spicer Close Chilwell Nottinghamshire NG9 6NW
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

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| Applicant | : | Mr Tony Singh | 17/00584/FUL |
| Site Address | : | Flat 1 2 Stapleford Lane Toton Nottinghamshire NG9 6GA | |
| Proposal | : | Construct rear extensions and create additional first floor apartment | |
| Decision | : | Conditional Permission | |
| Applicant | : | Mr Matthew Jarvis | 17/00609/FUL |
| Site Address | : | 10 Adrian Close Toton Nottingham NG9 6FL | |
| Proposal | : | Construct single storey rear and two storey side extension with mezzanine | |
| Decision | : | Conditional Permission | |
| Applicant | : | Mr Christopher Cutting The Physio Rehab Centre Limited | 17/00664/FUL |
| Site Address | : | 17C Woodstock Road Toton Nottinghamshire NG9 6HW | |
| Proposal | : | Change of use from retail (Class A1) to physiotherapy clinic (Class D1) | |
| Decision | : | Conditional Permission | |
| Applicant | : | Mr A Bradley | 17/00682/PNH |
| Site Address | : | 12 Whitburn Road Toton Nottinghamshire NG9 6HP | |
| Proposal | : | Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3.6 metres, with a maximum height of 3.5 metres, and an eaves height of 2.5 metres | |
| Decision | : | Withdrawn | |

WATNALL & NUTHALL WEST WARD

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| Applicant | : | Mr Carl Bird | 17/00669/FUL |
| Site Address | : | 44 Coronation Road Nuthall Nottinghamshire NG16 1EP | |
| Proposal | : | Construct single storey rear extension | |
| Decision | : | Conditional Permission | |
| Applicant | : | Mr A Ventura | 17/00704/PNH |
| Site Address | : | 29 Holden Crescent Nuthall Nottinghamshire NG16 1BW | |
| Proposal | : | Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6 metres, with a maximum height of 3.250 metres, and an eaves height of 2.350 metres | |
| Decision | : | Prior Approval Not Required | |