



13 March 2018

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 21 March 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 – 21

The Committee is asked to confirm as a correct record the minutes of the meeting held on 14 February 2018.

4. NOTIFICATION OF LOBBYING

5. PUBLIC PATH DIVERSION ORDERS
- 5.1 Proposed Diversion of Beeston Footpath Number 63 PAGES 22 - 28  
Boots Campus, Beeston, Nottinghamshire
- 5.2 Proposed Diversion of Stapleford Footpath Number 11 PAGES 29 - 35  
Nottingham Road, Stapleford
6. DEVELOPMENT CONTROL
- 6.1 17/00771/FUL PAGES 36 - 70  
Revisions to the design of plots 9 and 10 approved  
under reference 17/00022/MMA and the construction of an  
additional dwelling to form a terrace  
17/00701/FUL  
Construct 14 town houses  
17/00825/FUL  
Change of use from maltings building to 18 apartments with  
parking  
17/00790/LBC  
Listed building consent for internal and external alterations to  
maltings and conversion to residential  
Kimberley Brewery, Hardy Street, Kimberley
- 6.2 17/00455/FUL PAGES 71 - 89  
Demolish existing servicing garage and bungalow  
and construct 12 dwellings  
205A Bye Pass Road, Chilwell, Nottinghamshire, NG9 5HR
- 6.3 17/00864/FUL PAGES 90 - 98  
Convert building into 4 flats, insert first floor side window  
134-136 Brookhill Street, Stapleford, Nottinghamshire  
NG9 7GN
- 6.4 17/00849/FUL PAGES 99 - 107  
Construct single/two storey side extension following  
demolition of garage  
419 High Road, Chilwell, Nottinghamshire NG9 5EA
- 6.5 17/00854/FUL PAGES 108 - 115  
Construct Manège  
Land to the rear of Holly Farm Bungalow, Main Street,  
Newthorpe NG16 2DL
- 6.6 17/00386/ADV PAGES 116 - 120  
Display signage  
The Old Rock, 1-3 Nottingham Road, Stapleford NG9 8AB

6.7 17/00871/FUL PAGES 121 - 127  
Construct single storey side extension  
7 Abbey Drive, Beeston, Nottingham NG9 2QG

6.8 18/00092/REG3 PAGES 128 - 136  
Change of use from offices (Class B1) to residential  
(Class C3)  
Cavendish Lodge, Devonshire Avenue, Beeston NG9 1BS

7. INFORMATION ITEMS

7.1 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.**

7.2 Delegated Decisions PAGES 137 - 143

## **PLANNING COMMITTEE**

**14 FEBRUARY 2018**

Present: Councillor M Handley, Chair

Councillors:	D Bagshaw	R D MacRae
	J S Briggs	G Marshall
	M Brown	J K Marsters
	E Cubley (substitute)	M Radulovic MBE
	J W Handley (substitute)	P D Simpson
	R I Jackson	A W G A Stockwell (substitute)

Apologies for absence were received from Councillors L A Ball BEM, T P Brindley, P J Owen and R S Robinson.

### 51. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

### 52. **MINUTES**

The minutes of the meeting held on 10 January 2018 were confirmed and signed.

### 53. **NOTIFICATION OF LOBBYING**

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

### 54. **DEVELOPMENT CONTROL**

#### 54.1 **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**

The application was considered by the Committee given the importance of the proposed development to housing provision in the borough.

The Committee was referred to the summary of late items which referred to an email from the consultants working on behalf of the NET Partnership, a letter from the agent and comments from the Highways Authority.

There were no public speakers on this item.

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

- Officer clarification was requested in respect of the County Council's objection to the reduction in the amount of land available for a new school/for education purposes (paragraph 5.9 of the report). The officer response was that provision would be addressed in the section 106 agreement.
- Officer advice was requested in respect of paragraphs 5.18 and 5.19 of the report which referenced, amongst other things, issues critical to the success of the HS2 Hub Station, together with the long term economic future for the East Midlands and the objections of Nottingham City Council. The officer response stated that the concerns expressed related to the relatively recently published HS2 Growth Strategy on which specific advice had been sought which indicated that, should permission be refused, the inevitable appeal by the developers would be successful and the Council would be liable for costs. The correct decision was to grant permission for this reserved matters proposal if the desire was to secure a more precise implementation of the Growth Strategy that needed to be done outside the reserved matters application. Outline permission had been issued and it was not open to the Committee to introduce new requirements which were not in place at the time outline planning permission was granted.
- A member stated that objections were being made because Phase 2 may form part of the overall Growth Strategy and that approval of Phase 1 did not necessarily guarantee development of the site as a whole which could potentially inhibit HS2 and Phase 2 of the tram. The officer response was that advice regarding the tram was clear: the tram could be successfully incorporated into the scheme as proposed at the current time. There was space to accommodate the tram and highways infrastructure necessary to access the station further west and there was substantial time to incorporate any proposals into development of the area.
- Frustration was expressed at the perceived lack of joined up thinking and the administration had been pro-active in its attempts to establish a delivery body.
- A member queried the lack of mention of community facilities within the proposals and it was stated that the proposals included provision of a small local centre.
- Scepticism was expressed that the developer would build out the scheme as proposed and a more comprehensive plan including provision of community benefits would have been reassuring.

**RESOLVED 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 of 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.**

**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.**

54.2 17/00723/FUL

Construct 47 dwellings, retail unit (Class A1), car parking and highway infrastructure

Myford Ltd, Wilmot Lane, Beeston NG9 4AF

The application had been submitted to Committee for determination as it did not accord with Local Plan policy in relation to S106 contributions.

The Committee was referred to the summary of late items which referred to an email from a local cyclist stating that the plans for the proposed scheme needed to be integrated with the plans for the Barton's development to create



a safe, alternative route for cyclists to the High Road away from the tram lines and a comment on the supporting documentation.

Mr I Collier (objecting) addressed the Committee prior to the general debate.

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

- The objector's concerns about residents whose properties backed onto the site were noted with regard to the height of the proposed flats and the potential for the generation of noise.
- The perceived dramatic reduction in section 106 contributions were noted, particularly in respect of affordable housing since it was stated that other developers had been required to pay full section 106 contributions.
- The need for houses was recognised.
- It was considered there was an opportunity to achieve more contributions for Beeston residents, e.g. financial contribution to 'The Shed'.
- If the site was sold on, there would be merit in including a condition that no reduction in section 106 contributions be afforded to developers in respect of further applications.

**RESOLVED 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 R ev 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 R ev 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 t he 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@nottsc.gov.uk](mailto:hdc.south@nottsc.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 are 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.

54.3 17/00658/FUL

Construct two detached dwellings and outbuildings following demolition of a bungalow  
9 Hope Street, Beeston, Nottingham NG9 1DJ

The application had originally been considered by Committee on 6 December 2017 when it had been deferred due to concerns regarding the use of the site for two dwellings.



The Committee was referred to the summary of late items which contained corrections to conditions 4 and 6 of the report.

There were no public speakers in respect of the application.

**RESOLVED** unanimously 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 12 January 2018 and Proposed floor plans and elevations TC/1710/3 Rev D, received by the Local Planning Authority on 15 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 respective 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 as 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 and 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 dwellings 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.**

54.4 17/00486/FUL

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

The application had been considered by Committee on 10 January 2018 when members had deferred making a decision 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 such a building.

The Committee was referred to the summary of late items which contained a reference to further information having been provided by the applicant.

Mrs S Creasey (objecting), Mr S Wheatley (applicant) and Councillor L Fletcher (ward member) addressed the Committee prior to the general debate.

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

- There was sympathy with the objecting speaker's comments and concurrence with the ward member's comments. It was considered that the material proposed to be used for the building was inappropriate, there would be an impact of amenity and increase in traffic on surrounding roads.
- Were it not for the established use rights, such an application would not be granted permission now.
- Ramshackle buildings need to be replaced in an economic way.
- Rejection of the application in its current form would allow for a compromise to be reached between the applicant's aspirations and the residents' concerns.
- The site housed a well-used local business.

**RESOLVED unanimously that permission be refused, the precise wording to be delegated to the Head of Neighbourhoods and Prosperity in conjunction with the Chair.**

Reason

The scale and materials of the proposed building would result in an adverse impact on the amenity of occupiers of neighbouring properties, contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy E34 of the Broxtowe Local Plan (2004).

54.5 17/00769/FUL

Construct 4 units (Class A1-5), car wash, tyre service area and retail pod  
Morrisons, Kelham Way, Eastwood NG16 3SG

The report related to a planning application which had been deferred at the Planning Committee on 10 January 2018. Members had been concerned with

the impact of the proposal on the vitality and viability of Eastwood town centre and were concerned about the level of parking provision on the site.

The Committee was referred to the summary of late items which made a correction to the reference on the agenda page.

There were no public speakers in respect of the application.

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

- The loss of in excess of 60 parking spaces would be detrimental and cause danger to pedestrians and road users.
- There was a lack of definition on the site and the application had not been thought out.
- The proposals would impact detrimentally on Eastwood town centre and affect the viability of shops.
- Members were advised they would need clear evidence to support reasons for refusal otherwise the Council would risk a costs award being made against it.

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the site location plan 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.**

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 are 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](http://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](http://www.groundstability.com)

54.6 17/00761/FUL  
Construct dwelling  
5 Dormy Close, Bramcote

Councillor M E Plackett had called the application in to Committee.

The Committee was referred to the summary of late items which referred to emails from Bramcote Conservation Society and from a neighbour.

Mr C Kerry (objecting) and Councillor M E Plackett (ward member) addressed the Committee prior to the general debate.

Councillor R D MacRae proposed that the item be deferred to allow time to seek amendments relating to a reduction in height of the building. The amendment was seconded by Councillor G Marshall and, on being put to the meeting, was carried.

**RESOLVED that consideration of the application be deferred to allow time to seek amendments relating to a reduction in height of the building.**

54.7 17/00849/FUL  
Construct single/two storey side extension following demolition of garage  
419 High Road, Chilwell NG9 5EA

Councillor J S Briggs had called the application in to Committee.

There were no late items in respect of the application.

Mr D Johnson (objecting) addressed the Committee prior to the general debate.

Councillor R I Jackson proposed that the item be deferred to allow time to seek amendments relating to creating a gap the width of a wheelie bin (approximately 0.6m) between the extension and the side wall of the neighbour. The proposal was seconded by Councillor A W G A Stockwell and, on being put to the meeting, was carried.

**RESOLVED that consideration of the item be deferred to allow time to seek amendments as referred to above.**

54.8 17/00736/FUL  
Construct dwelling  
Rear of 1 Briar Road, Newthorpe

Councillor M Brown had called the application in to Committee.

The Committee was referred to the summary of late items which referred to comments made by the Highway Authority which necessitated the inclusion of

an additional condition and note to applicant within the recommendation, should permission be granted.

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

The Committee acknowledged the speaker's concerns on behalf of local residents.

**RESOLVED unanimously that permission be refused, the precise wording for refusal to be delegated to the Head of Neighbourhoods and Prosperity in conjunction with the Chair of the Committee. The proposed wording to be circulated to Group Leaders.**

Reason

The proposed dwelling by reason of its siting would be out of keeping with the predominant open character and appearance of the area. Accordingly, the proposed development would be contrary to the aims of Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Draft Part 2 Local Plan (2017).

54.9 17/00808/REG3

Retain 3 and install 1 air conditioning units  
33-34 The Square, Beeston NG9 2JH

The application had been brought before Committee as the Council was the landowner and applicant.

The Committee was referred to the summary of late items which advised of an incorrect reference number.

**RESOLVED 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.**

55. INFORMATION ITEMS

55.1 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.

55.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 9 December 2017 and 9 January 2018.



## Report of the Chief Executive

**PROPOSED DIVERSION OF BEESTON FOOTPATH NUMBER 63  
BOOTS CAMPUS, BEESTON, NOTTINGHAMSHIRE**1. Purpose of report

- 1.1 This item is brought to Committee to make a diversion Order under the Town and Country Planning Act 1990 following an application received by the Council for a public path diversion order to divert part of Beeston footpath number 63 and create an alternative highway. The site forms part of the Boots Campus in Beeston.

2. Details

- 2.1 Planning permission was granted on 17 December 2014 (planning reference 14/00514/FUL) for site and infrastructure works including new primary vehicle link road and Alliance Boots vehicle access, new canal bridge, associated demolition works, earthworks, remediation, utilities and drainage.
- 2.2 The application to divert part of the route of Beeston footpath number 63 has been submitted in order to enable development to take place.
- 2.3 For the benefit of background information, the planning permission sits alongside separate outline planning permission which was granted at the same time on 17 December 2014 (planning reference 14/00515/OUT) for a mixed use development comprising of up to 82,000sqm of employment floor space comprising office units, research and development, industrial process, general industrial, storage and distribution, residential institutions, non-residential institutions, up to 2,500sqm retail and food/drink, up to 675 residential units, and associated works including demolition of existing structures, earthworks, remediation, access, car parking, pedestrian and cycle routes, open space, utilities, sustainable drainage systems. This is subject to the prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and conditions as set out in the outline planning permission.
- 2.4 The current footpath runs along the western boundary of the site and via a footbridge to the southern towpath of the Nottingham and Beeston Canal. The section of the existing footpath to be diverted is approximately 20m in length and runs north to south from Lilac Grove at its junction with Humber Road South (adjacent to the Boots campus) between points SK5405 3671 and SK5430 3636.
- 2.5 The footpath will be diverted onto a new footway/cycleway adjacent to a new highway being constructed as part of the Nottingham Enterprise Zone Scheme. This will provide a new link road from Humber Road south to Thane Road. The section of the existing footpath will be terminated north of SK5430 3636 and linked to the new footway/cycleway. The new footpath will be between the existing footpath (which will be permanently stopped up) and the new link road and will form the footway onto the new link road. The new footway/cycleway

will be constructed to adoptable highway standards and provide a much improved surface for users. The new link road is currently under construction and is expected to be completed in early spring 2018.

- 2.6 The Agent acting for the owner has confirmed that a pre-order consultation has been carried out with letters having been sent to the Rights of Way Officer at Nottinghamshire County Council, the Ramblers Association and other interested parties. It is informed that no objections were received.

3. Planning considerations

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

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

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

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

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

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

- 3.7 The main planning considerations in the determination of this application are that the existing footpath is currently situated on waste ground mainly consisting of soil which is beginning to erode causing safety issues for users. The right of way is closely bounded to both sides by high mesh metal fencing.

The section of footpath outlined above requires diversion in order to allow for the construction of a new access road.

3.8 The new path would be constructed mainly of bituminous material and constructed to adoptable standards thereby providing a safe route for users to access the newly constructed highway via a verge.

4. Legal considerations

4.1 Following pre-order consultations carried out by the developer, s 275 of the Town and Country Planning Act 1990 gives the Council (as the local planning authority) a discretionary power to make an Order for the diversion of a footpath which is necessary to enable development to be carried out in accordance with planning permission. On making the Order, a public notice describing the Order must be advertised in the press and the Order placed on deposit for public inspection. This public notice and Order map must also be placed at each end of the length of public footpath to be diverted. Owners of the land affected by the Order and various statutory consultees must be contacted and served with the Order and notice and allowed the opportunity to make objections within 28 days from the making of the Order. If no objections are made the Order may then be recommended for confirmation as an unopposed order. The Order does not become effective until it has been confirmed. Any opposed Orders are sent to the Secretary of State for determination.

4.2 On confirmation of the Order, similar steps to those outlined above must be repeated enclosing a copy of the confirmed Order. Objectors may challenge the confirmation in the High Court within six weeks after notice of the confirmation is published on the grounds that the confirmation is outside the Council's powers or that there has been a procedural defect. The diversion Order does not come into effect until the Council certifies that the provisions of the Order have been complied with.

4.3 In these circumstances, a footpath diversion order is necessary to allow an authorised development to be carried out whilst ensuring the footpath is provided without any disadvantage or loss to members of the public.

4.4 If the planning application has been granted in outline only the local planning authority can only make the Order, the other steps outlined above in relation to confirming and certifying the Order cannot be undertaken until such time that the planning application is approved in full.

**Recommendation**

**Committee is asked to RESOLVE that the public path diversion order be made.**

Background papers

Nil

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257**

**THE BROXTOWE COUNCIL PUBLIC PATH  
(FOOTPATH NO.63 BEESTON) DIVERSION ORDER 2018**

This Order is made by Broxtowe Borough Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this Order relates in order to enable development to be carried out in accordance with planning permission granted on 17 December 2014 under Part III of the Town and Country Planning Act 1990, namely full planning permission for site and infrastructure works (planning application reference 14/00514/FUL).

BY THIS ORDER:

1. Part of the footpath over the land situated at the western boundary adjacent to the Boots site running north to south from Lilac Grove at its junction with Humber Road Beeston shown as a bold black line on the attached plan and described in Part I of the schedule hereto shall be diverted as provided by this Order.
2. There shall be created to the reasonable satisfaction of Broxtowe Borough Council an alternative highway for use as a replacement for the said footpath as provided in Part II of the schedule and shown as a line of bold black dashes on the plan attached hereto.
3. The diversion of the footpath shall have effect on the date on which it is certified by Broxtowe Borough Council that the provisions of Article 2 above have been complied with.
4. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.
5. This Order may be cited as the Broxtowe Borough Council Public Path (Footpath No. 63 Beeston) Diversion Order 2018.

Dated:            March 2018

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

MAYOR

DULY AUTHORISED OFFICER

## **SCHEDULE**

### **PART I**

#### **Description of existing path**

That part of the footpath approximately 438 metres in length marked as 'Existing Route' and shown as a bold black line on the attached plan running north to south from Lilac Grove at its junction with Humber Road South between points SK 5405 3671 and SK 5430 3636.

### **PART II**

#### **Description of site of alternative highway**

The alternative highway is marked as 'Proposed Route' and shown as a line of bold black dashes on the plan attached hereto being approximately 456 metres in length and 2 metres wide, constructed of bituminous material, proceeding in a generally south-south-easterly direction alongside a new link road from Humber Road South to Thane Road between points SK 5405 3671 and SK 5430 3636.

**Proposed Diversion Order**  
Parish and Path No. Affected:  
Beeston Footpath No. 63  
  
OS Sheet No. SK 53 NW



Scale 1:2,500




Produced by: J Romero

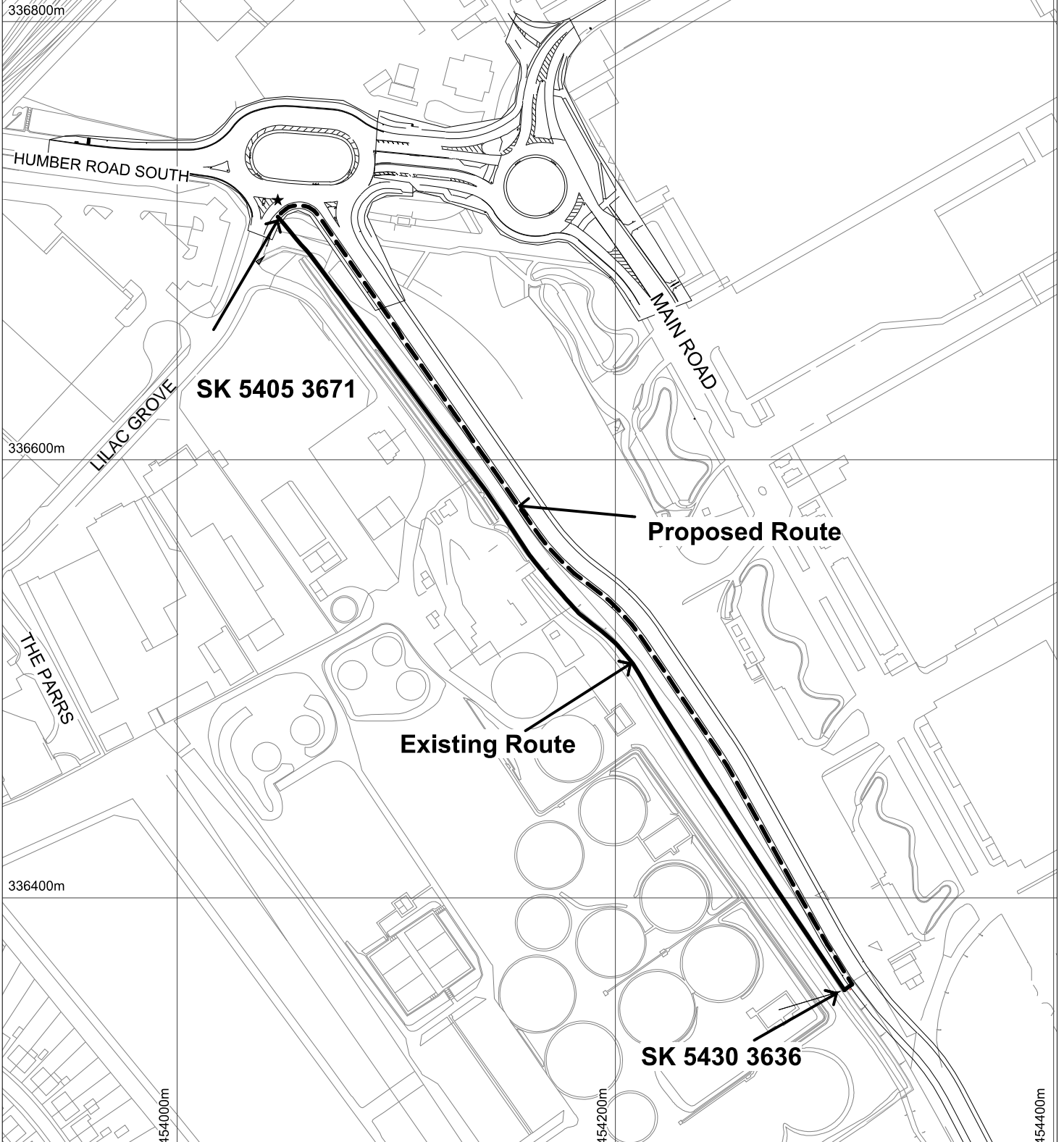
Date: 29/11/2016

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KEY:

-  Existing Right of Way
-  Proposed Diversion
-  Unaffected Path



## Report of the Chief Executive

**PROPOSED DIVERSION OF STAPLEFORD FOOTPATH NUMBER 11  
NOTTINGHAM ROAD, STAPLEFORD**1. Purpose of report

- 1.1 The Council has received an application for a Public Path Diversion Order at the site of the Pinfold Trading Estate and Nags Head, Nottingham Road, Stapleford. This item is brought to Committee to make a Modification to the Diversion Order relating to Stapleford footpath no. 11 pursuant to s257 of the Town and Country Planning Act 1990.
- 1.2 The Order was made on 24 March 2017. Following consultation a number of comments were received and these have now been resolved although, in light of this, the Order now needs to be modified to reflect the comments.

2. Details

- 2.1 Planning permission was granted on 26 February 2016 for the construction of an Aldi Store and residential development on the site, planning reference 15/00285/FUL.
- 2.2 The existing footpath shown on the attached plan runs from north to south between points SK49133742 and SK49133737 and is approximately 49 metres in length. If the existing footpath is not diverted it would run through the middle of the approved access and within the proposed internal site road and car parking area and, as such, would not be safe if it were to be continued to be used as a footpath.
- 2.3 The proposed diversion would run for approximately 35 metres from north to south between points SK49153742 and SK49163738 on the attached plan. The proposal would create a new footpath on the edge of the site constructed from tarmacadam, resulting in a more convenient and safe route for users.
- 2.4 The developer has carried out a pre-order consultation and letters have been sent to the Rights of Way Officer at Nottinghamshire County Council, the Ramblers Association and other interested parties. There have been no objections following this initial consultation.
- 2.5 During the consultation period following the making of the Order on 24 March 2017, Nottinghamshire County Council requested a grid-line plan, together with measurements for the length and width of the existing and proposed path and also an indication of the surface treatment for the proposed path. These have now been provided and incorporated within the modified order, a draft of which is attached.



3. Planning considerations

- 3.1 Section 257 of the Town and Country Planning Act 1990 states that a competent Authority may by order authorise the stopping up or diversion of any footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission. The procedure for doing so is set out in Schedule 14 of the Town and Country Planning Act 1990.
- 3.2 S7.15 of the Rights of Way Circular (1/09) advises that in the making of an Order for the diversion of a Public Right of Way to enable approved development:
- 3.3 ‘The local planning authority should not question the merits of planning permission when considering whether to make or confirm an order, but nor should they make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order.
- 3.4 The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.’
- 3.5 S7.8 of the Rights of Way Circular (1/09) states:
- 3.6 ‘In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estates paths through landscaped or open space areas away from vehicular traffic.’
- 3.7 The main planning considerations in the determination of this application are that the existing footpath runs through the proposed development which when built would obstruct the footpath. It is therefore necessary to create a replacement route which allows safe access and movement for walking members of the public through the site and creates an acceptable alternative route with little impact on the locality.

4. Legal considerations

- 4.1 Following pre-order consultations carried out by the developer, s 275 of the Town and Country Planning Act 1990 gives the Council (as the local planning authority) a discretionary power to make an Order for the diversion of a footpath which is necessary to enable development to be carried out in accordance with planning permission. On making the Order, a public notice

describing the Order must be advertised in the press and the Order placed on deposit for public inspection. This public notice and Order map must also be placed at each end of the length of public footpath to be diverted. Owners of the land affected by the Order and various statutory consultees must be contacted and served with the Order and notice and allowed the opportunity to make objections within 28 days from the making of the Order. If no objections are made, the Order may then be recommended for confirmation as an unopposed order. The Order does not become effective until it has been confirmed. Any opposed Orders are sent to the Secretary of State for determination.

- 4.2 Should there be any modifications required following the 28 day consultation period, Broxtowe Borough Council’s Constitution does not provide delegated authority for the Order to be modified hence the necessity for returning the decision to modify the Order to this Committee.
- 4.3 On confirmation of the Order, similar steps to those outlined above must be repeated enclosing a copy of the confirmed Order. Objectors may challenge the confirmation in the High Court within six weeks after notice of the confirmation is published on the grounds that the confirmation is outside the Council’s powers or that there has been a procedural defect. The diversion Order does not come into effect until the Council certifies that the provisions of the Order have been complied with.
- 4.4 In these circumstances, a footpath diversion order is necessary to allow an authorised development to be carried out whilst ensuring the footpath is provided without any disadvantage or loss to members of the public.

**Recommendation**

**The Committee is asked to RESOLVE that the public path diversion order be modified in accordance with the plan submitted with the application.**

Background papers

Nil

**PUBLIC PATH DIVERSION ORDER**

**Town and Country Planning Act 1990 (TCPA 1990)**

**BROXTOWE BOROUGH COUNCIL**

**STAPLEFORD FOOTPATH NO: 11 PUBLIC PATH DIVERSION ORDER  
2018**

1. Broxtowe Borough Council (The Council) makes this order in exercise of its powers under section 257 of the TCPA 1990 as amended by the Greater London Authority Act 1999 and any other enabling powers.
2. The Council authorises the stopping up of an area of the highway being the footpath at the site of the Pinfold Trading Estate and Nags Head, Nottingham Road, Stapleford, shown as a bold black line on the attached plan (Plan) between points SK49133742 and SK49133737 and measuring approximately 49 metres in length and the diversion of the highway to a point from north to south from Pinfold Lane to Nottingham Road shown as a line of bold black dashes on the Plan and measuring 35 metres in length and 2.5 metres wide between points SK49153742 and SK49163738 in order to enable the development to be carried out in accordance with the planning permission granted under Part III of the TCPA 1990 to Aldi Stores Ltd of Holly Lane, Atherstone, Warwickshire, CV9 2SQ by the Council on 26 February 2016 under reference 15/00285/FUL.
3. An alternative highway measuring approximately 35 metres long and 2.5 metres wide as shown between points SK49153742 and SK49163738 running north to south from Pinfold Lane to Nottingham Road shown on the plan as a line of bold black dashes on the Plan shall be created to the reasonable satisfaction of the Council.
4. Where immediately before the date of this order any apparatus of statutory undertakers lies under, in, on, over, along or across any length of highway authorised to be stopped up pursuant to this order then, subject to section 261(4) of the TCPA 1990, those undertakers shall have the same rights in relation to that apparatus after the area is stopped up as they had immediately before.

5. This order shall come into force on the date on which notice that it has been confirmed is first published in accordance with Part II of Schedule 14 to the TCPA 1990 or the date on which the Council has certified that the terms of article 3 of this order have been complied with, whichever is the later and may be cited as The Broxtowe Borough Council Stapleford Footpath No: 11 Public Path Diversion Order 2018.

Made: [DATE]

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

MAYOR

DULY AUTHORISED OFFICER

## **SCHEDULE**

### **PART I**

#### **Description of existing path**

That part of the footpath running north to south from Pinfold Lane to Nottingham Road between points SK49133742 and SK49133737 and shown as a bold black line on the attached plan running directly through the site.

### **PART II**

#### **Description of site of alternative highway**

The alternative highway will run from north to south from Pinfold Lane to Nottingham Road between points SK49153742 and SK49163738 and is shown as a line of bold black dashes on the plan attached hereto on the edge of the site.



Broxtowe  
Borough  
COUNCIL

### Proposed Diversion Order

Parish and Path No. Affected: Stapleford Footpath No. 11

OS Sheet No. SK 43 NE



Date 19/05/2017 Scale 1:1,250

Produced by David Squires

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- Proposed path
- Existing path
- Connecting path

337500m

337400m

337300m

449100m

WESLEY PLACE

WESLEY PLACE

CEMETERY ROAD

HEMLOCK AVENUE

PINFOLD LANE

NOTTINGHAM ROAD

MIDDLE ORCHARD STREET

UPPER ORCHARD STREET

MOUNT STREET

HIGH STREET

35

Fire Station

SK 4913 3742

SK 4915 3742

Footpath  
No. 11

SK 4916 3738

SK 4913 3737

Scriggan Ho

Shelter

Works

Cambridge House

Carrara House

Club

4 5  
9 10

Works

Springcourt House

1 to 32  
Rockwell Court

Spring Court

33

449200m

## Report of the Chief Executive

**17/00771/FUL  
REVISIONS TO THE DESIGN OF PLOTS 9 AND 10 APPROVED  
UNDER REFERENCE 17/00022/MMA AND THE CONSTRUCTION OF  
AN ADDITIONAL DWELLING TO FORM A TERRACE  
17/00701/FUL  
CONSTRUCT 14 TOWN HOUSES  
17/00825/FUL  
CHANGE OF USE FROM MALTINGS BUILDING TO 18  
APARTMENTS WITH PARKING  
17/00790/LBC  
LISTED BUILDING CONSENT FOR INTERNAL AND EXTERNAL  
ALTERATIONS TO MALTINGS AND CONVERSION TO  
RESIDENTIAL  
KIMBERLEY BREWERY, HARDY STREET, KIMBERLEY**

The Head of Neighbourhoods and Prosperity considered it appropriate for these applications to be considered by Planning Committee as they relate to applications previously approved by Committee, and in light of the amount of public interest in the redevelopment of the former Kimberley Brewery site.

1. Details of the application
  - 1.1 There are four applications in total, two of these relate to the same development with both a full planning application and listed building consent application submitted for works to convert Maltings 1 into apartments. The other applications relate to the construction of 14 town houses within the 'Brewery Yard' and revisions to the phase one development already under construction within the area known as the 'Warehouse Yard'.
  - 1.2 In 2015 planning permission was granted for a hybrid development at Kimberley Brewery (13/00570/FUL) and consisted of outline planning permission for the construction of 78 dwellings on the wider site known as the Warehouse Yard and the Woodlands and full planning permission for the demolition of Maltings 2 and the conversion of Maltings 1 into 18 apartments, the demolition of the unlisted brewhouse and the construction of a new building containing 24 apartments and the conversion of the tower into residential accommodation. A corresponding listed building application was also approved for those works requiring this consent.
  - 1.3 A reserved matters application for 25 dwellings on part of the Kimberley Brewery site, known as the Warehouse Yard was approved by Planning Committee in November 2016. A further minor material amendment application was submitted and approved March 2017. This related to changes to the design of the dwellings only. The current application seeks to change the layout and design of plots 9 and 10 from a two storey pair of semi-detached properties with single storey attached garages to each side

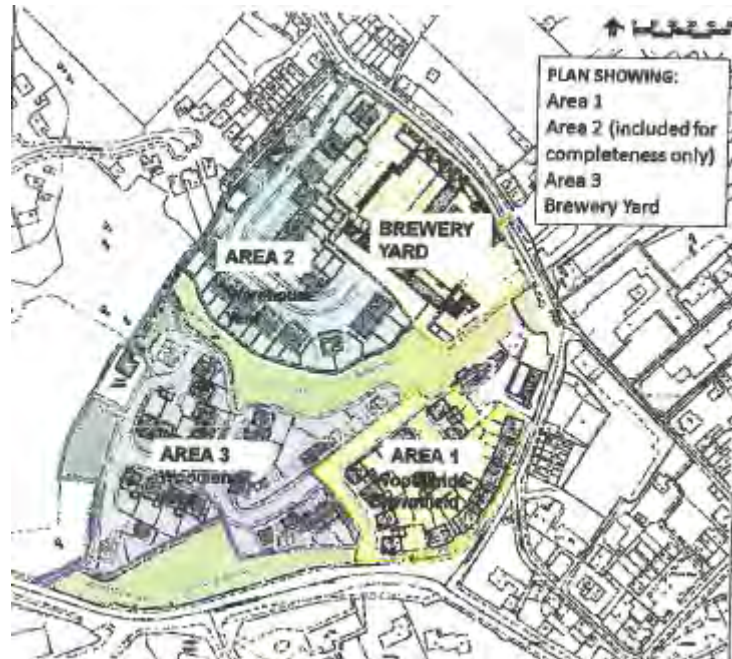
elevation, to a terrace of three dwellings. Instead of vehicle access being through the new development the orientation of the terrace has been altered so that their front elevation faces Hardy Street. Access will be gained through the existing access adjacent to the kiln stores on Hardy Street and due to the changes in land levels the properties will be three storey to this elevation, with the basement/ground level forming garages and storage, and two storeys from within the development, to the rear.

- 1.4 The 2013 applications, approved in 2015 also included the conversion of Maltings 1 within the Brewery Yard to 18 apartments. To facilitate this conversion and due to adjoining structures being demolished fenestration changes were proposed, including the addition of new and altered window and door openings. Due to the difficulties involved in converting the building, consent was granted to remove almost all of its interior and to change the levels of the upper floor and ceiling heights to ensure more appropriate floor to ceiling heights were achieved. The current applications (LBC and FUL) seek amendments to this approved scheme. There will be no net loss or gain in housing numbers and the size of the proposed units do not differ significantly. However, they seek to retain more internal features of the building, specifically the steel columns, but to facilitate the conversion the amended proposals require the floor of the ground level to be lowered also to gain the floor to ceiling height across all levels. These internal changes have resulted in alterations to the approved window and door openings which require consent.
- 1.5 This original consent also approved the demolition of the brewhouse and the construction of a replacement building consisting of 24 apartments. This current application seeks permission for an amended replacement building, and instead of apartments consent is sought for 14, 4 storey town houses. These would all have 4 bedrooms with garaging/storage on the ground floor, living rooms on the first floor and bedrooms on the two upper floors with gardens to the south-west of the properties. The building has similar design characteristics to the apartment building approved in 2015 in that it has been designed in a more contemporary manner, with a mix of materials used to draw from both the traditional elements of the buildings on site and the industrial history of the site. Amended plans have been submitted during the course of the application for this scheme.

## 2. Site and surroundings

- 2.1 All four applications relate to land within Kimberley Conservation Area and form part of the larger Kimberley Brewery site. Within the Brewery Yard there are a number of listed buildings, of which Maltings 1 is one. The kiln store and attached malt kilns to the east are also listed and applications for external alterations and conversion to residential units are also currently being considered. These together with the office buildings granted consent for conversion (14/00457/FUL) form a range of buildings which front Hardy Street, with their rear elevation facing into the Brewery Yard.





Map showing how the site is split into different areas

2.2 The Warehouse Yard (Area 2) is the location for ‘phase one’ of the wider sites redevelopment and the construction of the approved 25 dwellings is currently under way. This is the northernmost part of the Kimberley Brewery site. The former stables block is located to the west, as is a footpath which borders the rear boundaries of three detached houses on Ascot Drive. The Warehouse Yard is approximately 2 metres higher than the Brewery Yard which adjoins it.



Maltings 1 from the Brewery Yard



Malting interior; low ceilings & columns



Phase 1 under construction; retaining wall and rear of plots 4&5 from the access to the proposed terrace of three dwellings.



Front and rear of Former Brewhouse which has now been substantially demolished

2.3 Across the road from the site to the north-east is a row of terraced properties, including dwellings constructed under permission 14/00749/FUL. To the south-east of the site is the former station building which had been put to use as a working man's club when there was no longer an active railway line, before it became redundant. Works are now underway for its conversion into a pair of semi-detached dwellings (13/00505/FUL). This site is approximately 3 metres lower than the Brewery Yard. To the south-west of the application sites lies the area of the brewery development known as the 'Woodlands' which as yet is undeveloped, but has outline planning permission for residential development and beyond this lies Eastwood Road to the south and Hall Om Wong open space and Eastwood Road to the south-west.

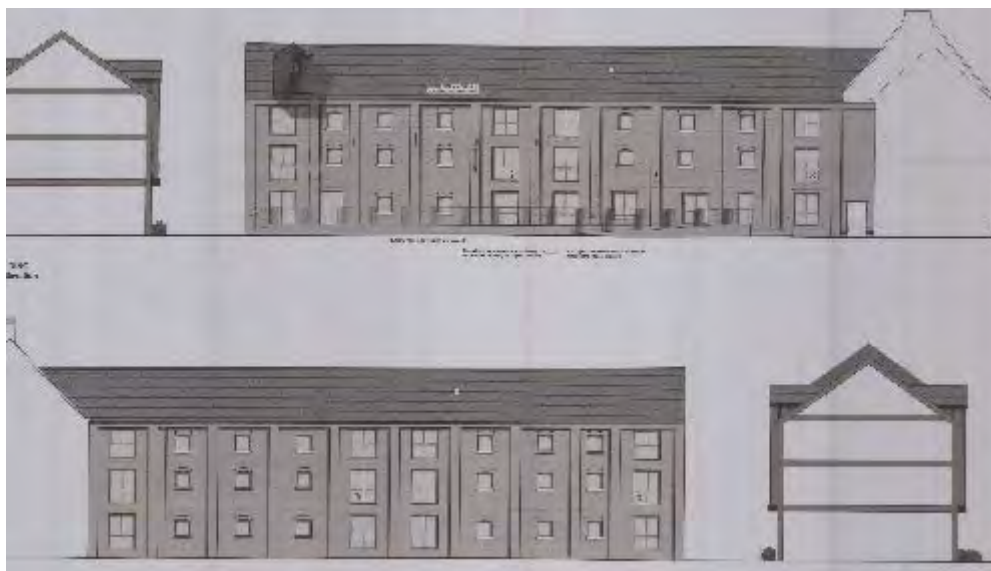
3. Relevant planning history

3.1 In December 2015 planning permission was granted for the hybrid application 13/00570/FUL. This granted outline permission for the construction of 78 dwellings, including details of access and scale, all other matters reserved. In addition, full planning permission was granted for the

change of use of Maltings No. 1 building to 18 apartments and the tower to 2 apartments, and the construction of a new 3-storey building to comprise 24 new apartments.



Approved building consisting of 24 apartments to replace the Brewhouse.



Approved elevations of Maltings 1 conversion

- 3.2 Listed building consent was granted in December 2015 to demolish the warehouse, brewhouse, Maltings 2, loading docks to Maltings 1 and conversion of Maltings 1 to residential accommodation (15/00571/LBC).
- 3.3 Planning permission has been granted for the conversion of the stables to residential development to the west of the application site. Initially granted planning permission in 2013 (13/00509/FUL), a revised scheme granted planning permission in 2016 under reference number 16/00334/FUL for five

dwellings. The differences between the two schemes related to external changes to the appearance of the building.

- 3.4 On the east side of Hardy Street opposite the access to the phase one development, planning permission was granted for 26 dwellings under reference 14/00749/FUL, including the conversion of 4 and 6 Hardy Street.
- 3.5 In December 2016 reserved matters were granted for phase 1 (of planning permission 13/00570/FUL). This gave approval for the construction of 25 detached and semi-detached dwellings and included consent for the appearance of the dwellings, layout of the site and landscaping of the development. The design of the scheme was amended in 2017 through a minor material amendment application (17/00022/MMA).
- 3.6 To the south-east of the site planning permission was granted for the conversion and extension of the former station building to two dwellings in January 2014. One of these is now occupied and planning permission has recently been granted for an extension to the second of the properties which is under construction (17/00839/FUL).

#### 4. Policy context

##### 4.1 National Planning Policy Framework

- 4.1.1 The National Planning Policy Framework (NPPF) contains a general presumption in favour of sustainable development whereby planning permission should be granted without delay whereby proposals accord with the development plan. 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, paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe.
- 4.1.3 Section 7 of the NPPF requires good design in development with paragraph 58 setting out the design objectives of national policy. These include but are not limited to, responding to local character, optimising the potential of the site to accommodate development and being visually attractive as a result of good architecture and appropriate landscaping.
- 4.1.4 Section 12 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 131 sets out that local planning authorities should take account of the desirability of sustaining and enhancing the significance

of heritage assets and putting them to viable uses consistent with their conservation. Further, account should be had for the positive contribution that heritage assets can make to sustainable communities and the desirability of new development is making a positive contribution to local character and distinctiveness.

- 4.1.5 Paragraphs 132-134 set out the weight that should be given to heritage assets and the level of benefits that are required to be demonstrated if harm is caused by development.
- 4.2 Aligned Core Strategy
  - 4.2.1 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 (6150 in the Broxtowe Borough part of GN, of which 3,600 are in or adjoining the existing built up area of Nottingham) 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. The policy also seeks to ensure amenity of neighbouring occupiers.
  - 4.2.4 Policy 11: The Historic Environment states that proposals will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.
  - 4.2.5 Policy 14: Managing Travel Demand states that the need to travel by private car should be reduced by securing new developments in the most accessible locations.
  - 4.2.6 Policy 19: Developer Contributions sets out principles of securing obligations to ensure the necessary infrastructure is in place to support new development.
- 4.3 Saved Policies of the Broxtowe Local Plan (2004)
  - 4.3.1 As the Core Strategy contains only broad policies, Appendix E of this document confirms which Local Plan policies are saved. Relevant saved policies are as follows:
  - 4.3.2 Policy E29: Contaminated Land states that development on land which may be contaminated will not be permitted unless measures are taken to remediate against this.

- 4.3.3 Policy 34: Control of Noise Nuisance advises that planning permission should not be granted for noise sensitive development if occupants would experience significant noise disturbance even with mitigation measures.
- 4.3.4 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 and if the distance is beyond 400m, 35 dwellings per hectare.
- 4.3.5 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.
- 4.3.6 Policy T11: Guidance for parking provision states that planning permission will not be granted for new development unless appropriate provision is made for vehicle parking and services.
- 4.3.7 Policy RC6: Provision should be made for public open space and children's play areas on residential development sites of 15 dwellings or more. The design of any open space provision should take into account the possible provision of features beneficial to wildlife.
- 4.3.8 Policy RC9: Contributions for Maintenance of Public Open Space states that commuted sums will be negotiated for the maintenance of any open space dedicated to the authority through new developments.
- 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 Jobs and Economy Committee on 14 December 2017. This includes specific comments in respect of the policies identified below. Due to the current stage this plan preparation is at, only limited weight can be afforded to these policies.
  - 4.4.2 Policy 15 'Housing Size, Mix and Choice' states that affordable housing should be provided at all newly-allocated sites and any site within the Green Belt where 10 or more units are proposed at a proportion of 30% or more. Where possible this should be on-site provision, and off-site provision will only be considered in exceptional circumstances. At non-allocated housing sites in Kimberley affordable housing should be provided on-site at a rate of 20% or more, unless a robust viability assessment has been submitted which demonstrates that the site would not be viable for development if affordable housing at this rate were provided. Affordable housing should be

integrated with market housing and be of a similar type, size and style to this.

- 4.4.3 Policy 17 ‘Place-Making, Design and Amenity’ states that permission will be granted for development which integrates with its surroundings, creates well defined streets and places, creates adequate amenity space, ensures a satisfactory degree of amenity and does not prejudice the satisfactory development of the area.
- 4.4.4 Policy 23: Proposals affecting designated and non-designated heritage assets states that proposals will be supported where heritage assets and their settings are conserved or enhanced. Proposals affecting heritage assets will be required to demonstrate an understanding of their significance, identify any impact and provide a clear justification for the development. They will be assessed having regard to the significance of the asset, whether the proposal would be sympathetic to, preserve or enhance the asset and whether the proposal demonstrates a high standard of design appropriate to the historic environment.
- 4.4.5 Policy 32: Developer Contributions states that financial contributions will be sought from developments of 10 dwellings or more for affordable housing, green space, education or health provision, improvement or maintenance.

4.5 Planning (Listed Buildings and Conservation Areas) Act 1990

4.5.1 Section 66 of the Act states that:

*“...in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

4.5.2 Section 72 then adds that:

*“...with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

5. Consultations

**5.1 17/00771/FUL – Revisions to plots 9 and 10 and creation of an additional dwelling to form a terrace**

5.1.1 In respect of the application for revisions to phase one of the wider redevelopment of the site (the ‘Warehouse Yard’ - 17/00033/MMA) consultations have been carried out with both statutory consultees and those neighbours directly adjoining the site and those who had previously commented on proposals at the brewery site. These are summarised below.

- 5.1.2 Nottinghamshire County Council as Highway Authority comment that they would have requested that visibility be improved to the right when exiting, however due to the constraints of the site with buildings built up to the pavement they could not raise any concerns and request conditions relating to the surfacing of parking and turning areas and the discharge of surface water.
- 5.1.3 The Council's Waste and Recycling Manager comments that he has concerns regarding health and safety in respect of the access due to the narrowness of the road. This needs to be wide enough to accommodate a refuse lorry and the road should be made to adoptable standards. There would also need to be dropped kerbs for the manoeuvring of bins and the bin storage must be within 25 metres of the collection point.
- 5.1.4 The Council's Conservation Officer comments that the ridge height of the approved and proposed dwellings would be the same and this in turn would be lower than the highest part of the proposed new building within the Brewhouse Yard. He is satisfied that these revisions would sit well with the other developments on site and whilst the width of the dwellings would be greater, sufficient separation distance would remain to ensure the building would be visually acceptable.
- 5.1.5 No comments have been received from the Council's Environmental Health Technical Officer.
- 5.1.6 54 individual were consulted on the application. This included direct neighbours and those who commented on the previous schemes. Four responses were received and six letters were returned marked with 'no such addresses'.
- 5.1.7 Of the responses received two raise no objections, one supports the proposals stating that the development does not detract from the character of the Conservation Area, that compact residential units are needed and the development gives a good mix of residential units. One makes observations that the developers are approachable in observing the feel and sensitivity of the site and adjustments will always need to be made to allow for difficulties encountered and that they feel the alterations will enhance the overall look and allow the development to come forward more quickly.
- 5.2 17/00790/LBC and 17/00825/FUL – Listed Building Consent and planning permission for external and internal alterations to facilitate the change of use of Maltings 1 to residential and associated car parking.**
- 5.2.1 In respect of the application for the amendments to the approved scheme to convert the Listed Maltings 1 building into 18 apartments a number of comments have been received from consultees, these are summarised below and relate to both the planning and listed building consent applications:



- 5.2.2 Nottinghamshire County Council as Lead Local Flood Authority initially commented that they had no objections subject to the submission of a Drainage Strategy to address drainage concerns. The applicants submitted this information and the County Council have advised that they have no objections, but have advised that the applicant will need to discuss the discharge rates with Severn Trent Water.
- 5.2.3 Severn Trent Water have been consulted on the application but have not commented.
- 5.2.4 Nottinghamshire County Council as Highways Authority make no objection to the development subject to access arrangements being provided in accordance with the plan approved in relation to the original application and conditions relating to the surfacing of the road, marking out of parking spaces and the future management and maintenance of the brewery yard shared parking area.
- 5.2.5 The Council's Environmental Health Technical Officer has no objections subject to a condition regarding noise transference between residential units.
- 5.2.6 The Council's Conservation Officer comments that Maltings are difficult to convert due to their limited floor to ceiling heights, openings and the constraints of fixtures and fittings. The previously approved scheme had the benefit of not altering the ground floor level and achieved a greater symmetry on the external elevations. However the current scheme proposes to keep a number of the internal columns which would have been lost and reduces the size of some of the new/altered openings. Whilst he has some concerns regarding some of the fenestration detailing, he notes that these have been reduced in size from the approved scheme and so raises no objections subject to the conditions applied to the previous application and additional ones relating to the retained columns.
- 5.2.7 The Council's Waste and Recycling Manager notes the amount of bins required for the apartments. He comments that bin storage must be within 25 metres of the collection point and that if the vehicle is to enter the site it should be wide enough to accommodate a refuse lorry and that the Council should be exonerated from liability for any damage to the road if it is not adopted.
- 5.2.8 Greasley and District Civic Society both supports the proposals and raises no objections.
- 5.2.9 Nottingham CAMRA objects and observes that a more traditional approach should be taken to development within the Brewery Yard area. Their comments appear to relate to the application for the 14 town houses rather than the applications for Maltings 1.
- 5.2.10 Nottinghamshire County Council as Education Authority have been consulted on the application, however no comments have been received.

- 5.2.11 'Historic England comment that the site forms a significant part of the Kimberley Conservation area and that the Grade II listed maltings is a well-preserved late 19<sup>th</sup> century example of a traditional floor maltings. They consider the proposed works would result in substantial harm to the heritage asset, through the removal of interior features and its subdivision. They comment that no clear and convincing justification has been presented to demonstrate why the degree of alteration is the minimum necessary to ensure the buildings sustainability and that the Local Planning Authority needs to ensure that they have taken account of the requirements of the NPPF and its statutory duty to 'preserve or enhance'. For these reasons, and as with the previous application which was granted permission, they object to the development.
- 5.2.12 The Amenities Society have been consulted on the application. No comments have been received to date.
- 5.2.13 NET raise no objections to the proposals.
- 5.2.14 In regard to these applications relating to Maltings 1, 62 people were consulted, using the same parameters as for the amended phase one scheme. Four responses have been received with two of these being from the same person commenting on both the planning and listed building applications. 36 letters were returned marked with 'no such address' (17 in respect of the application for listed building consent and 19 for the planning application).
- 5.2.15 All the responses received support the proposals commenting that it is a sensible reuse of the building, that it retains the buildings character, provides much needed housing which fits in with the residential use of the rest of the site, provides good mix to housing in the area and appropriate parking levels.

### **5.3 17/00701/FUL – Construct 14 town houses**

- 5.3.1 A number of comments have been received from consultees in respect of the proposals for 14 town houses, these have been summarised below.
- 5.3.2 Nottinghamshire County Council as Lead Local Flood Authority initially commented that they had no objections subject to the submission of a Drainage Strategy to address drainage concerns. The applicants submitted this information and the County Council have advised that they have no objections, but have advised that the applicant will need to discuss the discharge rates with Severn Trent Water.
- 5.3.3 Severn Trent Water have been consulted on the application but have not commented.
- 5.3.4 Nottingham CAMRA comment in their view the development should be of a traditional design, the more modern approach does not retain the link

between the buildings former use and the new housing development. Redevelopment should be sympathetic to the origins of the buildings.

- 5.3.5 Greasley and District Civic Society object to the development. They consider the design inappropriate in the location.
- 5.3.6 Save Our Brewery (SOBS) raise no objections to the proposed change from apartments to town houses. They comment however that there is a mixture of modern and traditional design styles on the Brewery Yard elevation which jars with the conservation area. They comment that the variation in roof line creates differences between the different sections and reflects the original shapes of the Brewhouse and are positive about the use of contrasting red and blue brickwork and window styles. They object to the section featuring cement weatherboard cladding, red cladding and grey upvc windows. They consider this to be too modern and would clash with the rest of the conservation area and would not sit well in the courtyard environment.
- 5.3.7 NET raise no objections to the proposals.
- 5.3.8 The Coal Authority comment that the application site does not fall within the 'defined high risk area'. They therefore raise no objections but consider it appropriate to include an informative with any planning permission granted in the interests of public health and safety.
- 5.3.9 The County Council as Highways Authority comment that the low wall and railings will obstruct visibility and query whether these can be removed. They have provided further comments after discussions which include conditions regarding visibility, surfacing, drainage and parking.
- 5.3.10 Historic England comment that the introduction of the individual town houses appears alien to the industrial character and appearance of the brewery complex. The architectural design of the brewhouse was solid and functional, characterised with regular fenestration and a continuous roofline. The proposed design is domestic in character, confusing fenestration detailing and a mix of old and 'modern'. There is no cohesion to the design and this is heightened by the introduction of gables and a vertical emphasis rather than designing a building of a single structure which retains an industrial character. They consider this domestic character is harmful to both the listed Maltings building and the conservation area. They comment that they are unconvinced by the quality of design or the materials and that they do not consider that the information submitted or the proposals comply with the relevant paragraphs of the NPPF or the legislative framework to ensure that proposals 'preserve or enhance' the setting of listed buildings and conservation areas.
- 5.3.11 In respect of the amended plans received they comment that, whilst they note the simplified roof form and improved fenestration they reiterate their previous comments, they believe introducing buildings which are overtly domestic in character into the Brewery Yard is harmful to both the Grade II Listed Maltings and the conservation area. They do not consider that it

reflects the character and appearance of the area and there is no architectural relationship with the tower. They remain unconvinced by the quality of the design and the materials proposed and are concerned that it could result in a proliferation of different boundary treatments. They do not consider the requirements of paragraphs 128-137 of the NPPF have been met.

- 5.3.11 In response to the additional information submitted during the course of the application which includes a further Heritage Statement, they comment that it is for the Local Planning Authority to consider whether it provides a robust assessment of the significance of the heritage assets on the site.
- 5.3.12 The Council's Conservation Officer comments that whilst the supporting statement is lacking he has no objections to the principle of the proposals. He raises significant concerns over the design of the building which lacks traditional proportions resulting in a 'squat' appearance and a somewhat indistinct overall design. He considers that the scheme does not achieve the standard of design required in the sensitive location and would be harmful to the heritage assets on the site.
- 5.3.13 In regard to the amended plans received he comments that the amendments represent a significant improvement. The proportions, design and detailing are all far better and not now be harmful to the heritage assets on the site. Conditions are critical to the overall success of the scheme and should cover all external material, details of openings, balconies, windows and garage. Windows set in reveals, lintels, cills and corbelling should all be used to enliven the large scale elevations.
- 5.3.14 The National Amenities Society have been consulted, however no comments have been received to date.
- 5.3.15 The Council's Waste and Recycling Manager notes the amount of bins required for the town houses and suggests that communal bins may be preferable, unless the owners will be presenting them for collection on Hardy Street. He comments that if the vehicle is to enter the site it should be wide enough to accommodate a refused lorry and that the Council should be exonerated from liability for any damage to the road if it is not adopted.
- 5.3.16 The Council's Tree Officer comments that the proposal has no implications for trees within the site and raises no objections.
- 5.3.17 The Council's Business and Projects Manager (Environment) notes the costs involved in redeveloping the site and makes no comments on the application in light of previous decisions taken.
- 5.3.18 The Council's Environmental Health Technical Officer does not raise any objections to the development, subject to a condition regarding contaminated land due to its historic use.

- 5.3.19 The Council's Housing Strategy Manager comments that they support the development of family accommodation in Kimberley. The development will help achieve one of the key themes of the housing strategy 2015-2020.
- 5.3.20 Nottinghamshire County Council as Education Authority have been consulted on the application, however no comments have been received.
- 5.3.21 Kimberley Town Council object to the development. They wish to retain 'Victorian' for the brewery and believe the development should be more in-keeping with the tower and Maltings as it lies within Kimberley Conservation Area and will form one side of the court yard facing Victorian architecture.
- 5.3.22 62 addresses were consulted in respect of the proposals to construct 14 town 7houses and 7 responses were initially received. 17 letters were returned marked with 'no such address'.
- 5.3.23 Three of these object on design grounds, considering that the proposals are not sympathetic to Victorian character of the site and the wider conservation area. One observes that the principle is welcomed, but that whilst they wouldn't want to see a pastiche approach to design, materials more reflective of the heritage buildings would be desirable. One comments that they are pleased to see the site being developed but that they have concerns regarding pedestrian safety in the area. One supports the proposal, considering the proposal to be in-keeping with the area and there to be sufficient parking. One raises no objections and comments that it is vital, to echo/maintain the historic nature of the site and its importance in the area's economic heritage.
- 5.3.24 Further consultations were undertaken on the amended plans, with three further responses being received, one of these from someone who had previously commented on the proposal. Of these additional responses one now objects considering the original plans to be preferable. One raises observations/objects due to loss of privacy if the proposals are too high and raises concerns regarding distances to his property and that the historic character of the site will be lost. The other comments that the roof aspect and the overall uniform nature is an improvement. However, they object most strongly to the use of cladding and suggest a contrasting brick would be more durable.
- 5.4 For each application a site notice was displayed near the site and an advertisement was posted in the press.

## 6. Appraisal

- 6.1 All four of the applications relate to amendments to permissions which have already been granted within the Kimberley Brewery redevelopment. The principle of residential development within the site has thus already been established within these applications.

- 6.2 The main issues with the applications are whether the scale and design of the proposals are of a high quality that respects the character of the area, and in particular that it preserves or enhances both the character and appearance of the conservation area and the setting and fabric of the Grade II listed Maltings within the Brewery Yard.
- 6.3 The other key matters for consideration with the applications will be amenity considerations, whether the access and parking is appropriate, whether the landscaping is of sufficient and whether the lack of any proposed Section 106 contributions is acceptable.
- 6.4 Revisions to plots 9 and 10 and creation of an additional dwelling to form a terrace**
- 6.4.1 The proposal creates a terrace of three dwellings rather than a pair of semi-detached properties with attached garages. When viewed from Hardy Street the proposed dwellings have used the land level changes within the site to provide a garage/storage level so that they appear as three storey dwellings. From the rear, within the site they will be two storeys. When glimpsed from Hardy Street the more attractive building frontages will thus be viewed, rather than the rear elevation, gardens and associated paraphernalia.
- 6.4.2 The ridge height of the proposed dwellings has only increased by 0.46 metres from that approved and so its relationship with the buildings in the Brewery Yard and the new properties within this scheme has not significantly altered in that respect. Whilst the alterations result in the dwellings being located further off their boundaries with the Brewery Yard and plots 6 and 7 within the phase one development, the two storey elements are brought closer to these shared boundaries by 2.4 metres. However it is not considered that the amendments will significantly alter the amenity of the occupants of plots 6 and 7 from that originally approved through being overbearing and the lack of windows in the side elevation will ensure that there is no loss of privacy. Similarly it is not considered to be of detriment to the amenity of any new residential units within the Brewery Yard. To the rear acceptable amenity space is provided for the occupants of the new dwellings.
- 6.4.3 The design of the terrace is simple in form, using red brick, a pitched tiled roof, header detailing above all windows and doors and soldier coursing to the front elevation. Its design is considered to be in-keeping with the wider phase one development.
- 6.4.4 The application site is located within Kimberley Conservation Area, and as an immediate neighbour has a relationship with both the kilns and stores and Maltings, 1 which are all Listed Buildings. Within Policy and legislation it is set out that local planning authorities must have due regard to these designated heritage assets and ensure that developments do not result in any substantial harm and that they 'preserve or enhance' the characteristics of such. It is considered that the proposed alteration to the phase one development respects the listed buildings and sits comfortably within their

setting. The design is simple, taking its lead from the wider site and the general built form of the more traditional properties in the area, respecting the hierarchical order of the buildings on the site. It is considered that the proposal complies with the design and heritage related policies of both the development plan and the NPPF, preserving the character and appearance of Kimberley Conservation Area and the setting of the neighbouring listed buildings.

6.4.5 Whilst visibility at the access is not ideal, this is an existing access which served the brewery and is highly constrained by the footprint of existing buildings. The Highways Authority recognise this and do not raise any objections to the development. The new dwellings would have a shared paved access area to the front, one garage and one parking space in front of this. This is considered to provide acceptable parking levels.

6.4.6 The Council's waste and recycling manager has concerns regarding access into the site for the refuse vehicles. A temporary bin store for use on collection days is provided for these properties which is within 25 metres of the access from Hardy Street. This is an acceptable distance for collection by the bin operatives and the vehicle would not need to enter the site.

## **6.5 Listed building consent and full planning permission for external and internal alterations to facilitate change of use of Maltings 1 to residential and associated car parking.**

6.5.1 The proposed alterations between this application and that approved are largely dictated by internal changes to the ground floor level. The original permission granted consent for the removal of all internal columns and whilst the first and second floor structures were raised the basement and ground floor levels were retained. This current application seeks consent to lower the height of the ground floor level also. However where all the steel columns were granted consent to be removed under the original approvals, through this scheme a number of internal columns are proposed to be retained.

6.5.2 Externally the building will largely be viewed as previously approved, save for some alterations to the windows and doors, necessary due to the internal changes.

6.5.3 The apartments will add to the mix of unit types across the site. They would all provide 2 bedroom accommodation with an open plan living/dining/kitchen area. Whilst compact, all main living areas are served by windows providing natural light. It is considered the amenity of future occupants would be acceptable.

6.5.4 Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. Any harm is required to be clearly justified.

6.5.5 The building forms part of a well preserved late 19<sup>th</sup> century example of a traditional floor malting and maintains many of the characteristic interior features of a floor maltings including the floors supported by rows of columns and low ceiling heights. Such buildings are difficult to convert due to these features. In considering the 2015 application it was concluded that there would be 'substantial harm' to the building. It therefore follows that this is the case in the consideration of this application.

6.5.6 Paragraph 133 of the NPPF sets out four clear tests which must be satisfied when considering proposals which would cause 'substantial harm'. In considering the 2015 application it was concluded that 3 of the four tests had been satisfied, however it was noted that not all sources of external funding (point 3 of 4) had been exhausted and therefore it was necessary to assess whether the heritage losses were outweighed by the public benefits of the proposal. The public benefits identified in the consideration of the original application and which still hold weight in the assessment of the current proposals can be summarised as;

- Securing the redevelopment of a large brownfield site in a sustainable urban location;
- Providing much needed housing;
- Securing redevelopment of the site ensures that the listing buildings, including the malt kilns and store and Maltings 1 are repaired and occupied by an alternative use
- This alternative use will ensure their long-term future and halt further deterioration.

It is considered that this justification and public benefit are still relevant in the determination of this application.

6.5.7 During the course of the application the applicant has also submitted additional supporting information to explain and justify the approach taken in respect of this development. They have described the heritage asset and the attempts made by the owner of the site to market the site for alternative uses with no success.

6.5.8 The previous permission allowed changes to the height of the two upper floors and the removal of all the columns within the building. This application seeks to change the height of the two upper floors and, in addition, the ground floor also. The revised proposals would retain a number of the steel columns which would otherwise have been removed in their entirety from the building. Internally the additional changes to the floor levels proposed will lead to further disturbance to the fabric of the building and result in the total loss of the low floor to ceiling height characteristic of the building. However, the retention of a number of steel columns which are an important historical element of the building is considered to be a positive element of the conversion.

6.5.9 It is considered that on balance whilst the further loss of the original floor levels is regrettable, this is 'balanced out' by the retention of some of the



internal fabric of the building beyond that previously granted consent. In considering this and having regard to the clear public benefits for this and the wider redevelopment of the Kimberley Brewery site it is considered that the requirements of the NPPF have been complied with.

- 6.5.10 Conditions should be used to ensure any new materials and the works are undertaken in a sensitive manner which respects the character and appearance of the building.
- 6.5.11 Two parking spaces per apartment are provided within the Brewery Yard. Given the size of the units of accommodation it is considered that this provides adequate levels of parking. The highways authority require these parking spaces to be surfaced and laid out prior to the building coming into use. They also require access to be provided in-line with details agreed during the course of the previous application. It is considered that this can be achieved through a condition.
- 6.5.12 The bin store for the apartments is located on the other side of the Brewery Yard, to the south-east of the site 52 metres from the building. The previous application gave consent for this to be located in front of the building which restricted a view of the main facade of the building in its entirety. Whilst this new location is not ideal, visually it is an improvement of the approved location. No details have been provided of the external treatment of this structure. A condition requiring approval of this should be added to any grant of permission to ensure it is appropriate for its setting.
- 6.5.13 The location of this bin store is within 25 metres of the collection point on Hardy Street. Whilst it is considered that the access would be wide enough to accommodate a refuse vehicle, the bin store's location means it is not necessary for one to enter the site.
- 6.5.14 The proposal is one that would normally require contributions to be made through a Section 106 Agreement to secure public open space and education provision. In considering the original application the applicants provided justification for significantly reduced contributions due to the cost implications for bringing forward this site. The applicants have submitted viability information in support of this application which demonstrates that this situation has not changed to any significant extent and therefore it is not considered appropriate to request any additional contributions over and above those currently identified in the Section 106 Agreement (affordable housing contribution of £279, 857).
- 6.5.15 As the red line only encompasses the Brewery Yard it is not considered necessary to repeat all of the conditions attached to the original grant of planning permission which included this building.

**6.6 Construct 14 four storey town houses.**

- 6.6.1 Demolition of the Brewhouse was permitted under the previous planning application, this took place earlier this year. Consideration of this application relates therefore to the form and design of the replacement building only.
- 6.6.2 In response to comments made during the course of the application the design of the scheme has been altered. Additional information has also been submitted which describes in further detail the design process behind the application, the setting of the building within the Brewery Yard and the wider marketing strategy and history of the site in general.
- 6.6.3 The earlier planning approval granted consent for a building 14.5m high at its tallest point containing 24 apartments. As is the case with the current proposal it was split into different elements in an attempt to show a transition from its historical Victorian past to a more contemporary form of development.
- 6.6.4 The proposed development no longer adjoins the tower but sits slightly detached from this landmark structure. It respects the hierarchy of buildings across the site and it is 0.5 metres higher at its tallest part than the approved scheme. The amendments to the proposal result in two distinct blocks, joined by a linking glazed structure. Both sections through the use of fenestration detailing respect the character of the built form through the use of a vertical, rather than a horizontal emphasis. The section closest to the listed Maltings building is more traditional in form through the use of red brick and slate roofs and header and cill detailing around the openings with a gable end facing into the brewery Yard to break up the expanse of the built form.
- 6.6.5 The more contemporary section of the building uses a cladding to the external walls representative of the wider sites industrial past and whilst a vertical emphasis is achieved through the fenestration detailing proposed this is more sleek and simplistic in form in comparison to the more traditional element of the build. The glazed link aids the two sections to form one building with a clear transition from old to new.
- 6.6.6 Paragraph 132 of the NPPF states that in considering the impact of a proposed development on the significance of a heritage asset great weight should be given to the asset's conservation. The more important this asset the greater the weight afforded to its conservation. Substantial harm should be exceptional.
- 6.6.7 It is considered that the supporting information submitted sufficiently describes the heritage assets on site, both the Listing buildings (Maltings 1 and the Malt Kilns) and the Kimberley Conservation Area. Paragraph 131 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the heritage assets, the positive contribution these assets can make and the desirability of new development making a positive contribution.

- 6.6.8 Whilst Historic England object to the development and consider that the tests set out in paragraphs 128-137 of the NPPF have not been met, the Council's Conservation Advisor considers the amended scheme to not now be harmful to the setting of the heritage assets.
- 6.6.9 In considering the proposal, the comments received from the Council's Conservation Officer, the site history and the policy context, it is considered that the proposal would preserve the character and appearance of the conservation area and the setting of the listed buildings through the development of a building which has a scale and form representative of the large industrial building it replaces.
- 6.6.10 The key to the success of the building will be the quality of materials and the fenestration detailing and conditions should be used to control this. Historic England questions the quality of the materials to be used and the over domestication of the building frontage. It is right that conditions should be used to control materials and remove any permitted development rights to the front of the buildings to ensure that it is not unduly domesticated but appears as a whole, reflective of the industrial facade from the yard area.
- 6.6.11 Nottinghamshire County Council raise concerns with visibility at the access from Hardy Street. This is an existing access which served the Brewery Yard where there would have been substantial traffic movements historically. The 'obstruction' to visibility is a low wall of approximately 300mm and open railings totalling approximately 2 metres. These form part of the setting of the Brewery Yard and conservation area and is considered due to their historical context and open nature, on balance that they should be retained.
- 6.6.12 The Highways Authority consider the parking to be appropriately laid out and adequate for the development.
- 6.6.13 The Brewery Yard will not be adopted by the Highways Authority, they therefore request that a management company be set up to deal with future maintenance. It is a requirement of the original Section 106 that a management company for the Brewery Yard be set up and as such it is not considered necessary to make any changes to this.
- 6.6.14 The proposal affords each plot a private rear garden area a minimum of 12 metres in depth which is considered to be sufficient. All main living spaces within the properties have an aspect over this rear garden, or into the yard area. It is considered that this is appropriate and there are no amenity or privacy concerns for the future occupants of the properties
- 6.6.15 It is proposed that a central bin store will serve the town houses to minimise any domestic paraphernalia outside the frontage of the building. This will be located along the south-east boundary of the site 18 metres away from the closest property. Whilst not ideal it will help preserve the character of the area and is located within 25 metres of the collection point on Hardy Street. Whilst it is considered that the access would be wide enough to

accommodate a refuse vehicle, the bin stores location means it is not necessary for one to enter the site.

6.6.16 As the red line only encompasses the Brewery Yard it is not considered necessary to repeat all of the conditions attached to the original grant of planning permission which included this building.

**6.8 Section 106**

6.8.1 The original applications were subject to a Section 106. This Agreement largely related to the phasing of work to ensure that the site came forward in an appropriate way so that the more difficult, costly aspects of development, namely the Brewery Yard were not left whilst the more profitable new build parts of the site were constructed. To ensure that this remains the case it is necessary to make an addendum to this agreement.

6.8.2 As discussed at different points above it is not considered that the scheme is any more viable now than when originally granted planning permission and as such there are no amendments proposed to any monetary contributions within this agreement.

**7. Conclusion**

7.1 It is considered that the applications considered through this report offer acceptable amendments to the approved scheme for development on the wider site. Whilst the internal alterations to Maltings 1 is a significant loss to this designated heritage asset, it is considered that all possible alternatives have been explored and due to the buildings location within a low value property area and the specific characteristics of the building, which do not lend themselves well to residential conversion, there are no reasonable alternatives. It is considered that the applicants have justified these losses sufficiently and the public benefit at seeing the building being brought back to use outweighs this loss.

**Recommendation**

**The Committee is asked to RESOLVE that:**

**The Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission for applications 17/00825/FUL and 17/00701/FUL and Listed Building Consent for 17/00790/LBC subject to the prior completion of an addendum to the original Section 106 Agreement completed in conjunction with applications 13/00571/LBC and 13/00570/FUL and the conditions set out below:**

**17/00825/FUL**

**1. The development hereby permitted shall be begun before the expiration of three years beginning with the date of this consent.**

- 2. The development hereby permitted shall be carried out in accordance with PL/00/011, PL/304 Rev A, PL/303 Rev A, received by the Local Planning Authority on 24 November 2017.**
- 3. The development (including any demolition) shall be undertaken in accordance with the detail and mitigation measures outlined in 'Bat Survey of Kimberley Brewery Buildings' report dated July 2015.**
- 4. Notwithstanding the details shown on the 'proposed landscaping plan' PL/00/12 Rev A, details of the 'mixed shrubs' and materials to be used for the raised planting beds and hard surfacing within in the Brewery Yard shall first be submitted to and approved in writing by the Local Planning Authority. The hard surfacing shall be implemented prior to the occupation of any of the residential units hereby granted permission and shall then be retained for the life of the development. The approved planting shall be carried out no later than the first planting season following the substantial completion of the development. Any shrubs 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 a similar size and species to the satisfaction of the Local Planning Authority unless an alternative has first been agreed in writing.**
- 5. No building works, including site clearance, shall commence until details of access to any individual phase of the site for construction traffic, including a timetable for its provision, have been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council as highway authority. The accesses shall be constructed in accordance with the agreed details and timetable.**
- 6. No part of the development hereby permitted shall be brought into use until the site access has been constructed in accordance with the details shown on plan ref. C1534-202.**
- 7. Details of how the existing gates to the access from Hardy Street shall be retained in such a way as to prevent them from being closed shall be submitted to and agreed in writing with the Local Planning Authority prior to occupation of any of the residential units hereby permitted.**
- 8. Details of measures to prevent the deposit of debris upon the adjacent public highway for any individual phase of the site shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site and shall remain in place for the duration of site works.**
- 9. Construction or the preparation of the site shall not occur except between 07:30 – 18:00 hours Monday to Friday and 08:30 and 13:00 hours Saturday and at no time on Sundays, Bank Holidays and other public holidays.**

- 10. No building operations relating to Maltings 1 shall take place until drawings and cross sections of the proposed new and replacement external windows and doors and their surrounds and recess depths have been submitted to and agreed in writing by the Local Planning Authority.**
- 11. No building operations shall take place until details and samples of any new rainwater goods, roofing materials and bricks used in the exterior of the building are submitted to and approved by the Local Planning Authority.**
- 12. No works to the interior of the building shall commence until details, including plans where necessary, to show how the steel columns will be retained and treated as the floor/ceiling levels of the building are altered have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.**
- 13. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number PL/00/011. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.**
- 14. No part of the development hereby permitted shall be brought into use until the access, parking and turning areas have been constructed so as to prevent the unregulated discharge of surface water from these areas to the public highway in accordance with details to be first submitted to and agreed by the Local Planning Authority. The agreed details shall be implemented and retained for the life of the development.**
- 15. Prior to the occupation of any of the apartments hereby granted permission details of the bin store, including plans, materials and manufacturer details shall be submitted to and agreed in writing by the Local Planning Authority. The development therefore shall be completed in accordance with this detail and retained for the life of the development.**
- 16. Before any works of conversion or development commence a scheme for limiting the transmission of noise between each residential unit of accommodation and/or any other part of the building which is not exclusively used as a unit of accommodation shall be submitted to the Local Planning Authority. Formal written approval of the scheme shall be obtained from the Local Planning authority and all works must be completed and tested by the developer to the satisfaction of the Local Planning Authority before any of accommodation is occupied.**

**17/00790/LBC**

- 1. The development hereby permitted shall be begun 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 PL/00/011, PL/304 Rev A, PL/303 Rev A, received by the Local Planning Authority on 24 November 2017.**
- 3. The development (including any demolition) shall be undertaken in accordance with the detail and mitigation measures outlined in 'Bat Survey of Kimberley Brewery Buildings' report dated July 2015.**
- 4. The development shall be completed in accordance with the relevant sections of the report submitted by HSP Consulting titled 'A Structural Appraisal, the Method Statement for the Demolition of the Buildings Adjacent to the Brewery Tower & Maltings 1 and Layout Plans for the Basements Together with Specifications and Details for Backfilling the Basements' dated 5 July 2016, received by the Local Planning Authority on 15 July 2016, the submission of the addendum by HSP Consulting titled 'Comments and Confirmations on the Report Undertaken by Capstone Consulting Engineers dated 29 September 2016 in Relation to the Proposed Demolition Works to be Undertaken at the Former Kimberley Brewery, Nottingham' dated 12 October 2016, received by the Local Planning Authority on 19 October 2016 and the e-mail dated 7 December from Howard Pratt of HSP Consulting.**
- 5. No building works or alterations relating to the conversion of Maltings 1 shall take place until an illustrated schedule indicating which of the external jibs, hoists and other loading equipment currently attached to the external walls of the building are to be retained following conversion, and which are to be removed, is submitted to and agreed in writing by the Local Planning Authority.**
- 6. No alterations to Maltings 1 shall take place until details of the manufacturer, type, material, style and colour of any new or replacement rainwater goods, roofing, or bricks to be used on the exterior of the converted building shall be submitted to and agreed in writing by the Local Planning Authority.**
- 7. No alterations to Maltings 1 shall take place until details of the proposed mortar mix - which shall be lime based and which shall not contain cement - are submitted to and agreed in writing by the Local Planning Authority. The style and depth of pointing of the joints shall match that of the surrounding original pointing.**
- 8. No alterations to Maltings 1 should take place until plans and sections at a scale of 1:20 or larger are submitted to and agreed in writing by the Local Planning Authority showing materials, frame widths, frame depths, glazing type, opening mechanisms, recess depths, heads, cills, and surround treatments of any new external windows and doors.**

9. No alterations to Maltings 1 should take place until plans and sections at a scale of 1:50 or larger are submitted to and agreed in writing by the Local Planning Authority showing precise details of all visible soil, vent and gas pipes to be added to the conversion.
10. No works to the interior of the building shall commence until details, including plans, where necessary, to show how the steel columns will be retained and treated as the floor/ceiling levels of the building are altered have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

**17/00701/FUL**

1. The development hereby permitted shall be begun before the expiration of three years beginning with the date of this consent.
2. The development hereby permitted shall be carried out in accordance with PL/TH/ 403 Rev C, PL/TH/402 Rev C and PL/TH/401 Rev A, received by the Local Planning Authority on 1 and 2 February 2018.
3. The development (including any demolition) shall be undertaken in accordance with the detail and mitigation measures outlined in 'Bat Survey of Kimberley Brewery Buildings' report dated July 2015.
4. Notwithstanding the details shown on the 'proposed landscaping plan' PL/00/12 Rev A, details of the 'mixed shrubs' and materials to be used for the raised planting beds and hard surfacing within in the Brewery Yard shall first be submitted to and approved in writing by the Local Planning Authority. The hard surfacing shall be implemented prior to the occupation of any of the residential units hereby granted permission and shall then be retained for the life of the development. The approved planting shall be carried out no later than the first planting season following the substantial completion of the development. Any shrubs 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 a similar size and species to the satisfaction of the Local Planning Authority unless an alternative has first been agreed in writing.
5. No building works, including site clearance, shall commence until details of access to any individual phase of the site for construction traffic, including a timetable for its provision, have been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council as highway authority. The accesses shall be constructed in accordance with the agreed details and timetable.
6. No part of the development hereby permitted shall be brought into use until the site access has been constructed in accordance with the details shown on plan ref. C1534-202.



- 7. Details of how the existing gates to the access from Hardy Street shall be retained in such a way as to prevent them from being closed shall be submitted to and agreed in writing with the Local Planning Authority prior to occupation of any of the residential units hereby permitted.**
- 8. Details of measures to prevent the deposit of debris upon the adjacent public highway for any individual phase of the site shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site and shall remain in place for the duration of site works.**
- 9. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:**
  - (i) A preliminary risk assessment which has identified:**
    - a) all previous uses potential contaminants associated with those uses**
    - b) a conceptual model of the site indicating sources, pathways and receptors**
    - c) potentially unacceptable risks arising from contamination at the site.**
  - (ii) A site investigation scheme, based on (i) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**
  - (iii) The results of the site investigation and detailed risk assessment referred to in (ii) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**
  - (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

**Any changes to these components require the prior written consent of the Local Planning Authority. The scheme shall be implemented as approved.**
- 10. Construction or the preparation of the site shall not occur except between 07:30 – 18:00 hours Monday to Friday and 08:30 and 13:00 hours Saturday and at no time on Sundays, Bank Holidays and other public holidays.**

- 11. Development (including any demolitions) affecting the brewery tower shall be undertaken in accordance with the HSP Consulting report titled 'A Structural Appraisal, the Method Statement for the Demolition of the Buildings Adjacent to the Brewery Tower & Maltings 1 and Layout Plans for the Basements Together with Specifications and Details for Backfilling the Basements' dated 5 July 2016, received by the Local Planning Authority on 15 July 2016, the submission of the addendum by HSP Consulting titled 'Comments and Confirmations on the Report Undertaken by Capstone Consulting Engineers dated 29 September 2016 in Relation to the Proposed Demolition Works to be Undertaken at the Former Kimberley Brewery, Nottingham' dated 12 October 2016, received by the Local Planning Authority on 19 October 2016 and the e-mail dated 7 December from Howard Pratt of HSP Consulting.**
- 12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting this order, no additions to the property within Class C or D of Schedule 2 Part 1, or works within Class A, Part 2 of the Order, where these are to the front elevation of the building facing onto the Brewery Yard, without the prior written permission of the Local Planning Authority by way of a formal planning permission.**
- 13. No part of the development hereby permitted shall be brought into use until the access, parking and turning areas have been constructed so as to prevent the unregulated discharge of surface water from these areas to the public highway in accordance with details to be first submitted to and agreed by the Local Planning Authority. The agreed details shall be implemented and retained for the life of the development.**
- 14. No part of the development hereby permitted shall be brought into use until the parking and turning areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawings number PL/00/12 Rev A. The parking and turning areas shall be retained in the bound materials for the life of the development and shall not be used for any purpose other than the parking and turning of vehicles.**
- 14. Prior to the occupation of any of the apartments hereby granted permission details of the bin store, including plans, materials and manufacturer details shall be submitted to and agreed in writing by the Local Planning Authority. The development therefore shall be completed in accordance with this detail and retained for the life of the development.**
- 15. No dwelling unit shall first be occupied until details of each curtilage boundary treatment for that respective plot have been submitted to and approved in writing by the Local Planning Authority and constructed in accordance with this approved detail.**

**Reasons:****17/00825/FUL**

- 1. To comply with S92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with the aims of the NPPF.**
- 4. To ensure the details are satisfactory in the interests of the appearance of the area, and in accordance with the aims of the NPPF, Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).**
- 5. In the interests of highway safety to ensure satisfactory access for construction traffic and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).**
- 6. To ensure an adequate means of access to the site in the interests of highway safety.**
- 7. To enable vehicles to clear the public highway in the interests of highway safety.**
- 8. To ensure deleterious material is not deposited on the public highways.**
- 9. To protect the surrounding residential properties from excessive operational noise in accordance with the aims of Policy E34 of the Broxtowe Local Plan (2004).**
- 10. To ensure the satisfactory appearance of the development, thereby protecting the designated heritage asset in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).**
- 11. To ensure the satisfactory appearance of the development, thereby protecting the designated heritage asset in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).**
- 12. To ensure the satisfactory appearance of the development and to protect the historic fabric of the building, thereby protecting a designated heritage asset in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).**
- 13. In the interests of highways safety.**
- 14. In the interests of highways safety.**

15. No such details were provided and to ensure that the development presents a satisfactory appearance within the conservation area, in accordance with the aims of the NPPF, policy H7 of the Broxtowe Local Plan (2004) and policies 10 and 11 of the Aligned Core Strategy (2014).

16. In the interests of public health and safety.

17/00790/LBC

1. To comply with Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. For the avoidance of doubt.

3. To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with the aims of the NPPF.

4. To ensure that the remaining adjacent historic buildings are protected from harm during and after the demolitions hereby permitted with this development, in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).

5. To ensure that features of heritage value are preserved, in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).

6. To ensure the satisfactory appearance of the development in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).

7. To ensure the satisfactory appearance of the development and to protect the historic fabric of the building, thereby protecting a designated heritage asset in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).

8. To ensure the satisfactory appearance of the development, thereby protecting the designated heritage asset in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).

9. To ensure the satisfactory appearance of the development, thereby protecting the designated heritage asset in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).

10. To ensure the satisfactory appearance of the development and to protect the historic fabric of the building, thereby protecting a designated heritage asset in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).

**17/00701/FUL**

- 1. To comply with S92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with the aims of the NPPF.**
- 4. To ensure the details are satisfactory in the interests of the appearance of the area, and in accordance with the aims of Section 12 of the NPPF, Policy H7 of the Broxtowe Local Plan (2004) and Policies 10 and 11 of the Aligned Core Strategy (2014).**
- 5. In the interests of highway safety to ensure satisfactory access for construction traffic and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).**
- 6. To ensure an adequate means of access to the site in the interests of highway safety.**
- 7. To enable vehicles to clear the public highway in the interests of highway safety.**
- 8. To ensure deleterious material is not deposited on the public highways.**
- 9. In the interests of public health and safety.**
- 10. To protect the surrounding residential properties from excessive operational noise in accordance with the aims of Policy E34 of the Broxtowe Local Plan (2004).**
- 11. To protect the structural integrity of the building and to ensure the satisfactory appearance of the development, thereby preserving the setting of a designated heritage asset in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).**
- 12. To ensure that the building continues to be of a satisfactory appearance within the setting of Kimberley Conservation Area and Listed Buildings within the Brewery Yard in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).**
- 13. In the interests of highways safety.**
- 14. In the interests of highways safety.**
- 15. No such details were provided and to ensure that the development presents a satisfactory appearance within the conservation area, in accordance with the aims of Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).**

- 16. No such details were provided and to ensure that the development presents a satisfactory appearance within the conservation area, in accordance with the aims of Section 12 of the NPPF, Policy H7 of the Broxtowe Local Plan (2004) and policies 10 and 11 of the Aligned Core Strategy (2014).**

**Planning permission be granted for application 17/00771/FUL subject to the following conditions:**

**Conditions:**

- 1. The development hereby permitted shall be begun before the expiration of three years beginning with the date of this consent.**
- 2. The development hereby permitted shall be carried out in accordance with PL/TH/403, PL/00/05 Rev C, PL/503 Rev A, PL/504 Rev A, PL/501 Rev A and PL/502 Rev A, received by the Local Planning Authority on 11 and 9 January 2018, 31 October and 2 November 2017 respectively.**
- 3. The dwellings shall be constructed of Carlton Victorian Red and/or Hadley Red Smooth bricks and Cembrit Moorland slates unless an alternative is first agreed in writing with the Local Planning Authority.**
- 4. No dwelling shall be first occupied until its own boundary has been erected in accordance with the details shown on plan PL/504 Rev A.**
- 5. Construction or the preparation of the site shall not occur except between 07:30 – 18:00 hours Monday to Friday and 08:30 and 13:00 hours Saturday and at no time on Sundays, Bank Holidays and other public holidays.**
- 6. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel). The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.**
- 7. No part of the development hereby permitted shall be brought into use until the access, parking and turning areas have been constructed so as to prevent the unregulated discharge of surface water from these areas to the public highway in accordance with details to be first submitted to and agreed by the Local Planning Authority. The agreed details shall be implemented and retained for the life of the development.**
- 8. Prior to the occupation of any of the dwellings hereby permitted details of the bin store, including plans, materials and manufacturer details shall be submitted to and agreed in writing by the Local Planning Authority. The development therefore shall be completed in accordance with this detail and retained for the life of the development.**

**Reasons:**

1. To comply with S92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure the satisfactory appearance of the development in accordance with Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
4. To assure the amenity of residents of the new properties and to protect the appearance of the locality in accordance with Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Aligned Core Strategy and the aims of the NPPF.
5. To protect the surrounding residential properties from excessive operational noise in accordance with the aims of Policy E34 of the Broxtowe Local Plan (2004).
6. To reduce the possibility of deleterious material being deposited on the public highway.
7. To ensure surface water from the site is not deposited on the highway causing dangers to road users.
8. No such details were provided and to ensure that the development presents a satisfactory appearance within the conservation area in accordance with the aims of Section 12 of the NPPF, Policy H7 of the Broxtowe Local Plan (2004) and policies 10 and 11 of the Aligned Core Strategy (2014).

**Notes to Applicant:****For all applications**

1. This permission/consent has been granted contemporaneously to a Section 106 Agreement and addendums thereto and reference should be made to these documents.
2. 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 with positive amendments being sought and made during the course of the application.
3. The developer will need to purchase bins for each property. Notice will be served in due course. Bins will need to be presented on collection day no more than 25 metres from the collection point (the highway).

4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 01623 646 333.

Further information is also available on The Coal Authority website at [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

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

Background papers

Application case file





**Legend**

- 17/00701/FUL
- 17/00825/FUL
- 17/00771/FUL
- 17/00790/LBC
- LB Listed Building
- Conservation Area

## Report of the Chief Executive

**17/00455/FUL**  
**DEMOLISH EXISTING SERVICING GARAGE AND BUNGALOW AND**  
**CONSTRUCT 12 DWELLINGS**  
**205A BYE PASS ROAD, CHILWELL, NOTTINGHAMSHIRE NG9 5HR**

1 Details of the application

1.1 The application seeks permission to construct 12 semi-detached houses following the demolition of a servicing garage, currently used as a hand car wash, and a bungalow (205 Bye Pass Road). A new access road would be constructed to provide access to 10 of the houses. The other two houses would be accessed directly from Bye Pass Road. Each house would have a minimum of two off-street parking spaces. Two pairs of semi-detached houses would front onto Bye Pass Road and would have hipped roofs with a front gable feature, integrated garages and four bedrooms. The remaining four pairs of semi-detached houses would be positioned to the rear of the site and would have three bedrooms. Flood mitigation measures are proposed which includes setting the gardens at a lower level than the houses to provide a flood compensation area and to raise the floor levels within the new houses.

1.2 In addition to existing and proposed plans, the following information has been submitted in support of the application:

- Flood Risk Assessment;
- Sequential Test;
- Indicative Drainage Layout;
- Contamination Report; and
- Design and Access Statement.

2 Site and surroundings

2.1 The site comprises a former petrol station and car garage which is currently in use as a hand car wash. There is a canopy and a single storey building to the front of the site. To the rear, there is a large overgrown area which historically was part of a residential garden. 205 Bye Pass Road, a dormer bungalow, also forms part of the application site. There are three trees positioned along the frontage on the grass verge. There are also a variety of trees along the side and rear boundaries of the site. A watercourse passes along the east and south boundaries of the site.

2.2 To the north of the site lies 193 Bye Pass Road, a two storey detached house. This is within the same ownership as the applicant and is therefore outlined in blue on the Site Location Plan. To the south lies 205B Bye Pass Road which is also a two storey detached property. There are existing residential properties to the south east of the site on Clarence Road and directly opposite the site which includes the recent development at the former Long Eaton Textiles site. Chilwell School lies to the east of the site and the playing fields are directly beyond the east boundary. This land is designated as a 'Protected Open Area' within the

Broxtowe Local Plan (2004) but none of the application site falls within this designated area.

- 2.3 The site lies in Flood Zone 3 (high probability of flooding).



### 3 Relevant planning history

- 3.1 Outline planning permission (reference 04/00866/OUT) was granted in 2004 to use the land for residential development. All matters were reserved but no reserved matters applications were subsequently submitted.
- 3.2 A planning application (reference 06/00060/FUL) was submitted in 2006 to construct 7 detached houses. The application was withdrawn due to further work being required in respect of flood risk. A revised application was submitted (reference 06/00626/FUL) but was also subsequently withdrawn due to concerns regarding the density and layout of the scheme.
- 3.3 A planning application (reference 08/00189/FUL) was submitted in 2008 to construct 12 dwellings. This application was withdrawn as further flood risk work was required to overcome an objection from the Environment Agency.
- 3.4 An outline planning application (reference 12/00058/OUT) was submitted in 2012 for 12 dwellings. This application was withdrawn due to concerns regarding the layout.

### 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 In relation to assessing the highway impacts of a proposal, paragraph 32 states that development should only be refused on transport grounds where the residual cumulative impacts are severe.
- 4.1.4 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, 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.
- 4.1.5 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.
- 4.1.6 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.
- 4.1.7 Paragraphs 203 – 206 advise on planning obligations and state that obligations should only be required when they are necessary to make the development acceptable in planning terms, are directly related to the development and are 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 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' reflects the presumption in favour of sustainable development contained in the NPPF. It states the Council will work proactively with applicants to approve proposals wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 4.2.4 'Policy 1: Climate Change' sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings. The policy sets 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 states that development will be supported which adopts the precautionary principle, that avoids areas of current or future risk, does not increase flooding elsewhere and where possible reduces flood risk. The policy 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. 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.
- 4.2.6 '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% 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 valued local characteristics are reinforced.
- 4.2.8 'Policy 14: Managing Travel Demand' aims to reduce the need to travel by private car. It states that the priority should be to select sites which are already accessible by walking, cycling and public transport.
- 4.2.9 'Policy 16: Green Infrastructure, Parks and Open Spaces' sets out a strategic approach to the provision of new Green Infrastructure. It states that existing Green Infrastructure corridors will be protected and enhanced. Criteria for development impacting on existing open space are provided. Landscape character should be protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment.

4.2.10 '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.

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

4.2.12 'Policy 19: Developer Contributions' confirms the current use of Section 106 Agreements.

### **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 E12 'Protected Open Areas' states that development will not be permitted which would detract from the character or function of protected open areas.

4.3.3 Policy E24 'Trees, hedgerows and Tree Preservation Orders' states that development that would adversely affect important trees and hedgerows will not be permitted.

4.3.4 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.

4.3.5 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.

4.3.6 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.

4.3.7 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.

4.3.8 Policy H7 'Land Not Allocated for Housing Purposes' states that 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.

4.3.9 Policy RC6 ‘Open Space: Requirements for New Developments’ states that 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 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.

#### **4.4 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 14 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 1 ‘Flood Risk’ states that development will not be permitted in areas at risk from any form of flooding unless: there are no suitable and reasonably available alternative locations for the proposed development in a lower-risk area outside the Green Belt; and in the case of fluvial flooding, the proposal is protected by the Nottingham Trent Left Bank Flood Alleviation Scheme or other flood defences of equivalent quality; and adequate mitigation measures are included.

4.4.3 The justification for the policy is that within Beeston and Attenborough there are substantial areas which are within Flood Zones 2 and 3 but have a high degree of protection against flooding due to the Nottingham Trent Left Bank Flood Alleviation Scheme. Some of these sites are on previously-developed land and some may bring the opportunity to provide affordable housing in areas of substantial need. Whilst the sequential test must still be applied, the minimisation of development in the Green Belt in Broxtowe will be treated as a ‘sustainability benefit’ and the Green Belt will be treated as a major constraint with regard to whether other sites are ‘reasonably available’.

4.4.4 Policy 15 ‘Housing mix, size and choice’ states that 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'.

- 4.4.5 Policy 17 'Place-making, design and amenity' states that 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.
- 4.4.6 Policy 19 'Pollution, Hazardous Substances and Ground Conditions' states that 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.
- 4.4.7 Policy 26 'Travel Plans' states that a Travel Plan will be expected to be submitted for developments of 10 or more dwellings or 1000 sq m or more gross floorspace.
- 4.4.8 Policy 32 'Developer contributions' states that 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.

## 5 Consultations

- 5.1 The Council's Environmental Health Officer has stated no objection subject to conditions being applied. Due to the historic uses of the site, an updated contamination report is required to be submitted and approved prior to works commencing and any remedial measures must be implemented. A note to applicant regarding restricting construction hours to 08:00 to 18:00 hours Monday to Friday; 08:00 to 13:00 hours on Saturdays and at no time on Sundays and Bank Holidays is also recommended.
- 5.2 The Council's Waste and Recycling Officer has stated that the developer will be required to purchase bins.
- 5.3 Nottinghamshire County Council as Highways Authority requested a swept path analysis. Following submission of amended plans, it is satisfied that the outstanding issues have been resolved but requests conditions in respect of submitting details of the new access road (i.e. visibility splays, gradients and construction specification); redundant accesses being permanently closed and access crossings reinstated; the existing lighting column needs to be relocated; drives and parking areas need to be surfaced in a hard bound material and appropriately drained; and wheel washing facilities need to be installed on site.



- 5.4 The Environment Agency states no objection subject to conditions requiring the mitigation measures as outlined in the Flood Risk Assessment being carried out. This includes the provision of compensatory flood storage and sets levels for access routes and finished floor levels. A contamination report should also be submitted prior to works commencing.
- 5.5 Nottinghamshire County Council as Lead Local Flood Authority has no objection subject to Severn Trent confirming the development can connect to the combined sewer and sewer capacity is not compromised; no connection is made to the surface water sewer or to the highway gullies; the finalised drainage design shows any exceedance of the drainage system is contained within the site; and consideration is given to the condition of the adjacent watercourse as a clearer channel will reduce flood plain use. Following the submission of additional information, including confirmation from Severn Trent that water can be discharged into the combined sewer, it confirms that they have no objection providing the scheme is built in accordance with the submitted information.
- 5.6 Nottinghamshire County Council Planning Policy highlight the potential for bats in the existing building; state that provided the mature trees along the highway verge are maintained, the impact on the visual landscape will be minor adverse and replacing the car wash with housing will have a moderate beneficial impact on the character of the area. The style of the housing is considered to be in keeping with the surrounding area. It is recommended that a tree survey and landscape scheme should be submitted. A contribution to improving bus stops is requested. An education contribution of £34,365 is requested to accommodate an additional three primary school places. Contributions would be used to provide places at Meadow Lane Infant/College House Junior School. No contribution is sought in respect of secondary school places. Following further correspondence, they state that £2000 would be acceptable for bus stop improvements and that a full contribution is still sought towards education based on updated projections.
- 5.7 Councillor Eric Kerry has stated that there needs to be provision for regular maintenance of the watercourse and a contribution to education provision should be requested.
- 5.8 16 neighbouring properties and Chilwell School were consulted on the application. A site notice was also displayed. During the course of the application, one letter of support was received stating that the current use is an eyesore. There was one letter stating no objection and one objection stating that the applicant has left other local sites virtually derelict, an eyesore and a danger to the public. They state that this should not be allowed to happen to this site.
- 5.9 Five letters stating observations or raising concerns were also received and the points raised are summarised below:

### **Principle**

- Emphasis should be on providing affordable new properties.

## **Flooding**

- Concerns regarding the capacity of the existing waterway and that any additional volume of water will add to the existing flooding problem on Bye Pass Road.
- The development will increase the risk of flooding to 205B Bye Pass Road.
- The existing site floods so concerned that if land is raised, this will just move the problem elsewhere.
- The Flood Risk Assessment fails to understand the existing flooding problems.
- The applicant should clear the silt which has accumulated from the car cleaning business.
- Fencing along the side boundary needs to be solid to provide privacy and there should be no need for the boundary treatment to allow water through if there will be no increase to flood risk.

## **Impact on School**

- The rear boundary (with the school) must be kept secure and private and no gates should be erected.
- Concern about noise during construction works and potential disturbance during exam periods.

## **Landscaping**

- Trees along the road and existing biodiversity should be preserved.
- Query regarding if any works will be carried out to the trees in the south east corner of the site.

## **6 Assessment**

6.1 The main issues which will be discussed below relate to the principle of the proposed development, if the development is acceptable in flood risk terms, the design and layout, the relationship to neighbouring properties and if satisfactory financial contributions are proposed.

### **6.2 Principle and Flood Risk**

6.2.1 The existing servicing garage, currently in use as a car wash, would be demolished as part of the development. Due to the poor condition of the existing building and as the site is within a predominantly residential area, it is considered that the demolition of the existing buildings and removal of this use would be acceptable. 205 Bye Pass Road would also be demolished and this is considered to be acceptable as it would allow for a more comprehensive residential development of the site. The need to provide additional dwellings to boost housing supply is also given significant weight, particularly as this site is within an existing urban area and provides additional housing outside of the Green Belt. The Council cannot currently demonstrate a 5 year housing land supply.

6.2.2 The site lies within Flood Zone 3 (high probability of flooding) and this has previously been a significant constraint to developing the site. 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. A Flood Risk Assessment has been submitted with the planning application which has assessed the risk of flooding from the River Trent and from the watercourse which runs along the southern and eastern boundaries of the site. The Assessment acknowledges that the River Trent is protected by flood defences but the site would still be considered to be within defended Flood Zone 3. A hydraulic model of the smaller watercourse has also been undertaken and shows that the smaller watercourse would pose a flood risk to the site during a 1 in 100 year return period.

- 6.2.3 A number of mitigation measures are proposed including raising the finished floor levels of the properties and providing floodplain compensation storage within the site. This would result in small areas of the gardens within the proposed development being flooded during a flooding event but the houses would not flood. The submitted layout plan also states that, on completion of the construction works, any debris and foliage will be cleared away from the watercourse. An indicative drainage layout has been provided which confirms that surface water from the site will discharge to the public sewer and Severn Trent has confirmed that this would be acceptable. The Lead Local Flood Authority has stated no objection to the proposed drainage design and construction. The Environment Agency also has no objection provided the mitigation measures are fully implemented which can be secured by condition.
- 6.2.4 Whilst it is acknowledged there is concern from the neighbouring property that the development will increase flood risk, based on the submitted details, the mitigation measures proposed and the comments provided by statutory consultees, it is considered that the development complies with the NPPF and would be acceptable in flood risk terms. Permitted development rights should be removed for extensions and outbuildings within the flood compensation area to ensure that the area remains open for the lifetime of the development.
- 6.2.5 A Sequential Test and Exception Test have also been submitted with the application which conclude that there are no alternative sites available within areas located in zones with a lower probability of flooding and that sites such as the application site are needed to meet the Council's 5 year housing supply target. In respect of the exception test, the applicant needs to show that the sustainability benefits of the development outweigh the flood risk. Sustainability benefits are listed as redeveloping a brownfield site, removing an eyesore, improving the appearance of the area and the street scene, and providing homes in a highly sustainable location, well served by public transport and close to local facilities. Whilst only in draft form, the supporting text to Policy 1 of the Part 2 Local Plan states that in applying the Sequential and Exception tests, the minimisation of development in the Green Belt in Broxtowe will be treated as a 'sustainability benefit' and the Green Belt will be treated as a major constraint with regard to whether other sites are 'reasonably available'. Based on the above, it is considered that the proposal passes the Sequential Test and that sufficient sustainability benefits have been demonstrated which outweigh the flood risk.

### 6.3 Design and Layout

6.3.1 Policy 10 of the Aligned Core Strategy sets design and layout principles to be applied to new development and looks to ensure that valued local characteristics are reinforced. Local Plan Policy H7 states that residential development on sites within the existing built-up area will be permitted provided the development would not result in an undesirable change in the character or appearance of the area and the development of a larger area is not prejudiced. It is considered that the proposed development will address the street frontage with two pairs of semi-detached houses which replicate the style of a number of houses within the vicinity of the site. The houses would have hipped roofs with gable features to the front and incorporate brick detailing. The houses would have four bedrooms and would be similar in size to surrounding houses. The development would significantly improve the visual appearance of the site and the street scene compared to the existing servicing garage. To the rear there would be four pairs of semi-detached houses which would have three bedrooms and would be accessed from a new road. These houses would have a simpler design but would be set back from Bye Pass Road and would be less prominent. It is considered that these houses would also be in keeping with the general character of the area. It is considered that the layout allows for an efficient use of the site (equivalent of 32 houses per hectare), particularly taking into account the need for an easement to provide flood compensation storage. A condition will be required to ensure that appropriate external materials are used.

### 6.4 Amenity

6.4.1 Local Plan Policy H7 states that 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. In respect of the amenity of proposed occupiers, it is considered that the internal rooms will provide satisfactory space and all rooms would have a good outlook. Garden space would be provided to the rear, with a minimum garden length of 10m which would provide adequate outdoor amenity space for the residents. There would be a minimum distance of 24m from the rear elevations of the plots situated to the front of the site to the front of the plots situated towards the rear. This will prevent an unacceptable sense of enclosure or overlooking occurring.

6.4.2 The proposed dwellings will be constructed at a raised level as part of the flood mitigation measures. However, it is considered that the raised level, 40cm above the existing ground level which is evident in the proposed street scene drawing, would not be to an extent which would result in a loss of amenity to neighbouring occupiers, particularly due to the gaps which are maintained to the boundaries.

6.4.3 Plot 1 would be constructed following a similar building line to 193 Bye Pass Road. The frontage of Plots 11 and 12 would be 21.5m from the rear elevation of 193. The garden of number 193 would be retained in its current form. It is considered that an acceptable layout has been achieved which will prevent overlooking or an unacceptable loss of amenity occurring to the occupiers of number 193. Beyond the north boundary lies 191 Bye Pass Road. Number 191 benefits from a large rear garden and plot 12 would be set away from the rear

elevation of number 191. Whilst there may be oblique views from plot 12 towards 191, it is considered that, due to the layout and relationship between the properties, an unacceptable loss of privacy would not occur. A condition should be included to ensure that obscure glazing is used in the side elevation. There is also a sufficient distance to prevent plot 12 from being overbearing on the occupiers of number 191.

6.4.4 To the south of the development lies 205B Bye Pass Road which also benefits from a large rear garden. Plot 4 would be set in 6m from the boundary with number 205B. Plot 5 would be set in 5.8m from the boundary. It is considered that the buffer to the boundary and the positioning of the houses in relation to number 205B will prevent an unacceptable loss of amenity occurring.

6.4.5 There would be in excess of 15m from the rear elevations of plots 5 to 12 to the rear boundary of the site. Beyond the rear boundary lies the playing fields of Chilwell School. Due to the separation distance, it is considered that the school will not be unacceptably overlooked by the development.

6.4.6 There are houses directly opposite the site on Bye Pass Road but the road acts as a buffer and mutual overlooking already exists.

## 6.5 Other Issues

6.5.1 In accordance with the recommendation of the Council's Environmental Health Officer and the Environment Agency, a condition will be included to require the submission of a contamination survey prior to works commencing. This is required due to the history of industrial uses on the site.

6.5.2 The Highways Authority has no objection subject to a number of conditions. This includes details of the new road, reinstating redundant accesses, relocating the existing lighting column, using a hard bound material, incorporating appropriate drainage and including wheel washing facilities. It is considered reasonable and necessary for these conditions to be included. Appropriate off-street parking is provided within the development.

6.5.3 The land to the east, is designated as a 'Protected Open Area' within the Broxtowe Local Plan (2004) but none of the application site falls within this designated area. It is considered that the Protected Open Area will not be adversely affected by the proposed development.

6.5.4 There are no trees subject to Tree Preservation Orders within the site. The trees along the frontage are positioned on the highway verge and would be retained. Trees along the boundaries of the site will also be retained, although the applicant has confirmed that some tree works may be undertaken in the south east corner. Notwithstanding the above, a landscape scheme should be conditioned which will include further details of any works to be carried out to the trees, details of the landscaping, particularly along the frontage with Bye Pass Road, and details of the boundary treatments to ensure these provide adequate privacy for neighbours whilst also allowing water to flow between if required.

6.5.5 Chilwell School has raised concerns regarding construction noise causing disturbance during exam periods. Whilst it would not be reasonable to restrict construction hours to outside of exam periods, a note to applicant can be included to ensure that best practicable means are followed to reduce potential disturbance.

6.5.6 One letter of objection was received raising concerns regarding the condition of other sites within the applicant's ownership. However, this would not be a material planning consideration and this site must be considered on its own planning merits.

## **6.6 Financial Contributions**

6.6.1 A residential development of this scale generates the need for financial contributions towards education and integrated transport measures.

6.6.2 In accordance with paragraph 204 of the NPPF and the Community Infrastructure Levy (CIL) Regulations 2010, planning obligations can only be used if 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.

6.6.3 A financial contribution of £2000 towards the improvement of bus stops within the vicinity of the site, which will include raising boarding kerbs and improving the information displays, has been agreed with Nottinghamshire County Council.

6.6.4 Nottinghamshire County Council has stated that the proposed development would yield an additional three primary school places which would require a contribution of £34,365. The contribution would be used to create additional capacity at The Lanes Primary School (formerly Meadow Lane Infant School and College House Junior School). Secondary school places can be accommodated in existing secondary schools.

6.6.5 However, the applicant considers that the request is unjustified for the following reasons:

- An extension has already been constructed at The Lanes Primary School (on the College House School site) to address the shortfall (Planning reference 15/00737/CCR). As a consequence, there is no case for contributing towards additional education infrastructure in this area at the present time and therefore any financial contribution would not be directly related to this development.
- The projections relate to a wider catchment containing other schools, including additional education provision in the Rylands area arising from the planned development at Boots. This is unlikely to result in a further extension being required at The Lanes Primary School.
- Works would have to commence on the application site within three years (by 2021) and therefore would have to be implemented whilst there is still capacity within the schools.
- The remediation of the site and the provision of the required flood prevention measures will result in significantly higher construction costs.

6.6.6 The Education Authority considers that the education contribution is justified as the capacity of The Lanes Primary School will be exceeded by 2020/21. Their calculations already include the additional capacity created at The Lanes Primary School.

6.6.7 The Council requested that a viability report should be submitted but the agent considers that a report is not necessary for the reasons stated above. It is accepted that there will be additional costs associated with de-contamination of the site and to implement the flood mitigation and compensation measures. The agent’s challenge of the Education Authority’s justification for the contribution is also noted. It is also acknowledged that there is a net addition of 11 houses, only marginally above the threshold to trigger the requirement for education contributions. Significantly, there is a need for housing within existing urban locations such as this. The National Planning Policy Guidance is also clear that planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms. Therefore, it is considered that there would not be justification for refusing the application based on the absence of an education contribution.

**7 Conclusion**

7.1 It is considered that the principle of the proposed development would be acceptable. It would remove the servicing garage and provide 12 houses within a predominately residential area. The appearance of the site will also significantly improve as a result of the development and it is considered a good standard of design has been achieved and that there will not be an unacceptable loss of amenity to any neighbours. With the inclusion of conditions recommended by the Environment Agency, it is considered that the development would be acceptable in respect of flood risk and the application would not be refusible due to the absence of the education contribution.

**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) prior completion of either an agreement under Section 106 of the Town and Country Planning Act 1990 or a Unilateral Undertaking in respect of bus stop improvements; and**
- (ii) 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: The Site Location Plan and 16/295/04 ‘House Type B’ received by the Local Planning Authority on 27 June 2017; 16/295/03 Rev A ‘House Type A’ and 16/295/05 Rev A ‘Street Scene Proposed’ received by the Local Planning Authority on 14 November 2017 and 16/295/02 Rev B ‘Layout Plan’ received by the Local Planning Authority on 21 November 2017.**

- 3. No development above slab level shall commence until samples of the proposed external facing brickwork and roofing materials have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.**
- 4. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (C1444/FRA/RH Revision B compiled by HSP Consulting in November 2016). This includes the provision of compensatory flood storage to at least 591m<sup>3</sup> to maintain current flood storage of the site; access routes to be set no lower than 27.32m AOD; finished floor levels to be set no lower than 27.79m above AOD; and the occupants to sign up to the Environment Agency Flood Alerts. The mitigation measures shall be fully implemented prior to occupation and the physical measures shall be retained for the lifetime of the development.**
- 5. (a) No development shall commence, including site clearance works, until a risk assessment and site investigation scheme have been carried out and a report submitted to and approved in writing by the Local Planning Authority. The assessment must have regard to all previous uses, potential contaminants, a conceptual model of the site indicating sources, pathways and receptors and potential unacceptable risks arising from contamination. The scheme, based on the above, 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 scheme shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems and shall include a verification plan to state how it will be demonstrated that the remediation works have been carried out.**
  - (b) No building to be erected pursuant to this permission shall be first occupied or brought into use until:**
    - (i) all the necessary remedial measures for that respective building have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and**
    - (ii) It has been certified to the satisfaction of the Local Planning Authority, through the submission of a verification report which accords with the verification plan, that the necessary remedial measures for that respective building have been implemented in full.**
- 6. No development, including site clearance, shall commence until details of retained trees and measures for their protection have been submitted to and agreed in writing by the Local Planning Authority. The agreed fencing shall be in place before any equipment, machinery or materials are brought onto 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.**
- 7. No development above slab level shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning**



**Authority. The landscaping scheme shall include:**

- (a) details of any works to existing trees;**
- (b) numbers, types, sizes and positions of proposed trees and shrubs;**
- (c) planting, seeding/ turfing of other soft landscape areas;**
- (d) details of the site boundary treatments and curtilage boundary treatments;**
- (e) a timetable for implementation of the scheme.**

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

- 8. No dwelling accessed from the new access road shall be occupied until the road is constructed in accordance with the Highway Authority’s specification.**
- 9. No dwelling shall be first occupied until:**
  - i. Redundant access es are permanently closed and reinstated as footway; and**
  - ii. Parking areas and driveways are surfaced in a suitable hard bound material (not loose aggregate) and drained to prevent the unregulated discharge of surface water onto the public highway.**
- 10. No development, including site clearance, shall commence until wheel washing facilities have been installed on site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times.**
- 11. The first floor windows in the side elevations of the approved dwellings shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) before the respective plots are first occupied and thereafter retained in this form for the lifetime of the development.**
- 12. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Classes A and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification), no extensions and no additional buildings shall be constructed within the flood compensation area (as shown by the demarcation line on drawing 16/295/02 Rev B ‘Layout Plan’ received by the Local Planning Authority on 21 November 2017) 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.**

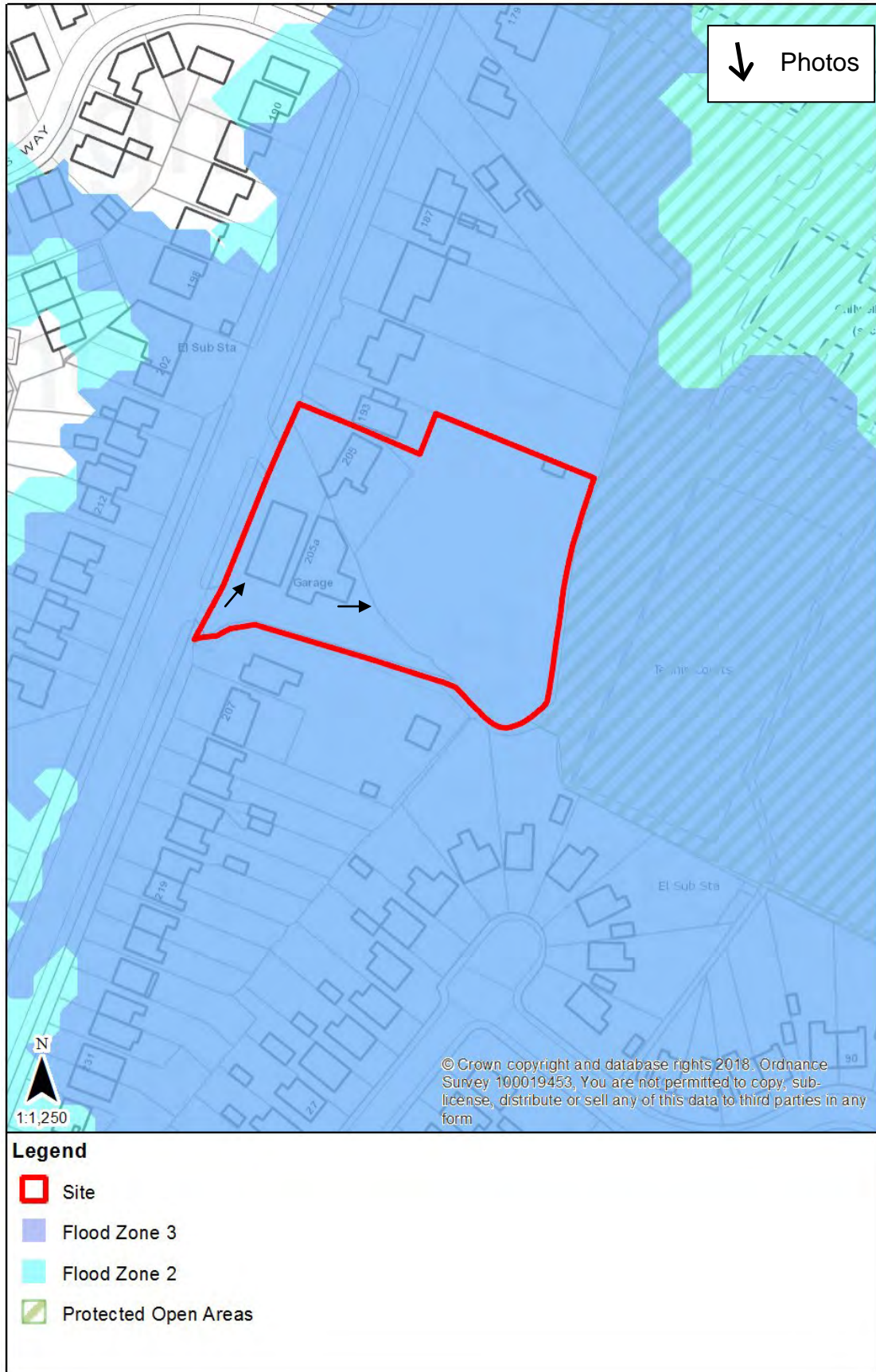
2. For the avoidance of doubt.
3. Insufficient details were included with the application and to ensure that the details are satisfactory, in accordance with the aims of the NPPF and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
4. To reduce the risk of flooding to the proposed development and future occupants, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to ensure safe access and egress from and to the site in the event of a flood and in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014).
5. 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, to improve and protect water quality and in accordance with the aims of the NPPF, Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy E29 of the Broxtowe Local Plan (2004).
6. Insufficient details were included with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the existing trees are not adversely affected and in accordance with the aims of Policy E24 of the Broxtowe Local Plan (2004).
7. To ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policies H7 and E24 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
- 8, 9 & 10. In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
11. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
12. To ensure that the compensatory flood storage area is maintained for the lifetime of the development, to reduce the risk of flooding to the proposed development and future occupants, to prevent flooding elsewhere and in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014).

**Notes to Applicant:**

1. Best practicable means should be used during construction to ensure that disturbance is kept to a minimum. It is advised that contractors limit noisy works to between 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays and no noisy works on Sundays and bank holidays. There should also be no bonfires on site at any time to prevent nuisance to neighbours.

- 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. An agreement under Section 38 of the Highways Act 1980 will be required. A Traffic Regulation Order will be required to amend the lining and a lighting column will need to be relocated. It is also an offence under Sections 148 and 151 of the Highways Act 1980 to deposit mud onto the public highway. The applicant is advised to contact the Nottinghamshire County Council as Highways Authority at an early stage (Tel: 0300 500 8080).**
- 3. The applicant is advised to contact the Council's Waste and Recycling Section (0115 9177777) to discuss waste and refuse collection requirements.**
- 4. 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

**17/00864/FUL**  
**CONVERT BUILDING INTO 4 FLATS. INSERT FIRST FLOOR SIDE WINDOW**  
**134 - 136 BROOKHILL STREET, STAPLEFORD, NOTTINGHAMSHIRE**  
**NG9 7GN**

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

1 Details of the application

- 1.1 The application seeks permission to convert a detached house on a corner plot into four, one bedroomed flats and insert a first floor side window. Each flat will have a bathroom and kitchen/ living area. There is a rear courtyard to accommodate off street parking.
- 1.2 The building was originally two dwellings which have been converted into one. It has a gable roof, a two storey front projection and single storey rear extension with lean-to roof.
- 1.3 During the course of the application, amended plans were received omitting the proposed dormers, hip to gable extension and a fifth flat in the attic. A ground floor bay window was added to the front (north) elevation serving the bedroom in flat 1 and the rear (south) window serving the bedroom of flat 4 (closest to the boundary with no. 138) is no longer proposed to be obscurely glazed.

2 Site and surroundings

- 2.1 The application property is positioned on the corner of Brookhill Street and New Eaton Road. The site is 23m in length and 13m in width.
- 2.2 Brookhill Street and New Eaton Road are characterised by bungalows, flats, detached and semi-detached dwellings, all varying in style. No. 1 New Eaton Road is a semi-detached house positioned to the south. No. 138 is a semi-detached house with a two storey rear projection, positioned to the east. No. 132 is a semi-detached house positioned on a corner plot to the west. No. 121 is a bungalow positioned on the northern side of Brookhill Street.
- 2.3 The site slopes down gradually approximately 1m from east to west along Brookhill Street. The building is 54m south of Queen Elizabeth Park, 420m south east of Stapleford town centre and is close to regular transport bus services along New Eaton Road and Derby Road. The site is 23m by 13m.



Front (north) elevation



Rear (south) courtyard



Side (west) elevation



Rear (south) elevation

3. Relevant planning history

- 3.1 An application (87/00660/FUL) to extend the shop into the adjoining house was granted permission in January 1988.
- 3.2 An application (89/00099/FUL) to construct a detached garage and vehicular access was granted in February 1989.
- 3.3 An application (96/00416/FUL) to construct a detached double garage was granted permission in September 1996.
- 3.4 An application (99/00656/FUL) to change the use from a shop/residential unit to a residential dwelling and construct a detached brick garage was granted in December 1999.

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.
- 4.1.2 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 In relation to assessing the highway impacts of a proposal, paragraph 32 states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Paragraph 39 states if setting local parking standards for residential and non-residential development, local planning authorities should take into account:
- the accessibility of the development
  - the type, mix and use of development
  - the availability of and opportunities for public transport
  - local car ownership levels
  - an overall need to reduce the use of high-emission vehicles.
- 4.2 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 15 'Housing Size, Mix and Choice' states that 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.
- 4.2.3 Policy 17 'Place-Making, Design and Amenity' states that permission will be granted for development which integrates into its surroundings, creates well defined streets and places, provides adequate amenity space, ensures a satisfactory degree of amenity and does not prejudice the satisfactory development of a wider area.
- 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, scale, materials, design and impact on the amenity of nearby residents.
- 4.4 Saved Policies of the Broxtowe Local Plan
- 4.4.1 Policy H4 'Subdivision or Adaption of Existing Buildings' confirms that permission will be granted providing residents would have an acceptable standard of amenity and the development would not result in unacceptable parking problems.

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 Senior Environmental Health Officer has no objection subject to the inclusion of a note to applicant advising on working hours, the need for compliance with no bonfires to occur on site British standards for fire safety, fire separation and noise insulation, and measures to minimise dust and litter emissions whilst construction works are in progress.

5.2 The Environment and Business Development Manager has advised that the developer will need to purchase bins and confirms the required number of bins.

5.3 Nottinghamshire County Council Highways Authority advises that a parking plan is required.

5.4 13 objections have been received from surrounding neighbours in relation to the scheme as submitted and are summarised as follows:

- Proposal will generate five - ten more cars and adequate parking does not appear to be feasible in rear courtyard therefore this will increase on-street parking on New Eaton Road and Brookhill Street which are already congested roads due to lack of off street parking.
- Concerned that residents and visitors will use adjacent drive (no. 138 Brookhill Street) leading to conflict with the residents of the property.
- Located on a busy T-junction with parking restrictions with a proposal for double yellow lines where New Eaton Road meets Brookhill Street (so any increase in vehicles could pose a risk to pedestrians crossing the road, especially during school hours and a bus stop being outside the property which limits on-street parking).
- A local resident died due to lack of visibility caused by parked cars.
- No information provided in regards to proposed tenants, bin provision, landscaping, materials, removal of existing outbuildings or renovation proposals.
- Would welcome renovation to property as it is currently an eyesore but five flats is too excessive. Three flats would be more acceptable.
- A family home would be more appropriate.
- Should be one or two flats.
- Only fire escape for flat 5 is through internal stairs.
- Additional dormer windows are obtrusive, impinge on adjacent properties and significantly undermine privacy of rear garden of no. 138.
- Increased waste disposal could create an issue (rats) and a need for extra bins.

5.5 A re-consultation has taken place in relation to the amended scheme for four flats. Any correspondence received will be reported to the Committee.



6. Appraisal

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

6.2 Principle

6.2.1 It is considered that the principle of converting the building into four, one bedroomed flats is acceptable. An additional three dwellings would be created as a result of the development. The property is currently in a state of disrepair and the land surrounding the property is unkempt. The building has been vacant for a number of years and its redevelopment is considered to be positive.

6.3 Amenity, design and parking

6.3.1 Amended plans were received during the course of the application to omit the dormers, the hip to gable extension and flat 5 in the attic. A ground floor bay window was added to the front (north) elevation serving the bedroom in flat 1 and the rear (south) window serving the bedroom of flat 4 (closest to the boundary with no. 138) is no longer proposed to be obscurely glazed.

6.3.2 The footprint of the property will only slightly increase and there are minimal changes proposed to the exterior of the property. The building will still retain the appearance of a dwelling and therefore remain in keeping with the immediate neighbouring properties. The appearance of the front of the property will be improved with the addition of two ground floor windows (one a bay) which will break up the expanse of this elevation. Although no improvements have been stated in addition to those mentioned above, it is considered likely the external appearance of the property will be enhanced to attract future tenants. This would be likely to improve the appearance of the building on this corner plot and improve the visual amenity of the surrounding area.

6.3.4 Each flat has one bedroom which exceeds the minimum size requirement stated in the Housing Act 1985. It is considered the proposed flats will provide a satisfactory amount of living space and a sufficient outlook for future occupants.

6.3.5 The neighbours that directly adjoin the site are no. 1 New Eaton Road and no. 138 Brookhill Street. A new first floor window is proposed in the side (east) elevation facing no. 138. This window will serve a bathroom, be obscurely glazed and face a blank elevation. As there is a smaller existing window, it is considered a larger window will not have a detrimental impact on the amenity of the occupants of no. 138. The rear (south) elevation will remain relatively unchanged, with a ground floor window being made smaller and one window being obscurely glazed. There is a separation distance of approximately 20m from the rear elevation of the application building to the side (north) elevation of

- no. 1. This is considered to be sufficient to ensure the proposal will not have a detrimental impact on the amenity of this neighbour.
- 6.3.6 The proposed ground floor bay window, window in the front (north) elevation and ground floor window in the side (west) elevation are considered to be acceptable and will not have a detrimental impact on surrounding neighbours due to the intervening roads.
- 6.3.7 As the property was previously two semi-detached dwellings converted into one dwelling, it is considered the impact of flats is not a significant change that will have a detrimental impact on the amenity of the surrounding neighbours.
- 6.3.8 In relation to specific issues raised by residents, the development will need to comply with fire and safety regulations and this will be addressed by the Building Regulations process. The tenants the flats will be rented to and the potential use of no. 138's drive are not planning considerations (other than, in respect of the latter, it being seen as a consequence of inadequate on-site provision). There are coniferous trees and low level coniferous and deciduous vegetation in the rear courtyard. No plans have been included to indicate whether these trees will be removed or replaced and it is considered unnecessary to impose a restriction for these trees to be retained or additional planting to be provided due to the relatively small scale of the development. There are no outbuildings on the site.
- 6.3.9 It is evident within the consultation responses that there is significant concern the development does not include sufficient parking provision and that this will lead to increased demand for on-street parking.
- 6.3.10 In relation to assessing the highway impacts of a proposal, paragraph 32 of the National Planning Policy Framework states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Whilst paragraph 39 refers to the setting of local parking standards rather than the determination of planning applications, it provides a list of factors which should be taken into account, including the availability of and opportunities for public transport and the type, mix and use of the development. Policy 10 of the Aligned Core Strategy states that development should be designed to reduce the dominance of motor vehicles.
- 6.3.11 The site lies within relatively close proximity to Stapleford town centre with a regular bus service directly outside the property (number 510) which provides access to Stapleford and Beeston town centres. Regular bus services along Derby Road (i4 and the number 18) provide access to Nottingham and Derby city centres. Parking is available to the rear of the proposed flats but New Eaton Road is a relatively quiet residential street with low traffic volumes. On-street parking would be available for additional cars without being detrimental to highway safety or the free flow of traffic. As parking will be made available for some of the future occupants, it is considered that a pragmatic approach should be taken in respect of developing this vacant building within an urban area.

6.3.12 The building was previously two semi-detached dwellings which have been converted into one dwelling. Therefore, it is considered the residual impact of parking and future tenants associated with this building will not be significantly different to the previous situation. It is considered an acceptable amount of parking already exists on the site.

6.3.13 A parking plan with provisions for additional waste disposal and a cycle store have been provided. It will be conditioned that the parking spaces have to be provided prior to first occupation of any flat. Based on the above, it is considered that there would not be sufficient policy justification for refusing the application on highway safety or parking grounds.

7. Conclusion

7.1 It is concluded the proposal to convert this building into four flats is acceptable and it will not have an adverse effect on neighbouring amenity, the surrounding residential area or have a detrimental impact on highway safety and parking. The proposal therefore accords with Policies H4 and T11 of the Broxtowe Local Plan, with Policies 8 and 10 of the Broxtowe Aligned Core Strategy, Policies 15 and 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: Site Location Plan (1:1250) and Block Plan (1:500) received by the Local Planning Authority on 19 December 2017 and Proposed Roof/Floor Plan and Proposed Elevations received by the Local Planning Authority on 19 February 2018.**
- 3. The parking spaces shown on the parking plan shall be provided prior to the first occupation of any flat, and thereafter retained as such for the lifetime of the development.**

**Reasons:**

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. In the interests of highway safety to ensure the provision of on-site parking.**

**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. Best practicable means should be used during construction to ensure that disturbance is kept to a minimum. It is advised that contractors limit noisy works to between 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays and no noisy works on Sundays and bank holidays. The applicant should ensure that any works comply with current British standards for fire safety, fire separation and noise insulation. There should also be no bonfires on site at any time to prevent nuisance to neighbours and reasonable steps should be taken to damp down the site to minimise dust and litter emissions.**

Background papers

Application case file



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**

1. Reason for report

- 1.1 This report relates to a planning application which was deferred at the Planning Committee on 14 February 2018. Members deferred determination of the application to allow time to seek amendments relating to creating a gap the width of a wheelie bin (approximately 0.6m) between the proposed extension and side wall of the neighbour (number 421).
- 1.2 The original report to the Planning Committee on 14 February 2018 is attached as an appendix to this report.

2. Applicant's response

- 2.1 The applicant has reduced the width of the proposed extension by 0.2m, which means the width of the proposed extension is 3.5m. This would create a gap of 0.3m between the proposed extension and the side boundary with number 421.

3. Conclusions

- 3.1 The recommendation for approval remains the same.

**Recommendation**

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

- 1. The development hereby permitted shall be 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 at scale 1:500 received by the Local Planning Authority on 1 March 2018 and the Proposed Plans and Elevations at scale 1:50 received by the Local Planning Authority on 6 March 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

**17/00849/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.**

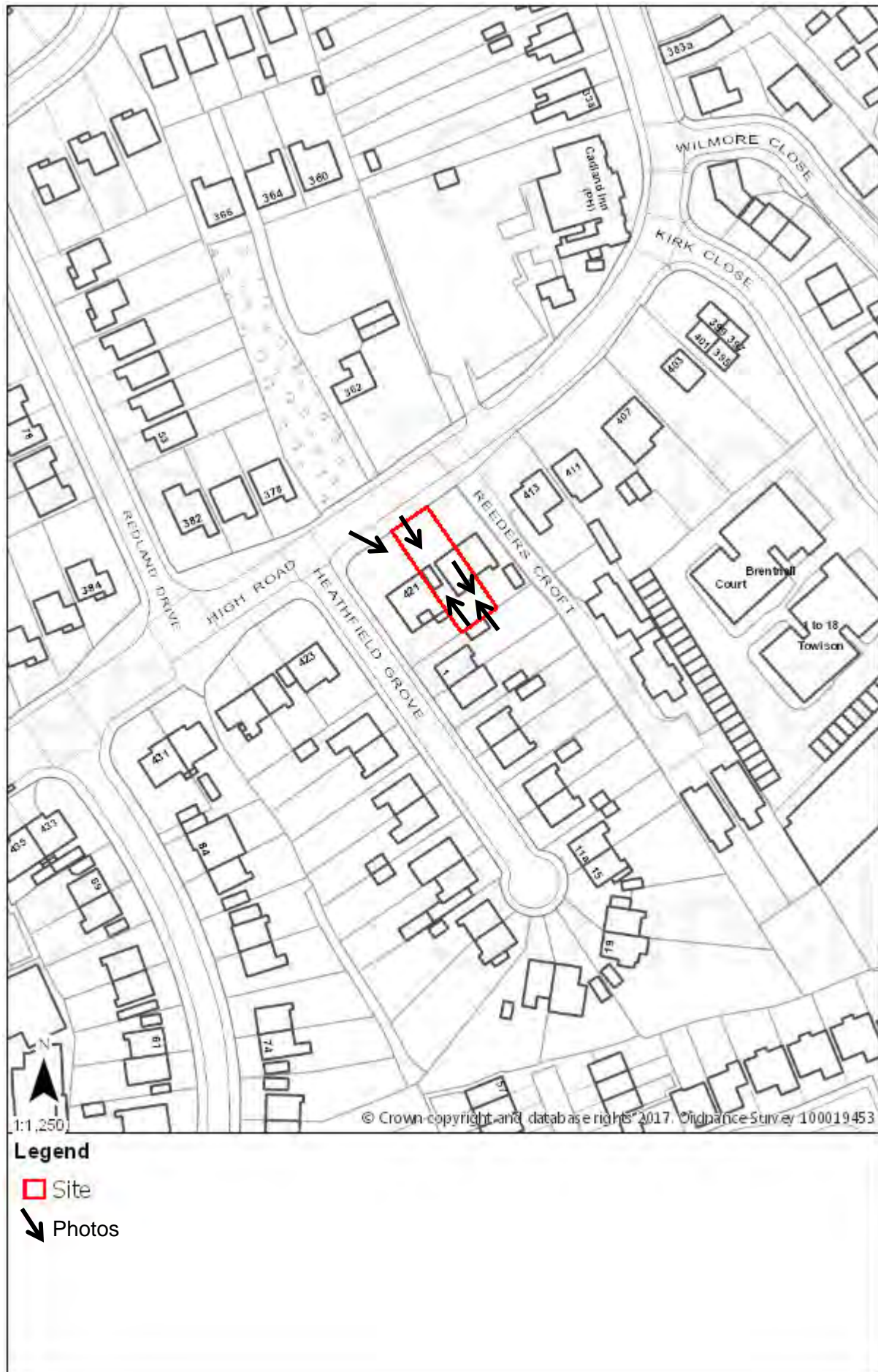
**Reasons:**

- 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

**17/00854/FUL  
 CONSTRUCT MANÈGE  
 LAND TO THE REAR OF HOLLY FARM BUNGALOW, MAIN STREET,  
 NEWTHORPE NG16 2DL**

Councillor M Handley requested this application be determined by Planning Committee.

1. Details of the application

1.1 The application proposes to construct a horse exercise manège on the field situated to the north of Holly Farm Bungalow. The manège will have a width (north west to south east) of 20 metres and length (south west to north east) of 40 metres. The top surface will be of specialist fibre sand and it will be bordered on all sides by a treated post and rail fence which will be 1.5m high with 2.3m width sections.

2. Site and surroundings



Proposed development site. Photo taken from south of the site facing north.



Stable block to south west of application site. Stable block is owned by applicants.



Proposed development site. Photo taken from the north of the site looking south towards Holly Farm Bungalow.



199A Main Street. Photo taken from proposed development site.

- 2.1 Holly Farm Bungalow is a detached residential property accessed through the small residential development of Holly Farm Court, off Main Street, to which it is situated to the north of.
- 2.2 The site as outlined in the site location plan incorporates two fields to the north of Holly Farm Bungalow. The field on which the development is proposed is the north west field. The field has vehicle and pedestrian access through Holly Farm Bungalow. There is a detached wooden stable block to the south west corner of the field.
- 2.3 The manège as proposed will be situated 1m from the boundary to the north west on the other side of which are further fields with the boundary made up of trees and hedgerow which is in excess of 3m high. It will be 19m from the north east boundary, which is a 1m high wooden fence, 30m from the boundary with 199A Main Street to the east/south east with a 1.7m high wooden fence and 5m from the south west boundary with a 1.5m wooden fence and gate making up the boundary along with the stable.
- 2.4 Further plans showing the changes in levels required to facilitate the development have been submitted in support of the application. These show that the land levels running west to north-west will be increased by 0.4 metres, with the levels running north to north-east increasing by 0.25 metres.
- 2.5 A public right of way (Greasley Parish Foot Path No. 40) runs through the application site. The footpath runs along the east boundary of Holly Farm Bungalow, diverting at the rear of the property to the east towards 199A Main Street.
- 2.6 The part of the application site on which the development is proposed is set within the Nottinghamshire Green Belt.



### 3. Relevant planning history

- 3.1 Holly Farm Bungalow has a detailed planning history with most applications relating to the residential property and therefore these are not considered relevant in the determination of this application. The planning history for the site relevant to this application is detailed below.
- 3.2 5/03/78/0198 - in 1978 planning permission was granted for a four bedroom farm bungalow and garage with a condition attached to ensure occupiers of this house were employed in either agriculture or works associated with the nearby butchers.
- 3.3 99/00487/ROC – in 2000 planning permission was granted to remove the condition to ensure occupiers of this house were employed in either agriculture or works associated with the nearby butchers.
- 3.4 06/00887/FUL – in 2007 planning permission was granted for the stable block that currently exists to the south west corner of the proposed development. This application was part of a larger application that included extensions to the dwellinghouse.

### 4. Policy context

#### 4.1 National policy

- 4.1.1 The National Planning Policy Framework (NPPF) March 2012, contains a general presumption in favour of sustainable development whereby planning permission should be granted for proposals that accord with the development plan without delay. It outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, a good standard of amenity for existing and future occupants should be secured, and developments should be located in sustainable locations.
- 4.1.2 Paragraph 87 of the NPPF states that ‘As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’ Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, although it does list a number of exceptions to this. One such exception is the provision of appropriate facilities for outdoor sport and outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it.

#### 4.3 Saved policy of the Broxtowe Local Plan 2004

- 4.3.1 Local Plan Policy E8: Development in the Green Belt states that planning permission will not be permitted in the Green Belt except where it constitutes appropriate development. Included in the list of appropriate development are essential facilities for outdoor sport and recreation.
- 4.3.2 Local Plan Policy RC14: Footpaths, Bridleways and Cycle Routes states that the Council will protect, maintain and where appropriate seek to extend the network of footpaths, bridleways and cycle routes in the borough. There is a public right of way running through the site.

4.3.3 Local Plan Policy RC17: Outdoor Recreation Pursuits states that planning permission will be granted for outdoor recreation facilities provided that there would be satisfactory access and appropriate parking facilities, the development would not detract from the open character, environment and landscape value of the area and there would be no unacceptable harm to local amenity.

4.4 Draft Part 2 Local Plan

4.4.1 The draft plan has recently undergone public consultation but has yet to be subject to normal Examination. Therefore, the following draft policies can only be afforded limited weight.

4.4.2 Policy 8: Development in the Green Belt states that applications for development in the Green Belt will be determined in accordance with the NPPF.

5. Consultations

5.1 The County Council's Rights of Way Officer states no objection to the proposal but would require that the availability of Greasley Parish Foot Path No. 40 is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. The Rights of Way Officer must be consulted in any re-surfacing or gating issues and the developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

5.2 The Rights of Way Officer comments further that a future diversion of the above path is planned which comes close to the proposed manège but does not appear compromised by the development. He advises any required path closure or diversion application should be made via consultation with the Rights of Way Officer.

5.3 One letter of objection and one letter to support the proposed development have been received. The comments received in the letter of objection are summarised as follows:

- It would seem reasonable to give consideration to the slope of the field and the resultant change to the character of the greenbelt from levelling the ground for this development.
- A Manège constructed at 201a has resulted in levelling of the ground and changed the character of the greenbelt considerably.
- It would seem appropriate to have the site surveyed and plans drawn.
- Already experiencing dust kicked up both by the horses and wind and this is a particular issue in the drier summer months.
- Silica dust is carcinogenic as well as just making a mess.
- Two manèges at opposite locations result in twice as much dust twice as often.

## 6. Appraisal

6.1 The main issues to be considered with this application are the impact on neighbouring amenity and whether the proposed development complies with Green Belt policy both locally and nationally.

### 6.2 Neighbouring amenity

6.2.1 The application site is on the edge of a residential area with the fields extending into the open countryside. The section of the site on which development is proposed would be considered to be within the open countryside, being surrounded by field on three sides.

6.2.2 The paddock is already used as an open grazing paddock and the stabling at the site is established. It is understood that the proposed manège will be for private residential use only and it should be a condition of any approval that the development does not become a commercially run business.

6.2.3 There are a number of purpose built manèges in the surrounding area, including to the rear of 201B Main Street and to the rear of 181 Main Street. It is therefore considered that a precedent has been set for development of this type to take place within suitable sites in the local area and there is not considered to be any overriding residential amenity issues as a result of this.

6.2.4 The occupier at 199A Main Street has objected and in their view the fibre sand surface would have serious health issues. This is a similar objection that was received in relation to application reference 16/00506/FUL for a manège to be constructed to the rear of 201B Main Street. At this time the officer discussed these concerns with Environmental Health who raised no concerns with fibre sand, which is a typical surface used for equestrian use. It was advised that the health issues arise where people working in industry and environment are constantly exposed to these soils and chemicals. Fibre sand is typically used for equine facilities as it creates a flat consistent surface which needs less maintenance and an all-weather riding surface is created.

6.2.5 Taking into account the similar nature of the proposals and the recent date of this decision it is considered that as with this application there would be insufficient grounds for a refusal based on any significant health risk to neighbours.

### 6.3 Green belt

6.3.1 A manège would constitute a dedicated facility which supports recreational use of open countryside and as the site is already a horse grazing paddock there is no change of use proposed. Therefore it is considered that the principle of development within the Green Belt is not inappropriate.

6.3.2 The essential characteristic of Green Belt is openness which relates to an absence of development rather than purely an assessment of visual impact. The land would be used for private equestrian purposes and there are no lighting columns or dominating structures proposed. The proposed treated post and rail fencing to secure the manège would also blend in with the agricultural

surroundings. With this in mind it is considered that the general character of open countryside would remain unaffected.

**6.4 Rights of Way**

6.4.1 The Rights of Way Officer has highlighted that there is a public foot path running through the site. However, the proposed development is situated to the north of the foot path and would not obstruct the public right of way by virtue of its presence alone. As the manège is proposed on land already used as a grazing paddock it is not considered that the presence of a manège will have any further impact on members of the public using this right of way, so long as it remains in private residential use only and not for commercial use.

**7 Conclusion**

7.1 It is considered that proposed development is not harmful to neighbouring amenity and that it would not constitute inappropriate development in the Green Belt that would be harmful to the character and appearance of this designated area.

**Recommendation**

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Proposed Block & Site Plans (1:1250), received by the Local Planning Authority on 19 and 15 December 2017 respectively; and the Proposed Elevation and Floor Plan (Drawing No. 12/17/01, 1:100, 1:50) received by the Local Planning Authority on 15 December 2017 and Drawing No. 12/17/LEV(1:200) received by the Local Planning Authority on 13 March 2018.**
- 3. The manège hereby approved shall not be used for the holding of competitions, exhibitions, gymkhanas, hiring of horses or any other business activities.**

**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. The operation of a commercially run manège would be detrimental to the amenities of the area and highway safety by reasons of increased activity and traffic.**

**Notes to Applicant:**

1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by communicating with the agent throughout the course of the application.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

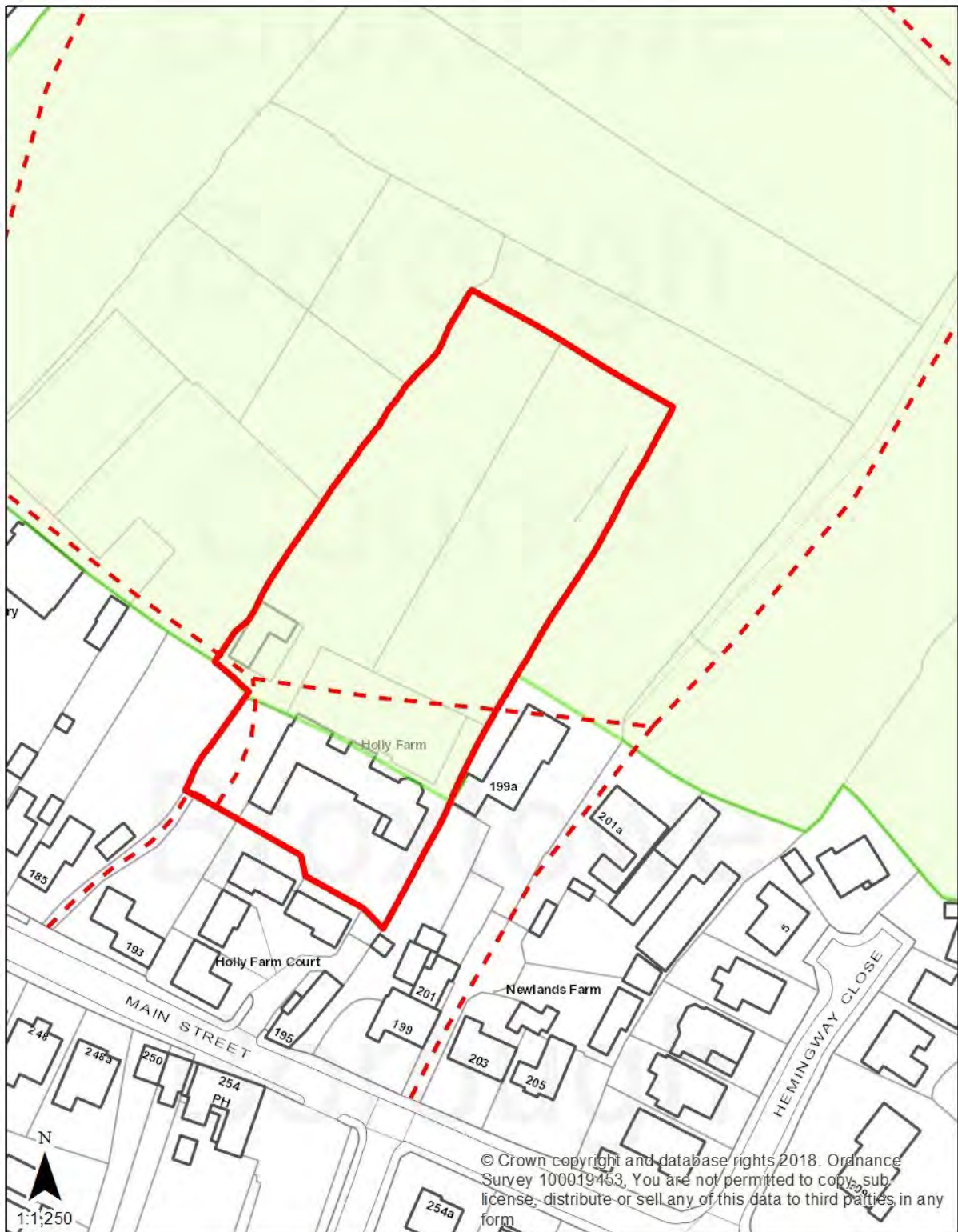
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

3. The availability of footpath number 40 shall not be affected or obstructed in any way by the development, unless subject to appropriate diversion or closure orders. East Midlands Ltd should be contacted in relation to any surfacing or gating issues on 01159 774 559.

Background papers  
Application case file



**Legend**

- Site
- Green Belt (Local Plan)

**Public Rights of Way**

- Byway open to all traffic
- Bridleway
- Footpath

Report of the Chief Executive

**17/00386/ADV**  
**DISPLAY SIGNAGE**  
**THE OLD ROCK, 1-3 NOTTINGHAM ROAD, STAPLEFORD NG9 8AB**

Councillor R D MacRae has requested this application be determined by Committee.

1 Details of the application

1.1 The application seeks advertisement consent to retain and display a variety of signs. The application seeks to retain two large painted signs displaying the name of the public house and a logo. These signs are illuminated by external lighting. There are signs proposed on the elevation fronting Nottingham Road including one at first floor level below two existing projecting lamps, a sign above the existing door and three signs within the existing window recesses. Two signs are proposed on the north elevation below the painted sign. Four signs are also proposed within the car park area. However, three of these signs, which will display parking information, benefit from ‘deemed consent’ under Class 2A of the Town and Country Planning (Control of Advertisements) Regulations 2007. Signs are also proposed between the existing posts which are alongside the car park boundary beside Church Street which would include the logo of the public house.

1.2 During the course of the application, amended plans were submitted to reduce the number of signs proposed and to reposition various signs. This included removing a large fascia sign proposed on the Nottingham Road elevation and to remove two blackboards proposed on the north elevation fronting the car park.

2 Site and surroundings

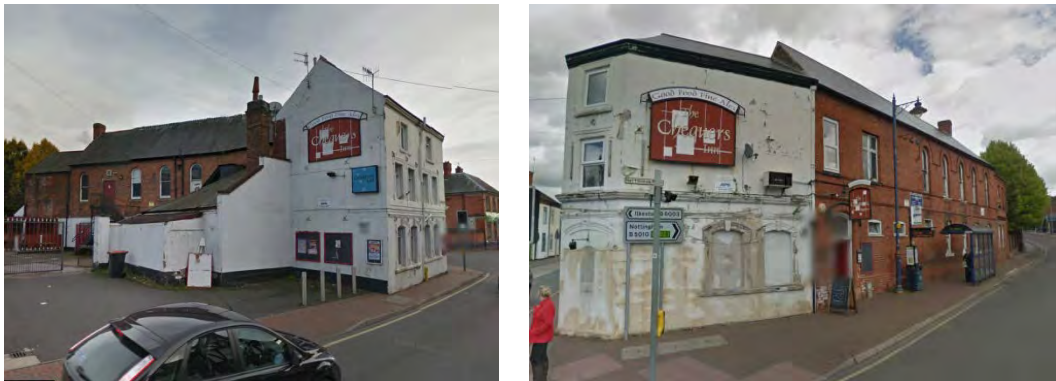
2.1 The building is in use as a public house and was previously known as ‘The Chequers Inn’. It is a part three storey, part two storey building which is positioned on the corner between Church Street and Nottingham Road. The car park is accessed from Church Street and there is a beer garden located to the rear.

2.2 The site is positioned within Stapleford town centre. There are a variety of shops and commercial uses to the south west of the site. Beyond the car park, there is a pharmacy to the north. The former police station lies directly opposite the site to the south.

2.3 Existing Signs at ‘The Old Rock’



2.4 Previous Signs at 'The Chequers Inn'



Source: Google Maps (April 2015)

3 Relevant planning history

3.1 Advertisement consent (reference 99/00684/ADV) was granted in 1999 to display illuminated and non-illuminated fascias and hanging signs.

4 Policy context

4.1 **National policy**

4.1.1 Paragraph 67 of the National Planning Policy Framework states that only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of architectural, cultural or similar interest. Public safety relates to whether the advertisement will cause an obstruction or distraction to road users.

4.2 **Part 2 Local Plan (Draft)**

4.2.1 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 14 December 2017. Due to the current stage of the plan preparation, only limited weight can be attached to the policies.

4.2.2 Policy 18 'Shopfronts, signage and security measures' states that proposals for signage will be granted consent provided that they relate well to the design of the building concerned; are in keeping with the frontage as a whole; and respect the character of the area.



## 5 Consultations

- 5.1 Nineteen properties, either adjacent or directly opposite the site, were consulted. In respect of the original plans, one letter stating observations was received. The letter raised concerns that the existing and proposed signs were 'over the top' and queried the size, wording, colour and positioning of the signs.
- 5.2 Following the submission of amended plans, one objection was received. The objection states that the premises will be overwhelmed by the signs, the banners across the car park will be an eyesore and if advertisement consent is given, it would set a precedent for other businesses to do the same.

## 6 Assessment

- 6.1 In accordance with the National Planning Policy Framework, the advertisements should only be assessed in the interests of amenity and public safety.
- 6.2 In respect of public safety, there will be no moving images and illumination will be static and only used to illuminate the signs at first floor level. Due to the type of signs and the position of the lighting, it is considered that they would not cause a distraction to drivers and would not cause an obstruction.
- 6.3 In respect of amenity, the area is predominantly commercial in character. There are a range of uses within close proximity to the site including a pharmacy, a bar and various retail units along Derby Road, all of which have various advertisements and signs displayed.
- 6.4 There are two large painted signs on the building displaying 'The Old Rock' and a logo. These replaced two large signs displaying 'The Chequers Inn'. The signs are illuminated by upward lighting. Whilst large, due to the commercial character of the area and the positioning of the signs, it is considered that the signs do not harm the amenity of the area.
- 6.5 A variety of smaller signs are proposed on the building. Amendments were sought during the course of the application to reduce the number of signs proposed and to prevent the signs resulting in a cluttered appearance. An objector still raises concerns regarding the number of signs. The Nottingham Road elevation will include a sign at first floor level which would advertise an events space, a logo above the entrance door and a replacement hanging sign. Signs would also be displayed on the corner of the building within the window recesses, on the north elevation of the building and on walls fronting the car park. The signs will be used to advertise events or would be parking signs. It should be noted that the parking signs benefit from 'deemed consent' and therefore could be displayed without the express consent of the Council. It is considered that the signs are an appropriate size and are distributed to prevent a cluttered appearance. The number of signs is also considered acceptable due to the large frontage of the building.
- 6.6 Signs are also proposed between the existing posts which are along the boundary between the car park and Church Street. These signs would display the logo of the business and would be used to enclose the car park area. These signs differ from more informal and temporary banners and are similar in form to those which

enclose outdoor seating areas. Accordingly, it is considered that these types of signs would not be harmful to the amenity of the area.

## 7 Conclusion

- 7.1 Overall, following the submission of amended plans, it is considered that the existing and proposed signs would not cause a public safety danger and would not be harmful to the amenity of the area.

### **Recommendation**

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

1. (a) Any advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
  - (b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
  - (c) Where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
  - (d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
  - (e) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).
2. The development hereby permitted shall be carried out in accordance with the Site Location Plan received by the Local Planning Authority on 2 June 2017 and amended drawings: External Elevations Plan 1; External Elevations Plan 2; External Elevations Plan 3 and External Elevations Plan 4 received by the Local Planning Authority on 2 February 2018.

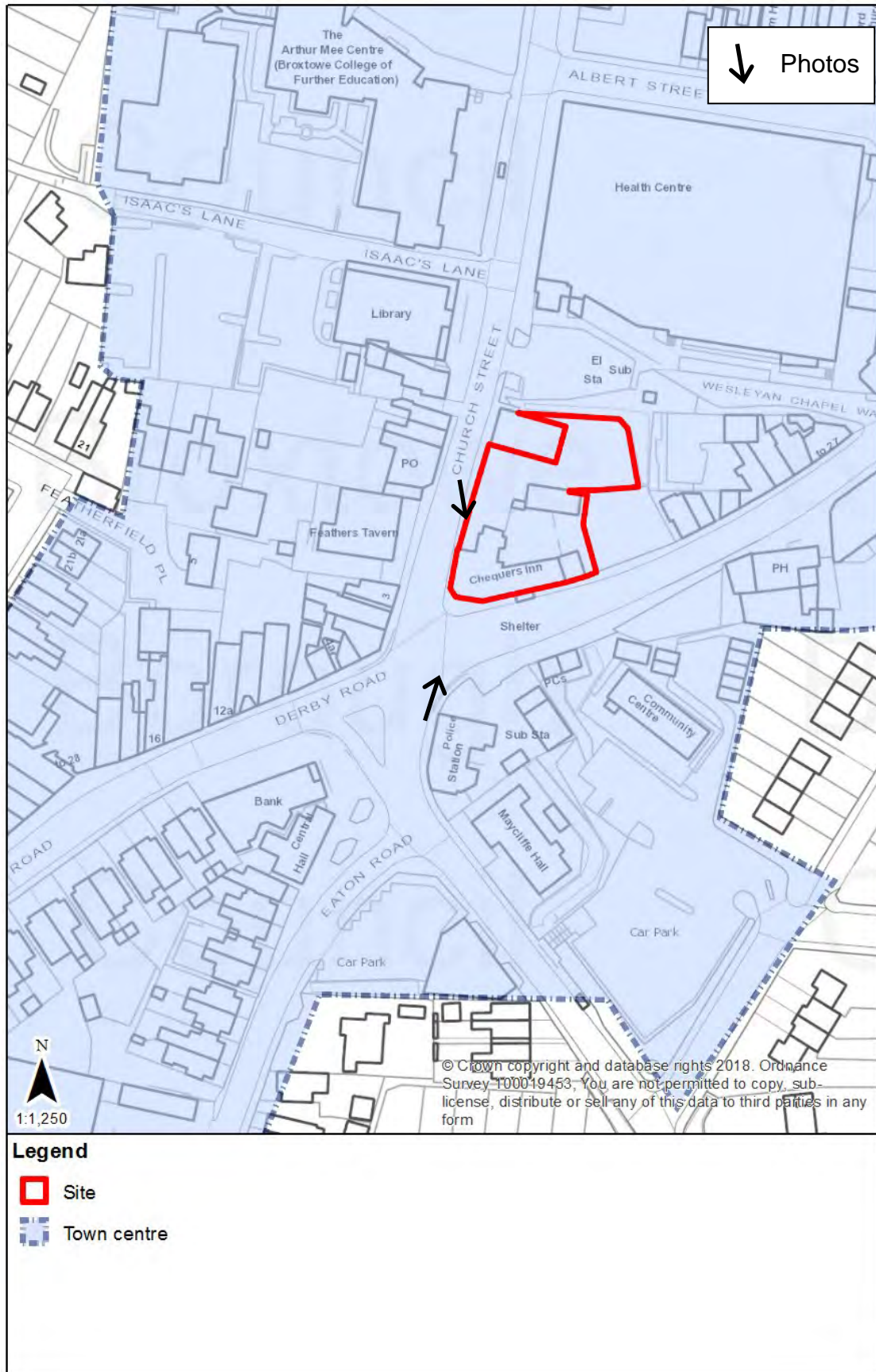
### **Reasons:**

1. In the interests of amenity and public safety.
2. For the avoidance of doubt.

### **Note to Applicant:**

**The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by seeking amended plans.**

Background papers: Application case file



Report of the Chief Executive

**17/00871/FUL  
 CONSTRUCT SINGLE STOREY SIDE EXTENSION  
 7 ABBEY DRIVE, BEESTON, NOTTINGHAM NG9 2QG**

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

1. Details of the application

- 1.1 The application seeks permission to construct a single storey side extension. The existing detached garage will be demolished.
- 1.2 The proposed extension has two main elements; a rectangular-shaped garage and an angled section that connects the proposed garage to the original property. The angled section has a width of 1.8m to the front and 6.5m to the rear. The proposed rectangular-shaped garage extends for a width of 3.6m and a depth of 9.1m. It extends further forward (1.3m) and to the rear (1.2m) than the angled section. The eaves height of the proposed extension is 2.3m. A hipped roof is proposed, with a ridge height of 4.4m.
- 1.3 The original plans proposed a ridge height of 5.8m for the angled section and a ridge height of 4.4m for the garage. The ridge height of the angled section was reduced by 0.7m to 5.1m and then the plans were further amended to have the same ridge height (4.4m) across the entire extension.
- 1.4 It is proposed that the front elevation will have a garage door. The east (side) elevation would be blank. The rear elevation would have a single door, one window and double doors.

2. Site and surroundings



Front of the property.



Rear of the property.



Looking north east towards existing garage and no. 5 Abbey Drive.



Looking south west from first floor rear window of no. 5 Abbey Drive towards boundary with application property.

- 2.1 The application property is a detached two storey dwelling with a front double height bay window, a single storey rear element and a detached side garage. The dwelling is orange brick with red plain roof tiles. The existing garage is concrete with a corrugated roof.
- 2.2 The eastern boundary with no. 5 Abbey Drive is a 1.5m high wooden fence that is partially concealed by 3m high vegetation and trees. The south eastern boundary with nos. 37 and 35 Abbey Road is a 2m high hedge. The south western boundary with no. 28 Cyprus Drive is a 1.8m high fence with tall trees to the north of the boundary. The north western boundary with no. 9 Abbey Drive is a 1.8m high fence.
- 2.3 The site is relatively flat. Abbey Drive is a residential cul-de-sac with a mixture of detached and semi-detached properties. No. 5 Abbey Drive's rear garden faces the proposed single storey side extension. No. 5 Abbey Drive has two rear first floor windows.

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 policy of the Broxtowe Local Plan

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

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. 5 Abbey Drive object to the application (as submitted and first set of amended plans). They have the following concerns:

- The reduced ridge height of the central section (from 5.8m to 5.1m) is still too high and excessive. The ridge height of the garage section is also too high. The central section ridge height would allow the applicant to construct a first floor en-suite when this is an application for a single storey extension. No. 5 has discussed reducing the ridge height of the proposed extension further with the applicant.
- Concerned about the height, length and closeness of the proposed garage section to their boundary.
- Concerned that the imposing nature of the extension would cause loss of light to their garden.
- State that the proposed extension is not in keeping with the design of the surrounding properties.

4.2 No. 28 Cyprus Drive and no. 37 Abbey Road support the development proposal and raise no objection.

4.3 Any comments received in relation to the re-consultation on the second set of amended plans will be reported to committee.

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 would have a hipped roof. Matching brickwork and roof tiles are proposed. The use of matching materials will be conditioned. It is considered that

- the amended design which incorporates a lower ridge height will ensure that the proposed extension is 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 rear elevations of nos. 35 and 35A Abbey Road would be 27m and 20m from the rear of the proposed extension respectively. No. 35A would have a direct view of the proposed extension, and no. 35 would have a view across the garden of no. 35A. It is considered that due to these separation distances, there will be no significant impact on the amenity of the occupants of nos. 35 and 35A Abbey Road.
- 5.4 The proposed extension would be 2.4m from the boundary with no. 37 Abbey Road, and 19m from the rear elevation of no. 37. Due to the separation distance, it is considered that there will not be a significant impact on the amenity of no. 37.
- 5.5 The rear boundary of 39 Abbey Road will be 5m from the side of the proposed extension. Their view will be across the rear garden of no. 5 Abbey Drive and the proposed extension is 18m from the rear elevation of no. 39 Abbey Road. It is considered that due to this separation distance, there will be no significant impact on the amenity of the occupants of no. 39.
- 5.6 The front elevations of nos. 10 and 12 Abbey Drive are 43m and 38m from the front of the proposed extension, respectively. It is considered that due to these distances, and the intervening road, there will be no significant impact on the amenity of the occupants of nos. 10 and 12 Abbey Drive.
- 5.7 No. 9 Abbey Drive is to the west of the application property. Due to the position of the proposed extension on the eastern side of the application property, no. 9 Abbey Drive will not have a direct view of the proposed extension. It is therefore considered that there will be no impact on the amenity of the occupants of no. 9 Abbey Drive.
- 5.8 No.28 Cyprus Drive is located to the rear of the application property. The rear of no. 28 Cyprus Drive will be 17m from the rear of the proposed extension. There are also tall trees along this boundary, close to the side of no. 28. It is considered that due to this separation distance, and the boundary treatment, there will be no significant impact on the amenity of the occupants of no. 28 Cyprus Drive.
- 5.9 The proposed extension would be 0.8m from the boundary with no. 5 Abbey Drive and 13.5m from the rear elevation of no. 5. No. 5 objects to the closeness of the proposed extension to their boundary. It is considered that due to the side (east) elevation of the proposed extension being blank, there will not be any loss of privacy. The eaves height of the proposed extension is 2.3m, and the majority of the garage part of the extension could be concealed by a 2m high boundary fence/wall erected under permitted development rights.
- 5.10 No. 5 also objects to loss of sunlight to their garden. The ridge of the extension would be 2.5m from their boundary and 15m from the rear of no. 5. It is considered that there would be some loss of afternoon sunlight to the garden of no. 5. However, due to the separation distance and reduced ridge height of the

extension, it is considered that there would not be such a significant loss of sunlight as to warrant a refusal.

5.11 The ridge height of the central section of the proposed extension has been reduced by 0.7m so the ridge height is below the eaves height of the original dwelling. This ridge height has resulted from the extension being designed to match the pitch of the original roof. It is considered that the amended height results in an extension of acceptable design.

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 Policy H9, with Policy 10 of the Broxtowe Aligned Core Strategy, Policy 17 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

**Recommendation**

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Survey-Plans (17/060 S1-01 Rev A) at scale 1:100, 1:500 and 1:1250, received by the Local Planning Authority on 3 January 2018, the Location and Block Plan (17.060 S03.03 Rev B) at scale 1:500 and 1:200, the Proposed Elevations (17.060 S1-02 Rev D) at scale 1:100 and the Proposed Plan (17.050 S03.01 Rev C) at scale 1:100 and 1:500 received by the Local Planning Authority on 5 March 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.**

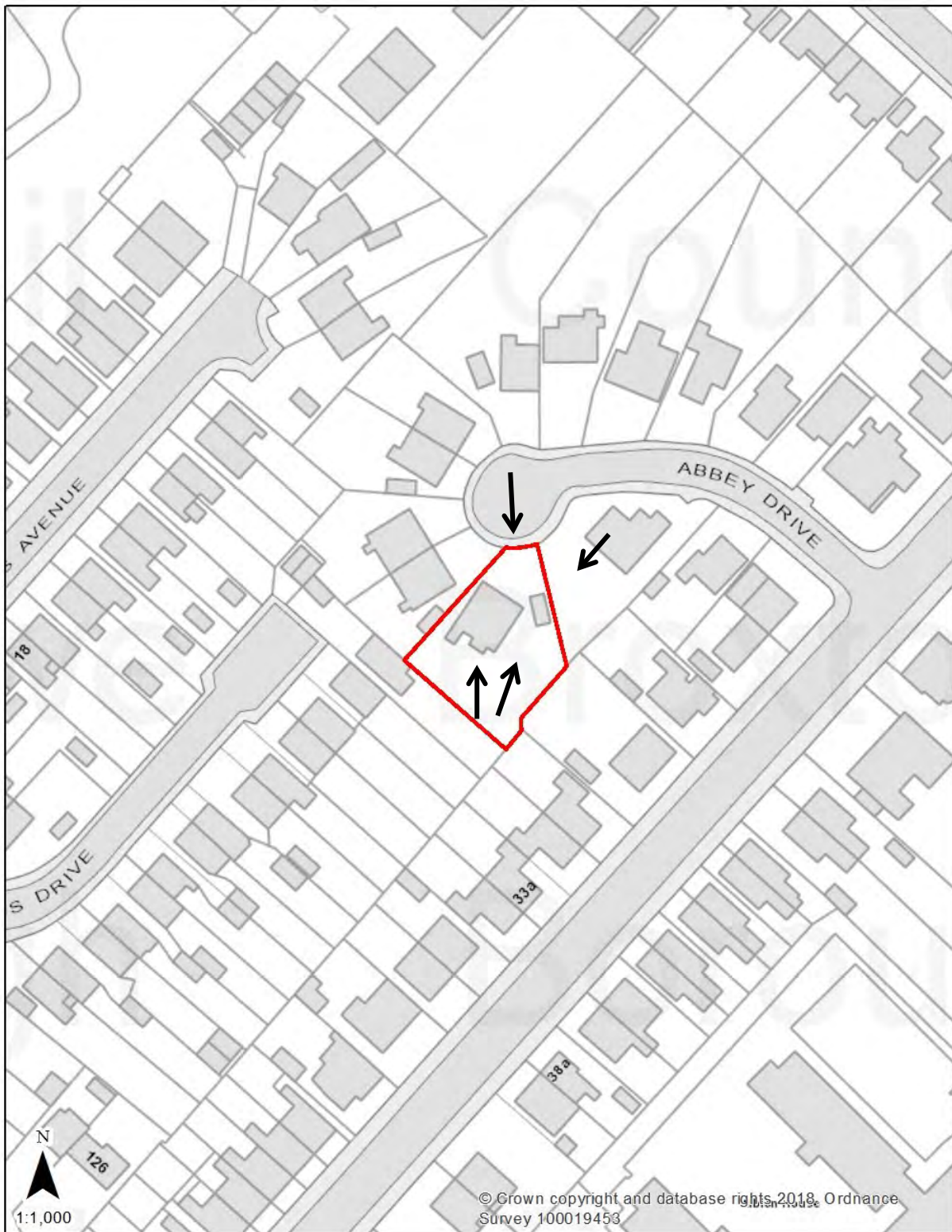


**Notes to Applicant:**

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

Background papers

Application case file



**Legend**

- 7 Abbey Drive
- Photos

Report of the Chief Executive

**18/00092/REG3  
CHANGE OF USE FROM OFFICES (CLASS B1) TO RESIDENTIAL (CLASS C3)  
CAVENDISH LODGE, DEVONSHIRE AVENUE, BEESTON NG9 1BS**

The application is brought to the Committee as it is a Borough Council application.

1 Details of the application

1.1 The application seeks planning permission to change the use of the existing building from office use to a single residential dwelling. The submitted floor plans indicate that eight bedrooms could be provided within the dwelling. Parking would be to the front of the dwelling and a new access would be required from either Devonshire Avenue or Cavendish Place. No external changes are proposed. There would be no impact on the existing Devonshire Avenue car park.

2 Site and surroundings

2.1 The site contains a three storey Victorian building which was originally a house but is currently in use as offices. The building is red brick with a slate roof and includes decorative stone features below the eaves, large stone bay windows to the front and timber sash windows. There is an external staircase on the north east elevation. There are seven car park spaces immediately to the front of the building. Wrought iron railings enclose the site from Devonshire Avenue and Cavendish Place. There are also lines of trees alongside these boundaries, both within the site and along the pavement. None of the trees are protected by individual Tree Preservation Orders but are protected by virtue of being within the Conservation Area.

2.2 Immediately to the north west and north east of the site lies the Devonshire Avenue car park. The surrounding area is predominantly residential, with large detached dwellings set in spacious plots.

2.3 The site is located within the St John's Grove Conservation Area. The Conservation Area Appraisal identifies Cavendish Lodge and its boundaries to Devonshire Avenue and Cavendish Place as being features which make a positive contribution to the conservation area. The Devonshire Avenue car park and the parking area immediately to the front of Cavendish Lodge are identified as making a negative contribution to the conservation area.





### 3 Relevant planning history

3.1 There is no recent relevant planning history related to the site.

3.2 Planning permission was granted to change 14 Devonshire Avenue from office to residential in 2014 (reference 14/00064/REG3).

### 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 In relation to assessing the highway impacts of a proposal, paragraph 32 states that development should only be refused on transport grounds where the residual cumulative impacts are severe.

4.1.3 Section 7 states that good design is a key aspect of sustainable development. Paragraph 58 states that planning decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

4.1.4 Section 12 of the NPPF relates to conservation of the historic environment. Paragraph 131 states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the

desirability of new development making a positive contribution to local character and distinctiveness.

4.1.5 Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

## 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' reflects the presumption in favour of sustainable development contained in the NPPF. It states the Council will work proactively with applicants to approve proposals wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

4.2.4 '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" aims to manage existing employment sites for the full range of employment uses by: i) ensuring the allocations most attractive to the employment market remain available for employment uses; and ii) retaining good quality existing employment sites.

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.

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 valued local characteristics are reinforced.

4.2.8 'Policy 11: Historic Environment' sets out that proposals will be supported where the historic environment and heritage assets, including their settings, are conserved and/or enhanced in line with their interest and significance.

#### **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 E24 'Trees, hedgerows and Tree Preservation Orders' states that development that would adversely affect important trees and hedgerows will not be permitted.

4.3.3 Policy H4 'Subdivision or Adaption of Existing Buildings' states that the adaptation of existing buildings which produce new housing will be permitted provided that residents would have an acceptable standard of amenity and the development would not result in unacceptable parking problems either by itself or by setting a precedent.

4.3.4 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.

#### **4.4 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 14<sup>th</sup> December 2017. Due to the current stage of the plan preparation, only limited weight can be attached to the policies.

4.4.2 Policy 9 'Retention of good quality existing employment sites' seeks to retain good quality employment premises.

4.4.3 Policy 17 'Place-making, design and amenity' states that 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; and ensures satisfactory standards of amenity for existing and proposed residents.

4.4.4 Policy 23 'Proposals affecting designated and non-designated heritage assets' states that proposals will be supported where heritage assets and their settings are conserved or enhanced in line with their significance.

## 5 Consultations

- 5.1 The Council's Conservation Officer states that the building is a positive structure in the conservation area, occupying a prominent location on the junction of two roads and being highly visible from the public realm. The proposed change of use would not have a harmful impact on the character or appearance of the conservation area and could potentially lead to an enhancement once the change of use is implemented and hopefully sympathetic alterations take place to the property and curtilage. It is recommended that a condition is included regarding details of boundary treatment and landscaping.
- 5.2 The Council's Environmental Health Officer has raised no objection.
- 5.3 Seven properties either adjoining or opposite the site were consulted and a site notice was displayed. No responses were received.

## 6 Assessment

- 6.1 The main issues for consideration are whether the principle of the change of use to a residential dwelling would be acceptable, if there would be harm to the character and appearance of the conservation area and whether there will be an unacceptable impact on neighbour amenity.

### 6.2 **Principle**

- 6.2.1 Cavendish Lodge is situated within a predominantly residential area and was originally a residential property. Whilst the building has been used by a range of organisations, it is considered that it is not a high quality employment space which would be worthy of retention and a residential use would be an appropriate use for the property and for the area. It will also provide an additional residential unit within an existing settlement in a highly sustainable location, close to Beeston town centre and public transport links. The principle is therefore considered to be acceptable.

### 6.3 **Heritage**

- 6.3.1 Cavendish Lodge is identified as making a positive contribution to the St John's Grove Conservation Area. However, the Devonshire Avenue car park and the parking area immediately to the front of Cavendish Lodge make a negative contribution. Whilst no changes are proposed to the Devonshire Avenue car park, the parking area to the front of the building will become part of the residential curtilage, providing an opportunity to enhance the setting of the building and having a positive impact on the overall character of the conservation area. A condition will be required to ensure that any landscaping works within the curtilage are carried out sensitively and achieve a high quality finish. Whilst not proposed as part of this application, converting the building back to its original use will provide an opportunity to carry out external works to enhance the building which may include removing the external staircase which detracts from the buildings character.

## 6.4 Amenity

- 6.4.1 No new windows or openings are proposed as part of this application. The Devonshire Avenue car park acts as a buffer to neighbouring properties to the north east and north west and properties to the south east and south west are separated from the application site by Cavendish Place and Devonshire Avenue. Due to the relationship with neighbouring properties and as no external changes or extensions are proposed as part of this application, it is considered that there will not be an unacceptable loss of amenity to any neighbours.
- 6.4.2 It is considered that there is sufficient space to allow for outdoor amenity space to be created for the prospective residents, although additional boundary enclosures may be required to the rear to enclose the property from the adjacent car park.

## 6.5 Access

- 6.5.1 The existing car parking spaces to the front of Cavendish Lodge are accessed from the Devonshire Avenue car park. A new access will be required from either Devonshire Avenue or Cavendish Place to serve the property. This may have some impact on the frontage which is identified as making a positive contribution to the conservation area. However, it will enable the conversion of the building back to residential use which will make a positive contribution to the conservation area and this is considered to outweigh any limited harm to the frontage. There are a number of trees along the frontage but it is considered that a new access could be achieved without the removal of the trees. Details of the access would need to be conditioned.

## 7 Conclusion

- 7.1 The proposed change of use is considered to be acceptable and will not be harmful to the character or appearance of the conservation area. The change of use also provides an opportunity to enhance the property and its curtilage. Residential amenity will not be unduly affected by the proposals.



**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 Location Plan received by the Local Planning Authority on 5 February 2018; Proposed Layout Ground Floor; Proposed Layout First Floor; and Proposed Layout Second Floor received by the Local Planning Authority on 7 February 2018.
3. The dwelling shall not be occupied 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. trees, hedges and shrubs to be retained.
  - b. numbers, types, sizes and positions of proposed trees and shrubs
  - c. details of boundary treatments;
  - d. proposed hard surfacing treatment; and
  - e. planting, seeding/turfing of other soft landscape areas

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

4. The dwelling shall not be occupied until a vehicular access has been constructed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained in accordance with the agreed details for the lifetime of the development.

**Reasons:**

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. No such details were submitted with the application and to ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014).

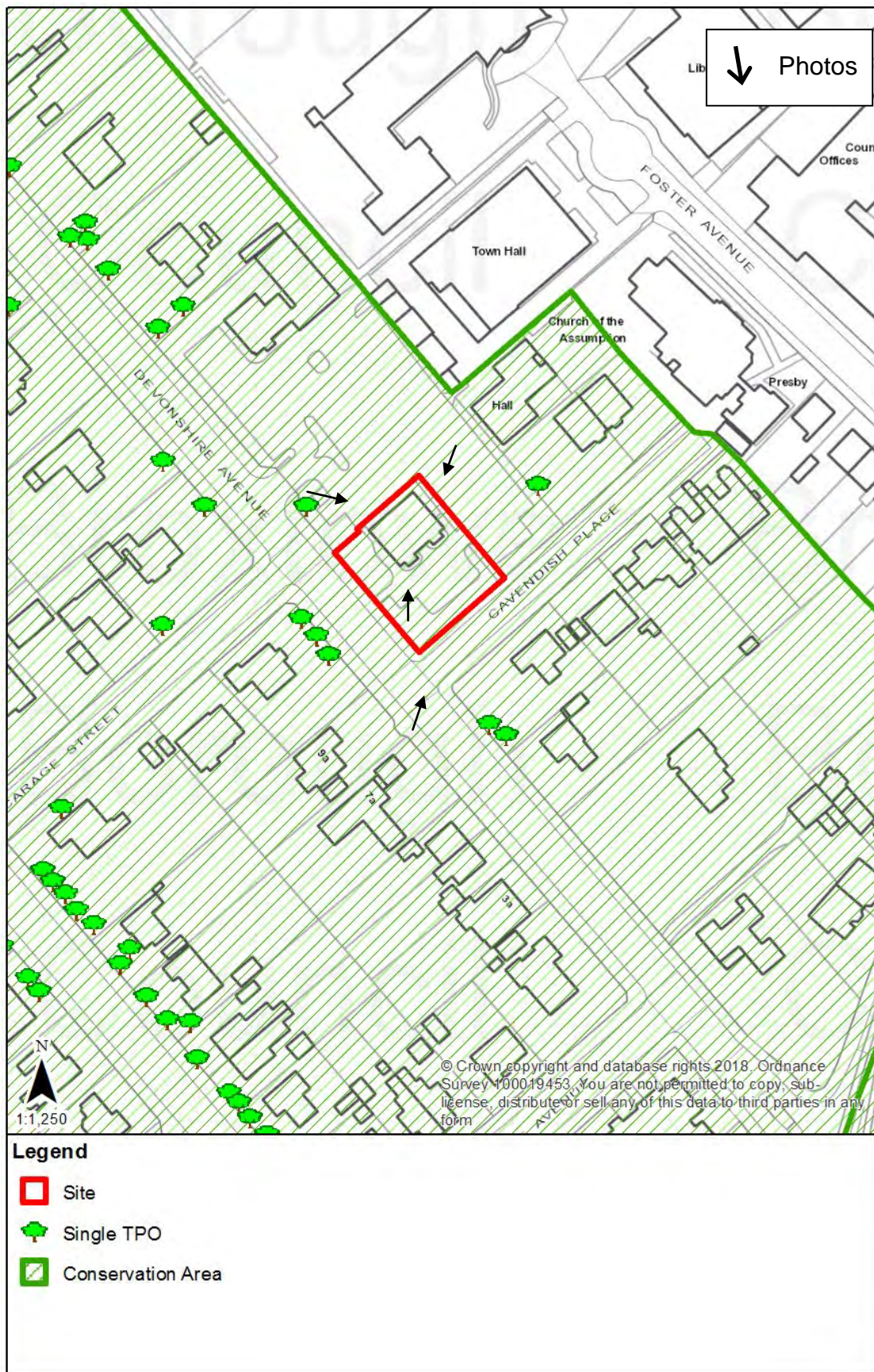
- 4. No such details were submitted, in the interests of highway safety and the appearance of the conservation area and to safeguard the trees beside the road frontages.**

**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 a decision being reached within the 8 week determination period.**
- 2. The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services for Highway Area Office on telephone 0300 500 80 80 to arrange for these works to be carried out.**
- 3. This planning permission only relates to a change of use. Any external works to the building may require separate planning permissions.**

Background papers

Application case file



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

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**PLANNING APPLICATIONS DEALT WITH FROM**  
20 January 2018 to 23 February 2018

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**CONTENTS**

Planning applications dealt with under Delegated Powers

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

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

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

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**ATTENBOROUGH & CHILWELL EAST WARD**

Applicant : Mr F Gwyther 17/00843/FUL  
Site Address : 58 Farm Road Chilwell Nottingham NG9 5DA  
Proposal : **Construct single storey rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr Tom Kite 17/00845/FUL  
Site Address : 217 Attenborough Lane Attenborough Nottinghamshire NG9 6AL  
Proposal : **Construct single storey front, side and rear extensions, hip to gable extension and raised terrace**  
Decision : **Conditional Permission**

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Applicant : Mr Alex West 17/00879/FUL  
Site Address : 167 High Road Chilwell Nottinghamshire NG9 5BA  
Proposal : **Change of use from dental surgery (Class D1) to personal training studio (Class D2)**  
Decision : **Conditional Permission**

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Applicant : Mr J Burniston 18/00128/PNH  
Site Address : 16 Bramwell Drive Bramcote Nottinghamshire NG9 3ST  
Proposal : **Construct single storey rear extension, extending beyond the rear of the original dwelling by 3.3 metres, with a maximum height of 3.6 metres, and an eaves height of 2.66 metres**  
Decision : **Withdrawn**

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**BEESTON CENTRAL WARD**

Applicant : Ms Vivien Aconley 17/00777/FUL  
Site Address : 53 Pelham Crescent Beeston Nottinghamshire NG9 2ER  
Proposal : **Subdivide dwelling to create two flats and construct two storey and single storey extensions**  
Decision : **Refusal**

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Applicant : Mr Andrew Mansfield 17/00823/FUL  
Site Address : 9 Hartley Drive Beeston Nottinghamshire NG9 2WE  
Proposal : **Construct bay window on front elevation**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Vivian 17/00828/FUL  
Site Address : 205 - 207 Station Road Beeston Nottinghamshire NG9 2AB  
Proposal : **Change of use from house in multiple occupation and hotel to bed and breakfast (Class C1) and construct single storey side extension**  
Decision : **Conditional Permission**

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Applicant : Mr J Roberts 18/00109/PNH  
Site Address : 15 Dovecote Lane Beeston Nottinghamshire NG9 1HR  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6 metres, with a maximum height of 3.3 metres, and an eaves height of 2.5 metres**  
Decision : **Withdrawn**

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## BEESTON NORTH WARD

Applicant : Mr J Unwin 18/00016/PNH  
Site Address : 28 Wallett Avenue Beeston Nottinghamshire NG9 2QR  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.2 metres, with a maximum height of 3.5 metres, and an eaves height of 2.7 metres**  
Decision : **Prior Approval Not Required**

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## BEESTON WEST WARD

Applicant : Mr Aziz 17/00784/FUL  
Site Address : 87 Bramcote Drive West Beeston Nottinghamshire NG9 1DU  
Proposal : **Construct dwelling including basement with swimming pool and detached garage following demolition of existing bungalow (revised scheme)**  
Decision : **Conditional Permission**

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Applicant : Mr Owen Rees 17/00817/FUL  
Site Address : 7 Bramcote Road Beeston Nottinghamshire NG9 1AG  
Proposal : **Proposed lowering of basement floor level and new external light well**  
Decision : **Conditional Permission**

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Applicant : Mr C Jackson 18/00061/PNH  
Site Address : 9 Collin Street Beeston Nottinghamshire NG9 1EW  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.5 metres, with a maximum height of 2.5 metres, and an eaves height of 2.5 metres**  
Decision : **Prior Approval Not Required**

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## BRAMCOTE WARD

Applicant : Mr & Mrs Bennett 17/00799/FUL  
Site Address : 112 Cow Lane Bramcote Nottingham NG9 3BB  
Proposal : **Construct single storey rear extension, side dormer and porch**  
Decision : **Conditional Permission**

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Applicant : Mr K Jaspal 17/00851/FUL  
Site Address : 95 Cow Lane Bramcote Nottinghamshire NG9 3BB  
Proposal : **Construct detached triple garage with first floor accommodation**  
Decision : **Conditional Permission**

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Applicant : Mr And Mrs K T And P O'Hara 17/00858/FUL  
Site Address : 290A Derby Road Bramcote Nottinghamshire NG9 3JN  
Proposal : **Proposed two storey front extension**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Cureton 17/00872/FUL  
Site Address : 40 Sandy Lane Bramcote Nottinghamshire NG9 3GS  
Proposal : **Construct two storey side and single storey front and rear extensions**  
Decision : **Conditional Permission**

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## BRINSLEY WARD

Applicant : Mr Nigel Annable 17/00833/CLUP  
Site Address : 68 Mansfield Road Brinsley Nottinghamshire NG16 5AE  
Proposal : **Certificate of proposed development to construct single storey rear extension**  
Decision : **Approval - CLU**

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Applicant : Mr Gary Mackie 17/00859/FUL  
Site Address : 25 The Moor Brinsley Nottinghamshire NG16 5BB  
Proposal : **Construct single storey rear extension, balcony and installation of timber cladding and render**  
Decision : **Conditional Permission**

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## CHILWELL WEST WARD

Applicant : Mr Rowland Woolley Central England Co-operative 17/00767/FUL  
Site Address : 404 High Road Chilwell Nottinghamshire NG9 5EG  
Proposal : **Install two rear air conditioning units. Construct rear canopy roof and infill three rear windows and doors.**  
Decision : **Conditional Permission**

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Applicant : Mr I Anfridi 17/00824/FUL  
Site Address : 4 Inham Road Chilwell Nottinghamshire NG9 4FL  
Proposal : **Retain single storey rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr Mark Allen Central England Co-operative Ltd 17/00868/ADV  
Site Address : 404 High Road Chilwell Nottingham NG9 5EG  
Proposal : **Display 2 externally illuminated fascia signs and 2 non illuminated end fascia panels**  
Decision : **Conditional Permission**

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## EASTWOOD HALL WARD

Applicant : Mr & Mrs A Maci 17/00762/FUL  
Site Address : 31 Metcalf Road Newthorpe Nottinghamshire NG16 3NL  
Proposal : **Construct two storey side and single storey front and rear extensions**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs P & P Hand 17/00813/FUL  
Site Address : 8 Park Crescent Eastwood Nottinghamshire NG16 3DU  
Proposal : **Construct single storey side extension and front extension**  
Decision : **Conditional Permission**

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## EASTWOOD ST MARY'S WARD

Applicant : Mr & Mrs Cook 17/00706/OUT  
Site Address : Former T B C Engineering Services Bailey Grove Road Eastwood Nottinghamshire NG16 3PB  
Proposal : **Outline application to construct 17 dwellings with all matters reserved**  
Decision : **Conditional Permission**

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Applicant : Mrs R Doxy 17/00807/FUL  
Site Address : 4 Brookhill Leys Road Eastwood Nottingham NG16 3HZ  
Proposal : **Construct two storey side extension including a juliet balcony**  
Decision : **Conditional Permission**

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Applicant : N/A Medinapoint Investments Limited 17/00850/FUL  
Site Address : 6 The Hollies Nottingham Road Eastwood Nottinghamshire NG16 3BT  
Proposal : **Change of use from retail (Class A1) to retail and nail bar**  
Decision : **Conditional Permission**

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Applicant : Mrs Vivian Carlin 18/00005/FUL  
Site Address : 3 Blackthorn Drive Eastwood Nottinghamshire NG16 3RA  
Proposal : **Construct infill to front elevation**  
Decision : **Conditional Permission**

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## GREASLEY WARD

Applicant : Janet Urban 17/00836/FUL  
Site Address : 24 Halls Lane Newthorpe Nottingham NG16 2BT  
Proposal : **Construct single storey front and side extension**  
Decision : **Conditional Permission**

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Applicant : Mrs Sandra Morgan 17/00852/FUL  
Site Address : Moorgreen Nurseries Moorgreen Newthorpe Nottinghamshire NG16 2FD  
Proposal : **Retain 6 storage containers**  
Decision : **Refusal**

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Applicant : Mr & Mrs A Fielding 17/00856/FUL  
Site Address : 51 Thorn Drive Newthorpe Nottingham NG16 2BH  
Proposal : **Construct two storey side extension and front entrance porch**  
Decision : **Conditional Permission**

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#### **KIMBERLEY WARD**

Applicant : Mr Keith Wallbank 17/00780/FUL  
Site Address : Babbington House Farm Westby Lane Babbington Village Nottingham NG16 2SS  
Proposal : **Retain fencing (adjacent footpath no 7)**  
Decision : **Refusal**

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Applicant : Mr Shaw Brickcraft Developments Ltd 17/00840/FUL  
Site Address : Former Brewery Building And Land On Junction Of Brewery Street And Hardy Street  
Brewery Street Kimberley Nottinghamshire  
Proposal : **Conversion of office building into two apartments and the construction of a bungalow**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs P Hazard 17/00857/FUL  
Site Address : Land At 59 Clive Crescent Kimberley Nottinghamshire NG16 2QB  
Proposal : **Construct detached dwelling**  
Decision : **Conditional Permission**

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Applicant : Greene King Ltd 17/00875/ADV  
Site Address : Lord Clyde 55 Main Street Kimberley Nottinghamshire NG16 2NG  
Proposal : **Display 5 non-illuminated and 1 illuminated signs**  
Decision : **Conditional Permission**

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

Applicant : Mr Thomas O'Sullivan 17/00659/FUL  
Site Address : 35 Highfield Road Nuthall Nottinghamshire NG16 1BQ  
Proposal : **Construct two storey side and rear extensions, loft conversion and external alterations**  
Decision : **Conditional Permission**

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Applicant : Mr Singh 17/00755/FUL  
Site Address : 43 Temple Drive Nuthall Nottinghamshire NG16 1BE  
Proposal : **Construct two storey side and single storey front and rear extensions**  
Decision : **Conditional Permission**

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Applicant : Mr I Din 17/00829/FUL  
Site Address : 18 Harcourt Crescent Nuthall Nottinghamshire NG16 1AT  
Proposal : **Construct two storey rear, single storey side extensions & new front porch.**  
Decision : **Conditional Permission**

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Applicant : Mr Coates 17/00844/FUL  
Site Address : 8 Vernon Drive Nuthall Nottinghamshire NG16 1AR  
Proposal : **Construct conservatory**  
Decision : **Conditional Permission**

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#### **STAPLEFORD NORTH WARD**

Applicant : Mr David Prince 17/00862/FUL  
Site Address : 29 Washington Drive Stapleford Nottingham NG9 8PY  
Proposal : **Construct single storey side extension**  
Decision : **Conditional Permission**

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Applicant : Mrs S Cain 18/00009/PNH  
Site Address : 4 Arran Close Stapleford Nottinghamshire NG9 8LT  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.0 metres, with a maximum height of 2.9 metres, and an eaves height of 2.1 metres**  
Decision : **Prior Approval Not Required**

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#### STAPLEFORD SOUTH WEST WARD

Applicant : Mr Anthony Webster 17/00727/FUL  
Site Address : 1 Bailey Street Stapleford Nottinghamshire NG9 7BD  
Proposal : **Construct 6 dwellings following demolition of existing industrial buildings**  
Decision : **Conditional Permission**

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Applicant : Mr D Hosker WHF Wilkinson Helsby 17/00860/TEL  
Site Address : EE Telecommunications Mast Palmer Drive Stapleford Nottinghamshire  
Proposal : **Install 20.0 metre high Phase 5 monopole, equipment cabinet and associated development**  
Decision : **Permitted Development (Telecomms)**

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Applicant : Mr & Mrs J Smith 17/00861/FUL  
Site Address : 44 Edward Street Stapleford Nottinghamshire NG9 8FJ  
Proposal : **Construct two storey side and two/single storey rear extensions**  
Decision : **Conditional Permission**

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#### TOTON & CHILWELL MEADOWS WARD

Applicant : Mr Anran Hu 17/00800/FUL  
Site Address : 7 Biggart Close Chilwell Nottingham NG9 6NN  
Proposal : **Convert garage to living accommodation and construct single storey/first floor front extensions**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Nandeepak Lachhar 17/00821/FUL  
Site Address : 8 Newland Close Toton Nottingham NG9 6EQ  
Proposal : **Construct two storey side and single storey rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr A Askham 17/00846/FUL  
Site Address : 294 Nottingham Road Toton Nottinghamshire NG9 6EF  
Proposal : **Construct new wall and entrance gate**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs S Atkinson 17/00880/PNH  
Site Address : 9 Gowan Close Chilwell Nottinghamshire NG9 6NS  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.5 metres, with a maximum height of 3.48 metres, and an eaves height of 2.4 metres.**  
Decision : **Prior Approval Not Required**

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Applicant : DB Cargo Uk Ltd 18/00001/DEM  
Site Address : Former Wagon Works Land Used For Sidings And Depot Derby Road Stapleford Nottinghamshire  
Proposal : **Prior notification to demolish disused and fire damaged train maintenance building**  
Decision : **Prior Approval Not Required**

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#### WATNALL & NUTHALL WEST WARD

Applicant : Mr C Lloyd 17/00760/FUL  
Site Address : 58 Kimberley Road Nuthall Nottinghamshire NG16 1DF  
Proposal : **Construct single storey extension to side and rear (revised scheme)**  
Decision : **Conditional Permission**

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Applicant : Mr W Cross 17/00838/FUL  
Site Address : 139 Main Road Watnall Nottingham NG16 1HF  
Proposal : **Construct two storey rear and single storey front extensions and installation of timber cladding**  
Decision : **Conditional Permission**

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Applicant : Mr I Hobster 17/00848/FUL  
Site Address : 6 Philip Avenue Nuthall Nottingham NG16 1EA  
Proposal : **Construct two storey rear and single storey front extensions**  
Decision : **Conditional Permission**

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Applicant : Mr J Turner-Wall 18/00015/PNH  
Site Address : 150 Newdigate Road Watnall Nottinghamshire NG16 1HG  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3 metres, with a maximum height of 3 metres, and an eaves height of 3 metres.**  
Decision : **Prior Approval Not Required**

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