



6 February 2018

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 14 February 2018 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	R D MacRae
		L A Ball BEM (Vice Chair)	G Marshall
		J S Briggs	J K Marsters
		T P Brindley	P J Owen
		M Brown	R S Robinson
		M Handley (Chair)	P D Simpson

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 - 11

The Committee is asked to confirm as a correct record the minutes of the meeting held on 10 January 2018.

4. NOTIFICATION OF LOBBYING

5.	<u>DEVELOPMENT CONTROL</u>	
5.1	<u>17/00499/REM</u> Construct 282 dwellings, including highway and drainage infrastructure and public open space (reserved matters relating to Phase 1 of 17/00131/ROC Land to the west of Toton Lane, Stapleford)	PAGES 12 - 39
5.2	<u>17/00723/FUL</u> Construct 47 dwellings, retail unit (Class A1), car parking and highway infrastructure <u>Myford Ltd, Wilmot Lane, Beeston NG9 4AF</u>	PAGES 40 - 65
5.3	<u>17/00658/FUL</u> Construct two detached dwellings and outbuildings Following demolition of bungalow <u>9 Hope Street, Beeston, Nottingham NG9 1DJ</u>	PAGES 66 - 82
5.4	<u>17/00486/FUL</u> Construct workshop following demolition of garages and workshop <u>54A Carrfield Avenue, Toton NG9 6FB</u>	PAGES 83 - 95
5.5	<u>17/00679/FUL</u> Construct 4 units (Class A1-5), car wash, tyre service area and retail pod <u>Morrisons, Kelham Way, Eastwood NG16 3SG</u>	PAGES 96 - 112
5.6	<u>17/00761/FUL</u> Construct dwelling <u>5 Dormy Close, Bramcote</u>	PAGES 113 - 119
5.7	<u>17/00849/FUL</u> Construct single/two storey side extension following demolition of garage <u>419 High Road, Chilwell NG9 5EA</u>	PAGES 120 - 126
5.8	<u>17/00736/FUL</u> Construct dwelling <u>Rear of 1 Briar Road, Newthorpe</u>	PAGES 127 - 136
5.9	<u>17/00803/REG3</u> Retain 3 and install 1 air conditioning units <u>33-34 The Square, Beeston NG9 2JH</u>	PAGES 137 - 141

6. INFORMATION ITEMS

6.1 Appeal Statistics

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

6.2 Delegated Decisions

PAGES 142 - 149

PLANNING COMMITTEE

10 JANUARY 2018

Present: Councillor M Handley, Chair

Councillors:	L A Ball BEM	W J Longdon (substitute)
	D Bagshaw	R D MacRae
	J S Briggs	P J Owen
	M Brown	J C Patrick (substitute)
	E Cubley (substitute)	M Radulovic MBE
	R I Jackson	R S Robinson

Apologies for absence were received from Councillors A Harper, G Marshall and J K Marsters.

42. **DECLARATIONS OF INTEREST**

Councillor E Cubley declared a pecuniary interest in agenda item 5.2 since he intended to speak as a member of the public on the item and would not therefore take part in the debate or vote on the item (minute no. 45.2 refers). Councillor R S Robinson declared that he had been lobbied by residents in respect of agenda item 5.2 but that he maintained an open mind, was not pre-determined and would take part in the debate (minute no. 45.2 refers). Councillor M Handley declared a pecuniary interest in agenda item 10 since she would be speaking on behalf of the applicants as ward member and would leave the chamber and not take part in the debate or vote (minute no. 50 refers).

43. **MINUTES**

The minutes of the meeting held on 6 December 2017 were confirmed and signed.

44. **NOTIFICATION OF LOBBYING**

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

45. **DEVELOPMENT CONTROL**

45.1 **17/00761/FUL**

Construct dwelling following demolition of existing dwelling
5 Dormy Close, Bramcote

The application was deferred to the February Committee to allow additional time for consultation on amended plans. The item was not therefore debated.

45.2 17/00715/FUL

Construct detached garage/workshop and fence
14 Chapel Street, Eastwood NG16 3JL

The Head of Neighbourhoods and Prosperity had requested that the application be determined by Committee as one of the objectors is an elected councillor.

The Committee was referred to the summary of late items which advised of additional notes to applicant to be included within the recommendation.

Councillor E Cubley, speaking as an objecting member of the public, addressed the Committee prior to the general debate.

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

- Officer advice was sought on the objecting speaker's request that an additional condition be included to limit the use of the garage to domestic use only and that commercial activities be specifically prohibited so that the premises did not turn into a builder's yard.
- Officer advice stated that such a condition could be included with the caveat that such an additional condition could be appealed, although the risk of that was considered to be slight and the applicant had confirmed that the premises were not to be used for business purposes.
- A member queried if the inclusion of an additional condition would still apply to any subsequent landowner and it was confirmed that it would.

Councillor R I Jackson proposed the inclusion of an additional condition as detailed above and the proposal was seconded by Councillors D Bagshaw and L A Ball BEM. The proposal, on being put to the meeting, was carried.

RESOLVED that planning permission be granted subject to the following conditions, together with an additional condition restricting the use of the garage to domestic use only and additional notes to applicant:

- 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 Layouts, Elevations, Block & Location Plans (001B) received by the Local Planning Authority on 27 November 2017.**

3. The garage shall be constructed using materials of a type, texture and colour so as to match those of the existing building.
4. No part of the development hereby approved shall be commenced until details of appropriate gas prevention measures have been submitted to and approved in writing by the local planning authority. No building to be completed pursuant to this permission shall be occupied or brought into use until:
 - a. All appropriate measures have been completed in accordance with details approved in writing by the Local Planning Authority; and
 - b. It has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures have been implemented in full.

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 H11 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.
4. In the interest of public health and safety.

Notes to applicant:

1. The decision has been reached taking into account the guidance in paragraphs 186-187 of the National Planning Policy Framework, with positive amendments having actively been sought during the consideration of the application.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see <https://www.broxtowe.gov.uk/for-you/planning-building/coal-authority/>

(In accordance with Councillor Cubley's declaration of a pecuniary interest to secure his right to speak as an objecting member of the public, he left the chamber after speaking and did not participate in the Committee's subsequent debate on the item or vote thereon.)

45.3 17/00486/FUL

Construct workshop following demolition of garages and workshop
54a Carrfield Avenue, Toton NG9 6FB

Councillor L Fletcher had called the application in to Committee.

Members were referred to the summary of late items which advised of a letter received requesting that the sender's comments be taken into consideration.

Mr Steve Creasey, objector, and Mr Steve Wheatley, applicant, addressed the Committee prior to the general debate.

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

- It was considered that the proposed building would look more pleasing if constructed in brick rather than metal.
- If this had been a fresh application it would have been turned down but the business had been established for a long time.
- The proposals would make what existed better although there were concerns about residents' observations relating to noise on the roof.
- Officers' views were sought on whether or not they considered the material proposed to be used to be detrimental. Officers responded that they did not consider that the applicant's proposed use of materials would make the noise worse. It was an established use and MoT use fell within authorised business activities already on the site. It was not currently proposed to condition materials and Environmental Health colleagues were content with the scheme and its hours of operation. If an additional condition was required by members, this could be drafted by officers.
- There was sympathy with adjacent residents, in particular relating to the proposed height of the building, and there were concerns regarding the applicant's use of the open storage area.
- It was suggested that further negotiations be conducted to make the proposals more acceptable to residents since the use was now established and, although considered to be inappropriate, was lawful.

Councillor P J Owen proposed that the matter be deferred to allow for negotiations to take place to secure a reduced scale of development (in particular relating to height) and also possibly a brick rather than metal building. The proposal was seconded by Councillor R I Jackson and, on being put to the meeting, was carried.

RESOLVED that the item be deferred to allow for a reduced scale of building to be negotiated (in particular in relation to height) and possibly a brick rather than a metal building.

45.4 17/00749/FUL

Construct two storey side extension
17 Wentworth Court, Kimberley NG16 2XB

Councillor R S Robinson had called the application in to Committee.

The Committee was referred to the summary of late items which advised of receipt of an email from local residents expressing various concerns about the proposed development.

Mrs M Murfin, objecting, addressed the Committee prior to the general debate.

The Committee debated the item and the following comment was amongst those noted:

- It was stated that residents alleged they had not been consulted in relation to the 2007 application for a two storey dwelling and, consequently, had not been given the opportunity to object to the application. This was disputed by officers since records indicated that neighbouring properties had been notified in 2007.

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 Proposed Block & Site Plans (Drawing No. Rob 007 Site and Block Plan, 1:1250 and 1:500), the Proposed Roof Plan (Drawing No. Rob 003b Roof Layout V3, 1:100) and the Proposed Floor Plan (Drawing No. Rob 003a Floor Plans V3, 1:100) and the Proposed Elevation Plans (Drawing No. Rob 004b Elevations V3 and Rob 004a Elevations V3, 1:100) received by the Local Planning Authority on 28 November 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.

45.5 17/00769/FUL

Construct 4 retail units, car wash, tyre service area and retail pod
Morrison's, Kelham Way, Eastwood NG16 3SG

Members were referred to the summary of late items which advised that the application description be amended to 'Construct 4 units (Class A1-5), car wash, tyre service area and retail pod' and receipt of an email from the Coal Authority confirming withdrawal of their objection but recommending the imposition of a condition requiring the applicant to carry out further investigative works prior to development commencing. Consequently, the condition and reason would be amended. A letter of objection had been received relating to noise levels.

There were no speakers in respect of this item.

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

- The loss of 63 parking spaces would have a detrimental effect on store users since it was a large store where the car park was accessed and egressed by many large distribution lorries.
- The supermarket site contained the only petrol station in Eastwood and attracted a lot of traffic.
- The proportionate loss of parking spaces stated was disputed (one in seven) and it was feared the loss was far greater than this.
- It was stated that Morrison's was not diligent in its maintenance of the site since there were overhanging trees with the school boundary.
- The majority of car park users currently parked where the hub was proposed to be sited.
- The business model being rolled out by the company for the site adopted a corporate approach irrespective of the area.
- Supermarkets were trying to kill off town centres and smaller traders and the proposals should be rejected since they detracted from the town centre.
- Scepticism was expressed concerning highways issues and the timings of Nottinghamshire County Council highway visits and the Committee would benefit from receiving more information on that.
- It was difficult to secure successful appeal outcomes where applicants' evidence suggested there were no highways problems and the County Council concurred with that assertion so there was a need to scrutinise.
- It was suggested that more details could be provided for the next available Committee in relation to the nature of any objections as they related to the

emerging Local Plan policy since it would be risky to refuse permission based on a policy which had not been tested through formal examination process.

Councillor R I Jackson proposed that the matter be deferred to allow more information to be prepared in relation to emerging policy and to allow for further consideration of the impact of the loss of parking spaces by Nottinghamshire County Council. The proposal was seconded by Councillor L A Ball BEM and, on being put to the meeting, was carried.

RESOLVED that the matter be deferred in accordance with the aforementioned proposal.

45.6 16/00182/ENF

Untidy and overgrown condition of land around disused building
102 Ryecroft Street, Stapleford NG9 8PN

This matter had been brought to the Council's attention in July 2016 and there had been a previous enforcement complaint of a similar nature in 2014 which had been resolved in March 2015. However, in respect of the current enforcement case, the land owner had failed to engage with the Council to resolve the issue.

There were no late items in respect of this matter.

Members discussed the report and the following comments and observations were amongst those noted:

- The cost to the Council to execute the works would be £469.
- Such sites were a blight on neighbourhoods and it was suggested that the Council's compulsory purchase powers in respect of the site should be explored.
- In the event of non-recovery of the aforementioned costs, it was stated that a charge could be placed on the land to enable the costs to be recovered on any eventual sale of the said land.

RESOLVED that direct action be taken by the Council to cut back all overgrown vegetation and weed kill the land surrounding the property and to generally improve the condition of the land.

45.7 16/00182/ENF

Untidy condition of front and rear gardens
14 Read Avenue, Beeston NG9 2FJ

This matter had initially been brought to the Council's attention in July 2016. The property had been unoccupied for some considerable time and it was understood that the owners were living overseas. The Council had been unable to establish any contact with them.

There were no late items in respect of this matter.

Members discussed the report and similar comments and observations were made as for the preceding report.

RESOLVED that direct action be taken by the Council to prune back the tree and shrubs at the front and side of the property, to remove and suitably dispose of any debris at the front and side of the property and to generally improve the condition of the front garden.

46. INFORMATION ITEMS

46.1 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.

46.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 11 November and 8 December 2017.

A ward member raised a query in respect of application 17/00617/FUL. Officers confirmed that a site visit would be undertaken to establish whether or not the development was proceeding in accordance with the relevant permission.

47. EXCLUSION OF PUBLIC AND PRESS

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

48. 17/00724/FUL
Construct single storey side extension
56 Marshall Drive, Bramcote NG9 3LD

The Committee noted the summary of confidential late items.

RESOLVED that planning permission be granted subject to the following conditions, together with the inclusion of an additional note to applicant as outlined in the confidential late items summary:

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.

49. 17/00598/FUL
Construct rear extension and detached garage
46 Coronation Road, Nuthall NG16 1EP

The Committee noted the summary of confidential late items and Councillor J M Owen spoke as ward member on behalf of neighbouring objectors.

RESOLVED that Planning Permission is granted, subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall only be constructed in accordance with the following drawings: Site Location Plan received by the Local Planning Authority on 17 August 2017; Existing floor plans and elevations (drawing ref: RS/GF/07/08/17/01) and Proposed

block plan, floor plans and elevations (drawing ref: RS/GF/07/08/17/02) received by the Local Planning Authority on 15 December 2017.

3. The extension(s) shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing building.

Reasons:

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

Notes for applicant:

1. The Council has acted positively and proactively in the determination of the application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by discussing alterations and seeking amendments to the proposal which would result in a more acceptable development.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see: <https://www.broxtowe.gov.uk/for-you/planning-building/development-in-former-coal-mining-areas/>

50. 15/00007/ENF, 15/00071/ENF and 17/00158/ENF

1. Unauthorised works to holiday let building (deviations from approved plans)
2. Unauthorised use of land for siting of caravans in residential use
3. Unauthorised re-roofing of building on east side of gatehouse range

Beauvale Abbey, New Road, Greasley NG16 2AA

There were no late items in respect of this matter and Councillor M Handley spoke as ward member on behalf of the applicants.

Councillor M Radulovic MBE disagreed with the assertion that enforcement action should not be supported since the planning breaches appeared to be minor in nature and he stated that there had been numerous breaches of planning regulations on the site.

Councillor Radulovic proposed that the recommendation be amended to resolve to take enforcement action in respect of all breaches with immediate effect. Councillor Radulovic also proposed a recorded vote in respect of the aforementioned proposal. Both proposals were seconded by Councillor D Bagshaw and, on being put to the meeting, the proposal regarding amendment of the recommendation was lost. The voting was as follows:

<u>For</u>	<u>Against</u>	<u>Abstention</u>
D Bagshaw	L A Ball BEM	
M Radulovic MBE	J S Briggs	
	M Brown	
	E Cubley	
	R I Jackson	
	W J Longdon	
	R D MacRae	
	P J Owen	
	J C Patrick	

(Note: Councillor R S Robinson had left the meeting and did not therefore participate in voting.)

RESOLVED that no enforcement action be taken into any of the breaches of planning control outlined within the report.

(Councillor M Handley, having spoken as ward member on behalf of the applicants, left the meeting before debate or voting thereon and Councillor L A Ball BEM, Vice Chair, took the Chair for this item.)

Report of the Chief Executive

17/00499/REM**CONSTRUCT 282 DWELLINGS, INCLUDING HIGHWAY AND DRAINAGE INFRASTRUCTURE AND PUBLIC OPEN SPACE (RESERVED MATTERS RELATING TO PHASE 1 OF 17/00131/ROC) LAND TO THE WEST OF TOTON LANE, STAPLEFORD, NOTTINGHAMSHIRE**

Given the importance of the proposed development to housing provision in the Borough, the application is to be considered by Committee. Councillor L Fletcher has also requested this application be determined by Committee.

1 Details of the application

- 1.1 The application for consideration contains the reserved matters pertaining to the first phase of development at the site. The reserved matters application is submitted following the granting of outline planning permission in July 2016 (reference 12/00585/OUT). As condition 20 relating to the outline was subsequently varied, a new planning decision was issued (reference 17/00131/ROC) and this permission is referred to within the description of this application. Further information regarding the planning history is provided in section 3.
- 1.2 Details of the proposed landscaping, appearance, layout and scale of 282 dwellings, including open space and associated infrastructure have been submitted. The details relate to the 'northern' section of the site (to the north and north west of the electricity substation). The extent of the area for the reserved matters application measures 15.07 ha. The extent of the area granted outline planning permission is 31.35 ha.
- 1.3 Of the 282 dwellings proposed, 197 would be market housing and 85 would be affordable housing. Affordable housing would equate to 30.1% of the housing and would be a mixture of affordable rented (44 units) and shared ownership (41 units).
- 1.4 The following housing mix is proposed:
- 9 x one bedroom apartments;
 - 4 x two bedroom apartments; (all of which will be affordable housing)
 - 39 x two bedroom houses (all of which will be affordable housing);
 - 141 x three bedroom houses (42 of which will be affordable housing);
 - 73 x four bedroom houses;
 - 16 x five bedroom houses.
- 1.5 A mixture of apartments, detached, semi-detached and terraced houses are proposed. The houses would be two storey and the apartments would be two or three storey. A mixture of red brick and rough cast render is proposed and the houses include features such as brickwork detailing, chimneys, bay windows, canopies to entrances and slate grey concrete roof tiles. For the houses, there

would be a minimum of two off street car parking spaces per dwelling and for the apartments a minimum of one space per dwelling (plus visitor parking) is proposed. The development would have a net density of 31.3 dwellings per hectare.

- 1.6 Public open space, including a park and an equipped play area, is proposed to the south of the housing development. A large area of open space is also proposed in the north west corner of the site. There are a variety of formal and informal landscaped areas proposed within the development. A 'green corridor', a tree lined avenue and a surface water attenuation basin are also proposed.
- 1.7 The access point to this phase of the development would be from Toton Lane, opposite the access to the Toton Lane Tram Park and Ride. This access point was approved as part of the outline planning permission. The submitted plans also show a safeguarded tram corridor which runs from east to west, to the south of the dwellings proposed as part of this phase.
- 1.8 It should be noted that details relating to the education space and the local centre have not been submitted as part of this application. Notwithstanding this, an indicative plan has been submitted showing a location for the education space.
- 1.9 During the course of the application amended plans were submitted which increased the number of dwellings proposed within this phase from 253 to 282, increased the level of on-site affordable housing proposed, made amendments to the house types, changed the red line area of the application, increased the open space provision and made various changes to the street layout. The description was also altered to reflect the change in housing numbers and also to refer to the updated planning permission (reference 17/00131/ROC) to which this reserved matters application relates.
- 1.10 In addition to the layout plans, elevations and floor plans, the following information was submitted:
 - Detailed landscape plans;
 - Materials schedule;
 - NET Safeguarded corridor plan;
 - Boundaries plan and details;
 - Design Statement; and
 - 3D visuals.

2 Site and surroundings

- 2.1 The site subject to this reserved matters application measures 15.07 ha and is the northern section of the larger site granted outline planning permission. The site lies to the north of the settlement of Toton, to the west of Toton Lane/ Stapleford Lane and to the south of the A52. The site lies within the Toton and Chilwell Meadows Ward. To the north of the site lies the Stapleford South West Ward (beyond the A52).
- 2.2 The entire site is within the Green Belt. The site itself is currently in agricultural use for arable farming. There is a hedgerow of varying height and thickness that

is positioned along the southern boundary of the reserved matters site. A public right of way (Beeston Footpath 17), which is not within the red line for the reserved matters, follows the line of the hedgerow and links to Toton Lane to the east. A small watercourse is also positioned along the southern boundary of the site. Whilst the majority of the site is open, there are a number of trees, none of which are subject to Tree Protection Orders. Levels vary across the site with a general fall from east to west.

- 2.3 Immediately to the south of the site (within the area granted outline planning permission) the land is also in agricultural use. Electricity pylons cross this section of the site. Directly to the north east of the site lies George Spencer Academy. To the east, beyond Toton Lane/ Stapleford Lane, there is the Toton Lane Tram Park and Ride which provides a direct tram link to Beeston and Nottingham. To the north west is a water treatment works and a small solar farm associated with it. To the south east there is a large electricity substation which is adjacent to the public right of way. The Toton Fields Local Nature Reserve lies 160m to the south of the site. Toton Sidings lies to the west.
- 2.4 It should also be noted that to the west of the site lies land safeguarded for the High Speed 2 (HS2) East Midlands Hub Station. A small part of the site, in the north west corner where some open space is proposed, lies within the safeguarded area. The safeguarded area relates to land identified within the Secretary of State for Transport's Directions which came into force on 27 September 2017.

3 Relevant Planning History

- 3.1 Outline planning permission (reference 12/00585/OUT) was granted on 1st July 2016. The description for the outline planning permission was:

"Outline planning application with points of access to be determined for a mixed-use development incorporating a maximum of 500 dwellings, 380 sqm convenience store, two 95 sqm retail outlets, education floor space (maximum 2,300 sqm), day nursery (maximum 450 sqm), pub/restaurant, an 80 bed residential care facility, open space, plot for medical surgery (0.04 hectares), plot for community use (0.08 hectares), highways, drainage, removal of electricity pylons and overhead cables, erection of terminal pylon, demolition of 316 Toton Lane and associated infrastructure."

- 3.2 Condition 1 of the outline planning permission requires an application for approval of all reserved matters to be submitted before the expiration of six years from the date of the permission. Condition 7 of the planning permission states:

No development, excluding site clearance, shall be commenced in respect of any individual phase until detailed drawings and particulars showing the following for that respective phase of development (hereinafter called the "reserved matters") have been submitted to and approved in writing by the local planning authority:

- (a) the layout, scale, and external appearance of all buildings;*
- (b) the particulars of the materials to be used in the facing of the external surfaces of all buildings;*

(c) landscaping

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

- 3.3 Condition 10 of the outline planning permission states the details which would need to be submitted in respect of landscaping.
- 3.4 The outline planning permission was subject to a S106 legal agreement requiring the provision of affordable housing, open space and education provision. It should be noted that the S106 agreement also requires the submission of an open space scheme prior to the completion of the first dwelling.
- 3.5 A subsequent application (reference 17/00131/ROC) was submitted under Section 73 of the Town and Country Planning Act 1990 to vary condition 20. This condition required infrastructure improvement works at Junction 25 of the M1 and A52 Bardills Junction. Following additional assessments undertaken by the applicant, it was concluded that works to Junction 25 were no longer required and works to the Bardills Junction were not required until prior to the occupation of the 200th dwelling. Following consultation with bodies including Highways England, the variation of the condition was considered acceptable and a new planning permission, which included updated wording for condition 20, was granted on 5th June 2017. Conditions 7 and 10 of the outline permission were repeated with no changes.
- 3.6 As a new permission was issued under the Section 73 process, this reserved matters application relates to condition 7 of 17/00131/ROC.
- 3.7 Prior to the determination of the outline planning permission there was a complex planning history. A detailed history was provided within the February 2016 Planning Committee Report for the outline planning application. Notwithstanding this, the following table provides a summary of the events:

June 2013	Core Strategy Submitted for examination.
March 2014	Aligned Core Strategy Councils consult on main modifications to the Core Strategy including a minimum figure of 500 homes at Toton.
July 2014	Inspector's report received which detail her approach to Toton at paragraphs 68 to 76 of her report. The Inspector concludes at paragraph 76 that the mix, design and layout of new development should be determined at the part 2 Local Plan stage which is carried forward into the adopted wording of Policy 2 within the Aligned Core Strategy.
September 2014	Core Strategy adopted.
September 2015	Workshops and consultation

	undertaken to establish the amount and distribution of development at Toton to inform the part 2 Local Plan.
December 2015	Report to Cabinet on the results of this consultation and the contents were approved as a 'non-statutory' framework for development on the site.
February 2016	Broxtowe Planning Committee resolve to grant outline planning permission for 500 homes and supporting infrastructure with all matters reserved apart from access, subject to no call in and the signing of a S106.
July 2016	Decision issued following no call in and signed S106.
March 2017	Application submitted to vary condition 20 of the outline permission. Planning permission granted in June 2017.
July 2017	Reserved matters application submitted on the northern part of the reserved matters site.

3.8 On 3 October 2017 the East Midlands HS2 Strategic Board, a partnership of local authorities, businesses and Local Enterprise Partnerships published East Midlands HS2 Growth Strategy: World Class-Locally Driven. Further information will be provided in section 4.

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. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of permitting the development significantly and demonstrably outweigh the benefits, or specific policies in the framework indicate development should be restricted. It outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, high quality design and a good standard of amenity for existing and future occupants should be secured and developments should be located in sustainable locations. The document outlines that the government's key housing objective is to increase significantly the delivery of new homes and states that there should be a wide choice of high quality homes within safe and accessible environments.

4.1.2 Paragraph 14 deals with the "presumption in favour of sustainable development". Where the development plan is silent or policies out of date, permission should be granted 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". Paragraph 49 adds 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”.

- 4.1.3 Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.
- 4.1.4 Paragraph 41 states that local planning authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choices.
- 4.1.5 Section 7 deals specifically with design and advises that good design is a key aspect of sustainable development, developments should add to the overall quality of the area, a strong sense of place should be established, the potential of the site to accommodate development should be optimised and local facilities and transport networks should be supported and good architecture and appropriate landscaping should be used to create visually attractive development. It confirms that planning authorities should not impose architectural styles or particular tastes and that design policies should not be unnecessarily prescriptive.
- 4.1.6 Section 9 states that the Government attaches great importance to Green Belts. Paragraph 87 states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 4.1.7 Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Opportunities to incorporate biodiversity in and around developments should be encouraged.

4.2 Broxtowe Aligned Core Strategy

- 4.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the most relevant documents, and those which comprise the Statutory Development Plan, are the Aligned Core Strategy and the saved policies of the Broxtowe Local Plan (2004).
- 4.2.2 The Council adopted the Core Strategy (CS) on 17 September 2014.
- 4.2.3 ‘Policy A: Presumption in favour of sustainable development’ advises that councils will work proactively with applicants to find solutions to enable approval of proposals wherever possible and to secure development that improves the economic, social and environmental conditions in the area. It states that if applications accord with Local Plan policies or if relevant policies are out of date

at the time of making the decision then planning permission will be granted, unless material considerations indicate otherwise.

- 4.2.4 'Policy 1: Climate Change' sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings. It replicates the approach to development in flood zones outlined in the NPPF and seeks the inclusion of Sustainable Urban Drainage systems within new development where viable and technically feasible.
- 4.2.5 'Policy 2: The Spatial Strategy' sets the overarching strategy for how growth in Greater Nottingham will be accommodated and distributed. Part 3 of the policy sets the required number of homes for Greater Nottingham (GN) between 2011 and 2028 (6,150 in the Broxtowe Borough part of GN, of which 3,800 are in or adjoining the existing built up area of Nottingham). 3(a) sets out the distribution which includes *"(iii) A strategic location for growth on land east and west of Toton Lane including Toton Sidings in the vicinity of the proposed HS2 station at Toton, in Broxtowe. This will include a minimum of 500 homes with the appropriate mix of this and other development to be recommended by the Broxtowe HS2 Working Group and determined in Broxtowe's part 2 Local Plan."*
- 4.2.6 '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 per cent target for Broxtowe Borough.
- 4.2.7 'Policy 10: Design and Enhancing Local Identity' sets design and layout principles to be applied to new development and looks to ensure that an attractive, safe, inclusive and healthy environment is created and that valued local characteristics are reinforced.
- 4.2.8 'Policy 14: Managing Travel Demand' seeks to ensure that the most sustainable means of transport are planned into development.
- 4.2.9 'Policy 15: Transport Infrastructure Priorities' states that *"any development permitted in or adjacent to the proposed strategic location for growth at Toton shall allow for adequate provision for the construction of the HS2 route, the station, vehicle access to it and an extension of the NET route which as a minimum shall be to the station and which shall also allow for its potential future extension to Erewash Borough."*
- 4.2.10 'Policy 16: Green Infrastructure, Parks and Open Spaces' sets out a strategic approach to the provision of new Green Infrastructure.
- 4.2.11 'Policy 17: Biodiversity' sets out the approach to biodiversity and how development affecting biodiversity assets should be considered. It states that designated sites will be protected in line with the hierarchy of designations.
- 4.2.12 'Policy 18: Infrastructure' seeks to ensure new development is provided with the necessary infrastructure.

4.3 Saved Policies of the Broxtowe Local Plan (2004):

- 4.3.1 The Part 2 Local Plan is currently under preparation (see paragraph 4.4). Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Policy E8: Planning permission will not be granted for development in the Green Belt except where it constitutes appropriate development.
- 4.3.3 Policy E16: Planning permission will not be granted for development on or adjoining local nature reserves or Sites of Importance for Nature Conservation (SINC) which would damage or devalue their interest, unless there are special reasons which outweigh the recognized value of the sites.
- 4.3.4 Policy E24 'Trees, hedgerows and Tree Preservation Orders' states that development that would adversely affect important trees and hedgerows will not be permitted.
- 4.3.5 Policy E26 'Pollution' states planning permission will not be granted for development which would result in a significant deterioration in air quality, significant loss of health or amenity to nearby occupants or surface water contamination.
- 4.3.6 Policy E27 'Protection of Groundwater' states planning permission will not be granted for development which would be liable to result in the infiltration of contaminants into groundwater resources unless mitigation measures are proposed.
- 4.3.7 Policy E29 'Contaminated Land' states development of land which may be contaminated will not be permitted unless a site investigation (using a method agreed in writing with the Council) has been carried out; details of remedial measures have been approved by the local planning authority and the relevant consultation bodies; there will be no significant risk to the health and safety of occupants of the development and there will be no contamination of any surface water, ground water or adjacent land.
- 4.3.8 Policy H5 'Affordable Housing' states that 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 will be made to enable the provision of an equivalent amount of affordable housing off site.
- 4.3.9 Policy H6 'Density of Housing Development' provides density requirements for residential development: where development is within 400m walking distance of frequent public transport services a minimum density of 40 dwellings per hectare is required and if the distance is beyond 400m, 35 dwellings per hectare.
- 4.3.10 Policy T11 'Guidance for Parking Provision' and appendix 4 to the Local Plan require satisfactory provision of vehicle parking and servicing, in accordance with the latest standards.

4.3.11 Policy RC6 ‘Open Space: Requirements for New Developments’: Provision should be made for public open space and children’s play areas on residential development sites which exceed 0.5 hectares. The design of any open space provision should take into account the possible provision of features beneficial to wildlife.

4.3.12 Policy RC14 ‘Footpaths, Bridleways and Cycle Routes’ states that Council will protect, maintain and where appropriate seek to extend the network of footpaths, bridleways and cycle routes in the borough.

4.4 Part 2 Local Plan (Draft)

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. Consultation on the draft plan occurred between 18 September and 3 November 2017. The consultation comments are currently being considered and a summary of the comments provided were reported to the Council’s Jobs and Economy Committee on 14th December 2017. This includes specific comments in respect to the policies outlined below. Due to the current stage of the plan preparation, only limited weight can be attached to the policies.

4.4.2 Policy 2.3 identifies Toton (Strategic Location for Growth) for 500 homes. Policy: 3.2: ‘Land in the vicinity of the HS2 Station at Toton (Strategic Location for Growth)’ outlines the key development requirements within the plan period of 500 homes of a minimum net density of 40 dwellings to the hectare and associated infrastructure to deliver this and limited local retail provision of a scale that does not compete with the retail offer in nearby centres. Key development requirements beyond the plan period would be an innovation village, a minimum of 18,000 square metres of B class employment space towards the western side of the site around the hub station, a minimum of 16ha open space, an integrated local transport system and a safeguarded route for a NET tram extension and vehicular access to the HS2 station (including access from the A52).

4.4.3 Policy 8: ‘Development in the Green Belt’ states that applications for development in the Green Belt will be determined in accordance with the NPPE, as supplemented by Broxtowe-specific points (none of which are of specific relevance to this application).

4.4.4 Policy 15: ‘Housing Size, Mix and Choice’ states that affordable housing should be provided at the newly-allocated sites at Awsworth, Bramcote, Brinsley, Stapleford and Toton, as shown on the Policies Map, or for any site within the Green Belt comprising 10 or more residential units, at a proportion of 30% or more. Affordable housing provision should be made on site, unless there are exceptional circumstances to justify otherwise, should be integrated with market housing and should be of a similar size, type and external style as the market housing. Developments of market and affordable housing 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.

4.4.5 Policy 17: ‘Place-making, design and amenity’ states that permission will be granted for development which integrates into its surroundings, creates well defined streets and places, provides adequate amenity space, ensures a

satisfactory degree of amenity and does not prejudice the satisfactory development of a wider area.

4.5 Other Documents

- 4.5.1 The East Midlands HS2 Growth Strategy was published in October 2017. The Growth Strategy sets a vision for using HS2 to boost economic growth across the East Midlands and was produced with funding from the Department for Transport. It provides a strategy for making the HS2 Hub Station at Toton the most connected station on the high speed network outside of London. On the land subject to this reserved matters application, a Toton Innovation Campus is shown. This would be a mixed use corridor, connecting the HS2 station and areas to the west following the tram corridor towards Toton Lane NET station in the east. It describes how the Toton Innovation Campus will sit at the heart of a thriving network of 'garden village' developments and will be capable of delivering up to 10,000 high quality jobs, new community facilities and a range of new housing opportunities.
- 4.5.2 The Growth Strategy includes indicative details of road infrastructure improvements including a new 'at grade' junction on the A52 east of the Bardills Roundabout linked to a new Toton Lane which would provide access from Nottingham to the east of the Hub Station site and support the early phases of development of the 'Innovation Campus'. This would require land within the site subject to the reserved matters application.
- 4.5.3 The Growth Strategy is a non-statutory document. Whilst endorsed by the Council's Policy and Performance Committee on 3rd October 2017, only very limited weight can be attached to this document. There will be further consideration regarding the weight which can be given to the Growth Strategy within section 6.

5 Consultations

- 5.1 High Speed 2 (HS2) Ltd state that a reserved matters application made pursuant to the grant of outline planning permission does not fall within the scope of an "application for planning permission" and as such the Safeguarding Directions do not take effect. They state that they have no specific comments to make on the development proposals although highlight that if a public footpath is provided to the west of the site, this may have to be truncated at its boundary with HS2's new station access road and advise the applicant to closely monitor HS2's plans as the proposed bus link is partially within the safeguarded land.
- 5.2 Nottingham Express Transit (NET) has provided two sets of comments, one in respect of the technical delivery of the tramway and one in respect of the principle of the proposed development. In respect of the technical delivery, they suggest that the development should be designed such that a tram could seamlessly integrate in the development without the need for significant future engineering works or land acquisition. The design of the tramway will need to be developed to ensure there is sufficient space for the track alignment to be optimised both for the tram system and adjacent properties. In respect of the principle of the development, they acknowledge that the development will provide housing but

- state that there is potential to deliver much more ambitious plans for the site, as set out in the Growth Strategy. The potential to extend the NET system to HS2 is referred to. The proposed development will prevent the Innovation Campus and will threaten the delivery of the economic and transport benefits to the region. The planning application should therefore not be approved.
- 5.3 Highways England state that the principle of the development has been agreed as part of the outline planning application and has no further comments to make.
- 5.4 The Environment Agency states that the proposed layout will only be acceptable if the applicant provides a detailed plan which describes how the lost habitat will be compensated for, how the watercourse running through the centre of the site will be protected/ enhanced and provides a landscape management plan detailing the maintenance regime, any new habitat with associated planting and any management responsibilities. They state that protecting the watercourse running through the development will provide a corridor for local wildlife and they would like this to feature heavily in any future designs.
- 5.5 Network Rail referred to previous concerns regarding the proposed drainage for the site and a link to the existing railway drainage assets west of the development site. Network Rail refers to condition 13 of the outline decision notice which requires a suitable drainage scheme to be submitted for the site. They seek assurances that the requirement will be met and that they will be consulted once this information is submitted to ensure that railway drainage assets are protected.
- 5.6 NHS Nottingham West Clinical Commissioning Group states that the development would increase service demand which would not be easily accommodated within the existing primary care resources. A contribution of £136,449 is requested to be invested in enhancing capacity/ infrastructure with existing local practices.
- 5.7 Nottinghamshire County Council as Lead Local Flood Authority states no objection and that the balancing/ attenuation features should help facilitate a satisfactory surface water drainage design.
- 5.8 Nottinghamshire County Council as Highways Authority highlighted a number of issues in respect of the proposed layout shown on the original plans. Issues regarding inconsistent design speed, obstructed visibility and width of private drives are raised. The applicant is advised to reassess the proposals in conjunction with the 6C's Design Guide. Following the submission of amended plans, further concerns were raised. These included concerns regarding the position of the safeguarded tram route and the impact this would have on the existing road network and the points where the tram would cross the proposed roads within the development which may result in traffic issues. There is a concern that the development will not be able to accommodate the future safeguarded tram route and that tracking has not been undertaken to assess whether a bus could manoeuvre around the development. The Highways Authority state that further consideration should be given to connectivity with land to the west of the development. Further information to ensure refuse vehicles can manoeuvre within the site is requested. The specification for junctions and private drives is stated and the need to separate highway drainage from plot/ other

surface water is highlighted. There is concern regarding parking which may occur on the school link road and this will result in the need for a Traffic Regulation Order (TRO), funded by the developer. The applicant's agents are aware of these outstanding issues and dialogue is underway in an effort to fully address the Highway Authority's comments. The outcome will be reported verbally to the Committee.

- 5.9 Nottinghamshire County Council's Developer Contributions Practitioner objects due to the reduction in the amount of land available for a new school/ for education purposes. This would have an impact on the ability to deliver the education facilities required to meet the needs of the development.
- 5.10 The Areas Rights of Way Officer (VIA East Midlands Ltd on behalf of Nottinghamshire County Council) states that it is important that the public right of way (Beeston Footpath No. 17) is considered at an early stage so it can be appropriately designed into the development with good natural surveillance and routed through green corridors. It is not acceptable for the route to be fitted in between two phases of development and not fully considered as part of either.
- 5.11 Broxtowe Borough Council's Environmental Health Department has no further comments as the application relates to reserved matters (they provided comments in respect of the outline proposal and conditions requiring a ground investigation survey and a noise survey were included within the decision notice).
- 5.12 Broxtowe Borough Council's Housing Department stated no objection but requested additional information regarding the tenure type, the housing mix and if a registered provider has been identified. Following the submission of amended plans, it is stated that the proposed housing and tenure mix would be acceptable as there is a need for family housing. The small clusters of affordable housing proposed are also supported to enable on-going management and maintenance.
- 5.13 Broxtowe Borough Council's Business and Projects Manager (Environment) raised concerns regarding the proposed open space provision within the original plans. Concern was expressed regarding when the open space would be provided, the removal of the avenue of trees and the lack of information regarding sports pitches and the community plot. The maintenance of the sustainable drainage is also queried and clarification is requested regarding the public right of way. A meeting was subsequently held between the developer and the Business and Projects Manager to agree an acceptable open space scheme and amended landscape plans were submitted.
- 5.14 Broxtowe Borough Council's Waste and Recycling Department has provided comments stating the required levels of bin provision, the need for refuse vehicles to be able to safely access the bins and the need to be exonerated from any liability for any damage which occurs to the road surface as a result of refuse vehicles using the roads.
- 5.15 Erewash Borough Council's (EBC) Planning Policy Section refers to previous consultation in respect of the Strategic Location for Growth where they offered broad support to advance the allocation of the West of Toton Lane site via the emerging Part 2 Local Plan. They highlight the importance of the transport/

accessibility links, proposed sale of retail provision and preserving the setting of the nearby Sandiacre Lock Conservation Area. EBC welcomes the potential to strengthen the prospects of housing delivery at the application site and is therefore broadly supportive of the proposals.

- 5.16 Derbyshire County Council state that the application would contribute significantly to the overall housing requirements of the Strategic Growth Allocation. However, they consider that the application is unacceptable in the form proposed. The application does not make provision for wider connectivity to the area south of the HS2 hub to Long Eaton and further details should be required regarding how the connectivity will be achieved. The Growth Strategy clearly sets out a desire for high density development within the Innovation Campus Area. The modest density proposed would be at odds with this requirement. States that Derbyshire County Council, as Lead Local Flood Authority, should have been consulted on the application proposal so that a wider and more comprehensive assessment of the flood risk implications of the proposed development can be undertaken.
- 5.17 Notwithstanding the specific comments in respect of highways, Nottinghamshire County Council objects to the development as it may prejudice the successful delivery of the proposals for the HS2 Hub Station access and the associated Innovation Campus development, proposals for which have been developed since the original submission and approval of the outline planning application. The application significantly harms the implementation of the Growth Strategy and there would be a threat to the funding and therefore the viability of required infrastructure investment which are an essential component of the Hub Station's successful development. The development would prevent strategic highway access to the land to the west and alongside the station. The development also conflicts with the Local Plan. Comments in respect of the landscape scheme, including the proposed species, are provided. Potential noise and odour from the nearby sewage works and car breakers yard is also raised as a consideration.
- 5.18 East Midlands Councils (EMC) a voluntary partnership of Borough, District, City and County Council from across the East Midland, state that the application raises fundamental issues critical to the success of the HS2 Hub Station and, as a result, the long term economic future of East Midlands. The development will result in all construction traffic associated with the station being limited to the A52 which will have significant impact on the deliverability of the nationally important infrastructure project. The low density development will undermine the objective of the station being a focus for major development and growth. It will hinder the delivery of an 'Innovation Campus/ Village' and would undermine the case for major infrastructure development beyond what is just required for the railway. The development would conflict with existing and emerging local plan policies. A single access poses a risk for access for emergency vehicles and there is potential conflict between cars and trams at the entrance to the development. The majority of internal roads within the development will not be suitable for buses, undermining the claim for sustainable development. The development does not maximise walking opportunities, particularly to HS2, which will increase reliance on car travel, increasing traffic on the A52. The development will prevent strategic highway access to land to the west and alongside the station. This is significant as junction capacity on the A52 would limit the level of development on the

remaining sites in the vicinity of the development, resulting in the station becoming a 'parkway' station with high levels of car access.

- 5.19 Nottingham City Council has objected to the application stating that approving the Reserved Matters Application would seriously compromise the ability to harness the growth potential and wider benefits of the HS2 station. Reference is made to Policies 7 and 15 of the Aligned Core Strategy and that the development would result in all construction traffic being limited to the A52 which would have a significant impact on the deliverability of the station and associated infrastructure. Reference is also made to the development compromising the delivery of the station. The proposed low density development would hinder economic growth and prosperity and undermine the case for major infrastructure investment beyond that purely designed to serve the railway. A single point of access is a risk if the access is blocked at the time of an incident requiring access for emergency services. The majority of highways within the development are too narrow for the safe passage of bus services. The layout is not orientated to minimise walking distances to the station. The development will prevent strategic highway access to land to the west and alongside the station.
- 5.20 Stapleford Town Council has no objections in principle to the application. In respect of the original plans, expressed concern regarding the lack of affordable housing proposed for the site. They also noted the impact of HS2 on the proposed development and the need for through roads to be carefully planned, the desirability of ensuring all existent rights of way are preserved and improved where necessary and the potential need for expansion of secondary school provision.
- 5.21 The Chetwynd: Toton and Chilwell Neighbourhood Forum (CTTC Forum), in respect of the original plans, state that the application has lots of good features and provides aspirational homes that will complement the area. They raise some concerns and general issues including querying when the phasing plan will be submitted, whether the green corridor in the southern section of the site will still be provided and will be a sufficient width (at least 50m is stated) and whether there will be development immediately to the north of Cleve Avenue, which the CTTC Forum would object to. They highlight that details regarding construction traffic and a construction method statement have yet to be submitted. They raise concerns regarding the low proposed density which may compromise the size of surrounding green corridors, query the affordable housing provision, the landscape provision and the parking arrangements. In respect of the amended plans, they raise concerns regarding how the development relates to the HS2 Growth Strategy, the low density of housing proposed, and the loss of green space within the site if land is transferred to the school. They support the addition of trees to either side of the spine road and the increase in on-site affordable housing, although the impact of affordable housing in the wider Borough is questioned. They question if other conditions should be discharged first (Conditions 4 and 10) and query the agreement between the developer and George Spencer Academy regarding the school provision.
- 5.22 Four site notices were displayed and neighbours adjacent to the development and all those who had provided comments in respect of the outline planning

application were consulted. In respect of the original plans, 28 objections and three letters stating observations were received.

5.23 The comments received in respect of the original plans are summarised below:

Planning Policy/ Principle

- Unacceptable loss of Green Belt.
- The development is urban sprawl and will result in the merging of Toton and Stapleford.
- There will be a loss of arable farming land.
- Brownfield land and Chetwynd Barracks should be developed first.
- Concern that lower density on the northern part of the site will result in higher density development on the southern part.
- All affordable housing should be on site.
- The development is premature. There needs to be space for economic and commercial growth when HS2 is constructed. The proposed housing may not meet these needs.
- The Council has not dealt with the applications correctly.

Highways and Infrastructure

- There will be a significant impact on the existing road network resulting in increased congestion and accidents. Existing road infrastructure is at capacity.
- Insufficient parking provision is proposed within the development.
- There will be increased pollution and noise due to the increased vehicle movements. This would be harmful to health.
- Schools and doctors are at capacity.

Amenity and Environment

- There will be an increased sense of enclosure for existing residents.
- Existing properties to the south of the application site will experience a loss of privacy.
- Increased light pollution.
- There will be damage to existing properties from passing vehicles.
- Further information regarding the construction works is required.
- Additional garden land has not been provided to properties on Cleve Avenue.

Ecology and Open Space

- Healthy trees have previously been removed.
- There will be a loss of hedgerow.
- Insufficient open space is proposed within the development. There is also a lack of information regarding maintenance of the open space.
- There will be an unacceptable impact on wildlife.
- There is no information regarding the green corridor between the development and existing properties.

5.24 Following the submission of amended plans, a further seven letters of objection and three letters stating observations were received. Two letters in support of the application and one letter stating no objection were also received. The comments are summarised below:

Support

- The design of the houses proposed results in a development with character.
- There is a good amount of open space provision proposed.
- Sufficient off-street parking has been proposed and the site is near public transport links.

Objections

- The increase in the number of dwellings will result in additional traffic.
- The proposed development ‘belittles’ the strategic importance of the location and will result in a lost opportunity presented by the HS2 Hub Station being located at Toton Sidings. The overall strategy should be revisited to allow for The East Midlands HS2 Growth Strategy to be implemented.
- The application should not keep changing form.
- Conditions attached to the outline permission need to be complied with first (e.g. provision of southern access point prior to 150 houses being occupied).
- There will be an increase in the loss of Green Belt and increased urban sprawl.
- Loss of agricultural land.
- Toton is being unfairly targeted for housing and there is already increased pressure on infrastructure and services.
- Brownfield sites should be delivered first.
- Increased pollution levels need checking.
- The design of the housing is not in keeping with the traditional Toton build style.
- Impact on wildlife.

Observations

- The proposal is irrelevant as until HS2 and the associated transport links are finalised, no development should go ahead.
- No land has been set aside for community purposes.

6 Assessment

6.1.1 The main issues which will be discussed below relate to how the principle of the proposed development should be considered, with particular reference to the East Midlands HS2 Growth Strategy and relevant planning policies, and there will be an assessment of the relevant reserved matters: the layout, scale, and external appearance of all buildings; external materials; and landscaping.

6.2 Principle

6.2.1 The outline planning permission granted planning permission for:

“Outline planning application with points of access to be determined for a mixed-use development incorporating a maximum of 500 dwellings, 380 sqm convenience store, two 95 sqm retail outlets, education floor space (maximum 2,300 sqm), day nursery (maximum 450 sqm), pub/restaurant, an 80 bed residential care facility, open space, plot for medical surgery (0.04 hectares), plot for community use (0.08 hectares), highways, drainage, removal of electricity pylons and overhead cables, erection of terminal pylon, demolition of 316 Toton Lane and associated infrastructure.”

6.2.2 The only matters which can be assessed as part of this application relate to the reserved matters. The reserved matters, as stated within Condition 7 of the outline planning permission (and repeated in the decision notice for 17/00131/ROC), are:

(a) the layout, scale, and external appearance of all buildings;

(b) the particulars of the materials to be used in the facing of the external surfaces of all buildings;

(c) landscaping

6.2.3 Each of these matters will be considered below. However, as detailed within the planning history and highlighted within a number of consultation responses, following the granting of outline planning permission, work has been carried out in respect of the HS2 Hub Station and how the wider economic benefits of the station can be realised. The East Midlands HS2 Growth Strategy provides a long term vision for how the economic benefits of HS2 can be realised. A number of the objectives outlined within this vision directly impact the site subject to this application. The majority of the site is identified within the Growth Strategy as forming part of an ‘Innovation Campus’ which would be a mixed use corridor, connecting the HS2 station and areas to the west following the tram corridor towards Toton Lane NET station in the east. The Growth Strategy also identifies that a strategic road network would be required to pass through the site to provide suitable access to the economic development which will be delivered alongside the HS2 station. East Midlands Councils, a partnership involved in producing and delivering the Strategy, highlight that a single access from the A52 may only have the capacity to provide access to the HS2 station, restricting any additional development which would harness the economic benefits.

6.2.4 The Growth Strategy is a non-statutory document. However, Aligned Core Strategy (ACS) Policy 15 ‘Transport Infrastructure Priorities’ states that *“any development permitted in or adjacent to the proposed strategic location for growth at Toton shall allow for adequate provision for the construction of the HS2 route, the station, vehicle access to it and an extension of the NET route which as a minimum shall be to the station and which shall also allow for its potential future extension to Erewash Borough.”* The Aligned Core Strategy forms part of the Development Plan by which all planning applications must be assessed against.

6.2.5 ACS Policy 2 ‘The Spatial Strategy’ is also of relevance. This identifies a strategic location for growth on land east and west of Toton Lane including Toton Sidings in the vicinity of the proposed HS2 station. The appropriate mix of development would be recommended by the Broxtowe HS2 Working Group and determined in

Broxtowe's part 2 Local Plan. The Draft Part 2 Local Plan Policy has subsequently been published and subject to a consultation process which closed at the start of November 2017. Policy 2.3 identifies Toton (Strategic Location for Growth) for 500 homes. Policy: 3.2: 'Land in the vicinity of the HS2 Station at Toton (Strategic Location for Growth)' outlines the key development requirements within the plan period of 500 homes of a minimum net density of 40 dwellings to the hectare and associated infrastructure. Key development requirements beyond the plan period include an innovation village, a minimum of 18,000 square metres of B class employment space, an integrated local transport system and a safeguarded route for a NET tram extension and vehicular access to the HS2 station (including access from the A52). This policy can only be given limited weight as it is in draft and has been subject to objections during the consultation process.

- 6.2.6 The policies stated above are significant considerations when assessing the principle of a planning application for the site. Officers discussed the impact of the Growth Strategy with the applicant and requested that plans be submitted for the 'southern' section of the site first to not compromise the Growth Strategy. However, the applicant considered that this was not a justified or reasonable request given the outline planning permission in place.
- 6.2.7 The Council has received legal advice from Morag Ellis QC regarding whether the Council can require elements of the Growth Strategy to be provided or safeguarded as part of this Reserved Matters application. This would include securing a higher density development and safeguarding land for future highways infrastructure to the HS2 station and the associated economic development. The legal advice concludes that Reserved Matters approval cannot be withheld on the basis of the Growth Strategy and to do so would put the Council at risk of an award for costs at any subsequent appeal. The justification for this advice is provided below.
- 6.2.8 The granting of the outline planning application is the planning permission for the development. The outline planning permission determined the components of the development as outlined within the application description. It also granted planning permission for two access points which are now fixed. Matters which need subsequent approval can be conditioned as part of the outline planning permission. This is evident in condition 12 which requires details of a safeguarded corridor for a tramway to be submitted and approved. However, the land uses and the maximum limits of the development are fixed by the outline planning permission.
- 6.2.9 The outline planning application was determined based on assessing the material planning considerations and information available at that point of time. The Growth Strategy, whilst potentially a material planning consideration, cannot now be brought in at Reserved Matters stage to effect or alter the land use parameters set out by the outline planning permission. Requiring the reservation of land for a future transport link or for an alternative land use is not permissible as it did not form part of the outline planning permission. This means that a safeguarded strategic road to provide access to development associated with HS2 could not be required as part of the development. Nor could the applicant be required to provide land uses not granted planning permission as part of the outline planning

permission or be required to provide houses at a density or at a level above which the outline planning permission granted.

6.2.10 The legal advice makes clear that to refuse this Reserved Matters application based on the work contained within the Growth Strategy, particularly the need to safeguard land for a road or for an alternative land use, would infringe well established legal principles in respect of determining an outline planning application. To refuse the reserved matters application based on conflict with the Growth Strategy or development requirements which will form part of the Part 2 Local Plan could not be justified and the Council would be at a significant risk of an award for costs, should an appeal be submitted. This is clearly stated in the National Planning Policy Guidance which states *“Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage”*

6.2.11 The importance of the HS2 Hub Station to both the Borough and to the wider East Midlands area is clear. It is also evident that there are significant economic benefits which can arise from the HS2 Hub Station and that a clear strategy is required to ensure that these benefits are delivered. The Growth Strategy is an important document which this Council has been closely involved in producing. However, for the reasons outlined above, and based on legal advice obtained by the Council, these are not matters which can be considered as part of a reserved matters application.

6.2.12 A number of other points of principle have been raised within consultation responses including the loss of Green Belt land, loss of arable farmland, the need to develop brownfield sites first and the appropriateness of residential development in this location. However, the principle of development has been established and for the reasons stated above, these are not issues for consideration as part of this Reserved Matters application.

6.3 Layout, Scale, and External Appearance of Buildings

6.3.1 Layout is the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. The proposed layout includes 282 dwellings at a density of 31.3 dwellings per hectare. The number of dwellings and the density were increased during the course of the application. However, the density is still below the 35 dwellings per hectare required under Local Plan Policy H6. It is also significantly below the 40 dwellings per hectare required within 400m of frequent public transport links although it is acknowledged only a small section of the eastern part of the site is within 400m of the Toton Park and Ride site. Whilst a higher density may be desirable for this site, it is considered that the 500 dwellings and other land uses granted permission at outline stage could be provided within the wider site at the density proposed. The density and form of development proposed is also in general conformity with the information provided at the outline stage, albeit this was indicative. If a higher density was to be

sought, this would have been an issue to be assessed at outline stage when considering the number of dwellings and other land uses being granted planning permission.

- 6.3.2 There are no prominent views into the site from existing public view points but it is considered that the layout proposed would complement the character of surrounding residential areas, particularly the residential development to the south of the site. A tree lined avenue forms the main street through the development. Housing is positioned to the north west of the avenue and public open space is situated to the south. Following the development of the southern section of the site the open space would form the central focal point of the development. The safeguarded corridor for the tramway also runs parallel to the avenue. From the avenue there are a number of smaller streets and shared driveways. It is considered that a clear street hierarchy has been achieved and that the proposed dwellings actively address the street frontages. Buildings such as 'The Lodge' and the apartment building provide key focal points along the main avenue. There is also a good mix of house types and sizes throughout the development which would help to meet local housing needs and ensures the development is not dominated by either small or larger dwellings. The layout allows for each dwelling to have a satisfactory sized garden and to not be unacceptably overlooked or enclosed by neighbouring houses. There is a good amount of open space throughout the site providing formal and less formal recreational areas for residents and landscaping is also proposed along the street frontages. Careful thought has been given to ensuring the layout of the houses conforms with the overall 'garden village' character of the development which is also replicated through the house types and landscaping.
- 6.3.3 Affordable housing would be located within four main clusters which are distributed throughout the development. The Council's Housing Department states that clusters of affordable housing are supported as they facilitate on-going management and maintenance. It is considered that a good balance has been achieved between distributing the affordable housing throughout the development whilst also providing a practical layout for a future registered affordable housing provider. The mix of affordable housing proposed, which would provide family accommodation, is also supported by the Council's Housing Department.
- 6.3.4 Off-street parking is proposed throughout the development. Houses would have off-street parking to the front or to the side of the houses and there are small parking areas proposed for the apartments. The majority of houses have a minimum of two off-street parking spaces with larger houses having up to four spaces. It is considered that the layout provides sufficient parking spaces which will reduce the need to rely upon on-street parking although it is acknowledged that this does contribute to a lower housing density.
- 6.3.5 Due to the position of this phase of development in relation to existing residential properties, it is considered that there will not be a loss of amenity to existing occupiers. Existing housing development to the south of the site, including those on Cleve Avenue, Edale Rise and Selby Close, are positioned at least 200m from this phase of development. Bessell Lane Farm, to the west of the development, is within the ownership of the applicant. Existing housing on Toton Lane is separated from the residential development by the proposed local centre. George

Spencer Academy and the A52 acts as a buffer between the development and existing housing to the north.

- 6.3.6 The open space would be positioned alongside the existing footpath. Whilst it would be desirable for a footpath to be designed into the development with good natural surveillance, it is accepted that the existing public footpath is not within the development area for this phase of development. However, it is considered that the proposed layout would not prejudice either the existing public footpath or any improvements which may be secured as part of future phases.
- 6.3.7 The Local Centre, which formed part of the outline planning consent, is not included within this application but space is retained to provide this development to the east of the residential scheme. With regards to education space, the outline planning permission showed on the indicative plan an area of the site which could be used for a new school. Whilst this land is not proposed as part of this reserved matters application, adequate school provision has been secured under the S106 agreement and it is considered that the residential development would not prejudice the delivery of additional school places which will be created by the development. This may be through an extension to George Spencer Academy but this will be subject to further discussions.
- 6.3.8 Condition 12 requires the submission of details of the safeguarded corridor for the tramway, including vertical alignment of the proposed kerb lines and the level of the footways within the corridor, prior to works commencing. Whilst these details would be subject to a later assessment, it is considered that the layout must not prejudice the future delivery of the tram. The layout shows a safeguarded tram route which would be free from development and has been designed following consultation with Mott MacDonald (consultants working on behalf of NET). In addition to the safeguarded tram route, there is land available immediately to the south, should this be required for either the tram or for other infrastructure provision. It is considered that additional details regarding the technical aspects of the tramway, including details regarding signalisation, could not be required as part of this reserved matters application.
- 6.3.9 The Highways Authority raised concerns regarding the internal layout of the roads. Additional information was subsequently submitted to try to address these concerns. The Highways Authority still has concerns regarding access for refuse vehicles. However, the Council's Waste and Refuse section has been consulted in respect of access to properties and has raised no objection. Concerns were also raised regarding the width of the separate footways through the site to allow access for cycles. It is considered that there are sufficient routes within the site to allow safe cycle routes. With regards to the tram, the Highways Authority would be consulted as part of a future application to discharge Condition 12.
- 6.3.10 Scale relates to the height, width and length of each building proposed within the development in relation to its surroundings. The majority of dwellings within the development would be two storey. A three storey apartment block is also proposed. These building heights are in keeping with the overall low density character of the development. The widths and lengths of the buildings are also considered to be acceptable with a mixture of larger detached houses and smaller

semi-detached and terraced houses providing a variety within the development which fits in with the overall character of the development.

6.3.11 Appearance includes the external built form of the development, its architecture, materials, decoration, lighting, colour and texture. A traditional architectural style is proposed with references to the arts and crafts movement evident on some of the house types. A variety of house types are proposed, from simple terraced houses, to more distinctive houses with a variety of roof pitches, window styles, porches, rendered sections and details including chimneys. Houses which front onto the main avenue in particular include decoration to eaves and brickwork detailing. Overall, there is a clear architectural style throughout the development which will achieve a character in its own right. It is considered that the house types go beyond a 'standard' large scale residential development and that a good standard of design has been achieved.

6.4 **Materials**

6.4.1 A detailed materials schedule has been submitted. This provides details of the materials to be used for the external walls, the roofs, any stone or brick detailing, the window styles and details of the rainwater goods. The dominant materials for the walls would be red brick and rough cast render. Roof tiles would be concrete interlocking roof tile in slate grey. Reconstituted stone is proposed for window sills. It is considered the materials will ensure that a good quality development is provided which will accord with the wider design philosophy for the site which the applicant's Design Statement states is 'contemporary interpretation of an arts and crafts style'. A condition will be included to allow for the applicant to submit alternative materials for approval in the event that the materials are unavailable or change during the course of the construction.

6.5 **Landscaping**

6.5.1 It is considered that the proposed design and choice of plants will ensure that a high quality soft landscaping scheme is achieved throughout the development. It is clear that there has been careful thought regarding the position of the open spaces, the provision of greenery through the development and the types of planting to prevent long term maintenance issues. The main area of open space would be alongside the southern part of the development but open spaces and landscaping areas are proposed throughout. Open spaces include a play area, a 'kick about area', and informal areas of open space.

6.5.2 Detailed discussions took place with the applicant regarding the position and amount of open space provided, the type of species and planting proposed and ensuring there would not be long term maintenance issues. Whilst the positioning of the formal play area and 'kick about area' have been agreed, it has been agreed with the applicant that the specific details of these elements would be conditioned to be submitted at a later stage. Other detailed specification, including provision of bins, and specification of railings, would also be agreed with the Council as part of the detailed open space scheme which is required as part of the Section 106 Agreement. A large area of open space is also proposed in the north west corner of the site which was shown for formal sports provision. However, due to on-going discussions regarding the expansion of the school and

the potential for the school to utilise some of this land for sports provision, the details of this area of open space will also be conditioned. This will allow flexibility to ensure that this area of open space is used effectively. It should also be noted that the southern section of open space includes lawned areas which can be used for informal play.

6.5.3 In the south west corner there is a shallow pond/ wetland which forms part of the drainage scheme. Whilst only the edge of this space will be accessible and useable open space for residents, this area will still have a positive visual impact for the development.

6.6 Other Issues

6.6.1 It is noted that HS2 Ltd has no objection to the application.

6.6.2 The Lead Local Flood Authority has no objection to the proposed flood attenuation features proposed within the layout. Condition 13 of the outline planning permission will require a detailed surface water drainage scheme and foul sewerage scheme to be submitted prior to any works commencing. Derbyshire County Council state that, as Lead Local Flood Authority for Derbyshire, they should also have been consulted to assess the wider flood implications of the proposed development. However, the wider flood risk implications would have been a matter for the outline planning permission.

6.6.3 The Environment Agency has requested a detailed plan which describes how the lost habitat will be compensated for, how the watercourse running through the centre of the site will be protected/ enhanced and provides a landscape management plan detailing the maintenance regime, any new habitat with associated planting and any management responsibilities. Detailed landscape plans have been submitted with the application. However, it is considered that it goes beyond the issues to be assessed as part of the reserved matters application to require details of habitat compensation. Furthermore, the watercourse lies outside of the red line area for this reserved matters application. The National Planning Policy Guidance clearly states "The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters." A habitat compensation plan would have been required to be conditioned as part of the outline permission.

6.6.4 Network Rail referred to previous concerns regarding the proposed drainage for the site and a link to the existing railway drainage assets west of the development site. Network Rail refers to condition 13 of the outline decision notice which requires a suitable drainage scheme to be submitted for the site. They seek assurances that the requirement will be met and that they will be consulted once this information is submitted to ensure that railway drainage assets are protected. The drainage details will be assessed as part of condition 13 and Network Rail can be consulted once the applicants submit the details in respect of this condition.

6.6.5 Objections have been received regarding the additional traffic and congestion which will result from the development on the surrounding road network. There is also concern regarding the impact of the additional traffic in terms of increased

pollution and noise. However, the quantum of development was considered as part of the outline planning application and is not a consideration for this application. The impact on existing infrastructure including schools was also considered as part of the outline planning application and a S106 includes provisions to meet the additional demand resulting from the development.

- 6.6.6 There are questions regarding the form of development in the southern part of the site and the provision of a green corridor. This would be subject to a separate reserved matters application and considered on its merits in due course but this application would not prejudice the delivery of a green corridor. Provision of additional garden land for existing properties is not a material consideration for this application.
- 6.6.7 There are no trees subject to Tree Preservation Orders within the application site. Detailed landscape plans have been submitted which will ensure that a variety of trees, hedgerows and shrubs are planted throughout the development. The impact on wildlife was considered as part of the outline planning application.
- 6.6.8 Any damage to existing properties from construction vehicles would be a separate legal matter. The outline planning permission includes conditions requiring details of access to the site for construction traffic and a Construction Method Statement to be submitted prior to works commencing.
- 6.6.9 It is considered that the layout and scale of the development proposed would not give rise to increased levels of light pollution beyond those expected within an area surrounded by existing development and road infrastructure. The impact of the development from the sewage works and existing businesses on Bessell Lane were matters for the outline planning application and condition 16 of outline planning permission requires the submission of a noise report and details of mitigation measures.
- 6.6.10 The determination of this application does not preclude the need of the applicant to discharge all other conditions included within the outline permission and subsequently repeated in the Section 73 permission.

7 Conclusion

- 7.1 The proposed development is not in accordance with the development envisaged within the East Midlands HS2 Growth Strategy. The Growth Strategy is an important document which this Council has been closely involved in producing. There are clear concerns that the development could impact both the delivery of the economic development which will surround the HS2 Hub Station and the road infrastructure required to deliver this development. The Council has had discussions with the applicant regarding amending the proposed development to not conflict with the Growth Strategy but, for a number of reasons, the applicant is unable to do this.
- 7.2 The Council has sought legal advice regarding whether the Council can require elements of the Growth Strategy to be provided or safeguarded as part of this Reserved Matters application. The legal advice concludes that Reserved Matters approval cannot be withheld on the basis of the Growth Strategy and to do so

would put the Council at risk of an award for costs at any subsequent appeal. The only matters which should be assessed as part of this application relate to the Reserved Matters, not the principle of the development and requiring the reservation of land for a future transport link or for an alternative land use is not permissible as it did not form part of the outline planning permission.

7.3 With regards to the issues which can be assessed, it is considered that the layout, scale and design of the development proposed would be acceptable. A clear design philosophy has been applied throughout and this is also reflected in the proposed landscape scheme. As the issues related to the Reserved Matters are considered to be acceptable, it is concluded that permission should be granted.

Recommendation

The Committee is asked to RESOLVE that reserved matters approval be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following drawings:

- **Site Location Plan (N1134–100)**
- **Presentation Layout (N1134 – 101-01A)**
- **Boundaries as shown on Presentation Layout (N1134 101-01A)**
- **Presentation Layout – Master Plan (N1134 – 102A)**
- **NET Corridor (N1134 – 103A)**
- **Boundary Treatments (N1134 – 104A)**
- **Affordable Housing Plan (N1134 – 106A)**
- **Materials Schedule**
- **Refuse Vehicle Tracking (PJS 17-07-103B)**
- **Horizontal Geometry (PJS 17-07-104D)**
- **Preliminary Drainage (PJS 17-07-105A)**
- **Removal Vehicle Tracking (PJS 17-07-108)**
- **Landscape Drawing Sheet 1 (GL0851 – 01B)**
- **Landscape Drawing Sheet 2 (GL0851 – 02B)**
- **Landscape Drawing Sheet 3 (GL0851 – 03B)**
- **Landscape Drawing Sheet 4 (GL0851 – 04B)**
- **Landscape Drawing Sheet 5 (GL0851 – 05B)**
- **Landscape Drawing Sheet 6 (GL0851 – 06B)**
- **Landscape Drawing Sheet 7 (GL0851 – 07B)**
- **Landscape Drawing Sheet 8 (GL0851 – 08B)**
- **Tree Pit Details (GL0851 – 10)**
- **Footpath Detail (GL0851 – 11)**
- **House Type A Elevation (AO 99278 HT – A – EL Rev E)**
- **House Type A Plan (AO 99278 HT – A – PL Rev E)**
- **House Type B Elevation (AO 99278 HT – B – EL Rev E)**
- **House Type B Plan (AO 99278 HT – B – PL Rev E)**
- **House Type C Elevation (AO 99278 HT – C – EL Rev D)**
- **House Type C Plan (AO 99278 HT – C – PL Rev D)**
- **House Type D Elevation (AO 99278 HT – D – EL Rev D)**
- **House Type D Plan (AO 99278 HT – D – PL Rev D)**

- House Type E Elevation (AO 99278 HT – E – EL Rev D)
- House Type E Plan (AO 99278 HT – E – PL Rev D)
- House Type F Elevation (AO 99278 HT – F – EL Rev E)
- House Type F Plan (AO 99278 HT – F – PL Rev E)
- House Type G Elevation (AO 99278 HT – G – EL Rev D)
- House Type G Plan (AO 99278 HT – G – PL Rev D)
- House Type H Elevation (AO 99278 HT – H – EL Rev C)
- House Type H Plan (AO 99278 HT – H – PL Rev C)
- House Type J Elevation (AO 99278 HT – J– EL Rev E)
- House Type J Plan (AO 99278 HT – J – PL Rev E)
- House Type K Elevation (AO 99278 HT – K – EL Rev F)
- House Type K Plan (AO 99278 HT – K– PL Rev F)
- House Type L Elevation (AO 99278 HT – L – EL Rev D)
- House Type L Plan (AO 99278 HT – L – PL Rev D)
- House Type M Elevation (AO 99278 HT – M – EL Rev D)
- House Type M Plan (AO 99278 HT – M– PL Rev D)
- House Type N Elevation (AO 99278 HT – N – EL Rev F)
- House Type N Plan (AO 99278 HT – N – PL Rev F)
- House Type O Elevation (AO 99278 HT – O – EL Rev E)
- House Type O Plan (AO 99278 HT – O – PL Rev E)
- House Type Q Elevation (AO 99278 HT – Q – EL Rev F)
- House Type Q Plan (AO 99278 HT – Q – PL Rev F)
- House Type R Elevation (AO 99278 HT – R – EL Rev E)
- House Type R Plan (AO 99278 HT – R – PL Rev E)
- House Type S Elevation (AO 99278 HT – S – EL Rev F)
- House Type S Plan (AO 99278 HT – S – PL Rev F)
- House Type T Elevation (AO 99278 HT – T – EL Rev F)
- House Type T Plan (AO 99278 HT – T – PL Rev F)
- House Type U Elevation (AO 99278 HT – U – EL Rev D)
- House Type U Plan (AO 99278 HT – U – PL Rev D)
- House Type V Elevation (AO 99278 HT – V – EL Rev C)
- House Type V Plan (AO 99278 HT – V – PL Rev C)
- House Type W Elevation (AO 99278 HT – W – EL Rev E)
- House Type W Plan (AO 99278 HT – W– PL Rev E)
- House Type X Elevation (AO 99278 HT – X – EL Rev A)
- House Type X Plan (AO 99278 HT – X – PL Rev A)
- House Type Y Elevation (AO 99278 HT – Y – EL Rev A)
- House Type Y Plan AO 99278 HT – Y – PL Rev A)
- Apartment Block 3D (AO 99278 AP-01-3D)
- Apartment Block Elevations & 3D (AO 99278 AP-01-EL)
- Apartment Block Plans(AO 99278 AP-01-PL)
- Block HCH – Elevations AO 99278 BP- HCH EL)
- Block HCH – Plans (AO 99278 BP- HCH PL)
- Block AAA – Elevations & 3D AO 99278 BP – AAA – EL Rev A)
- Block AAA – Plans (AO 99278 BP – AAA – PL Rev A)
- Block EEE – Elevations & 3D (AO 99278 BP – EEE – EL)
- Block EEE – Plans (AO 99278 BP – EEE – EL Rev C)
- Garage Type 1 Rev A (AO-99278 GT-01-PL Rev A)

- Garage Type 2 Rev A (AO-99278 GT-02-PL Rev A)
- Garage Type 3 Rev A (AO-99278 GT-03-PL Rev A)
- Garage Type 4 Rev A (AO-99278 GT-04-PL Rev A)
- Garage Type 5 Rev A (AO-99278 GT-05-PL Rev A)

2. The development hereby approved shall be constructed in accordance with the materials stated within the Materials Schedule, unless alternative materials are first submitted to and approved by the Local Planning Authority.
3. Notwithstanding the information shown on the landscape drawings, no works shall commence on the equipped play space or kickabout space until details and drawings showing the layout, design and specification of the respective spaces have been submitted to and approved by the Local Planning Authority.
4. Notwithstanding the information shown on the landscape drawings, no works shall commence on the formal sports pitch provision (the open space within the north west corner of the site) until details and drawings showing the layout, design and specification of this space has been submitted to and approved by the Local Planning Authority.

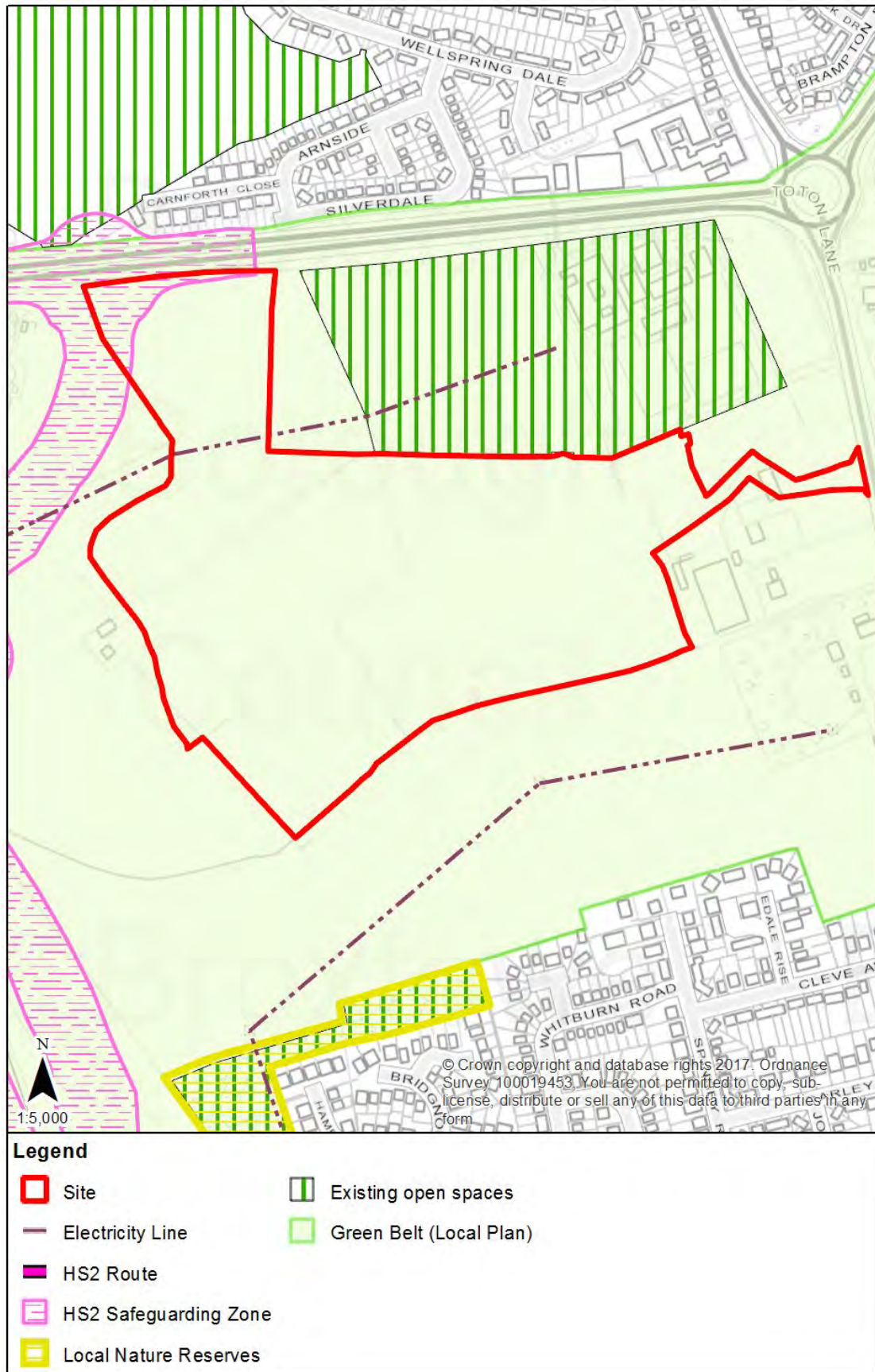
Reasons:

1. For the avoidance of doubt.
2. In the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
- 3 & 4. Insufficient detail was provided within the application and to ensure the areas of open space are of an appropriate type and quality to serve the development and in accordance with Policy 16 of the Broxtowe Aligned Core Strategy (2014).

Notes to Applicant:

1. The reserved matters approval relates to conditions 7 and 10 of planning permission reference 17/00131/ROC. You are reminded with the need to comply with and discharge the outstanding conditions.
2. The applicant should note that, 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 Nottinghamshire County Council's current highway design guidance and specification for roadworks.
3. The Council has acted positively and proactively by liaising with the applicant throughout the process, in accordance with paragraphs 186-187 of the National Planning Policy Framework.

Background papers
Application case file



Report of the Chief Executive

17/00723/FUL**CONSTRUCT 47 DWELLINGS, RETAIL UNIT (CLASS A1), CAR PARKING AND HIGHWAY INFRASTRUCTURE
MYFORD LTD, WILMOT LANE, BEESTON NG9 4AF**

This application is to be determined by the Committee as it does not accord with Local Plan policy in relation to S106 contributions.

1. Details of the application

- 1.1 The application proposes to construct 32 houses, 12 of which will have three bedrooms, nine will have two bedrooms and 11 will have one bedroom. These houses will be located within the southern and eastern part of the site. The majority of the houses will be semi-detached, with a row of terraced housing directly beside the western boundary (to the rear of the commercial units on Holly Lane). Two and three storey houses with pitched roofs are proposed. The two plots (27 and 32) which are beside the boundary with Barrydale Avenue will have blank south eastern side elevations (no windows). All of the semi-detached houses will have integral garages and the terraced housing will have some undercroft parking. It is proposed that the materials for the houses will be red brick with some timber cladding and dark grey Gemini interlocking plain tiles (or similar). All of the houses will have a front, first floor window surrounded by a dark grey rendered projection. Each semi-detached house will have a rear garden, with seven of the terraced houses having small front/side gardens and four terraced houses having no garden (house type D which is a predominantly first floor, one bedroom property accessed from a ground floor hallway). To the rear of plots 2 and 17, bin stores are proposed for plots 5-15 (the terraced housing).
- 1.2 A four storey building, with a 457m² floor space retail unit on the ground floor and 15 apartments (nine will have two bedrooms and six will have one bedroom) on the three upper floors is proposed in the north western part of the site. The building will have a flat roof, with an inset third floor and balconies on the first and second floors and larger terraced areas at third floor. An overhang with steel columns is proposed above the entrance to the retail unit. A rear service area is proposed and a rear accessed, ground floor bin store for the apartments. Two types of timber cladding, white render and dark grey metal cladding with purple detail are the materials proposed for the retail/apartment building.
- 1.3 A density of 37 dwellings per hectare is proposed. Vehicular access to the houses will be taken from Wilmot Lane/Vincent Avenue to the south, with access for the retail and apartment building being taken from the High Road to the north. No vehicular access will be possible between the northern and southern parts of the site. A car park with 27 spaces is proposed to the south east of the retail and apartment building.
- 1.4 The following supporting documents were submitted with the application:
- Design and Access Statement

- Planning Statement
- Arboricultural Report
- Noise Assessment
- Ground Condition and Contamination Reports
- Flood Risk Assessment
- Ecology/Bat Assessment
- Transport Assessment
- Viability Assessment.

2. Site and surroundings



Chilwell Road frontage and Wilmot Lane public car park



View to south with building on Factory Lane on right hand side of photo



View north west across site and Wilmot Lane (Jehovah's Witness Hall on right hand side)



View north west across site towards units on Holly Lane



View south east towards rear of Barrydale Avenue houses



View north west towards public footpath and 62 Barrydale Avenue

- 2.1 The site has an area of 1.2 hectares and was previously part of the larger Myfords site. It is an area of land that slopes down approximately 5m from the High Road/Chilwell Road towards Vincent Avenue. Demolition of the buildings on site has recently been completed.
 - 2.2 A public footpath runs through the site connecting Queens Road West with High Road/Chilwell Road. This ROW is proposed to broadly maintain the same alignment following the proposed development of the site.
 - 2.3 Semi-detached and terraced properties on Barrydale Avenue adjoin part of the eastern and south eastern site boundaries. These houses have various rear boundary treatments and there is a row of deciduous trees on the site side of the south eastern boundary which are proposed to be retained.
 - 2.4 A public car park is located to the north west of the site beside High Road and various shops/commercial units are on the north western side of the High Road/Chilwell Road including the Hop Pole Public House, a Local Interest Building within the Cottage Grove Conservation Area (which extends to the north west). The tram runs along High Road/Chilwell Road, with a tram stop located to the immediate north east of the site and a bus stop to the north west.
 - 2.5 To the west and south west of the site are various commercial units including the Chequers Inn Public House, Office Innovations, ES Solutions and End Packaging Limited. The commercial units fronting Holly Lane are large pitched roof buildings, with smaller buildings located on Factory Lane. To the south west of the Holly Lane buildings, is the Bartons site which has recently been granted planning permission for a detailed application for 29 dwellings and an outline application to construct up to 221 dwellings and units with flexible uses (Classes D1, D2, A1, A2, A3, A4 and A5) (reference 16/00859/FUL).
 - 2.6 There is a garage block to the south east of the site and a Jehovah's Witness hall to the north of this garage block. The dwellings on Robinet Road to the east of the site are terraced, semi-detached and detached, with terraced properties on Vincent Avenue and Queens Road West to the south.
 - 2.7 The site lies almost entirely within Flood Zone 1 (low probability of flooding), with only the southern tip of the site being located within Flood Zone 2 (medium probability of flooding).
 - 2.8 Land in the ownership of the applicant, which forms part of the larger former Myfords site, is located to the north east and demolition/clearance of this site has been undertaken. Beyond this part of the larger site, to the north east, is a commercial garage and terraced housing on Ellis Grove.
- 3 Relevant Planning History
- 3.1 Outline planning permission was granted on 12 December 2014 for the redevelopment and change of use of the larger former Myfords site for residential/commercial uses (to include Classes A1, A2, A3, A4, A5, B1(a), C2, C3 and D1 uses). This permission was granted contemporaneously with a S106

Agreement requiring 25 per cent of the housing on site to be affordable and financial contributions towards education, transport and open space.

- 3.2 A prior notification application for the demolition of the buildings on the larger site was approved on 30 June 2017 (reference 17/00370/DEM).
- 3.3 Planning permission (reference 17/00511/FUL) for a road to serve the southern part of the site was granted on 29 September 2017, to enable its early implementation.

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, developments should be located in sustainable locations and effective use of brownfield land should be made.
- 4.1.2 The document outlines that the government's key housing objective is to increase significantly the delivery of new homes and states that there should be a wide choice of high quality homes within safe and accessible environments. Applicants are encouraged to work with the local community to achieve this aim. Paragraph 49 states if a local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing will not be considered to be up-to-date.
- 4.1.3 To facilitate the aim of building a strong, competitive economy, the NPPF confirms that significant weight should be placed on supporting economic growth. It advises that planning policies should avoid the long term protection of employment sites where there is no reasonable prospect of such a use.
- 4.1.4 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.
- 4.1.5 The NPPF advises that impacts on biodiversity should be minimised and that, if significant harm cannot be avoided, adequately mitigated or, as a last resort, compensated for, planning permission should be refused.
- 4.1.6 Paragraph 100 of the NPPF states that inappropriate development in areas of high risk of flooding should be avoided but where it is necessary, should be undertaken without increasing flood risk elsewhere.

4.1.7 Paragraphs 203 – 206 of the NPPF advise on planning obligations and state that obligations should only be required when they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. In addition, 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 on such matters.

4.2 Broxtowe Aligned Core Strategy

4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

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

4.2.3 Policy 1: Climate Change sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings. It states that development should demonstrate how carbon dioxide emissions have been minimised. The policy goes on to set out the approach to renewable energy, flood risk and sustainable drainage. It replicates the approach to development in flood zones outlined in the NPPF and seeks the inclusion of Sustainable Urban Drainage systems within new development where viable and technically feasible.

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

4.2.5 Policy 4: Employment Provision and Economic Development refers to the need to appropriately manage existing employment sites to cater for the full range of employment uses by releasing sites no longer attractive to the market/those that are not good quality.

4.2.6 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. It confirms main town uses should be located in centres unless there are no suitable sites and a sequential assessment has been undertaken to demonstrate no harm to any centre.

4.2.7 Policy 7: Regeneration sets out the priorities for regeneration across Greater Nottingham and supports local initiatives.

4.2.8 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 per cent target for Broxtowe Borough.

4.2.9 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.

4.2.10 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.

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

4.2.12 Policy 18: Infrastructure seeks to ensure new development is provided with the necessary infrastructure.

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

4.3 Saved Policies of the Broxtowe Local Plan

4.3.1 Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:

4.3.2 Policy E24 'Trees, hedgerows and Tree Preservation Orders': Development that would adversely affect these will not be permitted.

4.3.3 Policy E29 'Contaminated land': Development will be subject of investigation and remediation as necessary.

4.3.4 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.

4.3.5 Policy 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.

4.3.6 Policy H6 – 'Density of housing development': 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.

4.3.7 Policy 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.

4.3.8 Policy T11 and Appendix 4 – Parking Guidelines: Appropriate provision must be made for vehicle parking and servicing.

4.3.9 Policy RC6 'Open space: requirements for new developments': Permission will not be granted for residential development on sites of 0.5ha or more or 15 dwellings or more unless provision is made for public open space in accordance

with Appendix 9 (for every 1,000 population, a minimum of 1.03 hectares of outdoor sport space should be provided); the open space is set out to suit the approved purposes; local landscape, ecological and amenity features are retained/enhanced and the design of the open space takes into account the provision of features beneficial to wildlife.

4.3.10 Policy RC14 'Footpaths, bridleways and cycle routes': The Council will protect, maintain and where appropriate seek to extend the network of footpaths, bridleways and cycle routes in the borough.

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 Policy 14: Centre of Neighbourhood Importance (Chilwell Road/High Road) – within this area, permission will be granted for main town centre uses (as defined in the NPPF) or housing, providing such a use does not comprise over 500 sq m for an individual unit (applies to main town centre uses only); erode the character of the Centre of Neighbourhood Importance in providing a complementary evening economy offer to Beeston Town Centre; result in less than 30% of ground floor units comprising residential units or result in inefficient use of upper floors.

4.4.3 Policy 15: Housing mix, size and choice – 30% or more of housing should be affordable if more than 10 dwellings are proposed. 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'.

4.4.4 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. An assessment in relation to 'Building for Life' criteria will be required to be submitted within the Design and Access Statement.

4.4.5 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.

4.4.6 Policy 26: Travel Plans – a Travel Plan will be expected to be submitted for developments of 10 or more dwellings or 1000 sq m or more gross floorspace.

4.4.7 Policy 32: Developer contributions – financial contributions may be sought from developments of 10 or more dwellings or 1000 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.

4.5 Beeston Town Centre Plan (2008)

4.5.1 The site is included within ‘Key Development Area 5 Chilwell Road’, an area identified as in need of regeneration. Potential uses include retail, employment and residential. A two or three storey block should front Chilwell High Road.

5. Consultations

5.1 The **Environment Agency** requested clarification in relation to the submitted contamination reports and confirmed no objection on the receipt of additional information in this regard. They recommend conditions in relation to a remediation strategy, verification of remediation, previously unidentified contamination and piling or other penetrative foundation methods. They confirm they have no objection to the proposal to discharge foul and surface water drainage to the respective mains sewers. Advisory information is provided for the applicant in relation to waste on site and demolition. As the southern part of the site is located within Flood Zone 2, they confirm standing advice applies.

5.2 **Nottinghamshire County Council as Lead Local Flood Authority** has no objection providing the drainage strategy is in line with the FRA.

5.3 **Nottinghamshire County Council as Highway Authority** state that whilst the Transport Statement shows the number of trips along Wilmot Lane will increase, vehicular flows along the High Road will decrease when compared to the extant outline permission. They confirm FP55 will need to be diverted. Although there is a shortfall of 19 parking spaces for the proposed retail element, they do not envisage this will compromise highway safety given that on-street parking in the area is controlled by a Traffic Regulation Order. Amendments to the parking arrangements for plots 4 and 16 were requested and subsequently made and agreed with the Highway Authority, given the proximity of dropped kerbs to the junction. It is confirmed there are no objections subject to conditions relating to the surfacing of driveways prior to the occupation of dwellings, the diversion of footpath 55, the provision of knee rail fencing to the south east of the retail/apartment building car park and provision of the footway and road serving the apartments/retail building prior to first use. Notes to applicant relating to the footpath diversion, adoption of highways and Advanced Payments Code/Section 38 Agreement are recommended.

5.4 The **Planning Policy team, Nottinghamshire County Council** outline policy requirements in terms of waste, minerals and transport. They advise that the site is located within a Minerals Safeguarding and Consultation Area for sand and gravel but as it is a previously developed site, there are no safeguarding concerns. It is suggested a waste audit is produced for the development. The

site is noted to have low/negligible ecological interest. Given the bat surveys submitted are over five years old and hence out of date, confirmation is sought that the condition of the buildings has not deteriorated in this time such that the potential for bat roosting has increased (the buildings on site have been demolished so this request is not relevant). Conditions relating to precautionary working measures, installation of bat boxes, nesting birds and landscaping are recommended. It is noted that the whole length of Beeston Footpath No. 55 will be affected by the proposed development and will have to be diverted. The diversion process should be commenced as soon as possible once the route has been finalised. The section of footway from the northern end of the turning head to beside the retail access road is not to be adopted but should be constructed to the same standard as adopted footway. During construction, every effort should be made to maintain this pedestrian link. A developer contribution is sought for education as the development would yield 10 primary places (£114,550) (no secondary contribution is sought as projections show there will be places available at Chilwell School).

- 5.5 **Nottinghamshire County Council Rights of Way (Via East Midlands Ltd)** advise that Beeston Footpath No. 55 will be affected by the proposed development and should not be obstructed or affected unless subject to an appropriate diversion or closure order. They request to be consulted on any diversion, surfacing or gating issues. Bringing Wilmot Lane up to standard for adoption is welcomed.
- 5.6 **NHS Nottingham West Clinical Commissioning Group** advise that a local GP surgery may relocate to new premises on the site resulting in a reduction in the 47 dwellings proposed. If this surgery does not relocate to the site, a financial contribution to facilitate expansion of the physical capacity of the health facility is requested.
- 5.7 **Nottingham Express Transit** has no objections but requests a condition requiring 'goal posts' and wheel cleaning facilities for construction vehicles exiting the site onto Chilwell Road. Consideration should also be given to erecting a hazard sign to warn about the overhead lines. The applicant should be made aware it is not permitted to obstruct the tramway and to comply with the guidelines contained in the 'Working near NET' leaflet.
- 5.8 The **Business & Projects Manager (Environment)** notes and accepts that no open space is proposed on site. A financial contribution of £65,696.60 is requested towards the refurbishment and maintenance of the play area at Dovecote Lane open space (deemed a medium term priority in the Borough's Play Strategy 2017-2025).
- 5.9 The **Environment & Business Development Manager** advises on the requirements for bin provision and collection for the residential units.
- 5.10 The **Tree Officer** notes that the main trees to the rear of Barrydale Avenue are to be retained. He confirms that the Root Protection Areas for these trees are not in conflict with the layout and that some pruning may be required.

- 5.11 The **Environmental Health Technical Officer** has no objection subject to conditions relating to contamination, glazing and ventilation specification for the dwellings, provision of an acoustic barrier prior to first occupation of specific dwellings, noise levels from plant, machinery or equipment associated with the retail use, opening hours of the retail use, deliveries/collections by commercial vehicles to/from the retail unit, piling or other penetrative foundation methods and external lighting for the retail unit.
- 5.12 Three site notices were posted to publicise the application and 61 surrounding neighbours were sent notification letters. 13 responses were received: seven objections, three letters of support/raising no objection and three observations.
- 5.13 The objections can be summarised as follows:
- The plans should be amended to provide a safe cycle route (as an alternative to the High Road between Central College and Middle Street) between Holly Lane and Wilmot Lane (through the existing car park) or between Wilmot Lane and Factory Lane (through the proposed car park).
 - To retain some greenery, confirmation is sought that the trees to the rear of Barrydale Avenue will be retained as they will form part of the gardens of the proposed dwellings.
 - The retail and apartment building is too high in comparison to other buildings on the High Road. A maximum of three storeys would be consistent with other buildings.
 - Deliveries to the retail store should not be permitted until after 8am - 6am is too early given the number of premises which have late night entertainment licences in the area.
 - Adding new windows or changing the size/position of windows in the rear/side elevations of the proposed dwellings facing Barrydale Avenue should be subject to further planning approval to allow for consideration of the impact on nearby properties.
 - Concern about additional traffic on Vincent Avenue.
 - Concern about damage to parked cars from construction traffic.
 - Concern about loss of a wildlife/landscaped area beside 62 Barrydale Avenue as a result of substation re-location and resultant footpath closure.
 - Noise disruption.
- 5.14 The observations can be summarised as follows:
- Queried what ecological/sustainable plans are incorporated within the scheme.
 - A cycle route should be provided through the site which is wheelchair and scooter friendly.
 - Parking for the apartments should not be located so as to restrict use of the footpath.
 - Cycle parking should be provided for the apartments.
 - Swept paths for delivery vehicles appear optimistic.
- 5.15 One of the letters of support notes that the buildings have been disused for some time and are falling into disrepair. The letter also considers the proposal should make the public footpath safer and improve the area.

5.16 In relation to consultation on amended plans which took place in January 2018, five objections were received. The following additional issues were raised:

- Disappointed by the lack of joined up thinking to provide safe alternative route to the B6464 for cyclists - the continuous fencing proposed on the western site boundary and the location of the proposed deliveries and plant area will not facilitate the provision of an east-west cycle link.
- Lack of notification of owner of END Packaging, Unit 2, Holly Lane.
- The houses (plots 21 and 22) planned to the rear of END Packaging, Unit 2, Holly Lane are badly located as they will be subject to noise disturbance.
- Highway concerns maintained in relation to car parking and flow of traffic – pressure for parking already given Jehovah’s Witness hall users and residents on Queens Road (who have no parking) park on Vincent Avenue. Holly Lane should be opened up to provide access to the site.
- Parking should be provided for the Jehovah’s Witness hall in accordance with the requirements of Policy T12 of the Local Plan as parking on Wilmot Lane will be lost.

6. Appraisal

6.1 The main issues relating to this proposal are considered to be the impact on residential amenity and the highway network, the design of the scheme, viability and the benefits of the scheme.

6.2 **Impact on residential amenity**

6.2.1 The last use of the site was generally unrestricted industrial use. Accordingly, it is considered that the proposed residential and retail uses will have less impact on neighbour amenity. The two proposed three storey houses adjoining the rear boundary of the properties on Barrydale Avenue have been positioned with their side elevation (containing no windows) parallel to the boundary and are located a minimum of 5.9m away from the south east boundary. This will ensure there is no significant loss of amenity for existing residents in terms of overlooking or overbearing impact. One resident has requested that alterations to the rear/side windows and insertion of new windows in these two proposed dwellings are not permitted in the future. Current permitted development rights would impose restrictions on windows inserted above ground floor level in a side elevation and the position of the rear elevation of the proposed houses is such that any overlooking would be at an oblique angle so it is considered unnecessary to impose a condition relating to the insertion/alteration of rear/side windows. The existing trees on the south east boundary with Barrydale Avenue are proposed to be retained and details of protective fencing for these trees and its provision during construction, will be conditioned. Given there will be an intervening road between the proposed dwellings to the south of the site and other existing dwellings on Barrydale Avenue and Robinet Road and a garage block to the south acting as an intervening structure to the dwellings on Vincent Avenue, it is considered the proposed development will not be harmful to neighbour amenity.

6.2.2 In terms of the amenity of the proposed occupiers, a noise assessment was submitted with the application. This concluded that noise sources across the site were generally low; the main sources being industrial and traffic noise. To minimise the impact on residential amenity, plots 5-15 have been designed to be

single aspect dwellings as they are located to the immediate north east of the industrial units on Holly Lane (some of which have extract flues). This proposed building will help to provide an acoustic screen for the rest of the site. In addition, to achieve acceptable noise levels, all the proposed dwellings will have specific glazing and ventilation requirements and this will be conditioned. An acoustic barrier is proposed on the south west boundary and the provision of this will be conditioned. These mitigation measures will ensure the proposed occupants have a satisfactory standard of amenity despite the proximity of the commercial units on Holly Lane and Factory Lane.

- 6.2.3 Given that apartments will be located above the proposed retail unit, noise levels from plant, machinery or equipment associated with the retail use, the opening hours of the retail use, deliveries/collections by commercial vehicles to/from the retail unit, and external lighting for the retail unit will be conditioned to protect residential amenity. A resident has requested no deliveries occur before 8am. It is considered that a condition restricting deliveries/collections to after 7am (excluding deliveries of sandwiches and newspapers which need to be at the store before this time) would be reasonable, particularly given the previous unrestricted use of the site.
- 6.2.4 Concern has been expressed about the impact of construction works on existing residents. Although some disruption is an inevitable part of construction, given the proximity of this development site to neighbours, it is proposed to restrict the hours that construction can take place in order to minimise disturbance to residents. For the same reason, a condition is recommended in relation to piling or other penetrative foundation methods.
- 6.2.5 Given the previous use of the site, condition 8 of the outline permission (reference 13/00003/OUT) requires a contamination survey of the larger site to be undertaken, and any necessary remediation to be undertaken and verified prior to occupation. The Council's Environmental Health Technical Officer has advised that this condition should be repeated as although much of the investigative work has been completed and a remediation strategy prepared, some additional work is required to enable the remediation strategy to be finalised, following the completion of demolition works on site. Condition 15 (requiring work to cease if any contamination not previously identified is discovered during construction and a remediation strategy to be agreed prior to re-commencement of development) of 13/00003/OUT would be repeated on any new permission for the site. These conditions will ensure the dwellings are safe for occupation in terms of public health considerations.
- 6.2.6 It is considered that, subject to conditions, the development will not harm residential amenity and that the proposed residents will have a satisfactory standard of amenity.

6.3 Traffic and access

- 6.3.1 A Transport Assessment was submitted with the application. This concluded that overall, the proposed development would generate less traffic than the consented use of the site. More traffic will use Wilmot Lane but there will be no HGV traffic associated with the consented use using this road. The proposal will significantly

reduce the amount of traffic on Vincent Avenue routeing through residential areas to the south of the site.

- 6.3.2 Each dwelling will have at least one parking space, with the larger three bedroom units (house type A), each having two parking spaces and a garage and each of the two bedroom houses (house type B) having one parking space and a garage. One space for each apartment above the retail unit will be provided to the rear of the shared retail/residential car park. The County Highways Officer has advised that there is an under provision of spaces for the retail use (19 less than standards require) but that there is no objection to this because of the Traffic Regulation Order restricting on-street parking. Given the site is in a highly sustainable location beside a tram stop and frequent bus routes and is close to the population the store is likely to serve, the size of the car park for the retail unit is considered to be acceptable. The parking provision for the proposed dwellings is considered to be sufficient. It will be conditioned that the parking is provided prior to first occupation of the retail and residential units.
- 6.3.3 Planning permission was granted last year for the road which will serve the southern part of the development (the residential part of the site). Access will be taken from Vincent Avenue/Wilmot Lane and the situation for pedestrians and wheelchair/scooter users will be improved as pavements are to be provided on both sides of the access road (no pavement exists at present on Wilmot Lane). The retail and apartment building will be served by a separate access taken from High Road; an existing access which serves a Council pay and display car park will be upgraded. To ensure vehicles are not provided with a through route between Queens Road East and the High Road, it will be conditioned that a knee rail is provided and retained on the south eastern boundary of the retail and apartment building car park.
- 6.3.4 Beeston Footpath No. 55 runs through the site, providing a route through from Vincent Avenue to the High Road. The applicant has stated that any necessary diversion of this footpath would be undertaken once the planning permission has been dealt with. Notwithstanding any diversion needed, the design of the development enables the maintenance of a route through the site for pedestrians. It is considered unnecessary to condition that the diversion occurs as this will have to happen to enable implementation of the proposed development.
- 6.3.5 The cycle route between Queens Road and the High Road is not currently a through route north to south, given the barriers to the west of 62 Barrydale Avenue. An on-road cycle route will be maintained, with a similar need for cyclists to dismount to the south of the retail/apartment building as currently exists. Representations have been made relating to the provision of a safe, alternative route for cyclists to the High Road/Chilwell Road because of the tram. It is envisioned this would connect through to the proposed development on the Bartons site. To create such a link, it would be necessary to use land to the west of the site which is outside the applicant's ownership. It is therefore considered to be unreasonable to request such provision. Should the adjacent site to the west come forward for development, there would be the possibility of incorporating a link through the application site for cyclists to connect to Barrydale Avenue.

6.3.6 The tram runs along the High Road/Chilwell Road to the north of the site. Nottingham Express Transit (NET) has no objection to the application but request a condition requiring 'goal posts' and wheel cleaning facilities for construction vehicles exiting the site onto Chilwell Road. As depositing mud on the highway is an offence, no such condition will be used as it is dealt with by other legislation. NET advise consideration should also be given to erecting a hazard sign to warn about the overhead lines. This will form a note to applicant, as will general advice about working near the tramlines.

6.3.7 In relation to specific highway related concerns raised in representations not covered above:

- The Highway Authority and the Council's refuse team have no objection to the submitted swept paths for delivery and refuse vehicles.
- There is no planning policy requirement for the proposed development to provide parking for the Jehovah's Witness Hall which currently has no parking provision and is an existing use beyond the site boundaries.
- Pedestrians will have to walk around the south eastern corner of the retail/apartments car park but this is considered to not be an arduous route and such a layout is necessary in order to accommodate the required number of parking spaces and manoeuvring space.
- No cycle parking is proposed for the apartments as it is envisaged by the applicant that occupiers would want to accommodate their cycles within their apartment for security reasons.
- Any damage to parked cars by construction traffic would be a civil matter.
- Holly Lane is outside the application site boundary and it is therefore not within the control of the applicant to provide vehicular access on this road.

6.3.8 In conclusion, it is considered that there are no significant highway issues which would warrant refusal of the application based on guidance contained in the NPPF, subject to conditions relating to the matters detailed above.

6.4 **Design**

6.4.1 Some concern has been expressed about the height of the apartment and retail building. The height of this building is considered to be acceptable as this building is set well back from the High Road and needs to be tall to have a presence in the street scene. In addition, the top floor is set back and there is some variation in massing, particularly beside Wilmot Lane which helps to reduce the overall scale of the building. It is recognised that the buildings on High Road/Chilwell Road are predominantly two or three storey but taller buildings have recently been granted planning permission in the vicinity e.g. the four storey building (known as 'The Hive') on the site fronting Chilwell Road to the north west of 14 Ellis Grove and a six storey storey building is proposed on the Bartons site. Historically, a five storey building occupied part of the application site.

6.4.2 The apartment and retail building will be clad in timber with white render and dark grey metal cladding with purple detail. It is considered such materials will create a vibrant and attractive building.

6.4.3 The houses are of traditional form with plain tiled, pitched roofs and walls faced in traditional red brick but have a contemporary twist owing to projecting window

surrounds and use of cladding materials. It is considered that the design and materials of the dwellings are acceptable and contemporaneous.

6.4.4 Development of the western part of the site will not prejudice the development of the eastern section of the larger Myfords site which has independent access and is self-contained.

6.5 Section 106/Viability

6.5.1 The NPPF advises that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

6.5.2 The size of the development generates the need for the provision of affordable housing and financial contributions towards education, improving public transport in the local area (ITPS) and the provision and maintenance of public open space.

6.5.3 The applicant submitted a viability appraisal which concluded that the development was not viable if any contributions were insisted upon. This was reviewed for the Council by an independent consultant and following discussions, the applicant has agreed that a financial contribution of £235,000 could be made. Viability is affected by (amongst other things) the high costs associated with decontamination of this brownfield site.

6.5.4 Nottinghamshire County Council has stated that the proposed development would yield an additional 10 primary school places which would require a contribution of £114,550. Secondary school places can be accommodated in existing secondary schools. Due to the existing excellent public transport links, it is considered that a financial contribution towards integrated transport measures would not be necessary to make the development acceptable and therefore could not be requested. A health contribution has been requested but it is considered limited supporting information has been provided and such a contribution will therefore not be requested. No public open space is proposed on the site. £65,696.60 has been requested towards the refurbishment and maintenance of the play area at Dovecote Lane open space. The site would generate an affordable housing requirement of 14 dwellings (30 per cent of 47 dwellings) or based on £45,000 per dwelling, a financial contribution of £630,000.

6.5.5 Splitting the requested contributions proportionately in relation to the figure of £235,000, this would equate to the following:

- Open space 7.8% - £18,300
- Education 17.2% - £40,420
- Affordable housing 75% - £176,250.

6.5.6 Nottinghamshire County Council recently consulted on their Obligations Strategy and Broxtowe suggested that they prioritise schemes. Officers anticipate that Education will be a very high priority. There is a very pressing need for affordable housing in the borough and parks and open spaces remain a significant priority.

Given the high priority of all three contributions, it is considered reasonable to attribute £35,000 (just over half of the requested contribution) to open space and £100,000 each to education and the provision of off-site affordable housing. A S106 is being prepared to secure these contributions.

6.6 Benefits of the scheme

6.6.1 The site is located within the urban area, with good access to a range of services and amenities. There are a number of public transport options within close proximity to the site. Accordingly, it is considered that the site is in an accessible and sustainable location.

6.6.2 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”.

6.6.3 The Council currently does not have a five year housing land supply and this can only be rectified with the allocations of sites currently in the Green Belt in the Broxtowe Part 2 Local Plan. 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. 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.*

6.6.4 As the proposed development is considered to be in accordance with the development plan, it should be approved without delay. The provision of 47 dwellings on this brownfield site is considered to be a significant benefit in terms of five year supply and providing homes.

6.6.5 The proposed retail unit will add to the retail offer available on Chilwell Road/High Road and the applicant anticipates that 20 jobs will be created. In addition, some construction jobs will be created to build out the development. Other economic benefits will be New Homes Bonus and rateable income.

6.6.6 The design quality of the scheme overall is considered to be an enhancement to the area. The previous industrial buildings have already been removed. Through the provision of pavements beside Wilmot Lane, improvements to safety and accessibility will occur.

6.6.7 It is considered that the proposed development will meet the NPPF objective of sustainable development as a number of economic, social and environmental benefits will arise from the proposed development.

6.7 Flooding

6.7.1 The southern tip of the site is at flood risk from the River Trent as it is located in flood zone 2. A Flood Risk Assessment (FRA) has been submitted which identifies and assesses the risks from all forms of flooding to and from the development and demonstrates how these flood risks will be managed. Due to the recent completion of the Nottingham Left Bank Flood Alleviation Scheme, the site as a whole is protected from flooding at the 100 year flood level. Floor levels will be a minimum of 600mm above the 1 in 100 year plus climate change level of 27.22AOD. Safe, dry access routes will be available on Barrydale Avenue and the High Road. The development would therefore be compliant with the requirements of the NPPF and Policy 1 of the Broxtowe Aligned Core Strategy in relation to flood risk.

6.8 Loss of employment land

6.8.1 The site is brownfield land with the associated higher redevelopment costs. Given the desire for building housing on such sites (to prevent unnecessary loss of Green Belt land) and, in particular, the highly sustainable location of this development (beside the tram route and frequent bus routes), the housing proposed is a positive aspect of this proposal and the loss of employment land is seen to be acceptable (and has already been deemed to be acceptable through the grant of the outline planning permission).

6.9 Retail

6.9.1 The outline permission included a condition restricting the total amount of retail floor space on the whole site to 1450m², with the size of any retail unit being restricted to no more than 1000m². The proposed retail unit has a floorspace of 457m² which is well below both these thresholds. Given the size of the proposed retail unit and the previous planning permission, no retail impact or sequential assessment is considered to be necessary and in any case, the proposed retail unit is unlikely to have a negative impact on the vitality or viability of Beeston town centre.

6.10 Other issues

6.10.1 The proposed density of the development (37 dwellings per hectare) is below the Local Plan requirement of 45 dwellings per hectare but given the awkward shape of the site and the need to ensure satisfactory standards of amenity for existing and proposed residents, the proposed density is considered to be acceptable.

6.10.2 One resident queries the sustainable/ecological benefits of the scheme. The location of the site is sustainable and the provision of housing will introduce green space to a site which is predominantly hard surfaced. Tree planting is proposed on the site and a landscaping scheme will ensure such planting occurs.

6.10.3 The existing wildlife area beside 62 Barrydale Avenue lies predominantly outside the application site. The relocation of the substation to this area is considered to be permitted development.

6.10.4 Given the separation distance and intervening road and tram tracks, it is considered the proposed development will cause no harm to nearby heritage assets (Cottage Grove Conservation Area and the Hop Pole Public House).

6.10.5 All properties adjoining the site were notified of the application by letter (including END Packaging), three site notices were posted at the site and a press advert was published. This complies with the publicity requirements for planning applications.

6.11 Conclusion

6.11.1 In conclusion, the viability of the proposed development means that S106 contributions are limited but nonetheless, some contribution will be made. Subject to conditions, it is considered the amenity of existing residents will not be harmed and that the proposed occupants will have a sufficient standard of amenity. The development is considered to be acceptable in terms of highway safety. A contemporary design is proposed which will enhance the appearance of the area. The proposed development will provide much needed housing and add to the retail offer available in this sustainable location on a brownfield site.

Recommendation

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 an agreement under Section 106 of the Town and Country Planning Act 1990 and**
- (ii) 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 drawing numbers 17027 (08) 01 Rev A 'Site Location Plan as Existing', 17027 (08) 07 'General Sections as Proposed', 17027 (08) 15 Rev A 'Retail & Apartments building section A-A as proposed', 17027 (08) 12 'Retail & Apartments Roof Plan as Proposed', 17027 (08) 09 'Retail & Apartments Building First Floor Plan as Proposed', 17027 (08) 11 'Retail & Apartments Building Third Floor Plan as Proposed', 17027 (08) 20 'Houses Type C and D Floor Plans as Proposed' received by the Local Planning Authority on 2 October 2017; 17027 (08) 18 Rev A 'House Type B Floor Plans as Proposed' and 17027 (08) 16 Rev A 'House Type A Floor Plans as Proposed' received by the Local Planning Authority on 9 October 2017; 17027 (08) 13 Rev B 'Retail & Apartments Building Elevations 1 as Proposed', 17027 (08) 14 Rev B 'Retail & Apartments Building Elevations 2 as Proposed', 17027 (08) 21 Rev B 'Houses Type C and D Elevations as Proposed' and 17027 (08) 17 Rev B 'House Type A Elevations as Proposed' received by the Local Planning Authority on 11 October 2017; 17027 (08) 19 Rev C 'House Type B Elevations as Proposed' received by the Local Planning Authority on 7 November 2017; 17027 (08) 10 Rev A 'Retail & Apartments Building Second Floor Plan as Proposed' received by the Local Planning Authority on 12 December 2017; 17027 (08) 03 Rev B 'Master Plan as Proposed', 17027 (08) 04 Rev D 'Materials Master Plan as Proposed', 17027 (08) 05 Rev D 'Surfaces Master Plan as Proposed', 17027 (08) 06 Rev E 'Boundary Treatment Master Plan as Proposed' and 17027 (08) 08 Rev B 'Retail & Apartments Building Ground Floor Plan as Proposed' received by the Local Planning Authority on 18 December 2017 and 17027 (08) 23 'Bin Store Type 01 as Proposed' and 17027 (08) 24 'Bin Store Type 02 as Proposed' received by the Local Planning Authority on 18 January 2018.
3. 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.

4. No development shall commence until a plan to show the location of protective fencing for the trees shown to be retained on drawing number 17027 (08) 03 Rev B 'Master Plan as Proposed' has been submitted to and agreed in writing by the Local Planning Authority. The erection of fencing for the protection of these retained trees shall be undertaken in accordance with the agreed details 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.

5. The following information regarding external lighting for the retail unit shall be submitted to, and agreed in writing by the Local Planning Authority, before installation:

- 1) A site plan and elevations showing the proposed locations and the height of the luminaires;
- 2) Full details, including pictures, of the luminaires to be installed;
- 3) A site plan plotting the predicted illuminance levels (Lux) across the site and both horizontal and vertical overspill between the site boundary and the facades of the nearest light sensitive dwellings;
- 4) Details of the measures to be taken for the avoidance of glare;
- 5) Details of the power source; i.e. mains or generator;
- 6) Operating times.

All works shall be implemented in accordance with the approved details before the retail use commences and shall be operated and maintained as such for the lifetime of the development.

6. No development above slab level on the dwellings or the retail and apartment building shall be carried out until details of the manufacturer, type and colour of the materials to be used in the facing walls and roofs of the respective buildings 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.

7. No development above slab level shall take place until a landscaping scheme has been submitted to and approved in writing 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 boundary treatments
- (e) a timetable for implementation.

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

8. The approved landscaping shall be carried out not later than the first planting season following the practical 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.
9. The dwellings on plots 15, 20, 21, 22 and 23 shall not be occupied until an acoustic barrier has been constructed in accordance with paragraphs 4.6-4.7 of the Noise Assess Ltd Report, ref 11906.03.v3, dated September 2017. The acoustic barrier shall be retained thereafter for the lifetime of the development.
10. The dwellings shall be constructed and their glazing and ventilation installed in accordance with the specification detailed in the Noise Assess Ltd Report, ref 11906.03.v3, dated September 2017.
11. The rating level resulting from the use of any plant, machinery or equipment associated with the retail use shall not exceed the existing background level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive premises.
12. The retail unit shall not be open to customers except between the hours of 07:00-22:00 on any day.
13. No deliveries or collections by commercial vehicles (excluding the delivery of newspapers and sandwiches) shall be made to/from the retail unit except between the hours of 07:00 - 22:00 on any day.
14. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. For areas where penetrative foundations are permitted, a methodology for reducing noise and vibration impact on neighbouring buildings and residents shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the piling activity. The activity shall be carried out in accordance with the approved details.
15. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. 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.

16. Prior to first occupation of the retail and apartment building, a knee rail shall be provided in the location shown on drawing number 17027 (08) 06 Rev E 'Boundary Treatment Master Plan as Proposed' and in accordance with details which shall first have been submitted to and agreed in writing by the Local Planning Authority. The knee rail shall be retained in accordance with the agreed details for the lifetime of the development.
17. The retail unit and apartments shall not be first occupied until their associated parking, turning and servicing facilities have been provided in accordance with the approved plans and constructed so as to prevent the unregulated discharge of surface water therefrom onto the public highway. These facilities shall thereafter be retained in the agreed form for the lifetime of the development.
18. No dwelling shall be first occupied until its associated parking facilities have been provided in accordance with the approved plans and constructed so as to prevent the unregulated discharge of surface water therefrom onto the public highway. These facilities shall thereafter be retained in the agreed form for the lifetime of the development.
19. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons:

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the 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).
4. No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of retaining the trees on the site boundary with Barrydale Avenue and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
5. To protect residential amenity, in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy

6. 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.
7. No such/insufficient details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area, to ensure a satisfactory standard of amenity and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
8. 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).
9. & 10. To protect future occupiers from excessive environmental, commercial and industrial noise.
11. To protect future residential occupiers from excessive commercial noise.
12. To protect nearby residents from excessive operational noise.
13. To protect nearby residents from excessive noise.
14. To protect groundwater from contamination and nearby buildings and residents from noise and vibration in accordance with the aims of Policies E29 and H7 of the Broxtowe Local Plan (2004).
15. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
16. In the interests of highway safety and residential amenity to prevent a through route for vehicular traffic being created.
17. In the interests of highway safety to ensure satisfactory access, servicing and parking arrangements are provided and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
18. In the interests of highway safety, to ensure appropriate parking arrangements are provided and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
19. To ensure any unknown contamination encountered during development is appropriately dealt with to prevent pollution of the environment and to render the site free from risk to human health, in accordance with the aims of Policy E29 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. This permission has been granted contemporaneously with a planning obligation(s), and reference should be made thereto.**
- 3. The development will require the diversion of Beeston public footpath No. 55. The grant of permission for this development does not authorise the obstruction or diversion of this public right of way and an unlawful obstruction to this right of way/highway is a criminal offence and may result in the obstructing development being required to be removed. A separate application for an Order to divert the public right of way/highway will be required under Town and Country Planning Act 1990 legislation. This is a separate legal process and the applicant will need to contact Broxtowe Borough Council.**
- 4. The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highway Authority, the new roads and any highway drainage will be required to comply with Nottinghamshire County Council's current highway design guidance and specification for roadworks.**
- 5. 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. The developer should contact the Highway Authority at an early stage to clarify the codes etc with which compliance will be required in the particular circumstances, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to hdc.south@nottscc.gov.uk**
- 6. In respect of condition 3, the reports previously submitted will be taken into account.**
- 7. It is not permitted for any vehicles to obstruct the tramway at any time and consideration should be given to erecting a warning sign at the construction site exit point to warn of overhead lines. Please contact the Nottingham Express Transit (NET) Project Office for further information (0115 876 4095).**

8. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- **excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution**
- **treated materials can be transferred between sites as part of a hub and cluster project**
- **some naturally occurring clean material can be transferred directly between sites.**

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

9. Any decommissioning of infrastructure or remediation of impacted ground must be carried out in a strictly controlled manner to ensure that contaminants are not exposed and releases allowed to air, land or controlled waters, which could cause pollution, harm or nuisance. Clearing areas, particularly removing hardcover, must be done in a manner not likely to expose contaminants to flushing by incipient rainfall or surface water run-off on the site. Temporary surface water controls and management of any materials movement on site is critical to ensure protection of controlled waters near the site.

Background papers
Application case file



Legend	
Site	Conservation Area
Public Rights of Way	Local Interest Building
Byway open to all traffic	Flood Zone 3
Bridleway	Flood Zone 2
Footpath	Safeguarded Tram Route

Report of the Chief Executive

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

1. Reason for report

- 1.1 This report relates to a planning application, originally called to Committee by Councillor Patrick and deferred at the Planning Committee on 6 December 2017. Members deferred determination of the application due to concerns regarding the use of the site for two dwellings.
- 1.2 The original report to the Planning Committee on 6 December 2017 is attached as an appendix to this report.

2. Applicant's response

- 2.1 Amended plans were received 12 and 15 January 2018, it is understood that these are the result of discussions between the applicant and the occupants of the neighbouring properties to both sides and the rear of the application site.
- 2.2 The amendments to the plans include:
- Both dwellings to be identical not a mirror image of one another
 - Both dwellings have been reduced in depth by approximately 500mm.
 - Both properties now have a driveway with a length of 5.5 metres, which accords with the recommendations of the Highways Authority.
 - The outbuildings to the rear have been reduced in width by 194mm. A path of 655mm in width is also proposed to the rear of these between the structure and the boundary.
 - The height of the outbuildings is proposed to be reduced in height to 2.6 metres. These have been redesigned so they are flat sedum roofs.
 - The applicant has agreed a new 2 metre high close boarded fence to the rear boundary with Nos. 128 and 130 Park Road North.
 - Following demolition of the bungalow and site clearance more accurate data has been collected and the revised dimensions are shown on the site plan.
 - Boundary treatments to 7 and 11 Hope Street have been agreed in principle with these neighbours and are shown on the revised site plan.

3. Re-consultations

- 3.1 An amended site location plan was posted adjacent to the site on 17th January and further 7 day consultations have been undertaken with the occupants of neighbouring properties.
- 3.2 Six letters has been received in response to these further consultations. Four of these object for the following reasons;

- The proposed new buildings are too close to the boundary.
 - There will be loss of privacy from the view from the upstairs windows.
 - Each property has 5 bedrooms and so there is the potential for 5 cars per property greatly increasing problems with parking and traffic on Hope Street.
 - Setting back the front of the properties pushes the properties further into the rear garden which gives a sense of enclosure and loss of privacy.
 - Basically this remains the same scheme with minor alterations so previous objections still stand in particular the overdevelopment of the site, loss of light to adjoining properties and inadequate parking.
 - For security it is considered necessary to provide a fence between plot 2 and adjoining property along the whole boundary.
- 3.3 One of the letters of objection states that they appreciate the lowering of the overall height of the outbuildings and that the sedum roof and the timber fence are welcomed as a good solution.
- 3.4 One of these letters crosses through 'I object for the following reasons' and comments whilst the development will still be overbearing, the applicant has taken steps to reduce the impact on their property.
- 3.4 One of these responses raises no objections.
4. Assessment of amended proposals
- 4.1 The outbuildings are perhaps the most significantly amended part of the proposal. These are now of a flat roof design, incorporating a Sedum roof. They have been reduced in height to 2.63 metres and have been repositioned within the plots slightly moving them off the rear and north-western boundary. Due to this overall height reduction and their relationship with adjoining neighbouring properties it is considered that the revised proposals will have no overbearing impact, nor will they lead to any loss of privacy.
- 4.2 Altering the properties to match each other, rather than create a mirror image, has resulted in plot 1 moving away from the boundary with 7 Hope Street, creating a 1.3 metre wide path between the new dwelling and this boundary. The single storey element to the rear is also moved away from this boundary and creates a gap of 1.9 metre, widening to 3.64 metres. The massing of the property moving away from No. 7 Hope Street improves the relationship with this property and reduces any amenity impact the dwelling as originally proposed may have had.
- 4.3 Altering the proposal in this way has resulted in more openings facing the boundary with this neighbour. However the first and second floor windows in the two storey part of the dwelling serve a stairway and the ground floor windows serve a hallway, W.C and utility room. Within the single storey element two high level windows and bi-fold doors serve the garden room and dining area. None of these openings are over 2.4 metres in height and would be largely screened by a 2 metre high 'permitted development' boundary treatment. It is not therefore considered that there would be any significant loss of privacy as a result of these amendments.

4.4 A reduction in depth of the property by 0.5 metres has resulted in an increased driveway length of 5.5 metres, which is in accordance with highway guidance. The amendments ensure that two vehicles can be parked clear of the highway. On street parking is not restricted on Hope Street and there would be no reason why visitors to the property could not park in front of the driveway.

5. Conclusions

5.1 Having regard to the comments made by Members at the meeting on 6th December, it is considered that the amended proposals show attempts to address the issues raised by neighbours. Making the properties identical has increased separation distance between plot 1 and 7 Hope Street and the alterations to the outbuildings has significantly reduced their height to just 0.63metres above the ‘Permitted Development’ height of a fence, with circulation space created around these structures. A reduction in the depth of the properties has also resulted in an increase in length of the driveway which will ensure that two cars per dwelling can be parking within the plot with further opportunities for on-street parking on Hope Street.

5.2 The proposal offers a sympathetic way to redevelop the site and create a net gain of 1 dwelling within the built up area of Beeston and having addressed all issues 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, received by the Local Planning Authority on 8 September 2017, the Block Plan, Site plan, outline roof plan and streetscene TC/1710/1 Rev B and Proposed outbuildings TC/1710/4 Rev B received by the Local Planning Authority on 12th January 2018 and Proposed floor plans and elevations TC/1710/3 Rev D, received by the Local Planning Authority on 15th January 2018.**

- 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/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



Legend

 Site

APPENDIX

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



Legend

 Site

Report of the Chief Executive

17/00486/FUL
CONSTRUCT WORKSHOP FOLLOWING DEMOLITION OF GARAGES
AND WORKSHOP
54A CARRFIELD AVENUE, TOTON NG9 6FB

1. Details of the application

- 1.1 The application was first brought before Planning Committee on 10 January 2018 with a recommendation for approval (original report attached as an appendix). Members deferred making a decision on the application due to concerns regarding the height of the proposed building, the proposed material of the building (pre-fabricated metal) and potential noise and disturbance which may arise from the use within a building.
- 1.2 Councillor Fletcher has also requested that, if planning permission is granted, a condition should be included requiring the applicant to erect a concrete wall between the site boundary and the rear gardens of properties on Erewash Grove. This would be to provide privacy for the occupants of the residential dwellings.
- 1.3 The applicant has considered the issues raised by the Planning Committee and has provided the following information:
- The height of the building has already been reduced (during the course of the planning application) to the minimum height possible. The Ministry of Transport have specific specifications for MOT bays and therefore it cannot be any lower than the height proposed (maximum height of 4.4m and an eaves height of 3.9m).
 - It is not possible to reposition the building any further away from the boundary with properties on Carrfield Avenue. The revised plan has already moved it further away. Any further increase will encroach upon the existing building, making it unworkable.
 - It is intended to replace the existing building with one of a similar construction. There is already fencing at the rear of the houses on Carrfield Avenue to a height of 2m. There will then be a gap before the single storey outbuilding and a further gap to the main building. To use brickwork on the main building will make it inordinately expensive and will not materially improve the outlook from Carrfield Avenue.
 - The applicant considers the issue of noise has been addressed in the application. The equipment used will be identical to all of the equipment used at present. Therefore, there will be no increase in noise levels from the site. The applicant states there have never been any noise issues in the past.
 - The fencing at the rear of the properties on Erewash Grove has been inspected by the applicant and they consider that, with the exception of the fencing bordering 20 Erewash Grove, it is in good condition. They are prepared to repair the fencing with number 20.
 - The applicant states that an MOT station in Toton would be a huge asset to serve the whole of the Toton community as there are no others in the area.

2. Conclusion

- 2.1 No amendments have been made to the proposed plans. The applicant has provided further information regarding why the proposed height is required, why the material cannot be changed and why the building cannot be moved further away from residential boundaries. The application was previously recommended for approval and it is considered that there would be no justification for altering this recommendation. The Council's Environmental Health Department stated no objection subject to a condition restricting the hours of operation. It is recommended that the conditions included within the Planning Inspector's decision should be repeated to ensure the hours are restricted, car body repairs do not take place and the external areas are not used for storage.
- 2.2 With regards to the provision of a new concrete wall alongside the boundary with Erewash Grove, the applicant has stated that the majority of the existing fencing is in a good condition, with the exception of a section bordering number 20. Notwithstanding this, it is considered that a condition should be included requiring details of the boundary treatment along the west boundary to be submitted and approved by the Council prior to the new building being brought into use. This is to ensure that there is sufficient screening and privacy provided between the site and the neighbouring residential properties.

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 received by the Local Planning Authority on 6 July 2017 and the amended drawings: Front Elevation; Front, Rear, East side, and West side Elevation; and Block Plan of Area; received by the Local Planning Authority on 1st December 2017.**
- 3. The workshop building hereby approved shall not be brought into use until details, including any repair works, of the west boundary treatment have been submitted to and agreed in writing by the Local Planning Authority. The works shall take place in accordance with the approved details.**
- 4. No commercial activities, including car repairs and MOT testing, shall take place except between 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday and at no time on Sundays, Bank Holidays and public holidays.**
- 5. No body repairs work or paint spraying shall take place on the site.**
- 6. The open areas of the site shall not be used for the storage of goods, equipment or materials.**

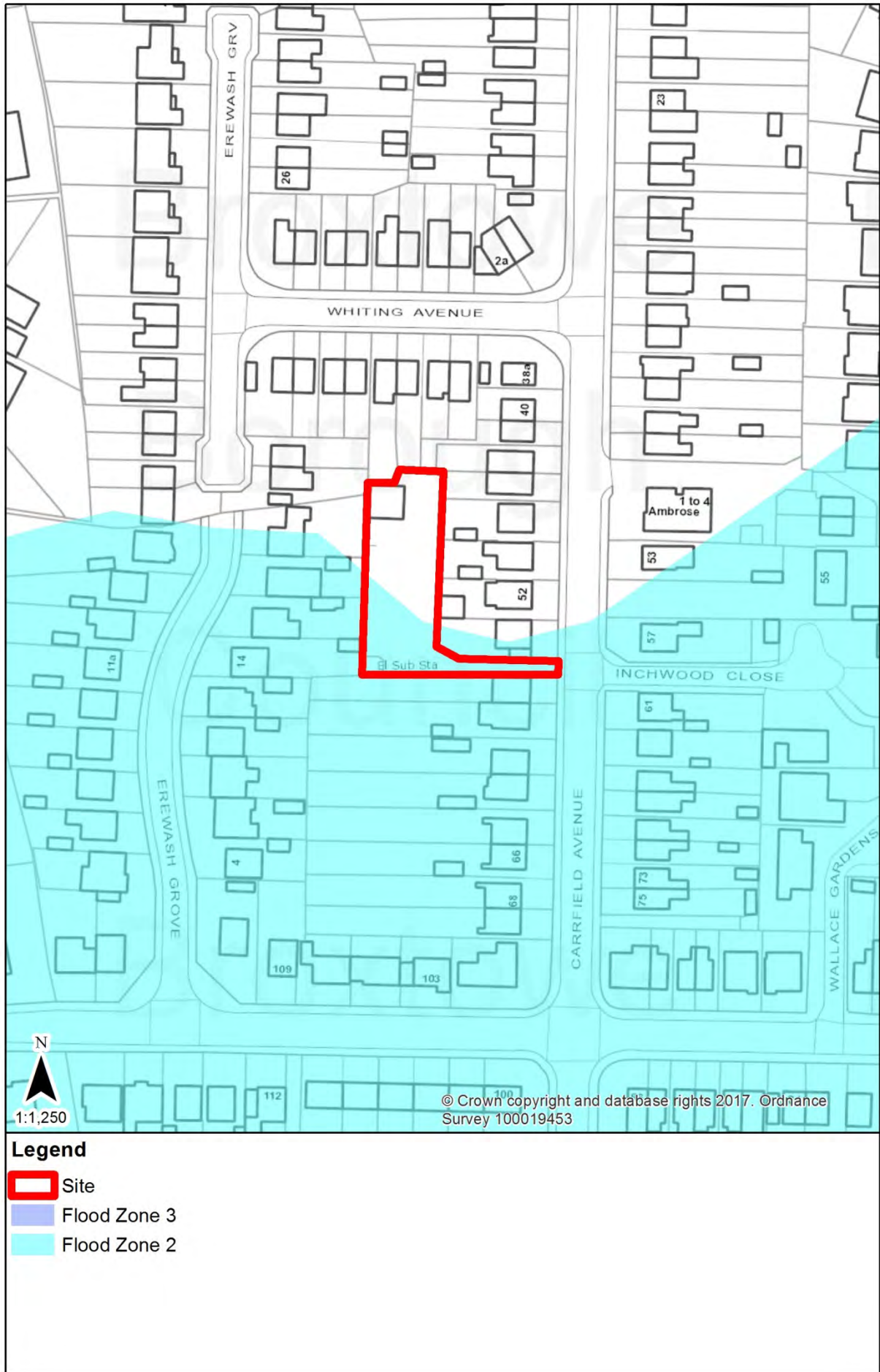
Reasons:

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. Insufficient details were included with the application and to provide sufficient screening to neighbouring properties to prevent a loss of privacy occurring. This is in accordance with the aims of Policy H8 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).**
- 4. 5. & 6. In the interests of neighbouring residential amenity and in accordance with the aims of Policy H8 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).**

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 seeking amendments to make the proposed development acceptable.

Background papers
Application case file



APPENDIX

Report of the Chief Executive

17/00486/FUL
CONSTRUCT WORKSHOP FOLLOWING DEMOLITION OF GARAGES
AND WORKSHOP
54A CARRFIELD AVENUE, TONON NG9 6FB

Councillor L Fletcher has requested this application be determined by Committee.

1 Details of the application

- 1.1 The application seeks permission to construct a workshop. The workshop will be used for car repairs and MOT testing and would be a metal pre-fabricated building. The site is already used for car repairs. An existing workshop and garage will be demolished.
- 1.2 The main part of the proposed workshop will have a height of 4.4m, an eaves height of 3.9m and would be 10m in width and 13.5m in length. A smaller section would be attached to the side of the main workshop which would have a lean-to roof with a height of 2.7m. The smaller section would be set 0.75m from the rear boundaries of properties on Carrfield Avenue. The main part of the workshop would be 2.25m from this boundary and 3.75m from the boundary with properties on Erewash Grove.
- 1.3 During the course of the application two sets of amended plans have been submitted. The original plans proposed a workshop building with a height of 5.3m, an eaves height of 4m and a buffer from the boundary of 0.8m (to the main workshop building). The first set of amended plans increased the buffer and amended the height of the workshop. Further amendments were subsequently requested.

2 Site and surroundings

- 2.1 The site is currently in use for car vehicle repairs. There are a number of existing workshops and garages within the site. The largest is a brick building situated in the north west corner of the site. The other buildings, which fill the north east corner of the site, are small, single storey metal garages or workshop buildings with metal corrugated roofs. The southern part of the site is currently predominantly open and used for vehicle parking.
- 2.2 The site is accessed from a narrow drive between 54 and 56 Carrfield Avenue. It is surrounded by residential properties to all sides. There is a line of conifers along the west boundary with the residential gardens of properties on Erewash Grove beyond. The existing buildings are built up to the east boundary with a fence providing the boundary with the residential properties on Carrfield Avenue. There is an electricity substation in the south west corner of the site.

- 2.3 Part of the site lies in Flood Zone 2 (medium probability of flooding). However, the part of the site where the building is proposed lies in Flood Zone 1 (low probability of flooding).



3 Relevant planning history

- 3.1 Planning permission was granted in 1963 for eighteen timber garages (63/00445/FUL). An additional two garages were granted planning permission in 1964 (63/00861/FUL).
- 3.2 In 1987 planning permission was granted to construct a bungalow and garage (87/00414/FUL). A garage was subsequently constructed in the north west corner of the site but this did not form part of this planning permission. The bungalow was not built.
- 3.3 An enforcement notice was issued on 22 November 1994 stating that there was a breach of planning control in respect of a change of use of the land and garage buildings from residential use to use for vehicle repair and servicing business. The enforcement notice was appealed and, following an Inquiry, was successfully quashed. The decision allowed for the site, including the brick garage and other garage buildings, to be used for a vehicle repair and servicing business subject to conditions which included restricting the hours of use to between 08:00 to 18:00 Mondays to Fridays, 08:00 to 13:00 Saturdays and at no times on Sundays or Bank Holidays; restricting the open areas from being used as storage; and stating that no body work, repairs or paint spraying should be undertaken at the appeal site whether outside or inside the buildings. It should be noted that this condition specifically relates to preventing body repair works rather than general vehicle repair works.

4 Policy context

4.1 National policy

- 4.1.1 The National Planning Policy Framework (NPPF) March 2012, contains a general presumption in favour of sustainable development whereby planning permission should be granted for proposals that accord with the development plan without delay. Paragraph 9 states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment including (but not limited to): making it easier for jobs to be created

in cities, towns and villages; and replacing poor design with better design. Paragraph 20 states that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

4.1.2 Section 7 of the National Planning Policy Framework (NPPF) outlines the importance of good design. Paragraph 57 highlights the importance of planning positively to achieve high quality and inclusive design for all development.

4.2 Broxtowe Aligned Core Strategy (2014)

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

4.3 Broxtowe Local Plan (2004)

4.3.1 The Part 2 Local Plan is currently under preparation (see paragraph 4.4.1). Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:

4.3.2 Policy E34 ‘Control of Noise Nuisance’ states that planning permission will not be granted for development if the noise created would expose occupants of housing or other noise sensitive uses to significant noise disturbance.

4.3.3 Policy H8 ‘Businesses in Residential Areas and Properties’ states that business activities in residential properties will be permitted where the residential amenity of neighbouring properties is not adversely affected; appropriate provision is made for vehicle parking and highway safety; and the residential character of the area is not adversely affected.

4.3.4 Policy T11 ‘Guidance for Parking Provision’ requires satisfactory provision of vehicle parking and servicing in accordance with the latest standards.

4.4 Part 2 Local Plan (Draft)

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. Consultation on the draft plan occurred between 18 September and 3 November 2017. The consultation comments are currently being considered and only limited weight can be attached to the policy outlined below.

4.4.2 Policy 17: ‘Place-making, design and amenity’ sets out the best practice guidance and standards for design, sustainability and place making. This includes assessing if the development integrates into its surroundings and ensuring a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.

5 Consultations

- 5.1 Nottinghamshire County Council as Highways Authority states no objection.
- 5.2 The Council’s Environmental Health Department states no objection subject to the premises only being used 08:00 – 18:00 Monday to Friday, 08:00 – 12:30 Saturday, and at no time on Sundays, Bank Holidays and other public holidays.
- 5.3 As outlined in paragraph 1.3, two sets of amended plans have been submitted during the course of the application. Neighbouring properties have been consulted following the submission of each set of amended plans. In respect of the original plans three letters of support and four letters of objection were received. In respect of the first set of amended plans, one letter of support and six objections were received. In respect of the second set of amended plans, two letters in support and three letters of objection were received.
- 5.4 The objections can be summarised as follows:

Design and Amenity

- The design is not in keeping with surrounding residential properties.
- The building is too high.
- Increased sense of enclosure.
- There will be a loss of light and loss of view to existing residential properties.
- The amendments have not overcome the design and amenity issues previously expressed.

Proposed Use

- No works should take place in external areas.
- Increased commercial activity within a residential area.
- It will result in increased noise, pollution and waste.
- There will be increased fire risk which should be assessed by the fire service.
- This is not a suitable location for this use (particularly MOT testing).
- Queries regarding the number of MOTs which would be undertaken.

Parking

- It will create more traffic and parking on residential streets.

Other Issues

- There will be an impact on the drains.
- There are inaccuracies within the planning application form and on the submitted plans (particularly in respect of the distance to boundaries).
- A Health and Safety Assessment should be conducted.
- The boundary treatment with properties on Erewash Grove should be replaced by a brick wall.
- The trees need to be regularly maintained.

- The development would potentially breach the Humans Rights Act.
- The distance to the boundaries needs to be checked.

6 Appraisal

6.1 The main issues relate to whether the proposed workshop is acceptable in terms of design, if there would be an unacceptable impact to the occupiers of neighbouring properties and if it would give rise to increased environmental impacts.

6.2 **Principle**

6.2.1 Motor vehicle repairs (Use Class B2 'General Industry') is the existing use of the site. MOT testing can take place as part of this use. Whilst an enlarged building may allow for an intensification of the use on the site, vehicle repairs (provided they do not relate to body works) could already take place in external areas of the site. The proposed building would provide a contained space in which vehicle repairs and MOT testing could take place. Due to the existing use, provided the conditions regarding hours of operation and the prevention of vehicle body repair work being carried out are repeated, it is considered that the principle of an additional building associated with the use would be acceptable. The hour restrictions would be in accordance with those currently in place and are required to prevent nuisance and noise occurring outside of normal working hours and for only a limited period on Saturdays. The only difference from the hours recommended by the Council's Environmental Health team is that the use could operate until 13:00 hours on Saturdays rather than the 12:30 hours recommended by Environmental Health. There is an existing condition which prevents the use of open areas of the site from being used for storage. From the site visit, it was noted that some parts of the site are being used for storage of materials. It is considered reasonable to repeat the condition to ensure that materials are not stored in the open areas, particularly as a new workshop would provide additional space. This will improve the appearance of the site and also reduce potential noise, disturbance or loss of outlook for neighbours.

6.3 **Design**

6.3.1 An existing workshop and garage would be replaced and there is no objection to the removal of these buildings. The site is screened from the surrounding streets by the residential properties but is commercial in character. The site has been used for car repairs since at least the 1980s (as identified within the Inspector's decision referred to in paragraph 3.3). It is considered that the proposed building would not change the character of the site and would be in keeping with the other workshop buildings on the site. The size of the building has been reduced during the course of the application to reduce the visual prominence when viewed within the site and alongside the existing buildings. It is considered that, as the site is not prominent from public viewpoints and due to the existing character of the site, the proposed workshop would be acceptable in terms of design and would accord with Policy 10 of the Broxtowe Aligned Core Strategy. Due to the location, it is considered a condition in respect of materials is not required.

6.4 Amenity

- 6.4.1 The site is surrounded by residential properties. To the north there are properties on Whiting Avenue, to the west properties on Erewash Grove and to the east and south properties on Carrfield Avenue. The existing outlook from properties on Carrfield Avenue is towards a commercial site which contains various garages. The proposed workshop would be higher and would have a larger footprint than the buildings to be replaced. It is accepted that there would be a change of outlook, particularly from 50 Carrfield Avenue and also, but to a lesser extent, from 48 and 52 Carrfield Avenue. However, following the incorporation of the buffer to the largest part of the proposed workshop, following the reduction in the height of the roof and as the roof would slope away from the boundary, it is considered that the proposed development would not be of a scale which would be overbearing, result in a sense of enclosure or cause unacceptable overshadowing to the neighbouring properties. There is a query regarding the distance stated on the plans. The new building would have to be constructed in accordance with the proposed plans which will include the 0.75m buffer to the smaller section of the building and a 2.25m distance to the main workshop.
- 6.4.2 There would be a distance of 3.75m from the side of the workshop to the boundary with 18 and 20 Erewash Grove. There is a line of conifers alongside this boundary which currently provides some level of screening but it is noted that these could be removed in the future. 20 Erewash Grove has a garden length of approximately 14m. 18 Erewash Grove has a smaller garden due to the construction of a rear extension. It is considered though that there is a sufficient buffer between the new workshop and the rear of these properties to prevent a loss of amenity occurring, either through overshadowing or from the building being overbearing. The occupier of number 20 has requested that a brick wall is constructed alongside the boundary but it is considered that this would not be necessary to make the development acceptable and therefore could not be conditioned as part of this permission. It is considered that other properties will be a sufficient distance from the workshop to not be unacceptably affected.

6.5 Other Issues

- 6.5.1 A number of other issues not discussed above have been raised by neighbours. With regards to fire risk, this is an existing use which will have to adhere to the relevant fire safety regulations. The fire safety of the proposed building would be assessed under Building Regulations. Drainage for a development of this scale would also be an issue assessed at Building Regulations stage. Due to the existing lawful planning use of the site, which would allow for MOT testing, it is considered that it would not be reasonable or enforceable to restrict the number of MOT tests conducted at the site. Health and Safety is not a planning issue in respect of this application and is controlled by separate legislation. The maintenance of the conifers would also not be an issue for this application. It is considered that sufficient information is contained within the application to allow it to be accurately assessed.

6.5.2 Due regard has been given to the Human Right Act and a careful assessment has been undertaken in respect of the impact of the development on the amenity of neighbouring properties.

6.5.3 Concerns have been raised regarding parking and that the potential intensification of the use may result in additional parking on residential streets. However, the Highways Authority has raised no objection and it is noted that there is space within the site for parking vehicles associated with the use. This is an existing use and the application relates to an additional building. Therefore, it would not be reasonable to restrict or control parking associated with the use.

7 Summary

7.1 It is considered that, following the submission of revised plans, the proposed workshop would be acceptable. Conditions included within the Planning Inspector’s decision should be repeated to ensure the hours are restricted, car body repairs do not take place and the external areas are not used for storage. Based on the above, it is considered that the application does not conflict with policies contained within the Broxtowe Local Plan or the Broxtowe Aligned Core Strategy and would be in accordance with the National Planning Policy Framework.

Recommendation

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Site Location Plan received by the Local Planning Authority on 6 July 2017 and the amended drawings: Front Elevation; Front, Rear, East side, and West side Elevation; and Block Plan of Area; received by the Local Planning Authority on 1 December 2017.**
- 3. No commercial activities, including car repairs and MOT testing, shall take place except between 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday and at no time on Sundays, Bank Holidays and public holidays.**
- 4. No body repairs work or paint spraying shall take place on the site.**
- 5. The open areas of the site shall not be used for the storage of goods, equipment or materials.**

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.**

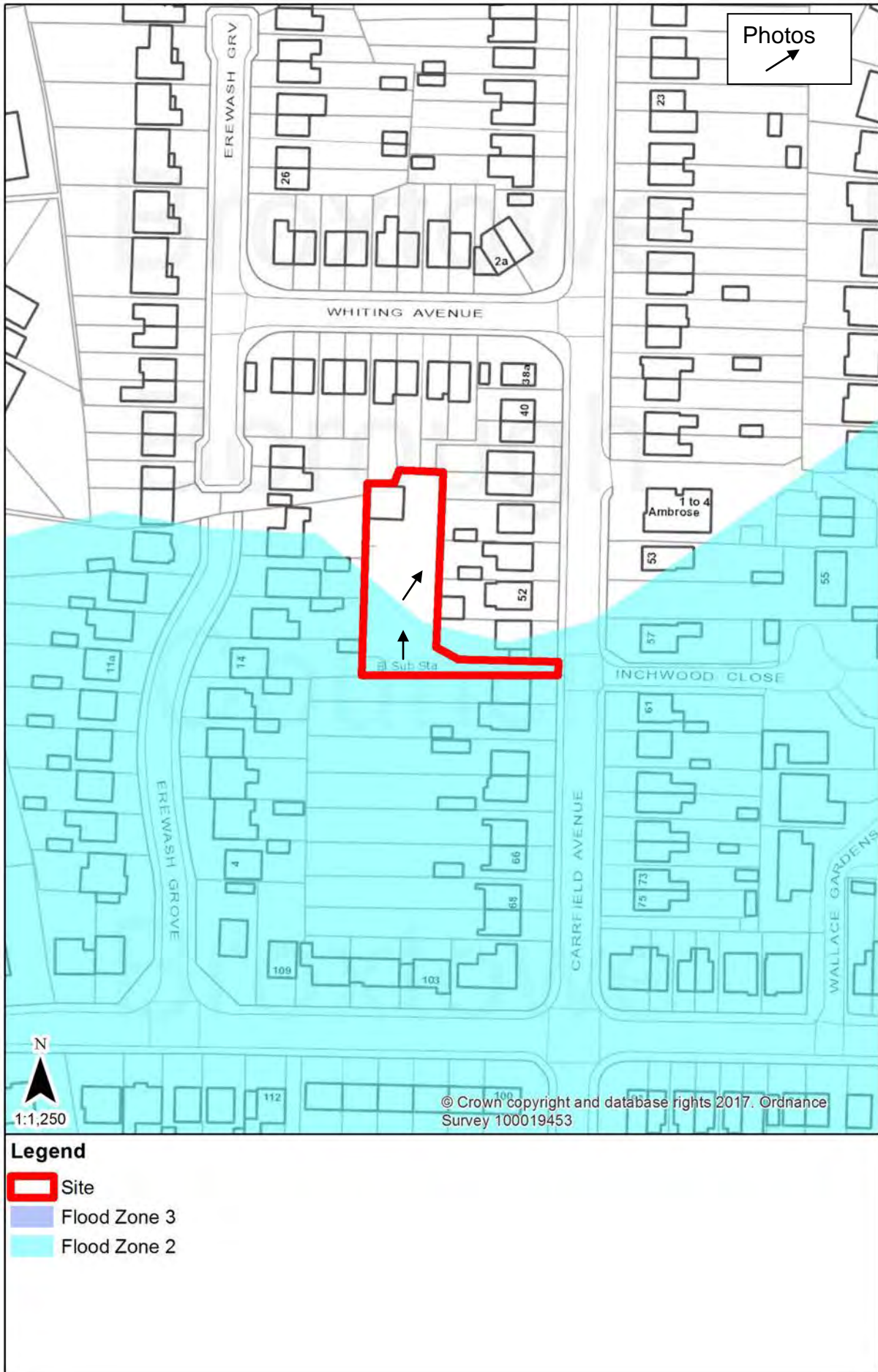
3, 4, & 5. In the interests of neighbouring residential amenity and in accordance with the aims of Policy H8 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

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 seeking amendments to make the proposed development acceptable.

Background papers

Application case file



Report of the Chief Executive

**17/00769/FUL
CONSTRUCT 4 UNITS (CLASS A1-5), CAR WASH, TYRE SERVICE
AREA AND RETAIL POD
MORRISONS, KELHAM WAY, EASTWOOD NG16 3SG****1. Reason for report**

- 1.1 This report relates to a planning application which was deferred at the Planning Committee on 10 January 2018. Members were concerned with the impact of the proposal on the vitality and viability of Eastwood Town Centre. Concern was also raised in relation to the level of parking provision on site.
- 1.2 Officers were asked to look into each of these areas of concern and report back to Committee with a more detailed assessment of each.
- 1.3 The original report to the Planning Committee on 10 January is attached as an appendix to this report.

2 Impact on the vitality and viability of Eastwood Town Centre

- 2.1 Section 70(2) of the Town and Country Planning Act 1990 states that planning decisions must be taken in accordance with the policies contained within the development plan unless there are material considerations that indicate otherwise. The NPPF stresses the importance of having a planning system that is genuinely plan-led. Where a proposal accords with an up-to-date development plan it should be approved without delay, as required at paragraph 14 of the NPPF. Where the development plan is absent, silent or the relevant policies are out of date the same paragraph requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.
- 2.2 Saved Policy S1 – Shopping and associated uses within town centres of the Broxtowe Local Plan (2004) identifies the application site as falling within Eastwood Town Centre. Policy 6 – Role of town and local centres of the Aligned Core Strategy (2014) identifies Eastwood as a ‘district centre’ in the hierarchy of retail centres and suggests this should be promoted as such.
- 2.3 Policy 10 – Town centre and district centre uses of the Draft Part 2 Local Plan constricts the boundaries of Eastwood Town Centre, removing the application site from this designated area whilst Policy 12 – Edge of centre A1 retail in Eastwood advises when extra Class A1 retail at the site may be acceptable, provided it enhances links to the town centre and doesn’t have an adverse impact on its vitality and viability.
- 2.4 The Part 2 Local Plan includes site allocations and specific development management policies. Consultation on the draft plan occurred between 18 September and 3 November 2017. The consultation comments are currently being considered. No final plan has been presented or approved by the

Council to date and the plan has not been submitted to or approved by the Inspector. In light of the relatively early stage this plan is currently at only limited weight can be attached to this Policy. A decision on the application should therefore have regard to the Saved Local Plan Policy S1, and be taken in accordance with this.

- 2.5 There is case law which demonstrates this to be the case namely *George Akins (Bookmakers) Ltd. Vs Gedling Borough* (APP/N3020/A/01/1074469), a copy of the appeal decision is available in the members' room and on the application file.
- 2.6 In summary, Gedling Borough Council were in a similar position in regard to their plan preparation, consultations on a draft plan had been undertaken and they were in the process of reviewing comments received. Their plan had not been submitted to the Inspector for examination, however they were of the view that the draft policies were sufficiently formed so as to carry significant weight in the determination of a development and subsequently refused the application. The Inspector determined that the draft policies were just that and should be afforded little weight. She also concluded that the appeal proposal was consistent with the draft Local Plan in any event. The appeal was allowed and costs were awarded to the appellants.
- 2.7 Whilst the Inspector determined the appeal in 2002 the principle of the case is still relevant in the determination of this application; draft policies at this stage of the process carry very little weight in the determination of planning applications.

3 Parking

- 3.1 In response to the concerns Members raised in relation to parking levels the Highways Officer at Nottinghamshire County Council was asked to review the information submitted and address the concerns of the Committee. They comment that:
- The agent has correctly applied the policy compliant formula for parking spaces required (1 space per 14m²)
 - Queuing (if there is any) would be contained within the site.
 - The site is a town centre location with car parks within walking distance, including opposite the site.
 - Traffic Regulation Orders surrounding the site means there would be no issues with parking.
- 3.2 The Highways Officer visited the site on a Wednesday, the Planning Officer on a Tuesday lunchtime (both in the run up to the festive period) and the Head of Neighbourhoods and Prosperity visited the site mid-afternoon on a Friday in January and on Saturday at midday. The car park was underused on all occasions and no queuing was observed. A detailed count was undertaken on Saturday, 27 January 2018 and 229 spaces were available at that time.

3.3 The application site is located in a sustainable town centre location which is well served by public transport and parking provision. Whilst the development may result in some 'new' trips it is highly likely that rather than wholly new journeys being made to visit the proposed developments, linked trips will occur. Whilst this may increase dwell time which will have knock on effects on parking levels (as people wont vacate their parking space as frequently) it is not considered that the proposal would generate significant traffic which could not be satisfied by the proposed parking levels within the site, or within the other town centre public car parks.

4 Conclusions

4.1 As previously advised competition is not a material planning consideration. Whilst the emerging Policy removes this site from the town centre, this currently carries little weight in the determination of the application as it has not yet been submitted to, or considered by the Inspector. Consequently the relevant Local Plan Policy identifies the site as within Eastwood Town Centre, it is considered that the proposals are largely in accordance with this.

4.2 As identified within the supporting information submitted with the application and supported by officers observations during site visits it is considered that the proposal will be adequately served by the remaining car parking provision on site. In addition to this the site is located within a sustainable town centre location which is served by public transport links and alternative public car parks, consequently the recommendation to Committee remains unchanged.

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 PL_01 Rev B, received by the Local Planning Authority on 31st October and drawings numbered PL_06 Rev A, PL_05 Rev A, PL_04 Rev A, PL_07 Rev A and PL_03 Rev E, received by the Local Planning Authority on 3rd November 2017.**
- 3. No above ground construction works on the structures hereby approved shall commence until samples and full details of all external facing materials 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 part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas have been surfaced in a hard bound material and individual parking spaces have been clearly marked out in accordance with the drawing numbered PL_03 Rev E. The parking, turning and servicing areas shall be maintained in the hard bound material for the life of the development and shall not be used for any purpose other than for parking, turning and loading and unloading of vehicles.
5. No part of the development hereby approved shall be commenced until an investigative survey of the site has been undertaken to confirm coal mining conditions and a report has been submitted to and approved by the Local Planning Authority. The report shall include details of any necessary remedial measures to be undertaken to address any areas of shallow mine workings or other problems identified through this survey and these measures shall be implemented prior to the commencement of the development.

Reasons:

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. 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 works is avoided, if unacceptable materials are used.
4. In the interests of highway safety.
5. No such details have been submitted and in the interests of public health and safety. The requirement is to be satisfied before new construction begins in order that any land stability issues are identified and any necessary remedial measures are put in place.

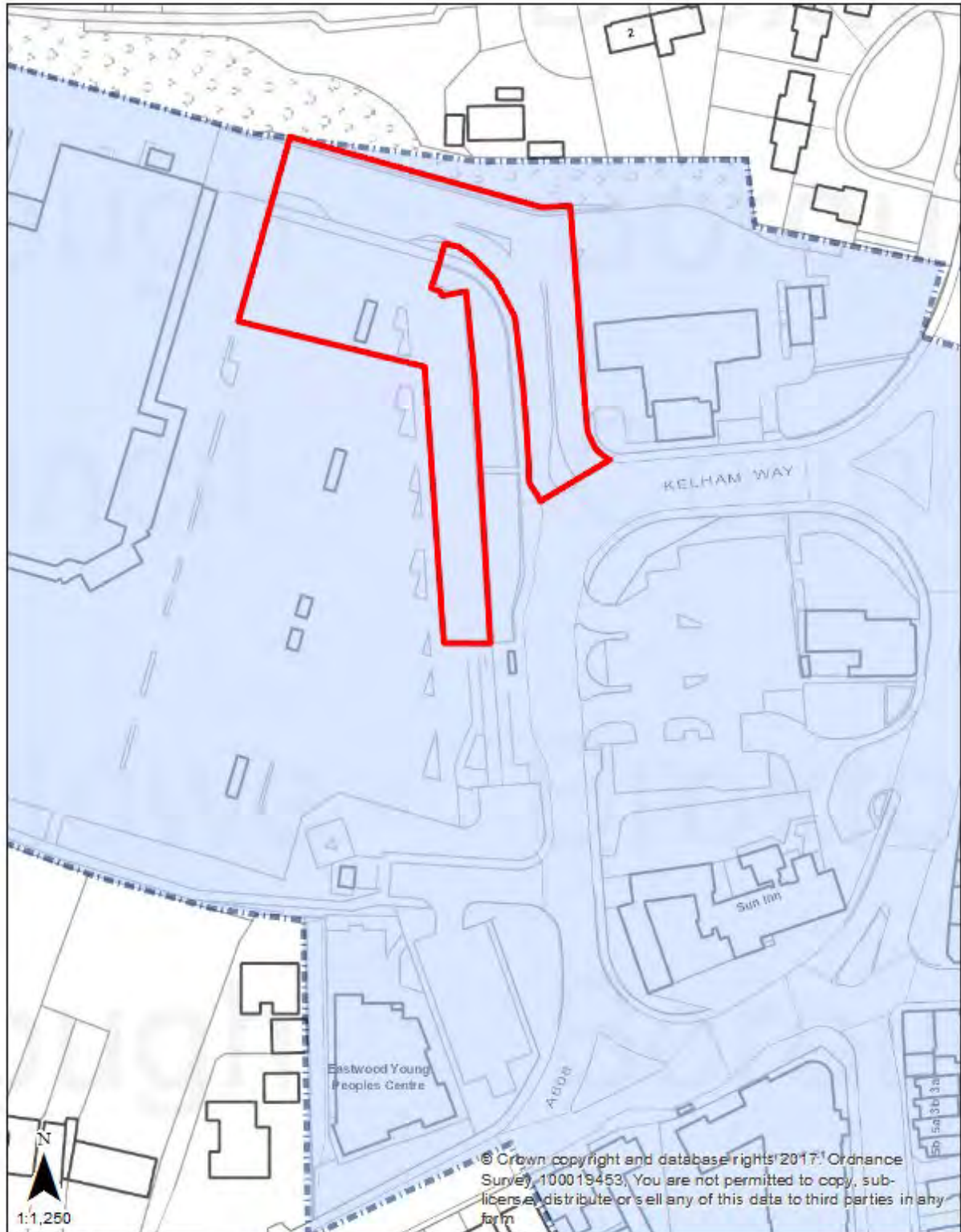
Notes to applicant:

1. The decision has been reached taking into account the guidance in paragraphs 186-187 of the National Planning Policy Framework (NPPF) 2012. The Council has worked proactively to engage directly with the developer at the earliest opportunity to request further information to help understand the design rationale and layout of the scheme.



2. **The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com**

Background papers

Application case file



Legend

-  Site
-  Town centre

APPENDIX 1

Report of the Chief Executive

**17/00769/FUL
CONSTRUCT 4 RETAIL UNITS, CAR WASH, TYRE SERVICE
AREA AND RETAIL POD
MORRISONS, KELHAM WAY, EASTWOOD,
NOTTINGHAMSHIRE NG16 3SG**

1. Details of the application
 - 1.1 The application seeks planning permission to construct a terrace of 4 retail units with consent for any Class A (shops, banks, cafes, bars, take aways etc), or mix of Class A retail uses. The units would be of equal size measuring 92.9 m² and each have a shop frontage and rear access door to their own bin storage area.
 - 1.2 A hand car wash containing a cabin measuring 12.5 m², a canopy measuring 3.16 metres in height to support a 'dry area' and a 'wet area' 11.5 metres in length is also proposed towards the eastern boundary of the wider Morrisons site. The wet and dry areas will be screened to the east by a 1.7 metre high screen.
 - 1.3 A unit offering a tyre fitting service is also proposed. This will measure 16.2m in length by 4.4m in width and will consist of an enclosed store area at each end, with a canopy between the two with a maximum height of 3.26m. The area will again be enclosed to the east with a low (1.2 metre high) fence.
 - 1.4 Adjacent to this a retail 'pod' is proposed with a total area of 14.8 m² (6.5 metres in length x 2.65 metres in width). The shop frontage of the unit will face into the car park.
 - 1.5 The proposals will result in the relocation of the recycling facility at the site and the loss of 63 car parking spaces with 372 spaces to remain.
 - 1.6 A Design and Access Statement, Transport Statement and Coal Mining Risk Assessment have been submitted in support of the application.
2. Site and surroundings
 - 2.1 The site lies to the north west of Nottingham Road the main arterial route through Eastwood. It measures 0.29 hectares and currently forms part of the surface level car park and a recycling facility at Morrisons Superstore. The site is located within Eastwood town centre, as defined within the Broxtowe Local Plan 2004, with the remainder of the centre and the prime shopping frontage being to the south east of the site.



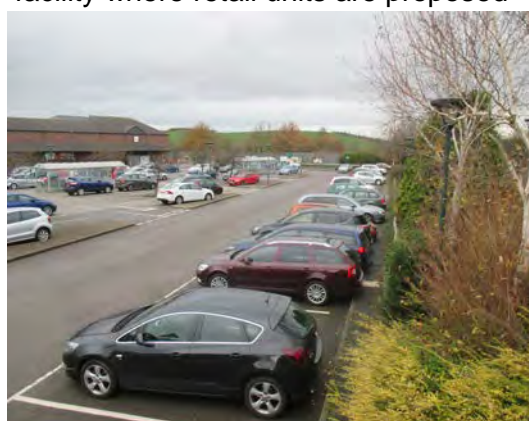
View north-west towards car park Entrance from Kelham Way



View north showing existing recycling facility where retail units are proposed



View towards the east where hand car wash and tyre unit are proposed



View in a north-westerly direction from Kelham Way

- 2.2 Immediately to the east is the petrol filling station and existing car wash, within the ownership of Morrisons. Beyond this are the retail premises on Mansfield Road and a number of residential properties to the north east.
- 2.3 To the north is Hall Park and the access road to Hall Park Academy, which is located beyond the Morrisons building to the west. To the south east is the Council's public car park and the Sun Inn and to the south and south west there is the youth centre and residential properties on the edge of the town centre.
- 2.4 The character of the area is largely mixed, due to its location towards the boundary of the town centre, with buildings in retail, residential, community and educational uses being located in close proximity.

3. Relevant planning history

- 3.1 Planning permission was granted in November 1991 for a 49,500 sq.ft. retail unit with car parking (91/00655/FUL).
- 3.2 Since the store was built there have been numerous applications for extensions to both the retail and warehousing areas of the store under

the following reference numbers; 96/00551/FUL, 97/00032/FUL, 03/00189/FUL, 06/00221/FUL and 07/00431/FUL.

4. Policy context

4.1 Broxtowe Aligned Core Strategy:

4.1.1 The Broxtowe Aligned Core Strategy was adopted in September 2014 and forms Part 1 of the Local Plan to replace the 2004 Local Plan.

4.1.2 Policy 6 'Role of Town and Local Centres' states that main town centre uses should be located in centres. Proposals for edge of centre and out of centre sites should satisfy the sequential test and show how the development will not have a severe adverse impact on any centre.

4.1.3 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.

4.1.4 Policy 14 'Managing Travel Demand' states that the need to travel by private car should be reduced by locating developments in the most accessible locations.

4.2 Broxtowe Local Plan (2004)

4.2.1 Saved Policy K4 'Town Centres' states that the role of Eastwood town centre as the focus for shopping, employment, social, community and leisure facilities will be enhanced through provision of appropriate new development, protection of character and townscape, improvements to accessibility and safeguarding the function of the prime shopping frontage.

4.2.2 Saved Policy E34 'Control of Noise Nuisance' states that planning permission will not be granted for development if it would create significant noise disturbance even with mitigation measures.

4.2.3 Saved Policy T11 'Guidance for Parking Provision' states that planning permission will not be granted for new development unless appropriate provision is made for vehicle parking.

4.2.4 Saved Policy S1 'Shopping and Associated Uses within Town Centres' states that within the four defined town centres permission will be granted for the creation, redevelopment or expansions of shops, financial and professional services and food and drink uses providing they do not have an unacceptable impact on neighbouring uses or the vitality and viability of the town centre.

4.2.5 Saved Policy S8 'Shopfront Design' states that new shopfronts will be permitted provided that they relate well to the design of the building, are in keeping with the frontage as a whole and contribute towards the maintenance or enhancement of the appearance of the area.

4.3 National Policy:

- 4.3.1 The National Planning Policy Framework (NPPF) March 2012 contains a general presumption in favour of sustainable development whereby planning permission should be granted for development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date planning permission should be granted unless any adverse impacts of permitting the development significantly and demonstrably outweigh the benefits, or specific policies in the framework indicate development should be restricted. 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, the natural environment should be conserved and enhanced, developments should be located in sustainable locations, effective use of brownfield land should be made and sufficient community and cultural facilities and services should be delivered to meet local needs.
- 4.3.2 In relation to assessing the highway impacts of a proposal, paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe.
- 4.3.3 Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people.

4.4 Part 2 Local Plan

- 4.4.1 The Part 2 Local Plan is still in its draft form. The period of public consultation on the document has now finished; however it is yet to be submitted to the Inspector in its final format. In light of this, only limited weight can be attached to the emerging policies.
- 4.4.2 Policy 10 'Town Centre and District Centre Uses' redefines the town centre boundaries and removes the Morrisons site from the town centre. The policy promotes Class A1 uses and sets percentages for the acceptability of other town centre uses.
- 4.4.3 Policy 12 'Edge-of-Centre A1 Retail' in Eastwood states permission will be granted for limited alterations and extensions to the retail area currently in use as Morrisons, provided it enhances links to the main district centre and does not result in adverse impact on the vitality and viability of this area.
- 4.4.4 Policy 17: 'Place-making, design and amenity' states that permission will be granted for development which integrates into its surroundings, has good access to public transport, provides sufficient parking,

enables convenient use by people with limited mobility and does not prejudice the satisfactory development of a wider area.

4.4.5 Policy 18 'Shopfronts, signage and security measures' states that permission will be granted for new shopfronts where they relate well to the building concerned and are in character with the surrounding area.

4.4.6 Policy 21 'Unstable Land' states that permission will only be granted in 'Development High Risk Areas' where it is demonstrated that the site is, or can be made safe and stable.

5. Consultations

5.1 The Coal Authority raised a 'substantive concern' to the proposals as originally submitted as whilst the Coal Mining Risk Assessment Report has been informed by appropriate information and makes recommendations for investigations of mine entries and shallow mine workings, the report fails to identify surface mining operations which took place which may inform the proposed recommendations further.

5.2 The applicants are in discussions with the Coal Authority to remove their objections and an update on this will be provided at the meeting.

5.3 Nottinghamshire County Council as Highways Authority comment that taking into consideration the information provided in the Transport Statement, which shows that the remaining car parking will be able to operate successfully, they have no objections.

5.4 Eastwood Town Council object to the proposals on the following grounds:

- Over intensification of car washes and tyre fitting premises in the area already 3 (4 including Morrisons) within a ½ mile radius and 7 tyre places within a mile radius.
- Queuing/waiting time to have the cars washed could be an issue.
- Depending on what types of retail units are going to be situated at Morrisons this could have a detrimental effect on the Eastwood high street (Nottingham Road).

5.5 A site notice was posted on Kelham Way and the owners of seven adjoining properties were consulted on the application. One letter of objection has been received. This comments that:

- There is an existing car wash facility on the site.
- Through traffic would be problematic and difficult to manage.
- Pedestrians would be at risk.
- The car park struggles to cope with demand already.
- The proposal would deter people from shopping at Morrisons.
- Better located at Mushroom Farm/Giltbrook retail park.

6. Appraisal

6.1 The main issues to consider as part of this planning application relate to whether the proposed uses are acceptable in this location, if the proposed structures achieve an acceptable standard of design, if there will be any loss of amenity to existing neighbouring properties and whether satisfactory car parking provision is maintained for Morrison's and provided for the new proposals.

6.2 Principle of use

6.2.1 The current local plan policies identify the site as falling within Eastwood town centre. The proposal relates to both retail (the retail units, 'pod' and tyre fitting service) and a sui generis use (car wash).

6.2.2 National policy states that Local Plan Policy should promote competitive town centres that provide customer choice and a diverse retail offer.

6.2.3 Local retail policies state that main town centre uses should be located in town centres. Development should be appropriate in scale and nature to the role and function of the centre and should not have an unacceptable impact on neighbouring uses or the vitality and viability of the town centre.

6.2.4 Eastwood town centre is identified as a district centre in the Aligned Core Strategy. It serves a local retail need and therefore the scale of retail development in the area is largely small scale convenience provision, which the development proposes.

6.2.5 The car wash, whilst classed as a sui generis use, has many similar characteristics of retail provision, being a service which visiting members of the public can reasonably expect to gain access to without the need for an appointment. A car wash is not uncommon in town centres and this location within an existing car park seems an acceptable location for them.

6.2.6 Existing premises which offer the same service has been raised as an objection to the proposal. Competition is not a material planning consideration. Lots of similar uses co-exist in town centres and it is not the role of the planning system to become involved in market factors and protect existing businesses by limiting competition.

6.2.7 Whilst the Draft Local Plan Part 2 seeks to 'contract' Eastwood town centre at Policy 10, removing the Morrison site this is not at a sufficiently advanced stage to have any significant weight on the bearing of this application. In any event Policy 12 of the same document allows limited alterations and extensions to the retail area of this site provided it enhances links to the main district centre and does not result in adverse impact on its vitality and viability.

- 6.2.8 It is acknowledged that the units are located a significant distance away from the pedestrian link into Eastwood town centre. The applicant has provided an amended plan which shows a new crossing facility towards the west of the proposed retail terrace to aid safe crossing of the car park. The location of the proposal within the car park was raised with the applicant's agent who has advised that the development is proposed in this location to ensure that the primary parking area, access and pedestrian link to the store and town centre is retained and so that the units create a visible active frontage from Kelham Way.
- 6.2.9 Whilst limited crossing points through the car park are not ideal, it is considered that pedestrian movements through the car park are not uncommon and occur frequently without any significant issues; moving vehicles should be doing so at slow speeds with caution and pedestrians should be aware that there will be vehicles manoeuvring. From officer observations this area of the car park is also used much less frequently by shoppers parking their cars.
- 6.2.10 Having regard to the above it would therefore appear that the principle of the development is acceptable in this location.

6.3 Design

- 6.3.1 Policy 10 'Design and Enhancing Local Identity' of the Broxtowe Aligned Core Strategy sets design and layout principles to be applied to new development and looks to ensure that valued local characteristics are reinforced.
- 6.3.2 The retail terrace is a relatively modest structure of a simple design and massing. The frontages are proposed to be largely glazed at the lower street level, which will provide an active frontage and the upper area of the building will be brick clad, with aluminium panels defining each unit and panelling will be used on the side of the structure.
- 6.3.3 It has a more contemporary appearance than the Morrisons store, with a slightly angled flat roof design and an oversailing roof canopy to the front. However their scale and use of brick cladding will ensure that they are acceptable additions within the site and wider town centre.
- 6.3.4 Their rear elevation will be visible at the entrance to the site and whilst they offer a more functional elevation it is considered that the design is appropriate to its surroundings.
- 6.3.5 Similarly the scale and design of the car wash, tyre centre and retail pods are typical of this form of development. They are low level, simple structures using panels and polyester colour coating. Their design and layout are considered to be acceptable, grouped together in a cluster.

6.3.6 Details of the finish and exact materials of the structures were not provided with the application. However it is considered that these can be controlled by condition.

6.4 Amenity

6.4.1 The existing use of the land is as a car park in association with a large supermarket within a town centre location. Whilst the proposal may marginally increase vehicle movements and servicing it is not considered that these changes would be significant.

6.4.2 The closest 'sensitive' neighbours to the site are over 25 metres away to the north-west and share a boundary with the entrance road into the site, petrol filling station and existing car wash. Having regard to this it is not considered that the proposal will have any significant impact on the occupants of these residential properties, through increased noise or disruption.

6.5 Parking and servicing

6.5.1 Policy T11 of the Broxtowe Local Plan (2004) advises that appropriate provision should be made for parking. The proposal will result in the loss of 58 car parking spaces for the existing retail store, the remaining spaces will also need to serve the proposed units.

6.5.2 The Transport Statement submitted with the application states that the car park is rarely full and looked at peak times for capacity which were at 55% occupancy. The loss of 63 parking spaces equates to approximately 14% of the original total. This demonstrates additional capacity within the car park even with the removal of the spaces which could be used by the customers of the new units.

6.5.3 It is likely that customers of the new shops will not solely visit these premises, but make link journeys to Morrisons and other units in the town centre. Whilst dwell time may therefore be longer, which could affect car parking levels slightly, it is not believed that all the customers of the units will be 'new' and therefore they would have a significant affect on parking levels.

6.5.4 On reviewing this information the Highways Authority raise no objections. To this end it would be difficult to object to the scheme on the ground of inadequate parking provision.

6.6 Other issues

6.6.1 The site is located in a 'Development High Risk Area' as identified by the Coal Authority and caution should therefore be exercised.

6.6.2 The Coal Authority have raised objections to the development as they do not consider that the information submitted by the applicant appropriately addresses the surface mining operations which took

place within the site which may inform the proposed recommendations further.

6.6.3 It is understood that the applicant has been in discussions further with the Coal Authority regarding these comments. A full update will be reported verbally at the meeting.

7. Conclusion

7.1 The proposals largely consist of main town centre uses within a town centre location. The car wash is a use you would generally find in and wish to locate within a sustainable town centre. Whilst there are other similar services in the locality, competition is not a material planning consideration.

7.2 It is considered that the proposal will be adequately served by the remaining car parking spaces on site and can be appropriately controlled by condition to ensure land stability issues are resolved and that appropriate materials are used to ensure that the design and appearance of the buildings are satisfactory. It is therefore considered that the application accords with national and local planning policy and consequently the application is recommended for approval.

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 PL_01 Rev B, received by the Local Planning Authority on 31 October and drawings numbered PL_06 Rev A, PL_05 Rev A, PL_04 Rev A, PL_07 Rev A and PL_03 Rev E, received by the Local Planning Authority on 3 November 2017.**
- 3. No above ground construction works on the structures hereby approved shall commence until samples and full details of all external facing materials 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 part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas have been surfaced in a hard bound material and individual parking spaces have been clearly marked out in accordance with the drawing numbered PL_03 Rev E. The parking, turning and servicing areas shall be maintained in the hard bound material for the life of the development and shall not be used for any purpose other than for parking, turning and loading and unloading of vehicles.

Reasons:

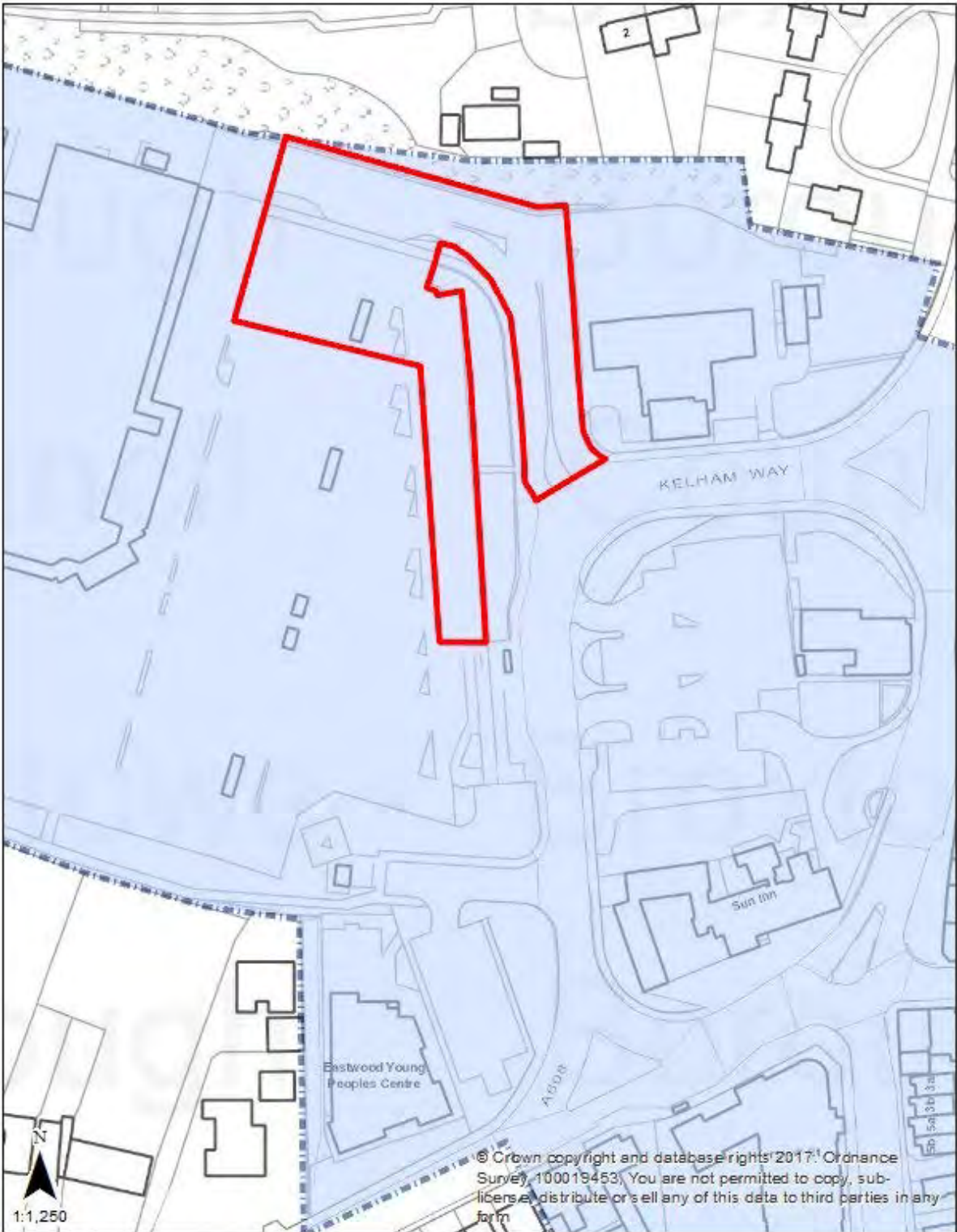
1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. No such details were submitted, in the interests of the appearance of the development and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Draft Aligned Core Strategy. The requirement is to be satisfied before new construction begins in order that potentially abortive work is avoided, if unacceptable materials are used.
4. In the interests of highway safety.

Notes to Applicant:

1. 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 developer at the earliest opportunity to request further information to help understand the design rationale and layout of the scheme.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Background papers

Application case file



- Legend**
-  Site
 -  Town centre

Report of the Chief Executive

**17/00761/FUL
CONSTRUCT DWELLING
5 DORMY CLOSE, BRAMCOTE, NOTTINGHAMSHIRE**

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

1 Details of the application

- 1.1 The application seeks to construct a two/three storey dwelling with integral garage. The proposed dwelling will have five bedrooms, flat roof elements with varying heights and be finished with Corten Steel Cladding, smooth render and concrete.
- 1.2 Amended plans were submitted during the course of the application as the red line did not encompass the entire site. The material of the front concrete cladded feature wall of the proposed dwelling was amended to Corten Steel.

2 Site and surroundings

- 2.1 The application site is positioned at the western end of the cul-de-sac of Dormy Close.
- 2.2 Dormy Close is characterised by large detached dwellings with varying styles and spacious plots. Both neighbouring properties, no. 4 Fern Close and no. 4 Dormy Close, are detached dwellings with flat roofs. The site adjoins Bramcote Conservation Area to the west. Manor House and Manor Court House, both Grade II* Listed Buildings, are located to the west and south of the site.
- 2.3 The site is overgrown with vegetation and slopes down significantly from the north west to the south east. The application site is approximately 42m in length and 30m wide. The boundaries are screened with vegetation.



View of east boundary with no. 4 Dormy Close



View towards north boundary



View of site from Dormy Close

3. Relevant planning history

- 3.1 An outline application (04/00162/OUT) to demolish an existing dwelling and construct two new dwellings was granted in June 2004.
- 3.2 An outline application (14/00573/OUT) to demolish an existing dwelling and construct a new dwelling was granted in November 2014. Following the grant of this permission, the dwelling on the site was demolished.

4. Policy context

4.1 National Policy

- 4.1.1 The National Planning Policy Framework (NPPF) March 2012, outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, a good standard of amenity for existing and future occupants should be secured, high quality design should be demonstrated and heritage assets should be conserved in a manner appropriate to their significance.

4.2 Draft Part 2 Local Plan

- 4.2.1 As this Plan has only recently been subject to public consultation and is not yet adopted, it can only be afforded limited weight.
- 4.2.3 Policy 17 'Place-Making, Design and Amenity' states that permission will be granted for development which integrates into its surroundings, provides adequate amenity space, ensures a satisfactory degree of amenity and does not prejudice the satisfactory development of a wider area.
- 4.2.3 Policy 23 'Proposals Affecting Designated and Non-designated Heritage Assets' advises that proposals that affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposal for the site brings public benefits which decisively outweigh the harm arising from the proposal.

4.3 Broxtowe Aligned Core Strategy

4.3.1 Policy 8 'Housing Mix and Choice' states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes.

4.3.2 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.

4.3.3 Policy 11 'The Historic Environment' advises that new development should have regard to the historic environment and proposals will be supported where heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.

4.4 Saved Policies of the Broxtowe Local Plan

4.4.1 Policy H7 'Land not Allocated for Housing Purposes' states small scale residential development within existing built-up areas will be permitted providing the residents of the new dwellings would have a satisfactory degree of privacy and amenity, that satisfactory arrangements can be made for access and parking and that the development would not result in an undesirable change in the character or appearance of the area. The development should not prejudice the potential for future development of a larger area and the development should not have an unacceptable effect on the privacy and amenity of the occupiers of nearby properties.

4.4.2 Policy T11 'Guidance for Parking Provision' states new development will not be permitted unless appropriate provision is made for vehicle parking and servicing.

5. Consultations

5.1 The Conservation Officer provided the following comments: The proposal reflects a robust appearance due to its size and scale and the modern approach is continued and broken up with the materials which include steel cladding, smooth concrete and smooth render. The building would be visible from Bramcote Conservation Area but this is likely to be limited to views from private gardens. The site is read as part of the varied residential development of Dormy Close which faces inwards and although glimpsed from the conservation area does not play a major role in the periphery of the designation. The proposal does not therefore affect the character or appearance of the designation. The proposed dwelling would be set in close proximity to the boundary with Manor House. However, it is considered the site does not form part of the surroundings in which the listed building is experienced. Although adjacent to the boundary with Manor House, the site forms part of Dormy Close and previously accommodated a dwelling, albeit of a significantly smaller scale. The proposed dwelling would be sited a significant distance from the Manor House and the historic outbuildings with which it is historically and physically associated with and would not affect the setting of this building. It is concluded that the proposal would not be harmful to the heritage assets identified above.

- 5.2 The Tree Officer advises that there are no trees on the site and all the vegetation will require clearance as the site has been left abandoned for some time and has become overgrown.
- 5.3 The Environment and Business Development Manager advises that there are no bins on site due to the previous dwelling being demolished. Therefore, the developer will need to buy bins.
- 5.4 There have been four objections from surrounding neighbours consulted. They can be summarized as follows: disproportionate layout, too large, bedrooms will overlook surrounding properties due to proximity to boundaries, clause in deeds that any building design should be submitted to the supervising architect, out of keeping with the area, negatively impacts the setting of Manor Court House and The Manor due to its height, obtrusive western elevation, loss of light and privacy to no. 4 Dormy Close due to the 9m high wall and proposal of a rear balcony, previous property was more acceptable due to its location and did not impact residents privacy, not cut into the terrain to make it less prominent, excessive use of windows and openings cause overlooking to neighbouring properties, sense of enclosure due to the size and the basement level is dedicated to the use of energy.

6. Appraisal

- 6.1 The main issues to consider with this application are the impact on the amenity of neighbouring properties, if the development is acceptable in respect of its impact on heritage assets and if it achieves an acceptable level of design.

6.2 Principle

- 6.2.1 It is considered that the proposal of a new dwelling on this site would be acceptable within this residential area. Whether there is sufficient space for a dwelling of this size and the impact it could have on the surrounding neighbouring properties and heritage assets will be addressed below.

6.3 Amenity, design and parking

- 6.3.1 No. 5 Dormy Close benefits from a substantial sized plot of land that is 42m in length and 30m wide. The majority of dwellings on Dormy Close are located on spacious plots and have a varying design.
- 6.3.2 The proposed dwelling will have a maximum height of 9m (to the rear) where it cuts into the land and forms a basement level. The front of the property will have a maximum height of 8m and presents a two storey element to Dormy Close. It is considered the proposed dwelling achieves a modernistic and good level of design due to its varying heights and interesting features that are broken up with different materials such as steel cladding, smooth concrete and smooth render.
- 6.3.3 The proposed dwelling will have large amounts of glazing in all elevations except the west elevation. The west elevation will have three first floor windows serving an en-suite and bathroom and it is considered these windows will not cause any significant overlooking issues to Manor House. The east elevation will be

positioned at an angle so the corner of the proposed dwelling faces the boundary with no. 4 Dormy Close and this means that the windows will predominantly face the front garden of no. 4. No. 4 is 8m from the east boundary and their primary amenity space is to the rear of their property meaning the windows in the east elevation of the proposed dwelling will not afford clear views over their garden and the east side first floor window serving bedroom 5 will not overlook their rear garden to any significant degree. It is considered the rear balcony is acceptable due to the separation distance (approximately 8m) to the boundary with no. 4 and to the boundary with Manor Court House (approximately 16m) so it will not cause an unacceptable account of overlooking.

6.3.4 No. 4 Fern Close is positioned at a higher level than the proposed dwelling with its rear garden angled away from the proposed dwelling. There will be a separation distance of 12m from the boundary of the application site and the boundary hedge with no. 4 Fern Close; therefore it is considered this is sufficient to ensure it will not cause an unacceptable amount of overlooking or loss of amenity to these occupants.

6.3.5 Sufficient space for parking has been provided with two spaces in the garage and two spaces in front of it.

6.4 Impact on Heritage Assets

6.4.1 The proposed dwelling is significantly large but due to the extensive size of the site, it is considered it is in proportion and will not be overdevelopment or appear overbearing in nature. It is acknowledged that due to the size and positioning of the dwelling, it will be visible from Bramcote Conservation Area. However, due to the separation distance and its positioning facing towards Dormy Close, it is considered it is read as part of the residential development on Dormy Close and so it will not harm the setting of the Bramcote Conservation Area and will not detract from the character or appearance of the nearby Listed Buildings.

7. Conclusion

7.1 It is concluded the proposal of dwelling of this size and design on this site is acceptable and it will not have an adverse effect on neighbouring amenity or negatively impact on Bramcote Conservation Area or the setting of the nearby Listed Buildings. The proposal therefore accords with Policies H7 and T11 of the Broxtowe Local Plan, with Policies 8, 10 and 11 of the Broxtowe Aligned Core Strategy, Policies 17 and 23 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 the permission.**

2. The development hereby permitted shall be carried out in accordance with drawing numbers: 001 Rev G, 002 Rev C and 003 Rev B received by the Local Planning Authority on 22 December 2017.

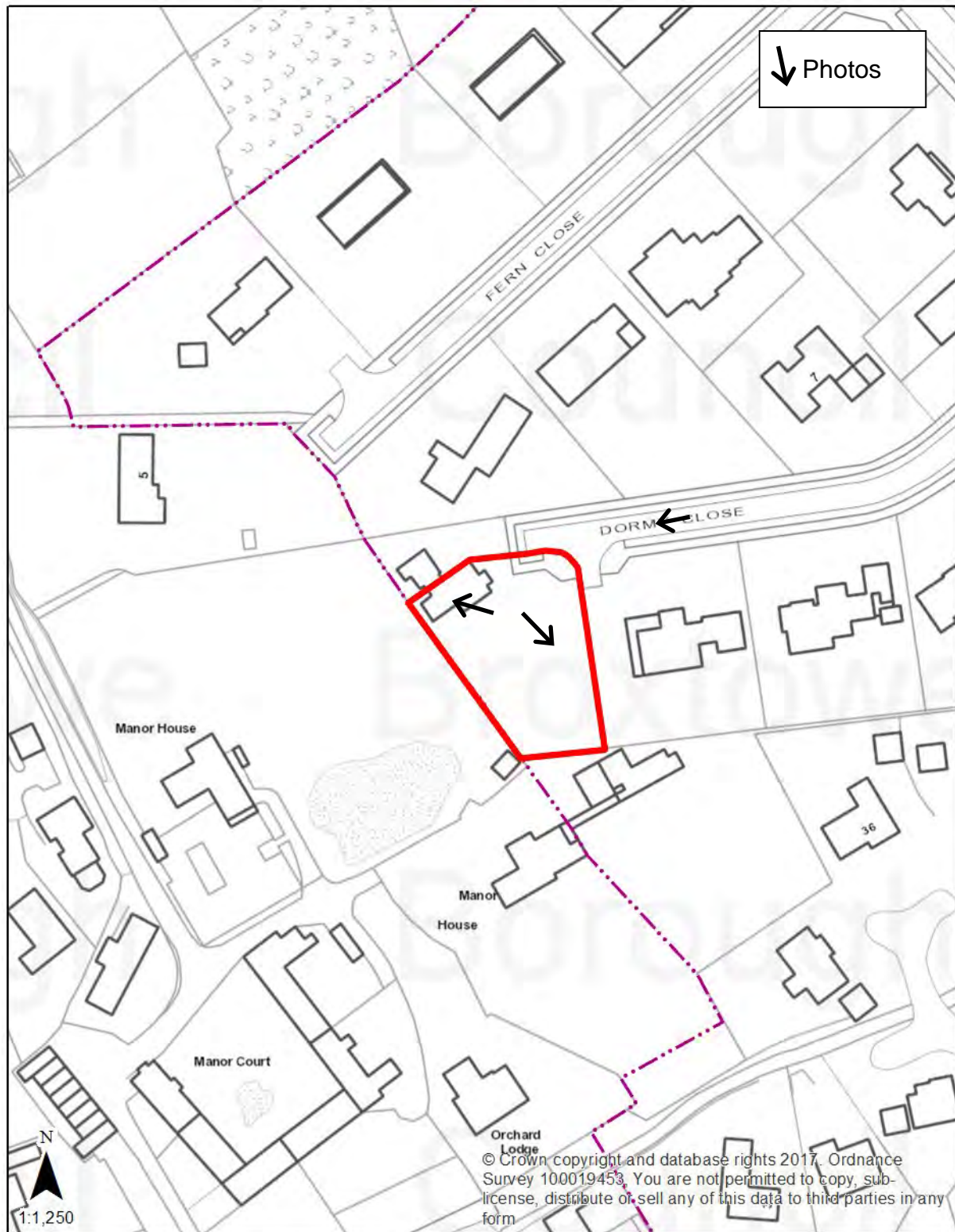
Reasons:

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



Notes to applicant:

1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by working to determine this application within the agreed determination timescale.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see: <https://www.broxtowe.gov.uk/for-you/planning/development-in-former-coal-mining-areas/>

Background papers
Application case file



Legend

-  Site
-  Conservation Areas (Local Plan)

Report of the Chief Executive

**17/00849/FUL
CONSTRUCT SINGLE/TWO STOREY SIDE EXTENSION FOLLOWING
DEMOLITION OF GARAGE
419 HIGH ROAD, CHILWELL, NOTTINGHAMSHIRE NG9 5EA**

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

1. Details of the application

- 1.1 The application seeks permission to construct a single/two storey side extension following the demolition of the existing garage.
- 1.2 The proposed two storey side extension will extend the width of the property by projecting 3.7m from the side (south west) elevation and the ground floor will extend back by 7.75m. The first floor will be set back 1m from the front elevation of the property and will extend back for a depth of 6.75m to be in line with the rear elevation of the property. The single storey section will have a lean-to roof and the two storey extension will have a hipped roof, with an eaves height of 5.44m and a ridge height of 7.92m. The ridge will be 0.94m lower than the existing ridge height. The proposed extension will be 0.1m from the boundary with no. 421 and 9.1m from the rear boundary of the property. The proposed extension will be 10.1m from the front boundary of the property. Matching brickwork and roof tiles are proposed. The existing garage and single storey rear element will be removed.
- 1.3 The original application proposed a two storey side extension with no setback and a gable roof with the same ridge height as the existing house. It was considered that a set back of the first floor and a set down from the original ridge height were required and the plans were amended accordingly.
- 1.4 The front elevation is proposed to have a three-light ground floor window and an identical first floor window. The rear elevation will have a three-light window and a door on the ground floor and two two-light first floor windows. The side elevation will be blank. The proposed extension would create a study and kitchen/breakfast room on the ground floor and a master bedroom with an en-suite on the first floor.

2. Site and surroundings

- 2.1 The application property is a semi-detached hipped roof dwelling with white pebbledash render and red brick on the front elevation. The side and rear elevations are pale red brick. The single storey rear element is yellow brick with a flat roof. The existing garage is wood and pebbledash.



Front of the property.



Rear of the property



Looking north west towards side of no. 421 and rear of garage of application property.



Looking south east towards rear boundary of application property.



Looking south east towards front of no. 417 and application property (left) and no. 421 (right).

- 2.2 The front of the property has a double height bay window and a concrete slab driveway with space for three cars. The concrete slabs extend around the north western side of the property and create a small rear patio.
- 2.3 The north eastern boundary with no. 417 is a 1.8m high wooden fence with vegetation on the boundary. The rear boundary is vegetated with the side wall of no. 1 Heathfield Grove's garage beside part of the boundary and some tall trees

beyond the boundary. The boundary with no. 421 has a significant amount of vegetation at the rear that obscures the boundary, and then a 1.2m high fence that extends up to the existing garage of the application property. The two storey side extension of no. 421 is close to the boundary and has one obscurely glazed first floor window in the north east (side) elevation.

2.4 The site is relatively flat. High Road is a busy road with residential properties of different design and sizes. The adjoining property at no. 417 is the same design as the application property. No. 421 is a detached property with the two storey side extension granted planning permission in 1973 (73/00294/FUL).

3. Policy Context

3.1 National policy

3.1.1 The National Planning Policy Framework (NPPF) March 2012, contains a general presumption in favour of sustainable development whereby planning permission should be granted for proposals that accord with the development plan without delay. 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.

3.2 Broxtowe Aligned Core Strategy

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

3.3 Saved Policies of the Broxtowe Local Plan

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

3.3.2 Policy T11 'Parking Provision' states that planning permission will not be granted for new development unless appropriate provision is made for vehicle parking and servicing in accordance with the latest guidance agreed with the highway authority.

3.4 Draft Part 2 Local Plan

3.4.1 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.

3.4.2 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.

4. Consultations

4.1 No. 421 objects to the application. They have the following concerns:

- Loss of natural light to their study/hobbies room window - will have to rely on artificial light.
- Will not be able to open the window for ventilation.
- Have had a right to light through this window for over 30 years and would like the council to assess the impact of the extension on their property and loss of light.
- Request that the applicant undertakes a Building Research Establishment (BRE) assessment and that a decision is deferred until an assessment can be undertaken.
- Did not receive a letter informing them of the application until 21 December 2017 which meant that it is hard for them to obtain expert advice.
- No one has visited their property to assess the impact.
- Extension could damage the footings of their building.
- Impact on their electricity supply as it goes through the application property
- Extension would leave insufficient ventilation for their boiler vent (previous owners of no. 419 granted permission for this to extend onto application property) and could lead to a build-up of carbon monoxide. There is a significant amount of ivy growing on the boundary and access to the vent is needed to prevent the ivy covering it.

4.2 No. 417 has the following observations; they are concerned about potential disruption to their electricity supply which is fed to their property from the application property.

4.3 No. 1 Heathfield Road raises no objection.

5. Appraisal

5.1 The main issues to consider with this application are the design of the extension and the impact on neighbour amenity.

5.2 The extension will have a hipped roof, with a front lean-to roof. Matching brickwork, rendering and roof tiles are proposed. The use of matching materials will be conditioned. The original proposal would have created a terraced effect due to the lack of setback, the gable roof and the ridge height being the same as the original dwelling. The amended plans include a 1m first floor set back, a hipped roof and a 0.94m reduction in the ridge height. The amended design will not create a terraced effect and will be in keeping with the design of the existing property. Accordingly, it is considered that the extension will not have a significant impact on the street scene.

5.3 The removal of the existing garage will reduce the available parking spaces for the property by one. However, it is considered that as the property has a large

- drive with space for three cars, that this is suitable parking provision for a four bedroom property.
- 5.4 No. 417 is the adjoining property and has a similar design to the application property. Due to the position of the proposed extension on the south west side of the property, the extension will not be directly visible to no. 417. It is considered that there will not be a significant impact on the amenity of the occupants of no. 417.
- 5.5 The front elevation of no. 362 is 33m from the proposed extension. It is considered that due to this distance, and the intervening road, that there will not be a significant impact on the amenity of the occupants of no. 362.
- 5.6 No. 1 Heathfield Grove is adjacent to the application property. The rear boundary of the application property is partly formed by the side wall of the garage in the rear garden of no. 1 Heathfield Grove. There is also a significant amount of vegetation on the boundary that obscures the view. It is considered that due to this boundary treatment and the distance between the extension and the rear boundary of 9.1m, that there will not be a significant impact on the amenity of the occupants of no. 1 Heathfield Grove.
- 5.7 No. 421 is a detached house located to the south west of the application property. No. 421 has a two storey side extension, with one obscurely glazed first floor side window, which is directly parallel to the boundary. The existing gap between the properties, excluding the existing garage, is 3.8m and the proposed extension would reduce that to 0.1m. The side wall of the proposed extension is blank. The proposed extension will lead to some loss of light to the first floor side window of no. 421. However, the window is obscurely glazed, relatively small and does not serve a main room in the property. It is therefore considered that the impact on the amenity of the occupants of no. 421 from loss of light to this window is not significant enough to warrant a refusal. It is considered that the assessment undertaken as part of this planning application is sufficient and no further assessment regarding loss of light is necessary.
- 5.8 No. 421 states that they did not receive a letter informing them of the application until 21 December 2017. The initial consultation letters were sent on 14 December 2017 to No. 1 Heathfield Grove and Nos. 421, 417 and 362 High Road. The case officer visited no. 421 on 18 January 2018.
- 5.9 Any potential impact on the footings of no. 421 due to the proximity of the proposed extension is not a material consideration. No. 421 has been encouraged to contact Building Control who will be able to provide more information on this matter.
- 5.10 The boiler vent of no. 421 extending onto the application property is a civil matter and is not a material consideration for a planning application.
- 5.11 Nos. 417 and 421 both have concerns regarding their electricity supply being cut off during associated building works. The applicant has verbally confirmed that they have discussed this with Western Power Distribution and that Western

Power will ensure that neighbouring properties have electricity. This is not a material planning consideration.

6 Conclusion

6.1 In conclusion, it is considered that the development is not harmful to neighbour amenity and is an acceptable design. The proposal therefore accords with Broxtowe Local Plan Policies H9 and T11, 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 OS Plan at scale 1:1250 and 1:500 received by the Local Planning Authority on 7 December 2017, the Site Location Plan at scale 1:500 received by the Local Planning Authority on 12 December 2017 and the Proposed Plans and Elevations at scale 1:50 received by the Local Planning Authority on 2 January 2018.**
- 3. The extension shall be constructed using materials of a type, texture and colour so as to match those of the existing building.**

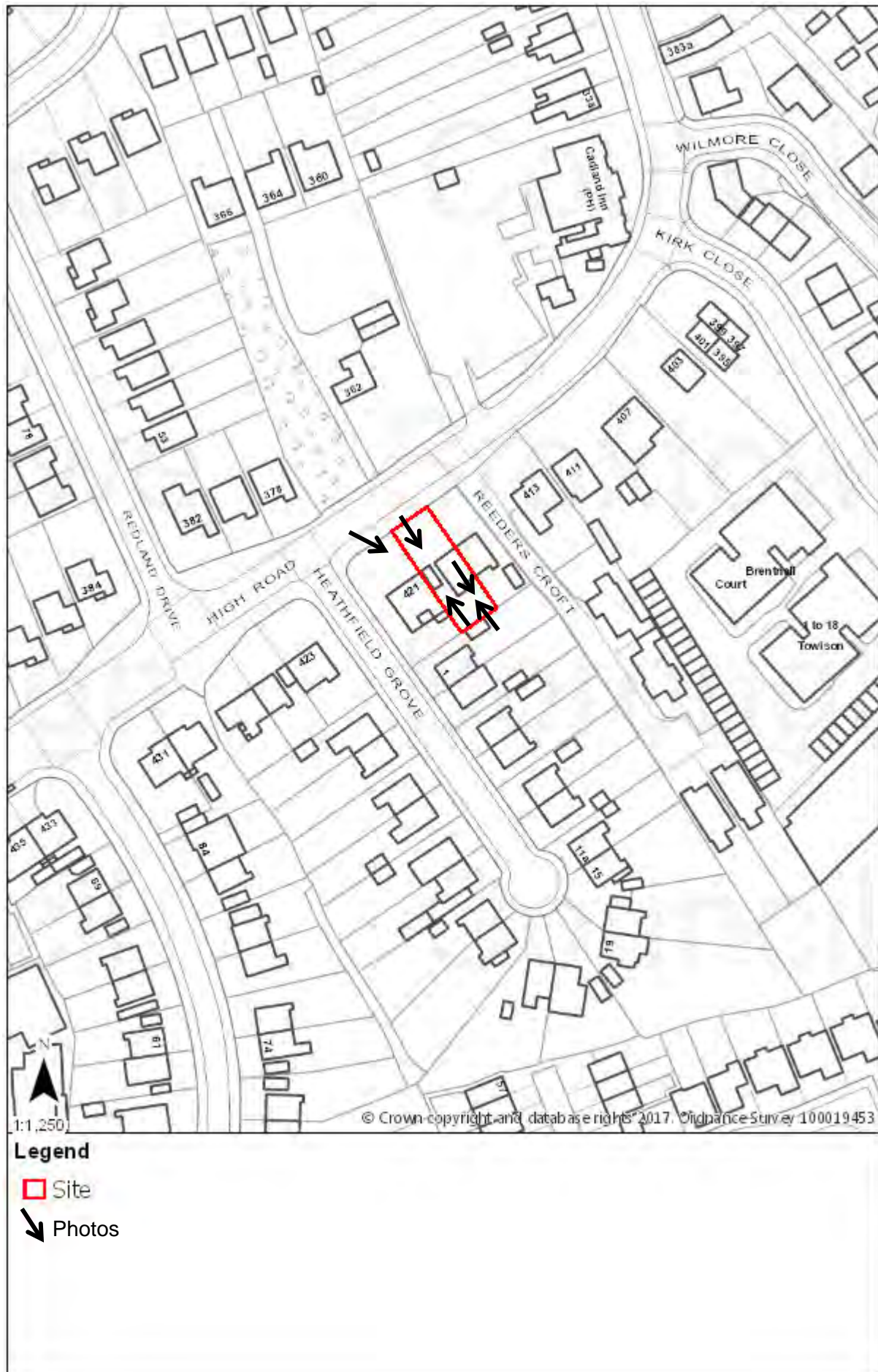
Reasons:

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

Background papers
Application Case File



Report of the Chief Executive

**17/00736/FUL
CONSTRUCT DWELLING
REAR OF 1 BRIAR ROAD, NEWTHORPE, NOTTINGHAMSHIRE**

Councillor M Brown has requested this application be determined by Planning Committee.

1 Details of the application

1.1 The application seeks permission to construct a two storey dwelling on a corner plot between no. 1 Briar Road and no. 25 Rolleston Drive. The proposed dwelling will have four bedrooms, a gable roof, an integral garage and a two storey element to the front and side. Off-street parking for two cars will be created from Rolleston Drive. The proposed dwelling will be constructed of bricks and concrete pan tiles to match the surrounding properties in the area.

1.2 There have been issues raised regarding the accuracy of the application form, Design and Access Statement and plans. The application form states that no trees and hedges are on site. The proposed block plan now shows the existing hedgerow that will be retained around the boundary with Rolleston Drive and trees in the proposed south east garden. The Design and Access Statement previously stated that the separation distance from the new dwelling to no. 1 Briar Road is 25m which was inaccurate and has been removed. The single storey rear extension belonging to no. 1 Briar Road has now been included in the site location and block plan. Rolleston Drive was incorrectly labelled on the site location and block plans and has now been amended.

2 Site and surroundings

2.1 The application site is positioned on the corner between no. 1 Briar Road and no. 25 Rolleston Drive.

2.2 Rolleston Drive and Briar Road are characterised by bungalows and two storey detached dwellings with gable roofs. No. 1 Briar Road is a two storey dwelling with a two storey side and single storey front and rear extension positioned to the east. No. 3 Briar Road is a two storey dwelling with gable roof positioned to the north east. No. 25 Rolleston Drive is a two storey dwelling with gable roof positioned to the north west adjoining the site. Nos. 20, 22 and 24 Rolleston Drive are two storey dwellings with gable roofs positioned to the south.

2.3 The site is the rear/side garden of No. 1 Briar Road and slopes down gently from north west to south east by approximately 1m. The site is approximately 15.9m in length and 22.6 in width.



View of site from rear garden of no. 1



View of site from Briar Road



View of site from Rolleston Drive



View of site from rear garden of no. 25
Rolleston Drive

3. Relevant planning history

- 3.1 An outline application (80/00715/OUT) to construct a detached dwelling was granted permission in September 1980.
- 3.2 An application (09/00074/FUL) to construct a detached double garage was refused permission in April 2009. It was refused based on its siting and design, being an obtrusive feature in the street scene and as such, detrimental to the visual amenity of the area.
- 3.3 An outline application (09/00084/OUT) to construct two semi-detached dwellings was refused in April 2009. The application was refused due to the dwellings being an over-intensive use of the site, a substandard provision of garden space being provided and being out of character and keeping with the appearance of the street scene.
- 3.4 A revised outline application (09/00490/OUT) to construct a detached bungalow, following the application for two semi-detached dwellings was refused in August 2009. The decision was appealed and dismissed. The scheme was refused based on the proposed bungalow causing an incongruous feature in the street

scene which would appear out of character and appearance of the area. It was considered the bungalow would constitute an overdevelopment of the plot which would have resulted in a substandard provision of private garden space and a poor outlook to the detriment of the residential amenity of future occupants of the proposed dwelling. The appeal was dismissed based on the bungalow appearing out of character with the surrounding area.

3.5 A revised application (09/00487/FUL) to construct a single garage was refused permission in October 2009. It was refused based on its siting within the corner plot, meaning it would be an obtrusive feature in the street scene and as such detrimental to the visual amenity of the area.

4. Policy context

4.1 National Policy

4.1.1 The National Planning Policy Framework (NPPF) March 2012, outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, a good standard of amenity for existing and future occupants should be secured and high quality design should be demonstrated.

4.2 Draft Part 2 Local Plan

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

4.2.2 Policy 17 'Place-Making, Design and Amenity' states that permission will be granted for development which integrates into its surroundings, creates well defined streets and places, provides adequate amenity space, ensures a satisfactory degree of amenity and does not prejudice the satisfactory development of a wider area.

4.3 Broxtowe Aligned Core Strategy

4.3.1 Policy 8 'Housing Mix and Choice' states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes.

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

4.4 Saved Policies of the Broxtowe Local Plan

4.4.1 Policy H7 'Land not Allocated for Housing Purposes' states small scale residential development within existing built-up areas will be permitted providing the residents of the new dwellings would have a satisfactory degree of privacy and amenity, that satisfactory arrangements can be made for access and parking and that the development would not result in an undesirable change in the character or appearance of the area. The development should not prejudice the potential for future development of a larger area and the development should

not have an unacceptable effect on the privacy and amenity of the occupiers of nearby properties.

4.4.2 Policy T11 'Guidance for Parking Provision' states new development will not be permitted unless appropriate provision is made for vehicle parking and servicing.

5. Consultations

5.1 The Environment and Business Development Manager advises the developer will be required to buy bins and that they should be positioned on the curtilage of the property for collection.

5.2 The Tree Officer's comments are awaited and will be reported as a late item.

5.3 Nottinghamshire County Council Highways Authority has been consulted on the application and their comments will be reported as a late item.

5.4 Several objections have been received from surrounding neighbours and will be summarised as follows, these include objections to the amended plans:

- Deeds to properties state that there shall only be one dwelling per plot of land.
- Information provided is incorrect in regards to name of Rolleston Drive, extension not shown on plan for no. 1 Briar Road, the Design and Access Statement mentions the area is surrounded by detached and semi-detached dwellings when it is detached dwellings with an average sized frontage and rear gardens, application form states there are no trees or hedges on site when there are trees and a privet hedge, minimum of 25m between the proposed dwelling and no. 1 Briar Road is incorrect.
- Old trees on site should have a tree preservation order attached to them and not be removed due to the harm caused to the environment.
- Proposed dwelling will extend beyond front and rear of no. 25 Rolleston Drive and is unacceptable.
- Loss of light, daylight and privacy to no. 25 Rolleston Drive and surrounding area
- Overshadowing to properties directly opposite.
- View of wall (north west) elevation of proposed dwelling from ground floor front window.
- Not in keeping with the design, planning and ambience of the area.
- Satisfactory layout has not been achieved.
- Inadequate parking space, as the property is four bedroomed it may mean there are 3 to 4 are associated with the property and therefore more on street parking would occur which impacts on emergency vehicle access and reduces pedestrian and vehicular visibility.
- Too close to no. 25 Rolleston Drive.
- Single storey rear extension belonging to no. 1 Briar Road has not received planning permission.
- No. 1 Briar Road has already been extended to the rear and side.
- No. 1 Briar Road contributes to traffic problems with a builder's lorry and two cars.

- Secretary of State refused permission for a detached dwelling due to its impact on the street scene.
- A detached double garage was refused in 2009 due to its impact on the street scene, how can this be acceptable in relation to its impact on the character of the area?
- Plot is inadequate size for a four bedroom, detached dwelling and will be overdeveloped.
- Plots on the estate are spaced out.
- Property is 1m from the boundary with no. 25 Rolleston Drive and would prevent a wall being built if required due to the foundations.
- Although it has been reduced in size it will still spoil the character of the whole road.
- A two bedroomed dwelling would be more appropriate.
- No. 25 Rolleston Drive was not advised of amended plans.
- Amended plans have made little difference to the original plans submitted.

6. Appraisal

6.1 The main issues to consider with this application are the impact on the amenity of neighbouring properties, and if the development achieves an acceptable level of design.

6.2 Principle

6.2.1 It is considered that the proposal of a new dwelling on this site would be acceptable within this residential area. An outline application (80/00715/OUT) to construct one dwelling was granted permission in September 1980. It is acknowledged that planning policies have changed since then but the principle of a dwelling on this plot of land has been recognised as being acceptable. The impact on the amenity of surrounding neighbours and the design will be addressed below in relation to the proposed two storey dwelling.

6.3 Design

6.3.1 Amended plans were submitted during the course of the application to reposition the dwelling so that it is 1.5m from the boundary with no. 25 Rolleston Drive. The curtilage of the dwelling was changed so that the garden was positioned to the south east and a two storey projection was added to the south east elevation to provide a dual frontage. The first floor rear windows will now serve an ensuite and a bathroom as opposed to bedrooms. The width of the property has increased by 0.5 (to include the two storey side element) and the length has been reduced by 1.05m. The height of the dwelling was reduced by 0.85m.

6.3.2 No. 1 Briar Road benefits from a substantial sized plot of land due to its positioning on the corner of Briar Road and Rolleston Drive. The neighbouring properties have varying sized gardens. The curtilage proposed for this property would mean the garden to the south east would be 12m by 13m which is considered to be acceptable and not out of keeping with the garden sizes of the surrounding area.

6.3.3 The proposed dwelling will be 9.1m in width and 8.7m in length. It will have a height to eaves of 5m and height to ridge of 7.7m. It is acknowledged that the property will not follow the exact style of the surrounding properties of Rolleston Drive and Briar Road. However, the proposed dwelling will have a gable roof which will match the style of roofs surrounding it and a number of properties have a single storey front extension with a canopy roof which the proposed dwelling replicates. The proposed dwelling will have a two storey front and side projection which is considered to be acceptable and adds to the overall design of the property. The dual frontage means the property can be read as part of Briar Road and Rolleston Drive and blend in with the surrounding dwellings. It is considered the proposed dwelling achieves an acceptable level of design that will not look out of character with the surrounding properties of the area.

6.4 Amenity

6.4.1 The proposed dwelling will be 1.5m from the boundary with no. 25 Rolleston Drive, 1m from the boundary with no. 1 Briar Road, 6.2m from Rolleston Drive and 12m from Briar Road. It is acknowledged the proposed dwelling will project forward of no. 25 Rolleston Drive by approximately 1.2m but due to the separation distance to the property to no. 25, it being positioned on a corner plot and Rolleston Drive having a gentle curve that the properties do not form a strict linear pattern, it is considered acceptable that it will not appear out of character with the form of development on this road. Due to the dual frontage of the proposed dwelling and its 12m separation distance, it is considered it will have minimal impact on the street scene of Briar Road.

6.4.2 The side (north west) elevation of the proposed dwelling will have a ground floor window serving a toilet which will face the blank side (south east) elevation of no. 25 Rolleston Drive. The proposed dwelling will not project beyond the rear elevation of no. 25. It is acknowledged the property will project 1.2m forward of no. 25 but it is considered this is acceptable given the modest size of the projection, 1.5m separation distance to the boundary line and no. 25 being at a higher level. It is considered there will not be a detrimental impact on the loss of light, privacy or amenity to the occupants of no. 25 Rolleston Drive.

6.4.3 The proposed dwelling will have first floor windows in the rear (north east) elevation serving an en-suite and a bathroom. These will be conditioned to be obscurely glazed and non-opening to ensure privacy is maintained for no. 1 Briar Road. The windows serving the bedrooms, lounge and living room will face the south east elevation and therefore will not cause an unacceptable amount of overlooking to any of the surrounding neighbours. The ground floor windows in the rear (north east) elevation will serve the lounge and kitchen. These will be partially obscured by the boundary treatment of a 1.8m fence. It is considered this is acceptable that it will not have a detrimental impact on the amenity of the occupants of no. 1 Briar Road.

6.4.4 Due to the separation distance of 6.2m from Rolleston Drive and intervening road, it is considered the proposed dwelling will not have a detrimental impact on a loss of light, overshadowing or the amenity of the occupants of nos. 20, 22 and 24 Rolleston Drive.

6.5 Other

- 6.5.1 The privet hedge bordering Rolleston Drive and no. 25 Rolleston Drive will be maintained. A 1.8m high fence will be erected in line with the front (south east) elevation of no. 1 Briar Road. This will extend behind the rear (north east) elevation of the proposed dwelling (a 1m gap will be retained between the rear elevation and the fence).
- 6.5.2 Several errors were made on the application form, Design and Access Statement and site location and block plans which have been corrected. It was considered unnecessary to amend the application form in relation to it stating there are no trees and hedges on site as this has been clearly marked on the proposed block plan.
- 6.5.3 It was highlighted in comments received that no. 1 Briar Road has a single storey rear extension which has been constructed without the benefit of planning permission. This is a separate matter that will not be addressed within the consideration of this application.
- 6.5.4 A concern raised in regards to the deeds of the properties on Rolleston Drive stating that only one dwelling is permitted per plot of land is a legal matter and not a planning consideration and therefore will not be considered as part of this application.
- 6.5.5 It is acknowledged that previous applications for a pair of semi-detached dwellings, a single garage, a double garage and bungalow were all refused permission with one of the reasons being the incongruous impact on the street scene due to their positioning. However, the significant difference between the previous schemes and the proposed dwelling is the separation distance the dwelling is from Briar Road and that it maintains the open character of the corner. The dual frontage provides an acceptable design when viewed from Briar Road and Rolleston Drive that it will not have a detrimental impact on either street scene.
- 6.5.6 It is considered the proposed dwelling achieves an acceptable level of design that will not have a detrimental impact on the surrounding area. The proposed scale and height of the dwelling is considered to be appropriate to ensure it will not appear overbearing or create unnecessary overlooking issues to the surrounding neighbours. The development proposes two parking spaces which is considered sufficient for a property of this size. A satisfactory garden space will be provided, to ensure future occupants have a satisfactory amenity provision.

7. Conclusion

- 7.1 It is concluded the proposal of dwelling of this size and design on this site is acceptable and it will not have an adverse effect on neighbouring amenity or the surrounding residential area. The proposal therefore accords with Policies H7 and T11 of the Broxtowe Local Plan, with Policies 8 and 10 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 the permission.
2. The development hereby permitted shall be carried out in accordance with drawings: RB3/10/17 Rev B and Proposed Block Plan (1:200) received by the Local Planning Authority on 9 January 2018 and drawing number: and RB1/10/17 Rev C received by the Local Planning Authority on 23 January 2018.
3. The first floor windows in the north east elevation shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and retained in this form for the lifetime of the development.
4. No building operations shall be carried out until details of the manufacturer, type and colour of the materials to be used in facing walls and roofs have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.

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 privacy and amenity for nearby residents and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
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 development present a satisfactory standard of external appearance in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

Notes to applicant:

1. The 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.

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/development-in-former-coal-mining-areas/>

Background Papers
Application Case File



Report of the Chief Executive

17/00808/REG3
RETAIN 3 AND INSTALL 1 AIR CONDITIONING UNITS
33-34 THE SQUARE, BEESTON NG9 2JH

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

1 Details of the application

- 1.1 The application seeks permission to retain three air conditioning units and install a fourth unit on the rear, first floor, flat roof of the property.
- 1.2 The units are 2.3m from the edge of the flat roof facing south west and 0.3m from the inner wall of the south east elevation. There are 2.5m high railings on the south western perimeter of the flat roof and a parapet brick wall 3.9m high on the south eastern side.

2 Site and surroundings

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



3 Relevant planning history

- 3.1 A hybrid application (13/00042/FUL) consisting of outline permission for the removal of the external canopy and refurbishment of the street facing elevations of the building which includes the application property and full permission for demolition and replacement of the wider Square Shopping Centre was approved

in July 2013.

3.2 An application (15/00505/FUL) for the installation of a new shop front and external alterations and repairs was approved in September 2015. This shop front has been installed.

3.3 An application (17/00688/FUL) was approved for the change of use of the ground floor from a bank (Class A2) to an education centre (Class D2) in November 2017. This change of use has not yet been implemented.

4 Policy context

4.1 National Policy

4.1.1 The National Planning Policy Framework (NPPF) March 2012, outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, sustainable economic development should be proactively driven and supported and a good standard of amenity for existing and future occupants should be secured.

4.2 Draft Part 2 Local Plan

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

4.2.3 Policy 17 ‘Place-Making, Design and Amenity’ states that permission will be granted for development which integrates into its surroundings and ensures a satisfactory degree of amenity for surrounding residents.

4.2.4 Policy 23 ‘Proposals Affecting Designated and Non-designated Heritage Assets’ advises that proposals that affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposal for the site brings public benefits which decisively outweigh the harm arising from the proposal.

4.3 Broxtowe Aligned Core Strategy

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

4.3.3 Policy 11 ‘The Historic Environment’ advises that new development should have regard to the historic environment and proposals will be supported where heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.

4.4 Saved Policies of the Broxtowe Local Plan

- 4.4.1 Policy E34 'Control of Noise Nuisance' advises that planning permission should not be granted for development, even with appropriate mitigation measures, if surrounding occupants of housing and other residential premises (including noise sensitive uses) would be exposed to significant noise disturbance.

5 Consultations

- 5.1 Nottingham Express Transit (NET) has no objection to the proposal providing the applicant is made aware that in order to prevent delays/disruptions being caused to tram services, it is not permitted for any vehicles to obstruct the tramway at any time and that they should be made aware of the 'Working near NET' guidelines.
- 5.2 The Environmental Health Technical Officer has advised that the siting of the units at first floor level are unlikely to result in an adverse impact on nearby residential occupants but the following condition should be applied to ensure this: The total rating level resulting from the use of any plant, machinery or equipment hereby installed pursuant to this permission, shall not exceed the existing background noise level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive premises.

6 Appraisal

- 6.1 The main issues to consider with this application are whether the air conditioning units create an unacceptable level of noise that may disturb nearby residents and if the design and positioning are considered appropriate.
- 6.2 The application seeks to retain three air conditioning unit and install a fourth unit. The air conditioning units are positioned on the flat roof of a ground floor projection, beside the rear wall of the unit. The fourth unit will be positioned in front of the existing units.
- 6.3 The three air conditioning units installed are 0.6m in height and 0.8m in width. The proposed fourth unit will be 1.4m in height and 1m in width. The units will only be visible from Styring Street given the height of the parapet wall forming the south east elevation of the building. The appearance of the units is considered to be acceptable as they will predominantly be viewed with the building behind and they are relatively modest in size. They are located to the rear of a commercial building where such paraphernalia is usually located. Given the setback from the edge of the roof and the existing railings, the units should not be unduly visually prominent.
- 6.4 The Environmental Health Technical Officer has advised that the air conditioning units are unlikely to cause an adverse effect on residential amenity. However, it has been recommended that a condition relating to noise level is applied.
- 6.5 Due to the location of the units within the town centre, the reasonable distance from residential properties and proximity to the tram line, it is considered the units (subject to the inclusion of the condition recommended by Environmental Health)

will not create an unacceptable amount of noise and disturbance to surrounding residential properties.

7 Impact on Heritage Assets

7.1 The air conditioning units are visible from Beeston West End Conservation Area and the Church of St John The Baptist which is a Listed Building. However, due to the separation distance, modest size and their positioning at first floor level, it is considered they do not have a detrimental impact on the neighbouring conservation area or detract from the character or appearance of the nearby Listed Building.

8 Conclusion

8.1 It is concluded that the proposed air conditioning units, due to their location at first floor level, separation from residential properties and recommended condition advised by Environmental Health, will not cause an unacceptable degree of noise and disturbance to surrounding residents. The design and positioning of the units is considered to be acceptable. The proposal therefore accords with Policy E34 of the Broxtowe Local Plan, Policies 10 and 11 of Broxtowe Aligned Core Strategy and Policies 17 and 23 of the Draft Part 2 Local Plan.

Recommendation

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

The total rating level resulting from the use of the air conditioning units hereby approved, shall not exceed the existing background noise level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive premises.

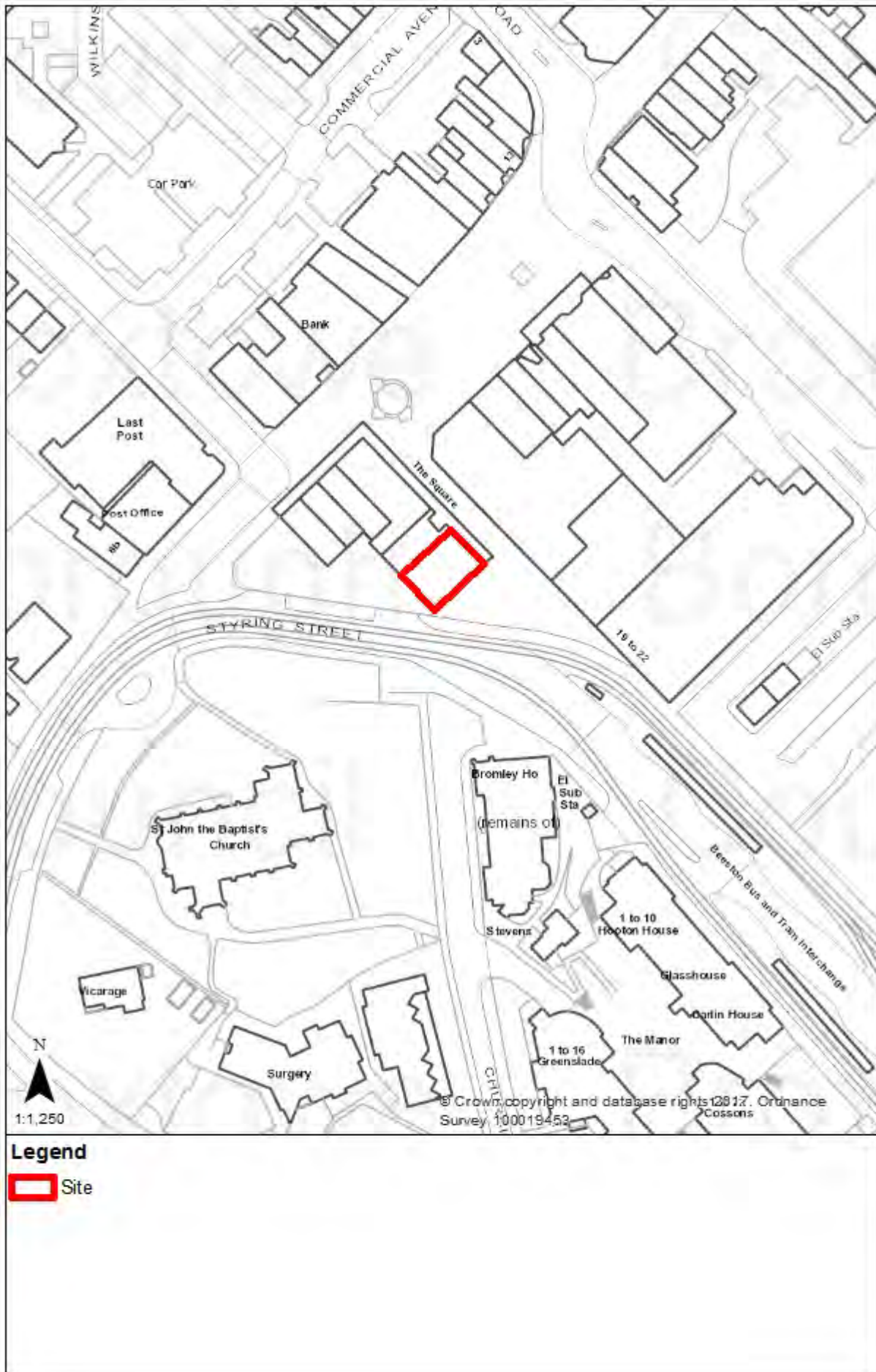
Reason:

To protect nearby residents from excessive operational noise and in accordance with Policy E34 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 working to determine this application within the agreed determination timescale.**
- 2. The applicant should be aware that if a nuisance does occur, action can be taken under the statutory nuisance provisions under the Environmental Health Protection Act 1990.**
- 3. The applicant should be aware that all works must be carried out in accordance with the instructions contained within the 'Working Near NET' leaflet.**

Background papers: Application case file



BROXTOWE BOROUGH COUNCIL
DEVELOPMENT CONTROL – NEIGHBOURHOODS & PROSPERITY

PLANNING APPLICATIONS DEALT WITH FROM
09 December 2017 TO 19 January 2018

CONTENTS

Planning applications dealt with under Delegated Powers

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

BROXTOWE BOROUGH COUNCIL
DEVELOPMENT CONTROL – NEIGHBOURHOODS & PROSPERITY

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

ATTENBOROUGH & CHILWELL EAST WARD

Applicant : Mr Ben Parks 17/00801/FUL
Site Address : 8 Karen Gardens Chilwell Nottingham NG9 5DX
Proposal : **Construct two storey side and single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr I Roberts 17/00815/FUL
Site Address : 9 Hurts Croft Chilwell Nottinghamshire NG9 5DE
Proposal : **Construct two storey side extension**
Decision : **Conditional Permission**

Applicant : Mr & Ms Lund & Hamilton 17/00816/FUL
Site Address : 41 Farm Road Chilwell Nottinghamshire NG9 5BZ
Proposal : **Construct single storey side / rear extension, lowering of existing rear lean-to roof to match new extension and replacement first floor side window**
Decision : **Conditional Permission**

Applicant : Mr R Wood 17/00818/PNH
Site Address : 65 Farm Road Chilwell Nottinghamshire NG9 5DA
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.05 metres, with a maximum height of 3.4 metres, and an eaves height of 3 metres**
Decision : **Prior Approval Not Required**

Applicant : Ms Gill Linton-Smith St Marys Church Attenborough 17/00826/FUL
Site Address : St Marys Church Church Lane Attenborough Nottinghamshire
Proposal : **Erect memorial cross and construct raised beds**
Decision : **Conditional Permission**

AWSWORTH, COSSALL & TROWELL WARD

Applicant : Mr D Hamsher 17/00798/ALT
Site Address : 101 Nottingham Road Trowell Nottinghamshire NG9 3PN
Proposal : **Application for Certificate of Appropriate Alternative Development for residential purposes (use class C3)**
Decision : **Refusal**

BEESTON CENTRAL WARD

Applicant : Mr Michael Johal 17/00447/FUL
Site Address : 31 And Flat Above 31 Humber Road Beeston Nottinghamshire NG9 2EJ
Proposal : **Construct single/two storey rear extension and single storey side extension**
Decision : **Conditional Permission**

Applicant : Mr Fraser Williams 17/00543/FUL
Site Address : 78 Lower Road Beeston Nottinghamshire NG9 2GT
Proposal : **Subdivide dwelling to create two flats, construct single storey rear extension, dormer and hip to gable roof extension**
Decision : **Conditional Permission**

Applicant	:	Mr Stephen Porter	17/00708/OUT
Site Address	:	Land Adjacent To 24 Princess Avenue Beeston Nottinghamshire NG9 2DH	
Proposal	:	Outline application to construct one dwelling with all matters reserved	
Decision	:	Conditional Permission	
Applicant	:	Ms Stephanie Morgan Grant Management	17/00742/FUL
Site Address	:	304 Queens Road Beeston Nottinghamshire NG9 1JA	
Proposal	:	Change of use from dwelling (Class C3) to a house in multiple occupation	
Decision	:	Conditional Permission	
Applicant	:	Vivien Aconley	17/00787/FUL
Site Address	:	63 Pelham Crescent Beeston Nottinghamshire NG9 2ER	
Proposal	:	Subdivide dwelling to create two flats and construct two storey side and single/two storey rear extension	
Decision	:	Refusal	
Applicant	:	Mr S Mallinson	17/00819/FUL
Site Address	:	37 Herald Close Beeston Nottinghamshire NG9 2DW	
Proposal	:	Construct single storey side extension	
Decision	:	Conditional Permission	
BEESTON NORTH WARD			
Applicant	:	Mr & Mrs Riu	17/00630/HIGH
Site Address	:	86 Central Avenue Beeston Nottinghamshire NG9 2QS	
Proposal	:	High hedge complaint	
Decision	:	Remedial Notice Issued - High Hedge	
Applicant	:	Mr Shazad Ahmed	17/00733/FUL
Site Address	:	9 Clifford Avenue Beeston Nottinghamshire NG9 2QN	
Proposal	:	Construct first floor rear extension and insert first floor side window	
Decision	:	Conditional Permission	
Applicant	:	Mrs Weaver	17/00745/FUL
Site Address	:	12 Windrush Close Beeston Nottinghamshire NG9 3LN	
Proposal	:	Construct single storey side extension	
Decision	:	Conditional Permission	
BEESTON WEST WARD			
Applicant	:	Mr C Navarro	17/00612/FUL
Site Address	:	3 Devonshire Avenue Beeston Nottinghamshire NG9 1BS	
Proposal	:	Install air conditioning units within a fenced compound	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Lee & Liliana Empringham & De Lillo	17/00673/FUL
Site Address	:	5 Cedar Road Chilwell Nottinghamshire NG9 4DB	
Proposal	:	Alterations to roof to form first floor extension and construct two storey side/rear extension	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Pryce	17/00717/FUL
Site Address	:	15 Bramcote Road Beeston Nottingham NG9 1AG	
Proposal	:	Construct single storey rear extension and alterations to existing garage and rear extension including height increases and rendering/installation of timber cladding	
Decision	:	Conditional Permission	
Applicant	:	Mr Tony Rogers	17/00754/FUL
Site Address	:	Latino 25 - 27 Chilwell Road Beeston Nottinghamshire NG9 1EH	
Proposal	:	External alterations and change of use of rear of restaurant (Class A3) to residential accommodation (Class C3) to form 4 self-contained studios and construct building containing 2 dwellings	
Decision	:	Conditional Permission	

Applicant	:	Miss Annabel Bennett	17/00759/FUL
Site Address	:	7 Dale Lane Chilwell Nottinghamshire NG9 4EA	
Proposal	:	Construct two storey side and rear extension with boundary fence	
Decision	:	Conditional Permission	

Applicant	:	Mrs Zena Mayes	17/00830/PNH
Site Address	:	51 Robinet Road Beeston Nottinghamshire NG9 1GP	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5.0 metres, with a maximum height of 3.2 metres, and an eaves height of 2.75 metres	
Decision	:	Prior Approval Not Required	

BRAMCOTE WARD

Applicant	:	St Johns College Nottingham Limited	16/00805/ADV
Site Address	:	St Johns College Peache Way Bramcote Nottingham NG9 3DS	
Proposal	:	Retain one non illuminated, free standing sign and one wall mounted sign	
Decision	:	Conditional Permission	

Applicant	:	Mr S Farmer	17/00763/FUL
Site Address	:	33 Ilkeston Road Bramcote Nottinghamshire NG9 3JP	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	

Applicant	:	Beverley Saint	17/00788/FUL
Site Address	:	42 Arundel Drive Bramcote Nottinghamshire NG9 3FN	
Proposal	:	Construct two storey and single storey extensions, including raising existing ridge height. Insert first floor side window.	
Decision	:	Conditional Permission	

Applicant	:	Mr Adrian Morgan	17/00806/FUL
Site Address	:	23 Beeston Fields Drive Beeston Nottingham NG9 3DB	
Proposal	:	Retain boundary wall and install entrance gates (revised scheme)	
Decision	:	Conditional Permission	

Applicant	:	Mrs R Farnsworth	17/00811/FUL
Site Address	:	11A Claremont Avenue Bramcote Nottinghamshire NG9 3DG	
Proposal	:	Construct first floor extension over existing garage and single/two storey front/side extension	
Decision	:	Conditional Permission	

Applicant	:	Mr Jason Henshaw	17/00820/FUL
Site Address	:	43 Ilkeston Road Bramcote Nottinghamshire NG9 3JP	
Proposal	:	Construct dropped kerb	
Decision	:	Conditional Permission	

Applicant	:	Mr Komal Raj	17/00822/FUL
Site Address	:	65 Beeston Fields Drive Bramcote Nottinghamshire NG9 3TD	
Proposal	:	Construct dwelling following demolition of existing dwelling	
Decision	:	Conditional Permission	

BRINSLEY WARD

Applicant	:	Mr B Anson	17/00667/FUL
Site Address	:	25 Windsmoor Road Brinsley Nottinghamshire NG16 5DA	
Proposal	:	Construct dual pitched roof over dwelling to enable new first floor, garage and rear extension (revised scheme)	
Decision	:	Refusal	

Applicant	:	Mr A Atkin	17/00740/AGR
Site Address	:	Allandale Farm Hall Lane Brinsley Nottinghamshire NG16 5BJ	
Proposal	:	Construct frame barn	
Decision	:	Prior Approval Not Required	
Applicant	:	Miss S Porter	17/00776/FUL
Site Address	:	96 Broad Lane Brinsley Nottinghamshire NG16 5BD	
Proposal	:	Construct single storey rear and side extension	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Jackson	17/00794/FUL
Site Address	:	64 Church Walk Brinsley Nottinghamshire NG16 5AT	
Proposal	:	Construct two storey side extension and carport, single storey rear extension, front porch and outbuilding	
Decision	:	Conditional Permission	
CHILWELL WEST WARD			
Applicant	:	Mr N Kumar	12/00368/ROC
Site Address	:	Haveli Restaurant 10 Attenborough Lane Chilwell Nottinghamshire NG9 5JW	
Proposal	:	Variation of condition N° 2 of planning ref: 11/00730/MMA (The use hereby permitted shall not be open to customers outside the following times: 12.00 to 22.30 Monday to Saturday, 12.00 to 20.30 Sundays and 12.00 to 17.30 Bank Holidays and Public Holidays) - amendments to Sunday hours only 12:00 to 20:30	
Decision	:	Withdrawn	
EASTWOOD HILLTOP WARD			
Applicant	:	Mr Ken Skellett	17/00719/FUL
Site Address	:	13 Three Tuns Road Eastwood Nottinghamshire NG16 3EJ	
Proposal	:	Construct single storey rear extension, retaining wall and steps	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs G Sills	17/00774/FUL
Site Address	:	143A Nottingham Road Eastwood Nottinghamshire NG16 3GJ	
Proposal	:	Construct two storey rear extension	
Decision	:	Conditional Permission	
GREASLEY WARD			
Applicant	:	Mr Robert Berry Caunton Engineering	17/00644/FUL
Site Address	:	Caunton Engineering Engine Lane Moorgreen Industrial Park Newthorpe Nottinghamshire NG16 3QU	
Proposal	:	Partly demolish existing office and construct two storey office block with surface parking	
Decision	:	Conditional Permission	
Applicant	:	Mr Mark Boot	17/00714/FUL
Site Address	:	7 The Heath Giltbrook Nottinghamshire NG16 2UU	
Proposal	:	Construct extension to garage and convert into annexe	
Decision	:	Refusal	
Applicant	:	Mr & Mrs S & K Barlow	17/00772/FUL
Site Address	:	Holly Farm Bungalow Main Street Newthorpe Nottinghamshire NG16 2DL	
Proposal	:	Construct single storey rear extension	
Decision	:	Refusal	

Applicant : Mr Oldnall 17/00789/FUL
Site Address : 260 Main Street Newthorpe Nottingham NG16 2DN
Proposal : **Construct porch, single storey side and rear extensions, two storey side extension to form annex, 3 front and 1 rear dormer windows and external changes to rear to form 3 Juliet balconies**
Decision : **Conditional Permission**

Applicant : Mrs Sandra Morgan 17/00805/CLUE
Site Address : 57A Moorgreen Newthorpe Nottinghamshire NG16 2FD
Proposal : **Certificate of Lawfulness for Existing Use to retain change of use to (Class B8) storage and distribution of garden centre goods, along with ancillary uses of storage and distribution in association with other businesses, including garden nurseries, soft furnishings and household accessories and ground maintenance (revised scheme)**
Decision : **Approval - CLU**

Applicant : Mrs Sarah Price 17/00827/FUL
Site Address : 94 Baker Road Newthorpe Nottinghamshire NG16 2DP
Proposal : **Construct hip to gable roof extension including two rear dormers and single storey side extension**
Decision : **Conditional Permission**

KIMBERLEY WARD

Applicant : Mr G Barlow Fairgrove Homes 17/00118/ROC
Site Address : Kimberley Brewery Hardy Street Kimberley NG16 2NS
Proposal : **Removal of condition 11 of planning permission ref: 13/00570/FUL**
Decision : **Conditional Permission**

Applicant : Mrs Beverley Goodson-Gerlach 17/00730/FUL
Site Address : 13 & 15 High Spannia Kimberley Nottinghamshire NG16 2LD
Proposal : **Retain subdivision of dwelling to create two dwellings**
Decision : **Conditional Permission**

Applicant : Mrs Huang 17/00757/FUL
Site Address : The Queens Head 34 Main Street Kimberley Nottinghamshire NG16 2LL
Proposal : **Construct external staircase, flue and metal gates to vehicular access (revised scheme)**
Decision : **Conditional Permission**

Applicant : Mr D Warhurst 17/00766/OUT
Site Address : Land At The Rear Of 51 Broxtowe Avenue Kimberley Nottinghamshire NG16 2HN
Proposal : **Construct dwelling with all matters reserved**
Decision : **Conditional Permission**

Applicant : Mr James Spencer 17/00775/FUL
Site Address : 42 Swingate Kimberley Nottinghamshire NG16 2PH
Proposal : **Retain height increase of parapet**
Decision : **Conditional Permission**

Applicant : Mr Jeff Dickman JRD Homes 17/00779/FUL
Site Address : 22 Knowle Park Kimberley Nottinghamshire NG16 2PY
Proposal : **Construct one detached dwelling**
Decision : **Conditional Permission**

STAPLEFORD NORTH WARD

Applicant : Mrs Natalie Gaunt New Wave Installations Cardtronics UK Ltd 17/00737/FUL
Site Address : 3 Pasture Road Stapleford Nottinghamshire NG9 8HR
Proposal : **Retain ATM**
Decision : **Conditional Permission**

STAPLEFORD SOUTH EAST WARD

Applicant : Mr & Mrs K Higginbotham 17/00746/FUL
Site Address : 17 Judson Avenue Stapleford Nottinghamshire NG9 7FH
Proposal : **Retain single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr Richard Page Insite Poster Properties 17/00793/ADV
Site Address : Advertising Right Adjacent Horse And Jockey Horse And Jockey 20 Nottingham Road
Stapleford Nottinghamshire
Proposal : **Display 2 digital illuminated advertising hoardings**
Decision : **Refusal**

TOTON & CHILWELL MEADOWS WARD

Applicant : Brett Carnelley 16/00759/FUL
Site Address : Land Adjacent To 313 Nottingham Road Toton Nottinghamshire NG9 6EG
Proposal : **Construct dwelling**
Decision : **Refusal**

Applicant : Mr D Pritchett 17/00751/FUL
Site Address : 29 Bispham Drive Toton Nottinghamshire NG9 6GH
Proposal : **Construct two storey side and single storey front and rear extensions and render**
Decision : **Conditional Permission**

Applicant : Ms D Fisher 17/00783/FUL
Site Address : 3 Minton Close Chilwell Nottinghamshire NG9 6PZ
Proposal : **Construct single storey side and rear extension**
Decision : **Conditional Permission**

Applicant : Mr And Mrs D Perczynski 17/00785/FUL
Site Address : 19 Firth Drive Chilwell Nottinghamshire NG9 6NL
Proposal : **Construct first floor side and single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Reynolds 17/00797/FUL
Site Address : 8 Kirkham Drive Toton Nottingham NG9 6HG
Proposal : **Construct single storey side and rear extensions**
Decision : **Conditional Permission**

Applicant : Mr & Mrs K Ashburner 17/00803/PNH
Site Address : 25 Goodwood Drive Toton Nottinghamshire NG9 6HX
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3.2 metres, with a maximum height of 3.5 metres, and an eaves height of 2.5 metres**
Decision : **Withdrawn**

WATNALL & NUTHALL WEST WARD

Applicant : Mr & Mrs Cafferkey 17/00791/FUL
Site Address : 144 Main Road Watnall Nottingham NG16 1HA
Proposal : **Construct side and rear extensions, raise roof, construct dormers to front and rear, detached garage, widen entrance drive and gateway and erect fence and wall**
Decision : **Conditional Permission**

Applicant : Mr D Shaw 17/00796/FUL
Site Address : 65 Newdigate Road Watnall Nottinghamshire NG16 1HN
Proposal : **Retain garage extensions and conversion to granny annexe**
Decision : **Withdrawn**

Applicant : Revd Barbara Holbrook 17/00804/LBC
Site Address : St Patricks Church Kimberley Road Nuthall Nottingham NG16 1DG
Proposal : **Install wood and glass door to the porch**
Decision : **File Closed - LBC not required**

Applicant : Mr M Coulby 17/00834/FUL
Site Address : 4 Shelley Close Nuthall Nottingham NG16 1ES
Proposal : **Construct single storey front extension**
Decision : **Conditional Permission**
