



10 April 2018

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 18 April 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 - 27

The Committee is asked to confirm as a correct record the minutes of the meeting held on 21 March 2018.

4. NOTIFICATION OF LOBBYING

5. TREE PRESERVATION ORDER
- 5.1 Tree Preservation Order: PAGES 28 - 30
Temple View Estate, Nuthall 1968
6. DEVELOPMENT CONTROL
- 6.1 15/00010/FUL PAGES 31 - 60
Construct 67 No. dwellings (revised scheme –
92/00730/FUL)
Land off Acorn Avenue, Giltbrook, Nottingham, NG16 2UF
- 5.2 17/00701/FUL PAGES 61 - 70
Construct manège
Land to the rear of Holly Farm Bungalow Main Street
Newthorpe, NG16 2DL
- 6.3 17/000866/FUL PAGES 71 - 83
Construct 39 bedroom hotel (Class C1) with associated
car parking and ancillary development
Land to the north of Old Moor Lodge, Mornington Crescent,
Nuthall, NG16 1QE
- 6.4 18/00081/ADV PAGES 84 - 90
Retain 4 internally illuminated signs
(A, B, C and D) and 4 externally illuminated signs
(E, F, G and H)
Old Moor Lodge, Mornington Crescent,
Nuthall, NG16 1QE
- 6.5 17/00386/ADV PAGES 91 - 98
Display signage
The Old Rock, 1-3 Nottingham Road, Stapleford,
NG9 8AB
- 6.6 18/00173/FUL PAGES 99 - 104
Install memorial stone
Land west of recreation ground, Canal Side, Beeston,
NG9 1LZ
- 6.7 17/00761/FUL PAGES 105 - 114
Construct dwelling
5 Dormy Close, Bramcote, Nottinghamshire
- 6.8 17/00873/FUL PAGES 115 - 123
Change of use from retail (Class A1) to retail and
residential (Class C3) to create 6 flats and external
alterations including side dormer
54 Derby Road, Stapleford, Nottinghamshire

- 6.9 18/00114/FUL PAGES 124 - 132
 Change of use from vehicle workshop and garage to
 dance studio (class d2), including associated external
 alterations
Manor Yard, 92a Church Street, Stapleford, Nottinghamshire
NG9 8DJ
- 6.10 18/00121/REG PAGES 133 - 139
 Install external wall insulation
1, 3, 7, 11 and 12 Ash Tree Square, 1 and 4 Henson Square,
Bramcote, Nottinghamshire
- 6.11 18/00133/FUL PAGES 140 - 145
 Retain secure bicycle locker and bin store area
73 Main Street, Kimberley, Nottinghamshire, NG16 2NG
- 6.12 18/0080/ROC PAGES 146 - 155
 Removal of condition 10 (no part of the development
 shall be brought into use until construction of the
 pedestrian crossing) of planning permission ref: 16/00107/FUL
 (construct 48 retirement living apartments)
Site of former Sinbad Plant Ltd, Hickings Lane, Stapleford, NG9 8PJ

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 Appeal decisions PAGES 156 - 161

7.3 Delegated Decisions PAGES 162 - 169

PLANNING COMMITTEE

21 MARCH 2018

Present: Councillor M Handley, Chair

Councillors: D Bagshaw	R D MacRae
L A Ball BEM	G Marshall
J S Briggs	J K Marsters
T P Brindley	P J Owen
M Brown	R S Robinson
M J Crow	P D Simpson

An apology for absence was received from Councillor M Radulovic MBE.

56. DECLARATIONS OF INTEREST

Councillor R S Robinson declared a non-pecuniary interest in agenda item 6.1, minute no. 60.1 refers.

57. MINUTES

The minutes of the meeting held on 14 February 2018 were confirmed and signed.

58. NOTIFICATION OF LOBBYING

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

59. PUBLIC PATH DIVERSION ORDERS

59.1 Proposed diversion of Beeston Footpath Number 63
Boots Campus, Beeston, Nottinghamshire

An application had been received by the Council for a public path diversion order to stop up part of Beeston footpath number 63 and create an alternative highway.

RESOLVED unanimously that the public path diversion order be made.

59.2 Proposed diversion of Stapleford Footpath Number 11
Nottingham Road, Stapleford

An application had been received by the Council 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.

RESOLVED unanimously that the public path diversion order be Modified in accordance with the plan submitted with the application.

60. DEVELOPMENT CONTROL

60.1 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

Of the four above-named applications, two related 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 two applications related 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'.

The Committee was referred to the summary of late items which contained reference to various emails and correspondence received pursuant to publication of the agenda.

Mr Steve Midgley, speaking on behalf of the applicant, addressed the Committee prior to the general debate.

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

- A lot of thought and care had gone into the development of the site and Kimberley residents would be pleased to see this going forward. Some people had been against the cladding which was part of the design but it was preferable that all the dwellings did not look the same.
- Parts of the old Brewery had cladding and the incorporation of cladding into the new design was welcomed.

- Some reservations were expressed about what the cladding would look like in, say, ten to fifteen years' time and It was considered that the cladding would look too 'industrial' for the residential development.
- Concern was expressed about the incorporation of cladding into the design due to safety issues.
- The development would lift the area of Kimberley and was an exciting project which the community on the whole supported, with the exception of the cladding.
- It was interesting to hear the applicant say the developer would have preferred to use brick and it was stated that it was the Conservation Officer had recommended using cladding.

Councillor P J Owen proposed that the recommendation to the report be amended to include the use of brick rather than cladding and that delegated power be granted to the Chair and the Head of Neighbourhoods and Prosperity to come to an agreement on the type of brick to be used. The proposal was seconded by Councillor M J Crow and, on being put to the meeting, was carried.

RESOLVED unanimously 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, and subject also to the use of brick rather than cladding of a type to be decided by the Chair in consultation with the Head of Neighbourhoods and Prosperity:

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 bought 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 bought 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

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

60.2 17/00455/FUL

Demolish existing servicing garage and bungalow and construct 12 dwellings 205A Bye Pass Road, Chilwell, Nottinghamshire NG9 5HR

The application sought 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).

There were no late items and no public speakers on this application.

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

- It was suggested that an education contribution should be conditioned since, if the developer did not pay for this, then the local authority may have to should more secondary school places be required as a result of the development.
- It was becoming increasingly common for developers not to include viability assessments.

Councillor G Marshall proposed an amendment to include a contribution for a Section 106 contribution to education unless the applicant submitted a viability assessment and that a further report be submitted to a future meeting. The amendment was seconded by Councillor P J Owen and, on being put to the meeting, was carried.

RESOLVED 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, together with the inclusion of a S106 contribution to education referred to within the aforementioned proposal:**
 - 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 591m³ 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 accesses 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.

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.

60.3 17/00864/FUL

Convert building into 4 flats, insert first floor side window
134-136 Brookhill Street, Stapleford, Nottinghamshire NG9 7GN

The application, which sought permission to convert a detached house into four, one bed roomed flats and insert a first floor side window, had been called in by Councillor R D MacRae. The proposals sought to bring a vacant building back into use.

There were no late items in respect of the application. Mr Andrew Cox, applicant, addressed the Committee prior to the general debate.

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

- The property was in need of restoration and there was confidence that the applicant would do a good job.
- Parking at the premises would not cause an impediment since there was sufficient room.
- Local concerns had been assuaged by the applicant reducing the proposals from five flats to four.
- The building needed bringing into the 21st century.
- The ward member who had called in the application requested the developer to position skips at the rear of the premises, which the applicant confirmed would be the case.

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 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.

60.4 17/849/FUL

Construct single two storey side extension following demolition of garage
419 High Road, Chilwell, Nottinghamshire NG9 5EA

Members had deferred determination of the application at Planning Committee on 14 February 2018 to allow time for amendments to be sought to create a gap between the proposed extension and the side wall of the neighbouring property.

The Committee was referred to the summary of late items which comprised an objection from the neighbouring property.

Mr Johnson, objecting, addressed the Committee prior to the general debate.

RESOLVED that planning permission be refused.

Reason

The development is considered to be overbearing and represent overdevelopment of this part of the site, due to the proximity of the extension to the boundary. The close proximity to the boundary is considered to cause a loss of amenity to neighbours and to the occupants of the application property, due to reduced side access. Accordingly, the development is considered to be contrary to 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 Broxtowe Part 2 Local Plan (Publication Version 2017).

60.5 17/00854/FUL

Construct Manège

Land to the rear of Holly Farm Bungalow, Main Street, Newthorpe NG16 2DL

The application proposed the construction of a horse exercise manège on the field situated to the north of Holly Farm Bungalow.

There were no late items in respect of the application and no public speakers.

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

- It was stated that there were two public footpaths running across the field which had been blocked off resulting in limited access.
- Access for residents across the property would be welcomed and footpaths should be made clear so that people could access the countryside.
- Paragraph 6.4.1 to the report was deemed to be confusing, it suggesting there would be an obstruction to the public right of way. It was however stated that the proposed manège would not obstruct the right of way.
- The whole issue of footpaths was inter-related with the application.

Councillor P J Owen, seconded by Councillor M Brown, proposed that consideration of the application be deferred until members received clarity regarding the footpath and right of way situation. The proposal, on being put to the meeting, was carried.

RESOLVED that consideration of the application be deferred.

Reason

So that further information could be presented to members regarding footpath and rights of way issues.

60.6 17/00386/ADV

Display signage

The Old Rock, 1-3 Nottingham Road, Stapleford NG9 8AB

The application, which sought advertisement consent to retain and display a variety of signs, had been called in by Councillor R D MacRae.

The Committee was referred to the summary of late items which referred to a letter of objection.

Mr Baxter (objecting) and Mr Mohammed (on behalf of the applicant) addressed members prior to the general debate.

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

- The ward member expressed concern that no comments had been submitted by Stapleford Town Council although he was aware the matter had been debated at a recent Town Council meeting.
- The signs and the building were impressive and the only suggestion for improvement was that the building would benefit from a paint refresh to make it 'whiter'.

Councillor R D MacRae proposed deferral of consideration of the application to establish whether or not Stapleford Town Council's comments had been received and considered, since he suspected they had not been. The proposal was seconded by Councillors G Marshall and R S Robinson and, on being put to the meeting, was carried.

RESOLVED that consideration of the application be deferred.

Reason

To establish whether or not Stapleford Town Council's comments had been received and considered.

60.7 17/00871/FUL

Construct single storey side extension
7 Abbey Drive, Beeston, Nottingham NG9 2GQ

The application, which sought permission to construct a single storey side extension, had been called in by Councillor S J Carr.

The Committee was referred to the summary of late items which included objections from the neighbouring resident.

Ms Anna Danhall, objecting, addressed the Committee prior to the general debate.

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

- Members has viewed the applicant and objector's gardens on the site visit and it was considered that the reduction in garage size was in keeping.

- The gardens were of a good size and it was not considered that the proposed development would have an overbearing impact.

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 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/>**

60.8 18/00092/REG3

Change of use from offices (Class B1) to residential (Class C3)

Cavendish Lodge, Devonshire Avenue, Beeston NG9 1BS

The application, as detailed above, had been brought to Committee for determination since it was a Borough Council application.

There were no late items or 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 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.

This planning permission only relates to a change of use. Any external works to the building may require separate planning permissions.

61. INFORMATION ITEMS

61.1 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.

61.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 20 January and 23 February 2018. Councillor R D MacRae referred to an incident relating to application reference 17/00727/FUL and it was confirmed that Broxtowe's enforcement officer was liaising with Building Control colleagues.

Report of the Deputy Chief Executive

**TREE PRESERVATION ORDER: TEMPLE VIEW ESTATE, NUTHALL
1968**1. Purpose of report

To seek a refusal of permission following the request to fell two beech trees which are protected by the TPO Temple View Estate 1968.

2. Introduction

An application has been received seeking to fell the two Beech trees located at 3 Ayscough Avenue, Nuthall.

3. Appraisal

The applicant has also expressed concerns with the safety of the trees. At the time of the Tree Officers ground level inspection of the trees from the garden area of the property there was no visible evidence of any major structural defects or signs of disease within the canopy of either tree. The Tree Officer suggested that the applicant should have an independent climbing inspection undertaken of both trees to assess the condition of the trees and any defects not visible from a ground level inspection. A report should then be submitted to the Council to substantiate the application to fell the two TPO protected Beech trees. To date no such evidence has been produced.

The applicant has also expressed concerns about the lack of light to the rear garden of the property due to the crown of the trees blocking sunlight to the south facing rear garden.

4. Conclusion

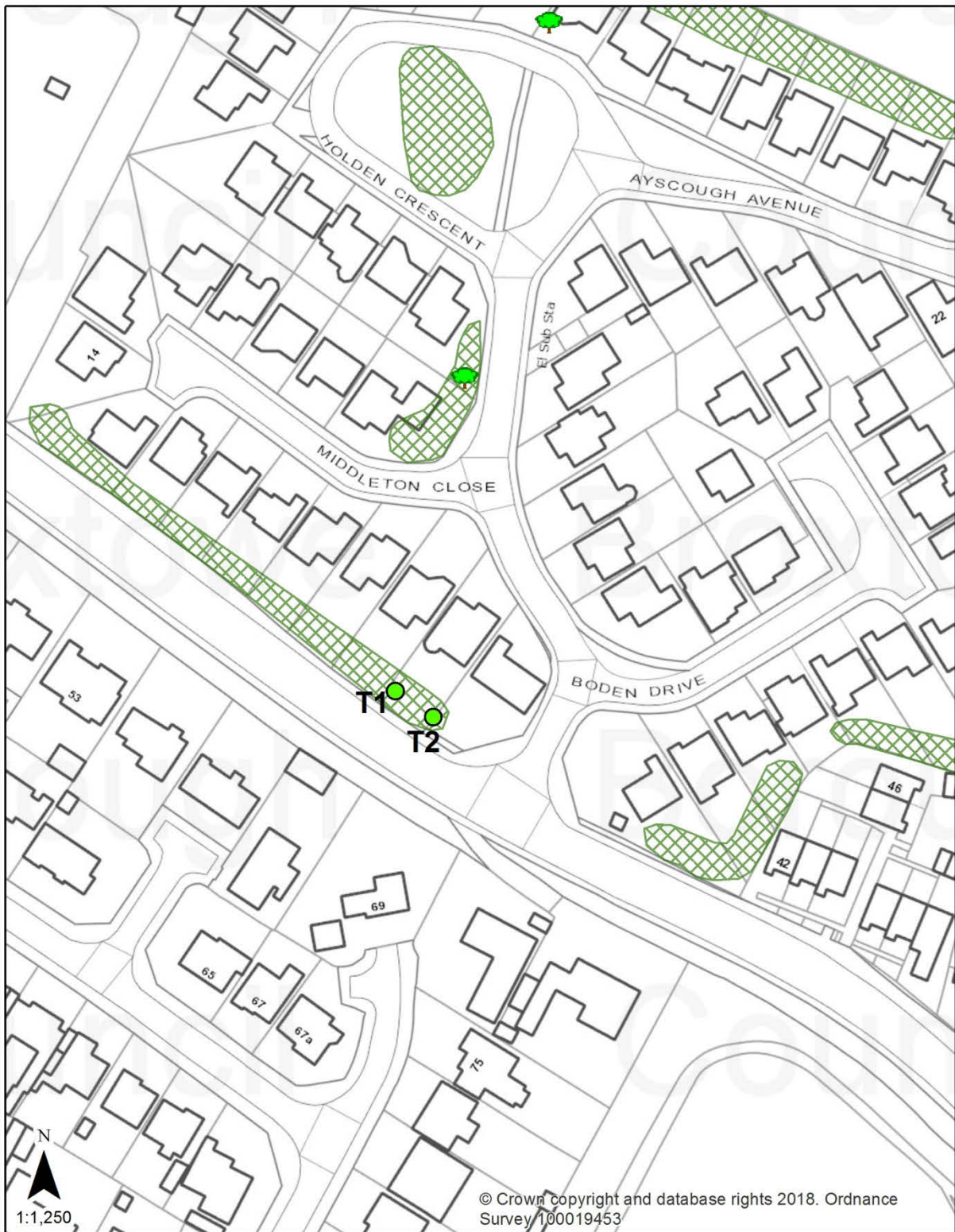
It is the Tree Officer's opinion that both trees appear to be healthy from a ground level inspection. There is a minor amount of dead wood within the canopy of the trees which should be removed by pruning. My recommendations for the trees maintenance would, in the absence of a full climbing inspection, be a 25% crown thin of the canopies of both trees to remove any crossing rubbing branches and any dead wood. This would maintain the health of the tree and the safety of the applicant by removing the dead wood. It would also allow more light to penetrate through the canopy to alleviate the problems of shade.

Recommendation

The Committee is asked to RESOLVE that permission be refused for the felling of the two Beech trees and the applicant be granted permission to undertake the 25% crown thin of both trees as detailed in the report.

Background paper
Application to fell





- Legend**
- Single TPO
 - Group TPO

Report of the Chief Executive

**15/00010/FUL
CONSTRUCT 67 No. DWELLINGS (REVISED SCHEME – 92/00730/FUL)
LAND OFF ACORN AVENUE GILTbrook NOTTINGHAM, NG16 2UF**

This application has been brought back to Committee following the resolution to grant planning permission subject to a Section 106 Agreement at 11 November 2015 meeting as, prior to the signing of the legal agreement, the applicant has proposed some amendments to the scheme.

1.0 Details of the Application

1.1 Proposals for the construction of 67 dwellings at land adjacent to an existing residential development within the larger Smithurst Road development, Giltbrook was heard by planning Committee on 11 November 2015. Members resolved to approve the development in line with officer recommendation. This was subject to a number of conditions and the prior signing of a Section 106 Agreement. This agreement was a mechanism to obtain contributions and land from the applicants to facilitate a scheme, which would be implemented by the Lead Local Flood Authority (LLFA), to reduce the impact of surface water run-off in the locality.

1.2 It is understood that the LLFA have commissioned a report which has modelled various scenarios as a result of a number of alternative measures which could be put in place to address the flooding issues locally. It is understood that a final scheme has not yet been agreed.

1.3 Discussions regarding the precise wording and requirements of the Section 106 Agreement are ongoing and have involved a number of parties. It is understood that the document is close to being ready for endorsement.

1.4 In advance of this the applicant has submitted a number of changes to the scheme. These largely relate to updates in house type, although some changes are proposed to the layout. The number of dwellings remain unchanged, as does the site area and the properties will all be 4 or 5 bedroom detached houses as previously considered.

1.5 The officer's original report to Committee is attached as an appendix. The site and surroundings remains unchanged.

2.0 Policy Context

2.1 The National and local policy context remains as it was in November 2015 with the exception of the publication of the Broxtowe Part 2 Local Plan with relevant policies summarised below.

2.2 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.

2.3 Policy 15: 'Housing Size, Mix and Choice' states that affordable housing should be provided at the Eastwood submarket comprising 10 or more residential units, at a proportion of 10% or more. Affordable housing provision should be made on site, unless there are exceptional circumstances to justify otherwise, should be integrated with market housing and should be of a similar size, type and external style as the market housing. Developments of market and affordable housing should provide an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents of all parts of the Borough are met.

2.4 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. For housing developments of 10 dwellings or more, an assessment is expected in relation to the Build For Life criteria.

3.0 Consultations

3.1 Consultations on the revised plans have been undertaken with all neighbours who directly adjoin the site together with Nottinghamshire County Council as highway authority, public rights of way, ward members and the Council's tree officer. More widespread re-consultations have not taken place as the alterations to the development proposed do not impact on the principle of the development.

3.2 Nottinghamshire County Council as Highways Authority has no objections to the amendments. They comment that they have had a technical approval submission for the scheme and the amended layout plan is in accordance with that. They recommend conditions in line with those proposed as part of the original recommendation to planning Committee.

3.3 The Rights of Way Officer at Nottinghamshire County Council makes no objections to the amendments. They comment that the availability of the path should be unaffected or obstructed by the proposed development unless an appropriate diversion or closure order is in place.

3.4 The Council's Tree Officer raises no objections to the development and comments that the proposed 'root protection area' surrounding the protected trees is sufficient.

3.5 Six letters of objection have been received with a further 5 letters being received which appear to also raise concerns/objections without explicitly stating such. The comments received raise the following issues:

- Excessive number of dwellings.
- Overlooking/loss of privacy
- Overshadowing/loss of light
- Sense of enclosure
- Noise and disturbance

- Extra traffic, on street parking demand and congestion already causing issues on the surrounding streets.
- Local road infrastructure is inadequate
- Why has the road serving plots 205-209 been left open? Is it intended to use this as a further drainage easement or is a new road linking up to Thorn Drive or Portland Road something for the future?
If there's to be no further development of the green space as promised why is the road not made into a 'dead end'
- Loss of view
- Drainage easement between plots 195 and 196, excess surface water should not be left to drain naturally due to localised flooding issues. Are plans for the attenuation facility already decided? Is there a guarantee that surface water will not run down to flood the properties already at risk?
- Area doesn't have the necessary infrastructure to support the development, no shops and schools/doctors/dentists.
- Timescale for details of drainage attenuation storage facility.
- Damage already been done to fence by developer.
- Development will greatly increase water run-off to an area already suffering from serious flooding. Nothing on the plans mitigates this.

4.0 Appraisal

4.1 The principle of development has already been considered by members to be acceptable and progress has been made on the Section 106 Agreement to secure land and funding for flood alleviation measures. The minor revisions to the application for consideration relate to amendments to property types (design and siting) and to the overall layout.

5.2 Layout

5.2.1 The layout of properties to the southern side of Alton Drive remain largely as approved with some minor alterations to the siting of dwellings within plot. These all retain garden lengths in excess of 10 metres and are considered to be acceptable amendments to the scheme.

5.2.2 To the northern side of Alton Drive some minor alterations again have been made to the siting of the properties within their individual plots and the layout at the head of the cul-de-sac has been amended with all properties now proposed to have direct access from the road, rather than a private drive serving three properties. This has moved the built form closer to the existing properties on Robina Drive. Plot 250 will now be within 13 metres of the closest existing property. Previously this figure was 20 metres and the property was angled with the rear elevation facing the rear of the existing property. The proposed amendments bring the proposed development closer and its side elevation now faces the existing property. This elevation is largely blank, other than one obscurely glazed window serving a bathroom at first floor. This is a typical relationship to many other properties on the estate and whilst there will be some loss of late afternoon sun to the rear of the existing property it is not considered that this would be significant.

5.2.3 On Filbert Drive, again garden depths which face onto existing properties all remain in excess of 10 metres with the main changes to the layout centring around the end of

the cul-de-sac. As is the case on Alton Drive plots 223 and 224 have been located with their side elevations now facing existing properties, rather than their rear. Both plots have a single pane opening in this side elevation serving a bathroom. The two storey section of Plot 223 will be within 13.5 metres of the closest existing property at its nearest point (7.5 metres away from the site boundary) and plot 224 14.5 metres. Again these types of relationships are not uncommon on new housing estates. The side facing side elevations will reduce any possible overlooking resulting in loss of privacy and whilst there will be some loss to late afternoon sun it is considered that on balance the relationship is acceptable.

5.2.4 It is considered that the most significant alteration to the layout relates to the drainage easement to the west of Acorn Avenue between plots 195 and 196. Whilst this will open up a gap in the row of properties it is not considered that this particularly weakens the streetscene to any significant detriment.

6.0 House type revisions

6.1 14 new house types are proposed to replace the 12 previously recommended for approval. These are broadly similar, in terms of style, design and size and consist of 4 and 5 bedroom detached properties.

6.2 The properties are simplistic in form with a mix of pitched and hipped roofs and are proposed to be constructed using bricks and tiles. They will contribute well to the mix of house types and the character and appearance of the streetscene and wider area.

7.0 Other matters

7.1 The resolution granted by Members in late 2015 was two-fold, that permission be granted subject to a Section 106 Agreement and various conditions and that if an agreement had not been reached within 6 months of the Committee that delegation be given to the Head of Neighbourhoods and Prosperity to refuse the application if deemed appropriate.

7.2 Whilst this six-month time period has long since elapsed this is due to on-going discussions with various parties regarding the flooding issues in the area. It is understood that the applicant is in agreement with the Council as to the wording and content of the agreement and that this is ready to be endorsed and signed by all parties.

7.3 Condition 13 which removed 'permitted development rights' for the future occupants of some of the plots has been amended to reflect the changes to the layout which means it is no longer necessary to remove these rights for all the plots that would previously have been subject to this condition.

7.4 Given the early stage of the Part 2 Local Plan, it would not be reasonable or necessary to require additional revisions to be made in view of these draft policies which have not been subject to independent examination.

8.0 Conclusion

- 8.1 In conclusion and having regard to all further comments received and the relevant national and local plan policy, it is considered that the proposed amendments to the scheme first considered by members in 2015 are acceptable and that other than revisions to the approved drawings numbers under condition 2 no further variations to the recommendation are made.

Recommendation

The Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission for application 15/00010/FUL subject to prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and the conditions set out below.

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawings numbered AAGDR01-SLP Revision K received by the Local Planning Authority on 4 April 2018 and drawings numbered: KB1/2017 (OSG) Rev A, KB1/2017 (HSG) Rev A, N2/2017 (HSG) REV a, K7/2017 (OSG) Rev A, K7/2017 (HSG) Rev A, received by the Local Planning Authority on 26 February 2018 and drawings numbered: KA2/2017 (HSG), KA2/2017 (OSG), A1/2018 (OSG), A1/2018 (HSG), B6/2017 (OSG), C8/2016 (OSG), C9/2016 (OSG), C9/2017(HSG), S20/2018 (OSG), S20/2018 (HSG), T20/2017 (OSG), T20/2017 (HSG), Z4/2018 (OSG), Z4/2018 (HSG), DA3/2017 (O), DA3/2017 (H), E20/2016 (OSG), E20/2017 (SG), F5/2018 (HSG), plot 223 F5/2018 (OSG) and plot 224 F5/2018 (OSG) received by the Local Planning Authority on 2nd February and 27 March 2018 and drawing numbered: Garage/DG/2/88s/B Revision A, received by the Local Planning Authority on 12 January 2015.**
- 3. No building operations shall be carried out until details of the manufacturer, type and colour of the materials to be used in the facing walls and roofs, details of the colour of the rainwater goods, and the colour and location of the external meter cupboards 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 approved shall be commenced until the coal mining remedial works, as recommended in the Geoenvironmental Appraisal Report (March 2013) and the Interim Report on the Geological/ Mining Position of Giltbrook Farm Site, Eastwood, Nottingham (November 1979, K. Wardell and Partners) as annotated on the accompanying drawing (K. Wardell and Partners, Drawing No. 10/3176/1 have been implemented in full to the satisfaction of the Local Planning Authority.**
- 5. (a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.**

- (b) No building to be erected pursuant to this permission shall be first occupied or brought into use until:-
- i. All the necessary remedial measures have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and
 - ii. It has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified, unless an alternative has first been approved in writing by the Local Planning Authority.
6. No part of the development hereby approved shall commence until a detailed surface water drainage scheme and foul sewage scheme, including details of the attenuation feature subject to planning application 15/00018/REG or an alternative drainage strategy based on sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall demonstrate:
- Surface water drainage system(s) designed in accordance with CIRIA C697 and C687 of the National SUDS Standards, should the latter be in force when the detailed design of the surface water drainage system is undertaken.
 - Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm ideally to Greenfield rates for the site but as a minimum not to exceed the run-off from the undeveloped site and will not increase the risk of flooding off-site.
 - Provision of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SCO30219 Rainfall Management for Developments'.
 - Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
7. No part of the development hereby approved shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services and any proposed structural works. Pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicle access leading to parking spaces and/ or garages. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
8. No dwelling shall be first occupied unless and until its associated access driveway and/or parking spaces have been constructed to prevent the unregulated discharge of surface water from the driveway and/or parking spaces onto the public highway.
9. No part of the development hereby approved shall commence until wheel washing facilities have been installed on the site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times and shall be used by any

- vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no debris is discharged or carried onto the public highway. These facilities shall be retained on the site until the substantial completion of construction work.
10. The erection of fencing for the protection of the protected trees shall be undertaken in accordance with details to be submitted to and approved by the Local Planning Authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.
 11. No part of the development hereby approved shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:
 - (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development
 - (b) numbers, types, sizes and positions of proposed trees and shrubs
 - (c) proposed hard surfacing treatment including detailing of the footpaths
 - (d) planting, seeding/turfing of other soft landscape areas
 - (e) proposed boundary treatments including along the external boundaries.

The approved scheme shall be carried out strictly in accordance with the approved details.
 12. The approved landscaping shall be carried out not later than the first planting season following which 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.
 13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) within Schedule 2, Part 1, Classes A, B, or C shall be made to the following dwelling house(s) as shown on drawing number AAGDR01-SLP Revision K: Plots 223, 224 and 250 without the express permission in writing of the Local Planning Authority.

Reasons

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. No such details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
4. In the interests of public health and safety.
5. In the interests of public health and safety and in accordance with Policy E29 of the Broxtowe Local Plan (2004).
6. To prevent the increased risk of flooding, to improve and protect water quality; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014) and the National Planning Policy Framework (2012).
7. In the interests of highway safety.
8. In the interests of highway safety to ensure surface water from the site is not deposited on the public highway causing danger to road users

9. In the interests of highway safety.
10. To ensure the existing trees protected by a Tree Preservation Order are not adversely affected and in accordance with Policy E24 of the Broxtowe Local Plan (2004)
11. To ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
12. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
13. To protect the amenity of neighbouring occupiers and in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014).

Notes to Applicant

1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by communicating with the agent during the course of the application.
2. Conditions 3,4,5,6,7,9 and 11 are required to be pre-commencement conditions as no/insufficient information on those matters was submitted with the application and as those parts of the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of those aspects, respectively, of the development commencing.
3. Any tree works should be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time then a suitably qualified ecologist should be on site to survey for nesting birds. Birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).
4. Greasley Footpaths Number 54 and 55 runs through the site. The footpath should remain open and unobstructed at all times. If a temporary closure of the footpath is required Nottinghamshire County Council's Countryside Access Team must be contacted at least 5 weeks before to allow for a Temporary Closure Order to be put in place. Nottinghamshire County Council can be contacted on 0300 500 8080.
5. 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. This may result in problems to occur in the future, particularly as a result of the 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. The applicant should be aware that any intrusive activities and any subsequent treatment require the prior written permission of the Coal Authority. Failure to obtain permission will potentially result in court action. The Coal Authority can be contacted on 0845 762 6848 and further information is provided on <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

Background papers

Application case file

Appendix - Planning Committee report dated 11 November 2015

Report of the Director of Legal and Planning Services

**15/00010/FUL
CONSTRUCT 67 No. DWELLINGS (REVISED SCHEME – 92/00730/FUL)
LAND OFF ACORN AVENUE GILTBROOK NOTTINGHAM NG16 2UF**

The planning application is also linked to the application (15/00018/REG3) to provide an 'enhanced drainage/biodiversity attenuation storage' as it forms part of the drainage/flooding management plan for the development.

1 Details of the application

1.1 The application seeks planning permission for the construction of 67 dwellings at land adjacent to an existing residential development within the larger Smithurst Road development, Giltbrook. This is a resubmission of an application granted permission in 1993 for 107 houses and garages (reference 92/00730/FUL). This permission was implemented soon after the granting of planning permission, with the developer building 44 of the properties which have subsequently been sold and occupied. This permission is therefore extant and can be completed at any point without the need for any further planning permission. The developers also obtained the Building Regulations approval required to build all the properties and as such could build the remaining houses without any further approvals being required by the Council.

1.2 At the time the existing houses were constructed the developer, Langridge Homes Ltd, also constructed the connecting access road which joins up Acorn Avenue, Alton Drive and partially completed Filbert Drive, the latter two being accessed from Acorn Avenue.

1.3 This current application relates to the remaining 63 dwellings approved under this previous permission, plus an additional four dwellings and consists predominantly of detached four and five bedroom properties, all of which have either detached or integral garages. The differences between the approved plans and this current application relate to minor alterations to the layout, specifically to the south-eastern corner of the site and amendments to the house types and design which have also led to the ability to build the four extra houses proposed.

2 Site and surroundings

2.1 The site comprises approximately 2.39 hectares of land within an existing residential area which is currently grassed and has no buildings on it. As this site relates to an extant permission for housing, some works have taken place with the connecting access road which joins the two sections of Acorn Avenue having been completed. Work was also commenced on two roads leading from Acorn Avenue (Alton Drive and Filbert Drive).



2.2 It is largely bordered by residential properties to the northern, eastern and southern boundaries. The properties to the south and south east of the site consist of the 44 dwellings constructed under the extant planning permission (92/00730/FUL) by the applicant. These, together with the properties immediately to the north and east, consist largely of detached two storey dwellings with a small number of semi-detached properties. To the west of the site there is an area of open land which is allocated in the Local Plan (2004) as part of a 'Greenway' which runs through Giltbrook Farm from Portland Road and is also allocated for the provision of informal open space.

2.3 A closed barrier gate to the north and fencing to the south currently restrict access and through traffic. An existing footpath runs to the west, from which access can be gained into the application site. A public footpath which connects the two parts of Acorn Avenue runs behind properties on Robina Drive also adjoins the site to the east, where there is a group Tree Preservation Order at the south-eastern tip of the footpath.



2.4 There is a significant change in levels across the site, which slopes upwards from west to east and from south to north. The properties on Robina Drive are 5-6m higher than the properties to the west on Thorn Drive and the properties at one end of Acorn Avenue (numbers 51 and 58) are 3-4m higher than those to the south.

3 Relevant site history

- 3.1 In 1981 planning permission was granted for development consisting of 'Use site for residential, industrial, shops and school development' (79/00666/OUT). This was further supplemented by the granting of outline planning permission for residential, industrial, shopping and school development as part of a comprehensive scheme for the whole of the Giltbrook Farm Estate (81/00566/OUT). These applications established the principle of residential development on the site which has subsequently been developed in a phased manner since this time.
- 3.2 Planning permission for 107 houses with garages and associated works within a section of this larger site was granted in 1993 (92/00730/FUL). As stated in section 1 of this report, part of this development has been built out and as such the permission is extant and could be built as approved at any point in the future without the need for any planning permission.
- 3.3 In 2006 planning permission (06/00967/FUL) was refused for the substitution of house types for 63 dwellings previously approved and alterations to the internal road layout. The reasons for refusal stated:

1 – The proposed residential development provides a low-density scheme, insufficient to meet the requirements of PPS3 and Policy H6 of the Broxtowe Local Plan and represents an inefficient use of land. In addition the development proposes fail to provide a satisfactory variety of housing types contrary to Policy H3 of the Broxtowe Local Plan (2004).

2 – The applicant has failed to provide the necessary information on the level changes of the site and subsequently there is a lack of detail to assess the impact of the proposal on the occupiers of the neighbouring properties and the amenity of occupiers of future residents within the site. The proposal is accordingly contrary to local plan policy H7.

4 Policy Context

4.1 **National policy**

- 4.1.1 The National Planning Policy Framework (NPPF) (March 2012) contains a general presumption in favour of sustainable development whereby planning permission should be granted unless permitting the development significantly and demonstrably outweighs the benefits. It outlines 12 core planning principles which should underpin the planning system, including that planning should be plan-led, that high quality design and a good standard of amenity for existing and future occupants should be secured, full account should be taken of flood risk, the natural environment should be conserved and enhanced, developments should be located in sustainable locations and effective use of brownfield land should be made. It also outlines that the Government's key housing objective is to increase significantly the delivery of new homes, and states that there should be a wide choice of high quality homes within safe and accessible environments. Applicants are encouraged to work with the local community to achieve this aim.

- 4.1.2 A greater emphasis is placed on economic considerations and the NPPF advises that planning authorities should take account of market signals, such as land prices and housing affordability. Where a need for affordable housing has been identified, the NPPF advises that this should be provided on site unless off-site provision or a financial contribution can be robustly justified.
- 4.1.3 In relation to assessing the highway impacts of a proposal, the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe.
- 4.1.4 In regard to the provision of housing, the Framework states that applications should be considered in the context of the presumption in favour of sustainable development. 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. Paragraph 47 of the NPPF states that local planning authorities should set out their own approach for housing density to reflect local circumstances.
- 4.1.5 Paragraph 94 of the NPPF states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. Paragraph 99 states that new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures.
- 4.1.6 Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 4.1.7 Paragraph 103 outlines how, when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning and it gives priority to the use of sustainable drainage systems.
- 4.1.8 The NPPF advises that impacts on biodiversity should be minimised and that, if significant harm cannot be avoided, adequately mitigated or, as a last resort, compensated for, planning permission should be refused.
- 4.1.9 Paragraphs 203 – 206 of the NPPF advise on planning obligations and states that obligations must be necessary to make the development acceptable in planning

terms, be directly related to the development, fairly and reasonably related in terms of scale and kind to the development. In addition, paragraph 205 of the NPPF advises that where seeking obligations, local authorities need to take into account changes in market conditions over time and be flexible so as to prevent development stalling on such matters.

4.2 Broxtowe Aligned Core Strategy

- 4.2.1 The Council adopted the Core Strategy on 17 September 2014 and the overall strategy of this document is “urban concentration with regeneration”. Due weight should now be given to this document.
- 4.2.2 ‘Policy 1: Climate Change’ sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings. It states that development should demonstrate how carbon dioxide emissions have been minimised. It states that development will be supported that adopts the precautionary principle, that avoids areas of current and future flood risk which, individually or cumulatively, does not increase the risk of flooding elsewhere and, where possible, reduces flood risk. It replicates the approach to development in flood zones outlined in the NPPF and seeks the inclusion of Sustainable Urban Drainage systems within new development where viable and technically feasible.
- 4.2.3 ‘Policy 2: The Spatial Strategy’ sets the overarching strategy for how growth in Greater Nottingham will be accommodated and distributed. It sets the required number of homes for Greater Nottingham (GN) between 2011 and 2028 (6150 in the Broxtowe Borough part of GN, of which 3800 are in or adjoining the existing built up area of Nottingham and up to 1,250 are in or adjoining the Eastwood area which includes Giltbrook and Newthorpe) and outlines a settlement hierarchy.
- 4.2.4 ‘Policy 8: Housing Mix and Choice’ sets out the approach to ensuring that new housing development includes an appropriate mix of housing types, sizes and tenures. It sets out the approach to affordable housing and establishes a 30 per cent target for Broxtowe Borough.
- 4.2.5 ‘Policy 10: Design and Enhancing Local Identity’ sets design and layout principles to be applied to new development and looks to ensure that valued local characteristics are reinforced.
- 4.2.6 ‘Policy 16: Green Infrastructure, Parks and Open Spaces’ sets out a strategic approach to the provision of new Green Infrastructure.
- 4.2.7 ‘Policy 17: Biodiversity’ sets out the approach to biodiversity and how development affecting biodiversity assets should be considered. It states that designated sites will be protected in line with the hierarchy of designations.
- 4.2.8 ‘Policy 18: Infrastructure’ seeks to ensure new development is provided with the necessary infrastructure. It is based on an Infrastructure Delivery Plan that has been prepared to support the Aligned Core Strategy. This includes infrastructure requirements and viability information.

- 4.2.9 'Policy 19: Developer Contributions' confirms the current use of section 106 agreements.

4.3 Saved Policies of the Broxtowe Local Plan

- 4.3.1 The Core Strategy contains broad policies and a Development Management Policies Document will be developed in due course. In the meantime, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Policy 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 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.
- 4.3.4 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.
- 4.3.5 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.
- 4.3.6 Policy H5 'Affordable Housing' states that on housing sites of over 1 hectare or over 25 dwellings, the Council will seek to ensure that at least 25% of dwellings built will be affordable or, exceptionally, that a financial contribution will be made to enable the provision of an equivalent amount of affordable housing off site.
- 4.3.7 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 T1 'Developers' Contributions to Integrated Transport Measures' states that planning permission for developments which generate a demand for travel will not be granted until a contribution towards transport infrastructure has been negotiated.
- 4.3.9 Policy T11 'Guidance for Parking Provision' and Appendix 4 to the Local Plan require satisfactory provision of vehicle parking and servicing, in accordance with the latest standards.
- 4.3.10 Policy RC6 'Open Space: Requirements for New Developments': Provision should be made for public open space and children's play areas on residential

development sites which exceed 0.5 hectares. The design of any open space provision should take into account the possible provision of features beneficial to wildlife.

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

5 Consultations

- 5.1 Nottinghamshire County Council as Highways Authority has no objection as there will be no material impact of the development on adjacent roads and the proposals have already been approved previously. Conditions are recommended relating to the submission of detailed plans for the proposed roads, the use of a hard bound material on driveways and parking and turning areas, the provision of wheel washing facilities on the site, adequate pedestrian visibility splays and adequate drainage to prevent unregulated discharge of surface water onto the public highway. A contribution of £76,480 is requested towards integrated transport measures.
- 5.2 Nottinghamshire County Council's Area Rights of Way Officer has stated that public footpaths should not be affected or obstructed in any way by the proposed development unless subject to appropriate diversion or closure orders. It was confirmed that the proposed path surface materials are acceptable.
- 5.3 Nottinghamshire County Council, as education authority, has commented that the development would yield an additional 14 primary and 11 secondary school places. They therefore seek a contribution of £350,230 (14 x £11,455 for primary provision and 11 x £17,260 for secondary provision) to help provide these places. They also comment that the development would impact on local library services and seek a contribution of £3,064 towards the additional stock that would be required.
- 5.4 Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) provided comments specifically in respect of the adjacent land subject to application 15/00033/REG3 however as part of this process reviewed the Flood Risk Assessment which forms part of this application. The LLFA state that putting surface water into a balancing lagoon appears a logical approach however raises concerns regarding the existing flooding problems for properties to the north west of the site.
- 5.5 The Environment Agency state no objection subject to the balancing pond, subject to planning application reference 15/00018/REG3 being put in place and the inclusion of conditions relating to the submission of a detailed surface water drainage scheme to prevent an increased risk of flooding, to improve and protect water quality, to improve habitat and amenity and to ensure the future maintenance of the sustainable drainage structures. In additional comments provided, the Environment Agency state that if the balancing pond is not granted approval and is not replaced by another storage facility elsewhere, it would object to the proposal.
- 5.6 Severn Trent Water has no objection provided conditions are included requiring drainage plans for the disposal of surface water and foul sewage to be submitted and approved by the Local Planning Authority.

- 5.7 The Coal Authority has no objection subject to the identified remedial measures being carried out and a note to applicant highlighting that the site lies within an area which may contain potential coal mining hazards any intrusive works will require a Coal Authority Permit.
- 5.8 The Council's Environmental Health Officer has no objection subject to a condition requiring an investigate survey of the site to be carried out to identify if contamination is present and for any necessary remedial measures to be completed prior to any buildings being brought into use.
- 5.9 The Council's Parks and Environment Manager makes comments in respect of the species of trees proposed and the importance of trees and hedgerows to be retained and the surfacing of the public footpath.
- 5.10 The Council's Tree Officer states no objection however requires some further investigation to establish the future viability of Ash trees protected by TPO/NEW/04 in a residential setting.
- 5.11 The Council's Director of Housing, Leisure and Property Services raises no objections to the proposal.
- 5.12 Nottinghamshire Wildlife Trust states that it generally accepts the findings of the updated ecological report and highlights that the site does have biodiversity and ecological value potential for nesting birds, invertebrates and small mammals. It recommends that sensitive choice of species for landscaping are used to improve the wildlife value for the development and bat and bird boxes should be integrated within the development. It is also recommended that no site clearance work should take place during the breeding season (March to August inclusive) to protect nesting birds.
- 5.13 Greasley Parish Council raises concerns regarding existing traffic congestion and states that the development would introduce more traffic. It is also stated that, whilst there is an existing planning permission, this did not take into account the application for 34 affordable houses on the adjacent land or the 57 houses recently completed on the Giltbrook Dyers and Cleaners Site. The development should not proceed without funds for the provision of traffic mitigation measures.
- 5.14 Councillor Rowland has highlighted the existing flood risk problems experienced by residents on Thorn Drive and Gorse Close. He has also commented that there are already problems caused by on-street parking on both sides of Acorn Avenue which makes it difficult for refuse and emergency vehicles. Damage to parked vehicles is a common occurrence and this further development will exacerbate the problem and raise fears over safety and access. Consideration should be given to the timing of building works.
- 5.15 To publicise the application, 51 residential properties were consulted, two site notices were posted around the site's perimeter and an advertisement was placed in the Nottingham Evening Post. Thirteen letters of objection were received and two letters in support of the application. The comments received raise the following issues:

Principle

- Excessive number of dwellings
- Losing greenfield land
- Alternative sites are available
- Buildings excessive in bulk and scale

Amenity

- Overlooking/loss of privacy
- Overshadowing/loss of light
- Sense of enclosure
- Noise and disturbance

Highways and access

- Extra traffic, on street parking demand and congestion already causing issues on the surrounding streets
- Local road infrastructure is inadequate
- Inadequate access

Other Issues

- Loss of view
- Will make existing flooding problems worse through building on undeveloped land
- Inaccurate information submitted within the application
- Increase in number of local children needing a recreation facility.
- Area does not have the necessary infrastructure to support the development, no shops and schools/doctors/dentists
- Devalue properties
- Disruption to foundations
- Loss of wildlife/ natural area

6 Appraisal

6.1 The site has had permission to be used for residential development since 1993, with an extant permission for 109 dwellings of which 46 have already been built and occupied. The owners of the site however wish to revisit the layout of the development and update the house types. The main considerations with the application therefore are: the design and layout; density and housing mix; flooding; impact on protected trees; traffic; and amenity for future occupants and existing residents.

6.2 Design and layout

6.2.1 The layout shows a total of 67 dwellings, which when subtracting the number of homes already constructed under the extant permission (92/00730/FUL) results in an increase of four dwellings. The increase in numbers has been achieved through minor revisions to the layout and changes in house type. The internal layout of the scheme consists of a roadway with two roads leading from this with turning heads to serve the proposed dwellings.

- 6.2.2 The majority of the dwellings face onto and have their access either from Acorn Avenue or the internal roads (shown as Filbert Drive 'Road K' and Alton Drive 'Road L'). Plots 220-225 and plots 248-250 are served from private drives. The layout forms a continuation of the completed housing development on Acorn Avenue and will therefore be similar in terms of form and character which is considered to be suitable for this area.
- 6.2.3 Some of the properties have detached garages, whilst others have internal garages with all the properties being set back behind either front gardens, driveways or a combination of the two. There are variations in the size of the houses, the roof design and in the brick and fenestration detailing. It is considered that the style of housing proposed would be in keeping with the existing houses constructed on Acorn Avenue and appear appropriate in design terms for this predominantly residential area.

6.3 Density and housing mix

- 6.3.1 Policy H6 'Density of Housing Development' provides density requirements for residential development. Where development is within a 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 is required. The proposal equates to a net density of approximately 28 dwellings per hectare, which is below this figure. However, it is considered that the housing density proposed does reflect the density of the surrounding area, particularly the completed element of the housing scheme on Acorn Avenue, and reflects the density of the principle established through the existing permission. There are also level differences within the site that the proposals have to take into account to ensure that there is no privacy or overbearing impact. It should also be noted that Paragraph 47 of the NPPF states that local planning authorities should set out their own approach for housing density to reflect local circumstances. It is acknowledged that a planning application for the site was refused (06/00967/FUL) based on it failing to meet the density requirements of PPS3 and Policy H6 of the Broxtowe Local Plan. However, the policy position has since advanced with the NPPF having since replaced PPS3. In this case it is considered that the housing density successfully reflects local circumstances and therefore would accord with the NPPF and with Policy 8 of the Broxtowe Aligned Core Strategy. Due to this it is considered that a refusal could no longer be justified based on density.
- 6.3.2 With regards to the housing mix, whilst the application proposes primarily four and five bedroomed detached houses, there is a mix of house types in the locality including smaller houses on the former Giltbrook Dyers and Cleaners site, bungalows on Thorn Drive and larger detached houses on Acorn Avenue. The proposal will provide family housing in an existing residential area and it is considered that approval of the development will not adjust the supply of housing in the area to the detriment of certain household sizes. The proposed housing mix is therefore considered to be acceptable.

6.4 Amenity

- 6.4.1 Garden lengths vary throughout the development from plot 220 which has a garden size ranging between 7m and 13m to plot 197 which has a garden length in excess

of 17m. All of the proposed gardens are considered to be sufficiently sized to provide adequate outdoor amenity space for prospective occupiers of the houses. The houses with the longest gardens (plots 194 to 205) are positioned where the level changes within the site are more acute. These houses will be at a higher level than those on the adjacent land where affordable housing is proposed. It is considered that the longer gardens will protect the privacy of both occupiers of houses subject to this application and the occupiers of houses on the adjacent land subject to the separate planning application. The distances are considered more than adequate to protect the amenity of dwellings on Thorn Drive if the separate application for 34 dwellings is refused or not implemented.

- 6.4.2 There is concern from existing residents on Acorn Avenue, The Pastures, Robina Drive and Juniper Court that the proposed development will overlook their properties, will be overbearing and cause overshadowing. Along the southern boundary of the application site the proposed houses have garden lengths in excess of 10m. Houses along the southern boundary also have garden lengths in excess of 10m. It is considered that these distances are adequate to prevent a loss of amenity to the existing houses on the south side of Acorn Avenue.
- 6.4.3 Along the eastern boundary there are existing houses on Robina Drive and Juniper Court. These houses have smaller gardens than those on Acorn Avenue ranging in 6m to 9m in length. The back to back distance from the rear of the proposed houses to the original rear wall is 17m. This is considered to be on the limit of what would be considered to be acceptable without an unacceptable level of overlooking or the development being overbearing on existing occupiers. If plots numbered 222, 223, 224, 225, 248, 249 or 250 were to be extended at a later date this distance could be reduced. This would potentially lead to an unacceptable loss of amenity to the occupiers of properties on Robina Drive and Juniper Court. It is therefore considered justified to remove permitted development rights for the plots stated above so future extensions can be controlled so as not to be overbearing on the occupiers of existing properties. There will be a significant change in view from existing residents which currently look onto open space. However, taking into account the extant permission for housing which can be implemented, and as loss of view is not a material planning consideration, it is considered that this would not be a reason for refusal.
- 6.4.4 Along the northern boundary the development borders properties on Acorn Avenue and, on the north western corner of the site, The Pastures. With regards to Acorn Avenue, the proposed houses have a minimum garden length of 15m. Existing houses on Acorn Avenue have a minimum garden length of 9m. From assessing the relationship between the existing and proposed houses it is considered that due to the distances and the positioning of the proposed houses that a loss of amenity will not occur to occupiers of houses on Acorn Avenue. Where the distance between houses is not as long, for example between plot 220 and 23-25 Acorn Avenue, the existing properties will face towards the side elevation. The distance (15m) is considered to be acceptable so that the proposed house is not overbearing and any windows proposed at first floor level are shown to be obscure glazed to prevent a loss of privacy occurring. Proposed houses in the north western corner of the site have gardens 13m in length. There are back-to-back distances from original elevation walls in excess of 20m. Due to this distance it is considered that a loss of amenity will not occur to existing houses on The Pastures.

6.5 Flood risk

- 6.5.1 There have been historical instances of flooding in the area, in particular the summer of 2013 where there were two events where a number of properties on Thorn Drive and Gorse Close were flooded internally. The application site is positioned at a higher level than both the adjoining site where affordable housing is proposed and at a higher level than properties on Thorn Drive.
- 6.5.2 A joint Flood Risk Assessment has been produced for this application and for the application for affordable housing on the adjoining site. The Flood Risk Assessment assesses existing flood risk and proposes a scheme for managing flood and drainage water for the two sites. An application has been submitted on a parcel of land to the south west of the site which forms part of the Smithurst Meadows Local Nature Reserve for a 'enhanced drainage/biodiversity attenuation storage' (15/00018/REG3). It is argued that this will provide betterment through passing the surface water drainage through the proposed water attenuation pond which will return flows back to the greenfield runoff rate for this site and for the affordable housing scheme. This will remove the adjacent site catchment from the surface water sewer network which is known to flood. To further reduce flood risk, floor levels are proposed to be set a minimum of 150mm above the surrounding external levels and sub-surface attenuation tanks will be provided to reduce and prevent flooding from the existing sewer network.
- 6.5.3 To assess the proposed drainage and flood risk strategy the Council instructed AECOM, as independent Flood and Water Management consultants, to assess the Flood Risk Assessment. Following a request for further information and a meeting held with the flood risk consultants for this planning application, AECOM concluded that the proposed development is at low risk of flooding and should not increase the level of risk posed to third parties. It is also considered that viable SuDS solutions are available and this detail could be finalised at detailed design stage.
- 6.5.4 AECOM identified that the land on which the now withdrawn affordable housing is proposed may be required for future flood mitigation to manage existing flooding problems although did not identify any problems in terms of the flood mitigation scheme proposed for this application which will be dependent on the provision of the drainage attenuation pond. Whilst the flooding issues on the adjoining land have been considered in further detail within the other reports, it is considered, in line with the advice from AECOM, that an adequate drainage strategy could be developed even if the adjacent land is not now developed.
- 6.5.5 Nottinghamshire County Council as Lead Local Flood Authority (LLFA) reviewed the Flood Risk Assessment and did not raise any specific concerns with regards to this application. The Environment Agency state no objection on the basis that measures should be put in place to ensure that the balancing pond (planning application reference 15/00018/REG3) is built and maintained for the lifetime of the development and a condition relating to a 'surface water drainage scheme' for the site is included in any permission. Severn Trent has no objection to the application subject to a condition relating to the management of surface water and foul sewage drainage.

6.5.6 Based on the comments provided by AECOM and by statutory consultees, it is considered that for this application, an adequate drainage and flood management scheme can be implemented to ensure, in accordance with paragraph 103 of the NPPF, that the development is appropriately flood resilient and will not increase flood risk elsewhere.

6.6 Access and traffic

6.6.1 A number of concerns have been raised by local residents regarding traffic generation from the scheme, existing on-street parking issues and the junction capacity at Nottingham Road.

6.6.2 Nottinghamshire County Council as Highways Authority has been consulted on the application and, having regard to the extant permission, does not consider that there would be any material impact on the adjacent roads. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst the development is likely to increase the existing traffic levels on Acorn Avenue, it is not considered that the addition of four extra dwellings above that which already has consent will exacerbate any existing traffic problems in the area to an extent which would be considered 'severe'.

6.6.3 All of the properties have a minimum of two parking spaces, with some having several spaces within their plots. Whilst a household may have more than two vehicles, it is common for vehicles to park on the street and it is for the owner of that vehicle to park in a manner in which cars can pass. The Highways Authority has not raised any objection with the parking provision across the site.

6.7 Trees

6.7.1 The site has a group trees subject to a group Tree Preservation Order within the south-eastern corner of the site, adjacent to plot 251. The trees are proposed to be retained and the Council's Tree Officer states no objection however requires some further investigation to establish the future viability of Ash trees protected by TPO/NEW/04 in a residential setting. The Council's Parks and Environment Manager made comments in respect of the species of trees proposed and the importance of trees and hedgerows to be retained. As no harm has been identified to the trees it is considered that the application is acceptable in respect of trees and further details with regards to the species of trees proposed can be included as part of a detailed landscape scheme.

6.8 Land contamination and stability

6.8.1 The Coal Authority has no objection subject to a condition which requires site investigation work prior to development commencing. The Coal Authority states that the application site falls within the defined Development High Risk Area and refers to the Geoenvironmental Appraisal Report which accompanies the planning application. The Coal Authority concurs with the recommendations of the Geoenvironmental Appraisal Report that site investigation works need to be carried out and remedial works, if required, need to be carried out prior to work commencing on the site.

6.8.2 The Council's Environmental Health Officer has no objection subject to a condition requiring an investigate survey of the site to be carried out to identify if contamination is present and for any necessary remedial measures to be completed prior to any buildings being brought into use. With the inclusion of this condition it is considered that the application would accord with Local Plan Policy E29.

6.9 Other matters

6.9.1 A public footpath runs along the rear (western boundary) of properties on Robina Drive (public footpath number 55) and through the site (public footpath number 54). Following clarification regarding the proposed surfacing materials, Nottinghamshire County Council's Area Rights of Way Officer has stated no objection provided that the public footpaths are not affected or obstructed in any way by the proposed development unless subject to appropriate diversion or closure orders.

6.9.2 The Nottinghamshire Wildlife Trust commented that no ecological information had been submitted and it therefore objected to the development. An ecological survey has since been submitted which states that the site has no significance for badgers, otters, water voles, reptiles, breeding or sheltering great crested newts or roosting bats. It also states that the site remains of very limited significance for breeding birds and that the development site in isolation is not likely to be of significance for foraging bats. It recommends that habitats would be enhanced through the appropriate use of native tree and shrub species and that if site clearance works are proposed during nesting season then prior inspections of the affected habitats should be undertaken to ensure that no active nests are present. No other mitigation measures are recommended. Enhancements are recommended through the provision of bat roosting boxes and bird nesting boxes.

6.10 Section 106 Agreement

6.10.1 There is no on-site affordable housing currently proposed with the application. This is the case with the extant permission and, due to the age of the permission, there was no financial requirement for the deliverance of a commuted sum to this end. However, with an aim of bringing forward housing sites for development the Council had agreed in principle with the developers to build out this site and another at Gin Close Way in Awsworth (15/00011/FUL) with a similar density and housing mix previously approved, with no affordable permission, subject to the transfer of a parcel of land with a road, sewers and landscaping for residential development by the Council and a community housing provider on the land adjacent to this site. This was the subject of the now-withdrawn application reference 15/00033/REG3.

6.10.2 The 67 dwellings proposed here and 55 at Gin Close Way total 122. 25% of this figure, as advocated within Local Plan Policy, and the figure for affordable housing provision would be 30.5 dwellings. The provision of affordable housing would be left to detailed S106 negotiations.

6.10.3 Contributions are also requested in respect of education and for integrated highway measures. Heads of Terms were not submitted as part of this planning application and it is recommended that the Head of Neighbourhoods and Prosperity is given delegated authority to negotiate acceptable contributions to the scheme. In the

event that the S106 contributions are not compliant with policy, this will be reported to the Council's Cabinet.

- 6.10.4 Adjacent land will be available for possible flood mitigation measures in line with the recommendations of the LLFA and AECOM. This will allow the Council to enter into discussions with the owner of this land, Langridge Homes Ltd, to negotiate the transfer of this land to the Council with the objective of delivering flood mitigation measures on this land should this be the required solution following detailed investigations by the LLFA.

7 Conclusion

7.1 In conclusion and having regard to all comments and objections and the relevant national and local plan policy, it is considered that this proposal would be an acceptable use of a site within an existing built up area to provide further residential accommodation. It is considered, having regard to all material considerations, including the extant planning permission on the land, that the scheme is acceptable in regard to its design, scale and layout and that there would be no detriment to the prevailing character of development in the area, or loss of privacy for existing residents that would lead to any alternative conclusion. Provided the balancing pond, subject to a separate planning application, is provided and a detailed drainage scheme is submitted, it is considered that the application would not be refusable on flood risk grounds.

7.2 Other financial contributions will be subject to further negotiations with the applicant and if contributions are less than normal policy requirements this will be reported to Cabinet in the normal manner.

Recommendation

The Committee is asked to RESOLVE that:

- a) **The Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission for application 15/00010/FUL subject to prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and the conditions set out below.**
 - 1. **The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
 - 2. **The development hereby permitted shall be carried out in accordance with drawings numbered 161 Revision F 'Layout' and 162 Revision C 'Insert' received by the Local Planning Authority on 27 March 2015 and drawings numbered: DA/2007 Revision P; N2/2006 Revision J; E20/2010 Revision T; S20/2010 Revision J; T3/2007/35 Revision H; T20/2010 Revision K; KA/2006 Revision K; K6A/2006 Revision Q; E18HA/2010/35 Revision G; B5/2007/35 Revision D; C7AB/2007 Revision M; A1/2006 Revision G; and K5/2006/35 received by the Local Planning Authority on 7 January 2015 and drawings numbered: Garage/DG/2/88s/B Revision A; Garage/DG/2006/B/35 Revision A; Garage/DG/2006/B Revision A; Garage/A/2006/B/35 Revision A; Garage/E/30**

- Revision A; and Garage/A/2006/B Revision A received by the Local Planning Authority on 12 January 2015.
3. No building operations shall be carried out until details of the manufacturer, type and colour of the materials to be used in the facing walls and roofs, details of the colour of the rainwater goods, and the colour and location of the external meter cupboards 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 approved shall be commenced until the coal mining remedial works, as recommended in the Geoenvironmental Appraisal Report (March 2013) and the Interim Report on the Geological/Mining Position of Giltbrook Farm Site, Eastwood, Nottingham (November 1979, K. Wardell and Partners) as annotated on the accompanying drawing (K. Wardell and Partners, Drawing No. 10/3176/1 have been implemented in full to the satisfaction of the Local Planning Authority.
 5.
 - (a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.
 - (b) No building to be erected pursuant to this permission shall be first occupied or brought into use until:-
 - i. All the necessary remedial measures have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and
 - ii. It has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified, unless an alternative has first been approved in writing by the Local Planning Authority.
 6. No part of the development hereby approved shall commence until a detailed surface water drainage scheme and foul sewage scheme, including details of the attenuation feature subject to planning application 15/00018/REG or an alternative drainage strategy based on sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall demonstrate:
 - Surface water drainage system(s) designed in accordance with CIRIA C697 and C687 of the National SUDS Standards, should the latter be in force when the detailed design of the surface water drainage system is undertaken.

- Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm ideally to Greenfield rates for the site but as a minimum not to exceed the run-off from the undeveloped site and will not increase the risk of flooding off-site.
- Provision of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SCO30219 Rainfall Management for Developments'.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

7. No part of the development hereby approved shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services and any proposed structural works. Pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicle access leading to parking spaces and/ or garages. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
8. No dwelling shall be first occupied unless and until its associated access driveway and/or parking spaces have been constructed to prevent the unregulated discharge of surface water from the driveway and/or parking spaces onto the public highway.
9. No part of the development hereby approved shall commence until wheel washing facilities have been installed on the site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no debris is discharged or carried onto the public highway. These facilities shall be retained on the site until the substantial completion of construction work.
10. The erection of fencing for the protection of the protected trees shall be undertaken in accordance with details to be submitted to and approved by the Local Planning Authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced

in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

11. No part of the development hereby approved shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:

- (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development
- (b) numbers, types, sizes and positions of proposed trees and shrubs
- (c) proposed hard surfacing treatment including detailing of the footpaths
- (d) planting, seeding/turfing of other soft landscape areas
- (e) proposed boundary treatments including along the external boundaries.

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

12. The approved landscaping shall be carried out not later than the first planting season following which 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.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) within Schedule 2, Part 1, Classes A, B, or C shall be made to the following dwellinghouse(s) as shown on drawing number 161 Revision F 'Layout': Plots 222, 223, 224, 225, 248, 249 and 250 without the express permission in writing of the Local Planning Authority.

Reasons

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
- 2. For the avoidance of doubt.
- 3. No such details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
- 4. In the interests of public health and safety.
- 5. In the interests of public health and safety and in accordance with Policy E29 of the Broxtowe Local Plan (2004).

6. To prevent the increased risk of flooding, to improve and protect water quality; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014) and the National Planning Policy Framework (2012).
7. In the interests of highway safety.
8. In the interests of highway safety to ensure surface water from the site is not deposited on the public highway causing danger to road users
9. In the interests of highway safety.
10. To ensure the existing trees protected by a Tree Preservation Order are not adversely affected and in accordance with Policy E24 of the Broxtowe Local Plan (2004)
11. To ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
12. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
13. To protect the amenity of neighbouring occupiers and in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014).

Notes to Applicant

1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by communicating with the agent during the course of the application.
2. Conditions 3,4,5,6,7,9 and 11 are required to be pre-commencement conditions as no/insufficient information on those matters was submitted with the application and as those parts of the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of those aspects, respectively, of the development commencing.
3. Any tree works should be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time then a suitably qualified ecologist should be on site to survey for nesting birds. Birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

- 4. Greasley Footpaths Number 54 and 55 runs through the site. The footpath should remain open and unobstructed at all times. If a temporary closure of the footpath is required Nottinghamshire County Council's Countryside Access Team must be contacted at least 5 weeks before to allow for a Temporary Closure Order to be put in place. Nottinghamshire County Council can be contacted on 0300 500 8080.**

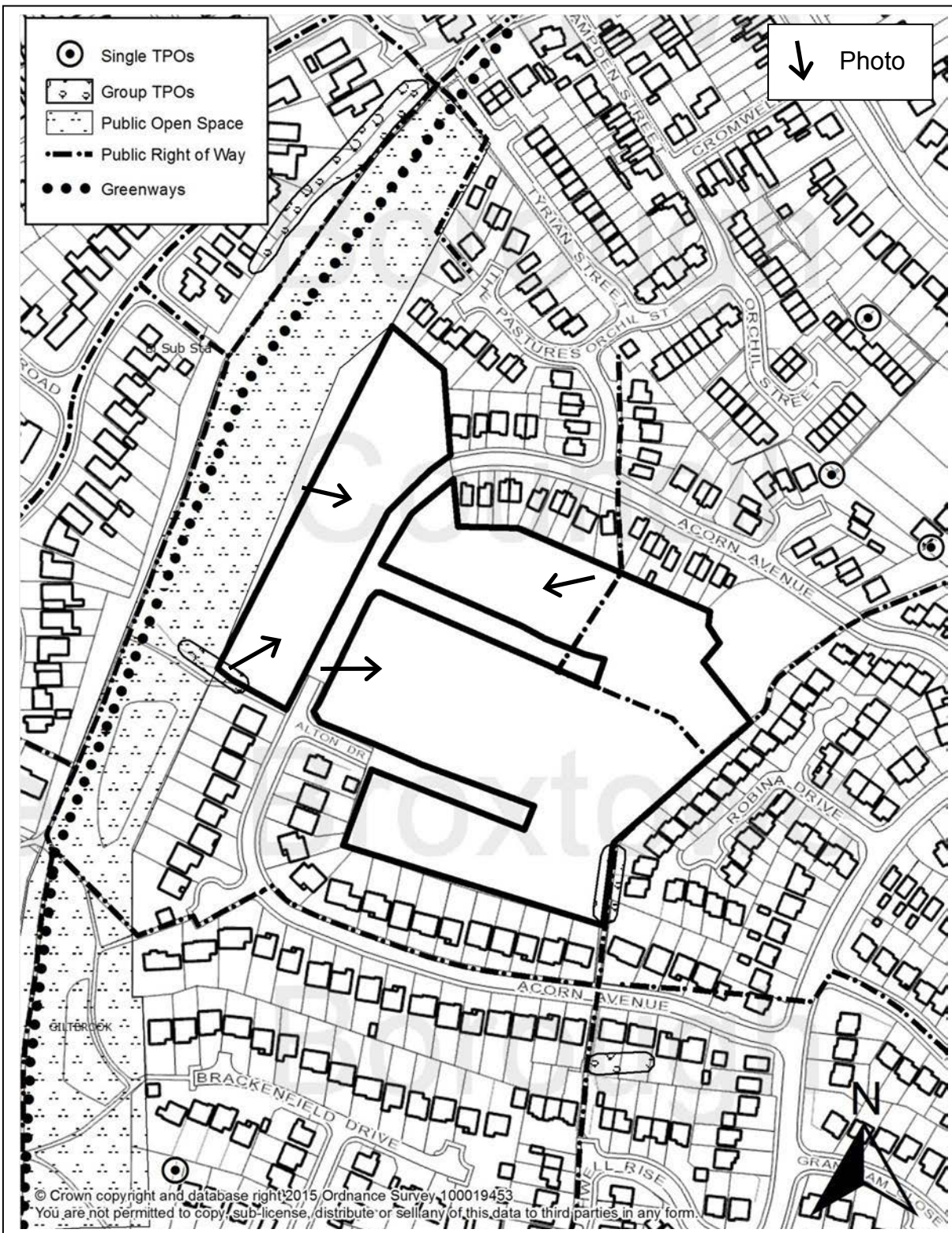
5. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. This may result in problems to occur in the future, particularly as a result of the development taking place. Any intrusive activities 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.

The applicant should be aware that any intrusive activities and any subsequent treatment require the prior written permission of the Coal Authority. Failure to obtain permission will potentially result in court action. The Coal Authority can be contacted on 0845 762 6848 and further information is provided on <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

- b) If an agreement under S106 of the Town and Country Planning Act 1990 has not been reached by 11th May 2016 (6 months from the date of the Planning Committee) the Head of Neighbourhoods and Prosperity be given delegated authority to refuse planning permission for application 15/00010/FUL on the following grounds:

The applicant has failed to complete a planning obligation in timely fashion that satisfactorily meets the requirements for developer contributions as set out in the Council's Local Plan and there are no other material considerations that justify treating the proposals as an exception to those requirements.

Background papers
Application case file



Land off Acorn Avenue, Giltbrook
Construct 67 number dwellings

Planning Committee 11 November 2015

Scale: 1: 2,500

Directorate of Legal and Planning Services

Report of the Chief Executive

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

1.0 Details of the application

- 1.1 The application was first brought before Planning Committee on 21 March 2018 with a recommendation for approval (original report attached as an appendix). Members deferred making a decision on the application due to concerns regarding Rights of Way.
- 1.2 Nottinghamshire County Council responsible for Rights of Way has been consulted and have confirmed that the public foot path running through the site is not affected by the proposed manège.
- 1.3 In addition, as shown on the plan appended to this report, the proposed location of the manège allows for sufficient space for the footpath to be diverted whilst maintaining the footpath link.

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.

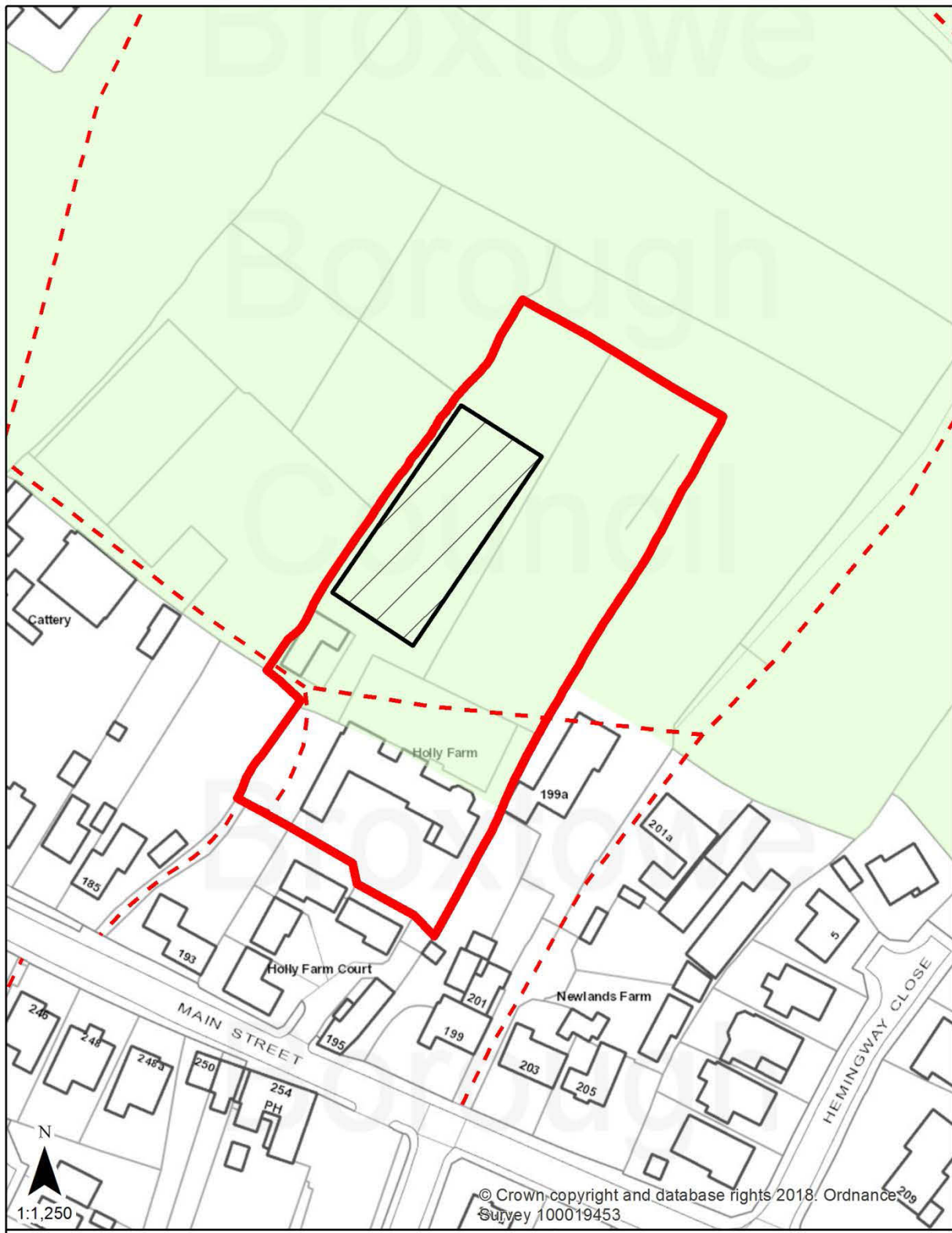
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment 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 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

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
 -  Manège
 -  Footpath
 -  Green Belt

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 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

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

Report of the Chief Executive

**17/000866/FUL
CONSTRUCT 39 BEDROOM HOTEL (CLASS C1) WITH ASSOCIATED
CAR PARKING AND ANCILLARY DEVELOPMENT
LAND TO THE NORTH OF OLD MOOR LODGE, MORNINGTON
CRESCENT, NUTHALL, NG16 1QE**

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

1 Details of the Application

1.1 The application seeks planning permission for the erection of a 39 Bedroom hotel (Class C1) on land situated to the north of the existing Old Moor Lodge public house and restaurant and associated car park. The building will measure 41m in length (south – north) and 15m wide (west – east), with an overall height of 10.3m. Alterations are also proposed to the existing car parking area to accommodate additional spaces and the provision of hard and soft landscaping.

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

- Ground Investigation Report
- Noise Assessment Report
- Transport Statement
- Construction and Traffic Management Plan
- Transport Technical Note
- Planning, Design and Access Statement
- Planning Statement
- Preliminary Ecology Appraisal

1.3 Planning permission was previously granted for the construction of a 44 bedroom hotel (Class C1) and associated car parking and landscaping under reference number 08/00162/FUL in 2008. Due to works not having been started on site to implement this planning permission, permission was granted to extend the time limit for implementation of planning permission under reference number 11/00140/FUL for a further 3 years. No development works have started on site and these permissions have now lapsed.

2 Site and surroundings

2.1 The application site is located to the north of the car park serving the Old Moor Lodge and is currently part overgrown with vegetation.

2.2 The Old Moor Lodge is predominantly single storey in nature, with a two storey section to the centre.

- 2.3 The site is surrounded by residential properties directly to the south on Mornington Crescent. There are commercial properties to the east sited on Upminster Drive, with residential properties sited directly to the rear.

- 2.3 Directly adjacent the application site there is an existing single storey medical centre and associated car park. To the rear of the medical centre there are residential properties located on Temple Crescent.



Proposed Development Site – photo taken from within the existing car park.



Existing entrance to the car park accessed via Upminster Drive.



View of the site from Woodhouse Way.

3 Relevant Planning History

- 3.1 Old Moor Lodge has a detailed planning history with most applications relating to the public house and associated car park 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 08/00162/FUL – in 2008 planning permission was granted for the construction of a hotel (Class C1) and associated car parking and landscaping. The floor layout plans showed that this would have 44 bedrooms.
- 3.3 08/00749/ROC - in 2008 permission was granted for the variation of planning condition No. 9 (finished floor levels) of planning permission 08/00162/FUL to allow the hotel to be constructed at finished floor level 499.00.
- 3.4 08/00891/ADV – in 2008 advertisement consent was granted to display 5 No. fascia and 3 No. stand alone illuminated signs (revised scheme).
- 3.5 11/00140/FUL – permission was granted to extend the time limit for implementation of planning permission 08/00162/FUL to construct a hotel (Class C1) and associated car parking and landscaping.

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.

- 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”.
- 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.

4.2 Broxtowe Aligned Core Strategy

- 4.2.1 The Broxtowe Aligned Core Strategy was adopted in September 2014 and forms Part 1 of the Local Plan to replace the 2004 Local Plan.
- 4.2.2 Policy 6 ‘Role of Town and Local Centres’ states that main town centre uses should be located in centres. Development should be appropriate in scale and nature to the role and function of the centre. If no suitable sites are available in centres and then edge of centre locations should be used, an only if there are no suitable sites will out of centre sites be considered.
- 4.2.3 Policy 10 ‘Design and Enhancing Local Identity’ sets design and layout principles to be applied to new development and looks to ensure that valued local characteristics are reinforced.
- 4.2.4 Policy 14 ‘Managing Travel Demand’ states that the need to travel by private car should be reduced by locating developments in the most accessible locations.

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

- 4.3.1 The Part 2 Local Plan is currently under preparation. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Saved Policy H8 – Businesses in Residential Areas states that business activities in residential areas will be permitted where the residential amenity of neighbouring properties is not adversely affected, appropriate provision is made for vehicle parking and highway safety and the residential character of the area.

- 4.3.3 Saved Policy T11 - Guidance for Parking Provision states that planning permission will not be granted for new development unless appropriate provision is made for vehicle parking.
- 4.3.4 Saved Policy RC18 – Tourism Facilities including Hotels states that planning permission will be granted for tourist related facilities, including business and visitor based accommodation, provided that in the case of hotels, a sequential test has been applied in selecting the application site.

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 18th September - 3rd November 2017. The consultation comments are currently being considered and a summary of the comments provided was reported to the Council's Jobs and Economy Committee on 14th December 2017. Due to the current stage of the plan preparation, only limited weight can be attached to the policies.
- 4.4.2 Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations – permission will be granted for retail, leisure, office or food and drink uses in edge-of-centre and out-of-centre locations providing it is below 500 sq m gross floorspace; it is in an area of deficiency and meets local needs and such a use does not result in a significant adverse impact on the vitality and viability of any nearby centre. Impact assessments will be required for all edge-of-centre and out-of-centre retail, leisure, office or food and drink uses proposals of 500 sq m or more.
- 4.4.3 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; 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.

4.5 **Nuthall Neighbourhood Plan**

- 4.5.1 The submission version of the Nuthall Neighbourhood Plan was published on Monday 26 February, with the consultation period to run until Friday 20 April 2018. Policy 5 'Design and the Historic Environment' states that design of all new development should enhance and positively contribute to the character of the area in which it is located. Due to the current stage of the plan preparation, only limited weight can be attached to the policies.

5 Consultations

- 5.1 Following the submission of a parking accumulation survey in relation to the pub and hotel, Nottinghamshire County Council as the Highway Authority are satisfied that car park can accommodate parking for both the pub and hotel during peak hours of use. A condition is recommended requiring the parking, turning and servicing areas be provided in accordance with the approved plans prior to the development being brought into use.
- 5.2 Nottinghamshire County Council as the Lead Flood Risk Authority request a condition for the submission of a full Drainage Strategy.
- 5.3 Nottinghamshire Wildlife Trust raise no objections to the proposed development.
- 5.4 The Senior Environment Health Officer has no objection following the submission of additional information relating to contaminated land and noise conditions.
- 5.5 A re-consultation has taken place with the Environment Business & Projects Manager (Environment) in respect of the landscaping proposals. Any correspondence received will be reported to the Committee on the night as a late item.
- 5.6 Nuthall Parish Council raise concerns with regards to the number of hotels already available in the area and the extra traffic that will be generated.
- 5.7 18 neighbouring properties were consulted on the application. A site notice was also erected. During the course of the application, 8 letters were received raising concerns which are summarised below:
- The requirement for an additional hotel serving the area.
 - Pressure on parking spaces in front of residential properties in the locality.
 - Loss of privacy to nearby residential properties.
 - Anti – social behaviour issues.
 - Poor access road and the additional traffic the hotel will create.

6 Appraisal

- 6.1 The main issues relating to this application are the principle of development, design and the impact upon visual amenity of the area, residential amenity and highway safety. These are discussed in turn as follows:

6.2 Principle of Development

- 6.2.1 Planning permission has previously been granted on the site in 2008 under reference number 08/00162/FUL to construct a hotel (Class C1) and associated car parking and landscaping, with an extension of time granted for the development under reference number 11/00140/FUL granted in 2011. Although these planning permissions have not been implemented, there has been no significant changes to the relevant policies including saved policy RC18 of the Broxtowe Local Plan (2004). The adoption of the Core Strategy, Policy 6 - Role of Town and Local Centres' and the Draft Part 2 Local Plan Policy 13 - Proposals for

Main Town Centre Uses in Edge-of-Centre and Out-of-Centre Locations are both in accordance with national policy which has not changed significantly since the previous applications referred to were determined. The style of the hotel and the location adjacent to the existing public house and the close proximity to the motorway serves as a different operational and marketing requirement to those hotels located within town centres. In view of this, the submission of a sequential test is not considered necessary. In previously granting planning permission for the hotel development, it is considered the principle of development on the land is acceptable, subject to consideration of other material planning considerations.

6.3 Design and Visual Amenity

- 6.3.1 Policy 10 'Design and Enhancing Local Identity' of the Broxtowe Aligned Core Strategy sets design and layout principles to be applied to new development and looks to ensure that valued local characteristics are reinforced.
- 6.3.2 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.
- 6.3.3 Policy 5 'Design and the Historic Environment' of the Nuthall Neighbourhood Plan states that design of all new development should enhance and positively contribute to the character of the area in which it is located.
- 6.3.4 The hotel will have a total of 39 bedrooms over two storeys, with access being directly from the existing car park to the south. The building will be a relatively modest structure of a simple design and massing, which will provide an active frontage onto the existing car parking area.
- 6.3.5 To the front of the building, which will be the most visible from the immediate locality will consist of a centrally located glazed entrance lobby/reception area, with timber cladding to the sides and an artificial slate roof. The main frontage of the building will consist of a render finish, with timber cladding to break up the massing of the frontage and provide interest. Windows are also proposed at ground floor and first floor level, with artstone sills and heads.
- 6.3.6 The render finish to the front of the building, will be continued along a section to the side of the building. Further along the side elevations, facing brickwork is proposed to break up the mass of the side elevations. Facing brickwork is also proposed to the rear elevation, with contrasting render. Details of the materials to be used are included on the submitted proposed elevation plan and are considered to be acceptable.
- 6.3.7 In terms of the impact upon the visual amenity of the area, directly to the west and north of the application site adjacent Woodhouse Way there is a bank of well - established trees which are proposed to be retained. This area forms part of the Nottinghamshire Green Belt, although the application site itself falls wholly outside of this area. Views of the side and rear elevations of the building will be restricted. Due to this it is not considered that the hotel would appear any more prominent in the Green Belt than the existing properties on the Mornington Crescent estate or

the public house, and will not therefore result in any adverse impact on the openness of the Green Belt.

6.3.8 The proposed building will be set back from the street scene of Mornington Crescent by a significant distance and the existing public house building will partly screen the proposed building. Hard and soft landscaping is proposed in areas around the car park perimeters and areas of grass around the building along with the planting of trees and shrubs in key areas to further screen the building.

6.3.9 Due to the design and location of the proposed hotel, it is not considered that the proposal will have a significant detrimental impact upon the visual amenity of the area or the character of the street scene.

6.4 Residential Amenity

6.4.1 Policy H8 – Businesses in Residential Areas states that business activities in residential areas will be permitted where the residential amenity of neighbouring properties is not adversely affected.

6.4.2 Concerns have been raised by local residents in respect of the loss of privacy to residential properties and the potential for anti - social behaviour.

6.4.3 The hotel will set 14m off the north east boundary, which is its boundary with the closest residential dwelling (10A Temple Crescent). The total separation distance between the hotel and this neighbour is approximately 60m. Having regard to this, the proposed landscaping and the overall scale of the hotel being 2 storey with a maximum height of 10.3m, it is not considered that there would be any significant overbearing impacts on the neighbouring properties.

6.4.4 Whilst it is acknowledged that the provision of a hotel within the locality will lead to an increase in comings and goings of customers both by foot and car, this is likely to be at peak times and in association with the existing public house. In addition, there are existing commercial properties directly to the east which would also contribute to this factor.

6.4.5 Whilst there are residential properties sited to the rear of the application site on Temple Crescent and air conditioning units are proposed on this elevation, the Senior Environmental Protection Officer has advised that following the submission of additional information in respect of the noise levels associated with the units and the fact that they will be housed in a timber compound, there are no objections to planning permission being granted.

6.4.6 In respect of anti – social behaviour, there is no evidence to suggest this would occur over and beyond what is currently/previously being experienced by local residents. However, should this occur once the hotel is operational this issue would be dealt with by the police.

6.4.7 The proposal is not considered to have an adverse impact upon the residential amenity of the neighbouring property in respect of overlooking, overbearing or noise impacts, due to the separation distances.

6.5 Highway Safety

- 6.5.1 Policy T11 of the Broxtowe Local Plan (2004) advises that appropriate provision should be made for parking.
- 6.5.2 The application is for the construction of a 39 bedroom hotel and information submitted indicates the proposal would result in an overall loss of 4 parking spaces.
- 6.5.3 The previous planning application to erect a hotel on the site was for a 44 bed hotel. As part of this application it was stated that parking would be increased from 96 to 108 spaces. Nottinghamshire County Council as the Highway Authority originally queried the difference in proposed parking spaces of 16 between this application and the previous application given this application proposes 5 fewer hotel rooms. In view of this, further analysis and justification in respect of the proposed parking provision was requested.
- 6.5.4 Following on from this request, a parking accumulation survey in relation to the pub and hotel was submitted. The Highway Authority is now satisfied that the proposed off-street parking should accommodate vehicles for both the pub and hotel during peak hours of use. A condition is recommended requiring the parking, turning and servicing areas are provided in accordance with the approved plans prior to the development being brought into use.
- 6.5.5 It is not considered that a hotel of this scale would generate significant traffic movements within the locality.
- 6.5.6 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.

6.6 Other Issues

- 6.6.1 As part of the consultation process, Nottinghamshire Wildlife Trust were consulted following the submission of a preliminary ecology appraisal. In summary, it is advised that the Wildlife Trust are satisfied with the methodology employed and support the general recommendations for measures to avoid ecological impact.

7 Conclusion

- 7.1 Overall, it is considered that the proposal would not be harmful to the visual and residential amenity of the area, would provide adequate off – street parking provision and will have no significant adverse impact on highway safety. Therefore, the proposal is considered to be in accordance with the relevant local and national policy guidance and there are no material considerations which would warrant a decision being taken at variance to this.

Recommendation

The Committee is asked to RESOLVE that consent be granted subject to the

following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of the permission.
2. The development hereby permitted shall be carried out in accordance with drawing numbers: Location Plan, 4366 A001 received by the Local Planning Authority 19 December 2017, Ground Investigation Report (J17152A February 2018) received by the Local Planning Authority 20 March 2018 Proposed Elevations and Roof Plan, 4366 A102E, Proposed Floor Plans, 4366 A101B received by the Local Planning Authority 23 March 2018, Proposed Compound Plan, 4366 A009A, Proposed Site Plan, 4366 AO22G, Soft Landscape Details, MR17-057/101B, Proposed Hard Landscaping, 4366 AO44C and Proposed Fence Details, 4366 A055B received by the Local Planning Authority 5 April 2018
3. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are provided in accordance with the approved plans. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall remain available as such for the life of the development.
4. The development hereby approved shall be undertaken and carried out in accordance with the details and mitigations measures outlined in the submitted Preliminary Ecological Appraisal (Torc Ecology, July 2017) and the Badger EclA Report (Torc Ecology, October 2017).
5. Development shall not begin until a detailed Drainage Strategy has been submitted to and agreed in writing by the Local Planning Authority. The strategy should consider the following:
 - The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to approval by Severn Trent Water.
 - If infiltration is not to be used on site then justification should be provided including the results of infiltration tests.
 - Fore greenfield areas, the maximum discharge should be the greenfield run-off rate per hectare (Qbar).
 - For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change.
 - The site drainage system should cater for all rainfall events up to a 100year+30%climate change allowance level of severity.
 - The underground drainage system should be designed to not surcharge in a 1 year storm, not to flood in a 30 year storm.
 - For all exceedance to be contained within the site boundary without flooding new properties in a 100year+30% storm.
 - Any attenuation storage to be adequate for the surface water produced by the site, up to 100year+30% event.

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

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.
4. 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.
5. To reduce the risk of flooding to the proposed development and to prevent flooding elsewhere, in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014).
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 more pleasant appearance in the locality.

Note to Applicant

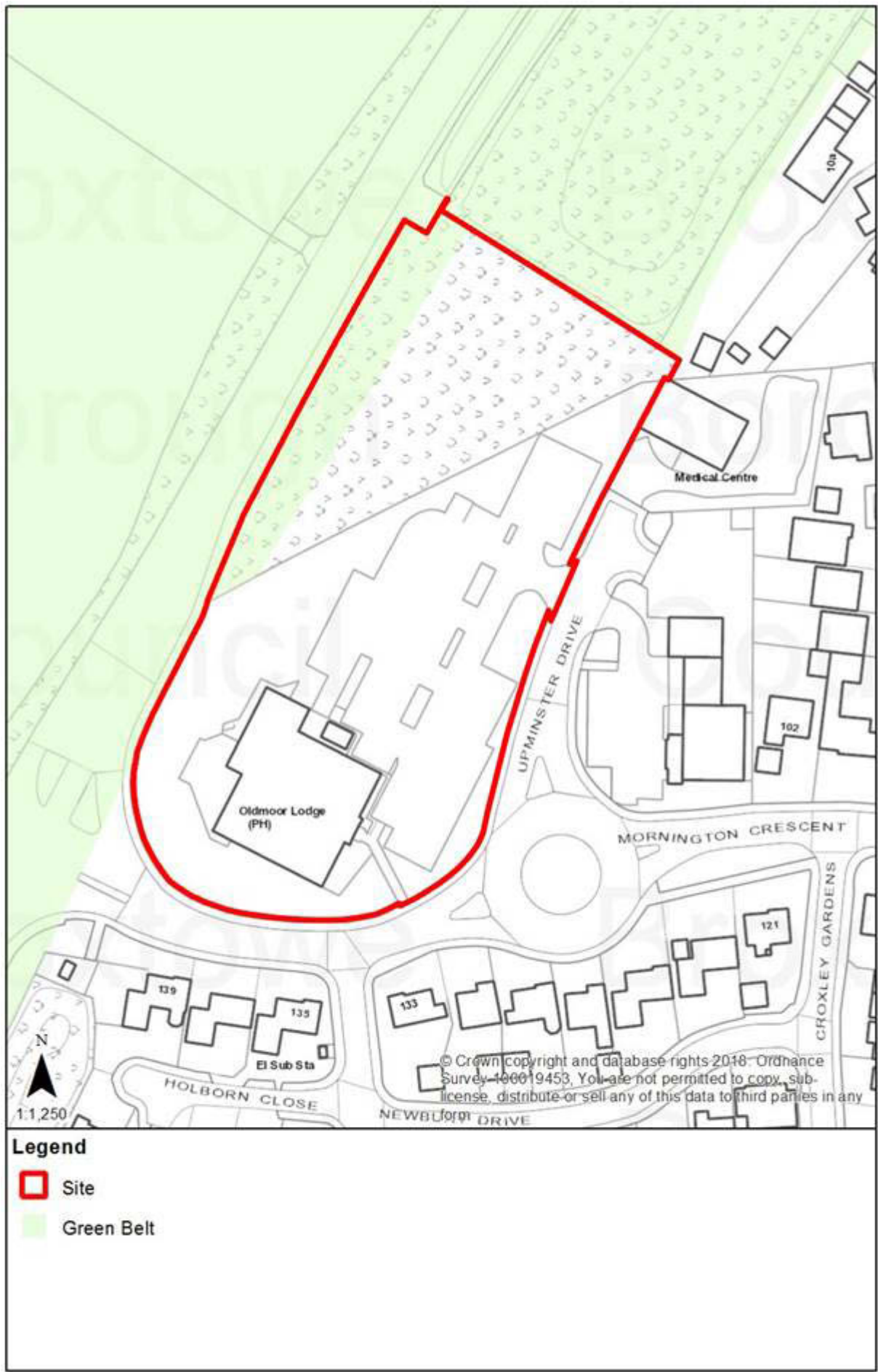
1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by seeking amended plans, to address the issues identified on the officers site visit.
2. Given the proximity of residential neighbours to the application site, contractors are advised to limit any noisy construction works to between 08.00-18.00 on Monday-Friday and between 08.00-13.00 on Saturdays, and

not at all on Sundays or Public Holidays.

- 3. No clearance of vegetation shall be conducted during the bird breeding season (March to August inclusive), except under the guidance of a suitably qualified and experienced ecologist.**

Background papers

Application case file



Report of the Chief Executive

18/00081/ADV**RETAIN 4 INTERNALLY ILLUMINATED SIGNS (A, B, C AND D) AND 4 EXTERNALLY ILLUMINATED SIGNS (E, F, G AND H)
OLD MOOR LODGE, MORNINGTON CRESCENT, NUTHALL, NG16 1QE**

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

1 Details of the Application

- 1.1 The application seeks advertisement consent to erect replacement signage on and within the grounds of the existing public house. This is part of a refurbishment of the existing public house which is currently on going and an overall rebranding scheme. Four internally illuminated signs are proposed at the upper fascia level within the centre of the building. In addition to these signs, a totem sign and free standing sign is proposed along the frontage of Woodhouse Way, a freestanding sign on the corner of Woodhouse Way and Mornington Crescent and a further freestanding 'Welcome sign' adjacent the entrance to the car park situated on Upminster Drive. These sign will be externally illuminated by pelmets situated to the top of the signs. All the signs are to be sited within the boundary of the public house.
- 1.2 During the course of the application, amended plans were submitted. These amendments related to the repositioning of sign G only, a free standing sign situated along the frontage of Woodhouse Way.
- 1.3 It was also noted during the course of the application that signs had been erected prior to a decision being made on the application. For clarity, the application description has been amended.

2 Site and surroundings

- 2.1 The existing public house is currently undergoing an internal refurbishment along with external alterations. The external alterations were previously granted planning permission under reference number 17/00616/FUL in October 2017.
- 2.2 The building is predominantly single storey, with a two storey section to the centre. A car park is situated to the rear and is accessed via Upminster Drive
- 2.3 The site is surrounded by residential properties directly to the south on Mornington Crescent and commercial properties to the east sited on Upminster Drive.
- 2.4 The whole site is within the built up area of Nuthall and immediately abuts Green Belt land to the west. Woodhouse Way comprises the Green Belt boundary.



View from the north from Mornington Crescent.



View from Upminster Drive – main entrance into the public house.



Views from the west from Woodhouse Way of the existing building and signs.



Views of the existing signs on the corner of Woodhouse Way/ Mornington Crescent and the car park entrance off Upminster Drive.

3 Relevant Planning History

3.1 88/00677/FUL – Construct restaurant and bar with managers accommodation and associated car park. Granted conditional planning permission January 1999

89/09035/ADV - Erect illuminated roof – mounted signs. Granted conditional advertisement consent October 1989

92/09002/ADV – Display illuminated signs. Granted conditional advertisement consent April 1992

97/00045/ADV – Display illuminated and non-illuminated signs. Granted conditional advertisement consent April 1997

4 Policy Context

4.1 **National policy**

4.1.1 National Planning Policy Framework 2012 – Part 7 Requiring Good Design, 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

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.

4.3 **Nuthall Neighbourhood Plan**

4.3.1 The submission version of the Nuthall Neighbourhood Plan was published on Monday 26 February, with the consultation period to run until Friday 20 April 2018. Policy 5 'Design and the Historic Environment' states that design of all new development should enhance and positively contribute to the character of the area in which it is located. Due to the current stage of the plan preparation, only limited weight can be attached to the policies.

5 Consultations

5.1 Nottinghamshire County Council as the Highways Authority raise no objections to the proposal as the locations and illumination levels of the signs are satisfactory.

5.2 Nuthall Parish Council raise no objections to the proposal.

5.3 14 properties immediately surrounding the application site were consulted in respect of the original plans submitted. One letter of support has been received along with 2 letters of objection from local residents. The objections relate to the need for the number of outdoor signs in a residential area and the illumination shining into residential properties.

6 Appraisal

- 6.1 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 features of architectural, cultural or similar interest. Public safety relates to whether the advertisement will cause an obstruction or distraction to road users.
- 6.2 In respect of amenity, four internally illuminated signs are proposed at fascia level within the centre of the building. Signs C and D are to be sited on the north and south elevations, consisting of a built up illuminated logo. Signs A and B are to be sited on the east and west elevations and will consist of illuminated letters attached directly to the building. The signs illumination will be static and only lit to a luminance level of up to 200cd/m². This is well within the 800 cd/m² which within a Zone E3 (small town centres and urban locations), as set out within Nottinghamshire County Council Highway Development Control Guidance 2009 is considered to be acceptable. The signs are also considered to be sited a considerable distance away from neighbouring residential properties so as not to have a significant on their amenity. It is also considered that as the signs will be viewed in the context of the existing public house they will have no undue impact on the openness of the Green Belt.
- 6.3 With regards to the free standing signs, with the exception of sign G these signs are all replacements. Signs F and G which are to be sited on the corner of Mornington Crescent and the frontage of Woodhouse Way respectfully and will consist of an overall height of 2.2m. The proposed totem sign (H) which is proposed be sited in place of the existing totem sign will consist of an overall height of 6m, with sign E which is also a replacement sign adjacent the entrance to the car park situated off Upminster Road consisting of an overall height of 800mm. The design of these signs will consist of black posts with a black sign background and a mix of white and yellow font. Again, the signs illumination will be static and only lit to a luminance level of up to 300cd/m², which is considered to be acceptable. Illumination will be in the form of lights attached to the top shining directly down onto the signs.
- 6.4 Accordingly, given the nature of the signs it is considered that they would not be harmful to the amenity of the area.
- 6.5 In respect of public safety, there will no moving images and illumination will be static. Nottinghamshire County Council Highways Authority raise no objections to the proposal and advise the illumination levels of the signs are satisfactory. Due to the design of the signs and positioning of the illumination, it is considered that the signs would not cause a distraction to drivers and would not cause an obstruction.

7 Conclusion

- 7.1 Overall, it is considered that the proposed signs would not be harmful to the amenity of the area and would not cause a public safety danger, and are therefore in accordance with the relevant national policy guidance and there are no material considerations which would warrant a decision being taken at variance to this.

Recommendation

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

1. The development hereby permitted shall be carried out in accordance with the Site Location Plan 1: 1250, Block Plan 1: 500, East/West Elevation Details, North/South Elevations Details, Freestanding Sign Details received by the Local Planning Authority on 16 March 2018.
2.
 - (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).

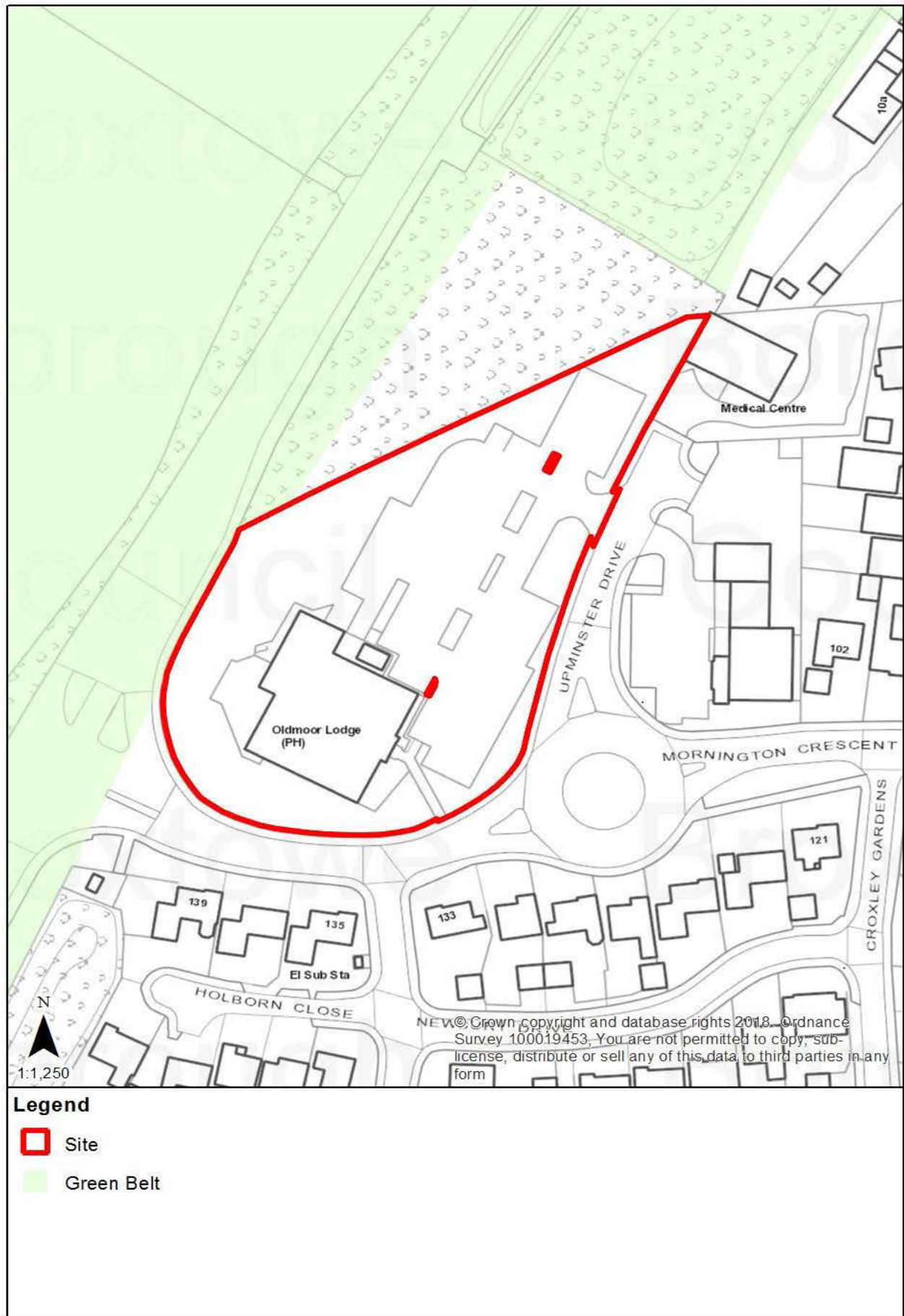
Reasons

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

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, to address the issues identified on the officers site visit.

Background papers
Application case file



Report of the Chief Executive

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

- 1.1 The application was reported to the Planning Committee on 21 March 2018 and sought advertisement consent to retain and display a variety of signs. The application was deferred to allow for the comments of Stapleford Town Council to be reported to the Planning Committee. The comments were received after the deadline for late items on the day of the Planning Committee.
- 1.2 Stapleford Town Council object to the application as they consider the design and size of the proposed signage is out of keeping with the area. Issues of anti-social behaviour within the area were also highlighted.
- 1.3 In accordance with the National Planning Policy Framework, the advertisements should only be assessed in the interests of amenity and public safety. It was concluded that there would be no risk to public safety and that the appearance of the signs would be acceptable and not harm the amenity of the area.
- 1.4 Therefore, it is considered that the proposed signage would not be out of keeping with the area and the recommendation remains unchanged. Issues relating to anti-social behaviour are not related to the proposed signage and are not an issue for this application. A copy of the original report is also attached as an appendix.

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.

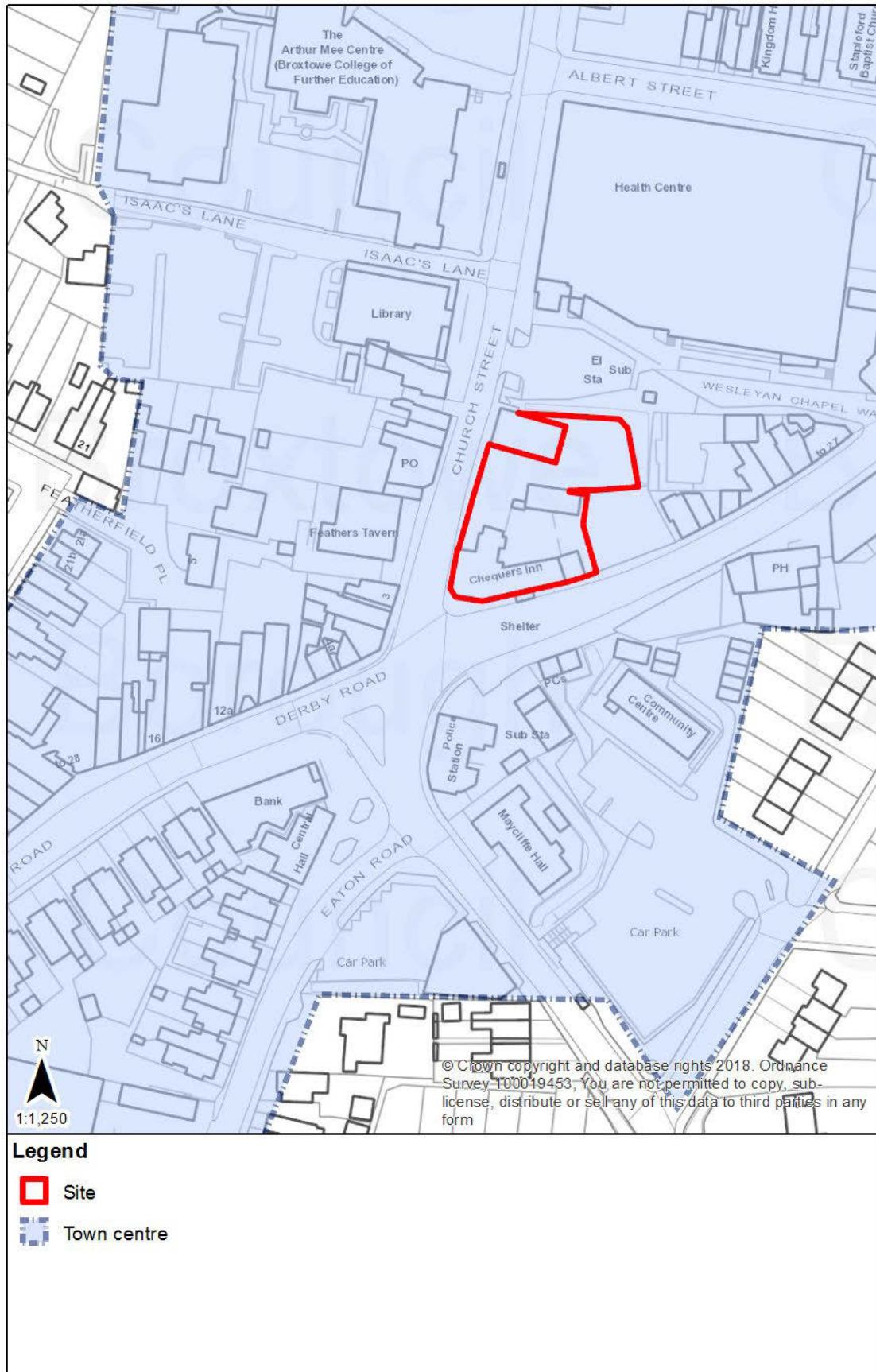
Note to Applicant

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

Appendix: Planning Committee Report dated 21 March 2018.



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

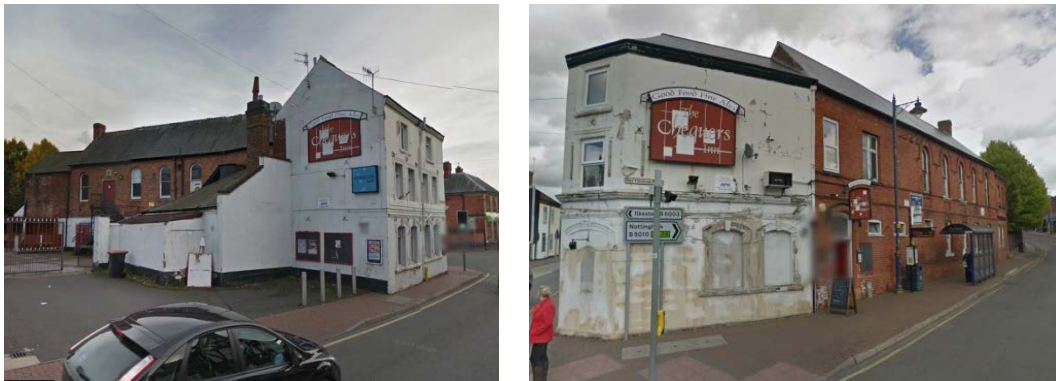
2.1 The building is in use as a public house and was previously known as ‘The Chequers Inn’. It is a part three storey, part two storey building which is positioned on the corner between Church Street and Nottingham Road. The car park is accessed from Church Street and there is a beer garden located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

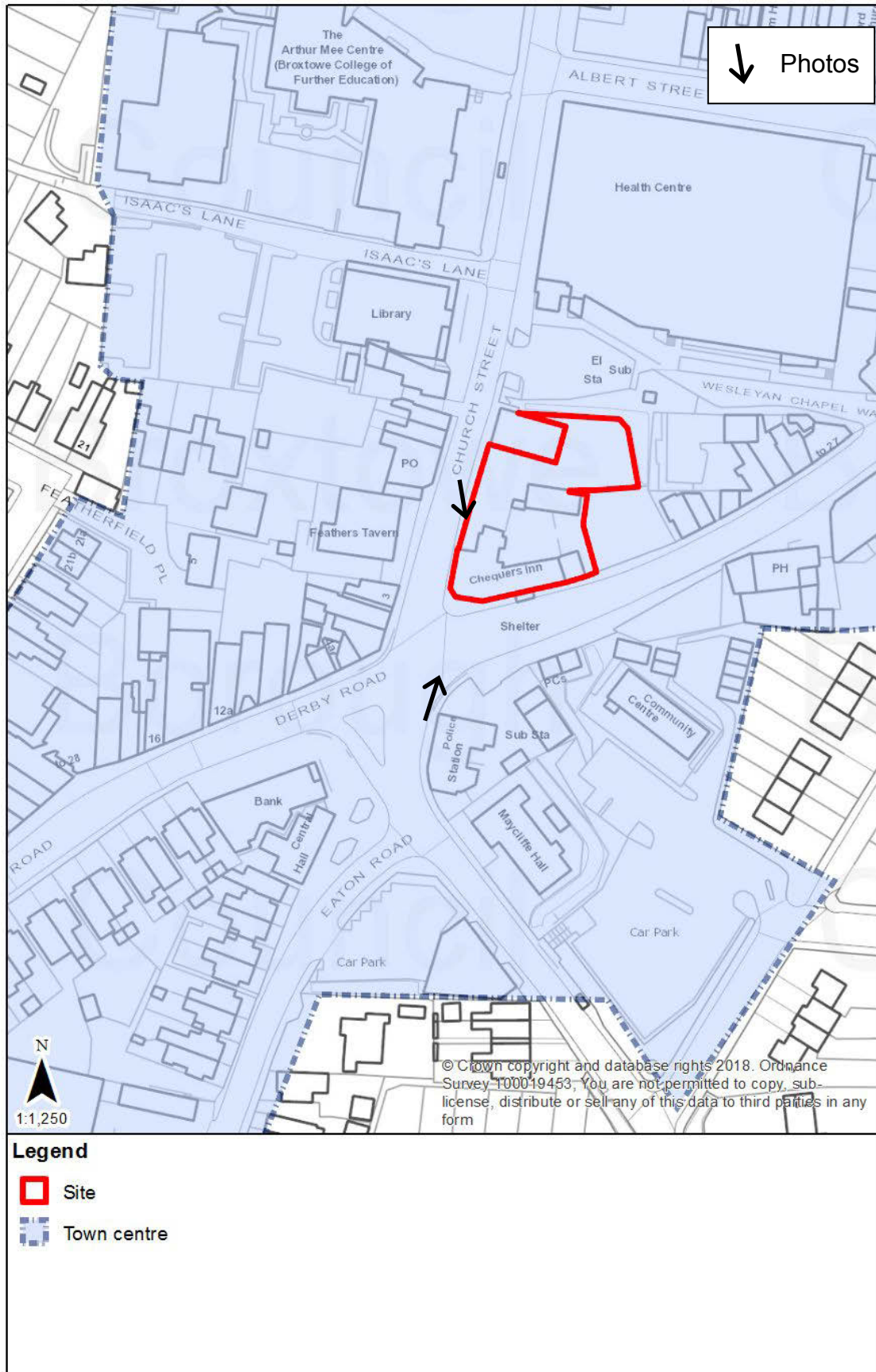
Reasons:

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

**18/00173/FUL
INSTALL MEMORIAL STONE
LAND WEST OF RECREATION GROUND, CANAL SIDE, BEESTON,
NG9 1LZ**1 Details of the application

- 1.1 The application seeks permission to install a memorial stone as a tribute to Owen Jenkins. The memorial would be situated on the grass embankment adjacent to Beeston Weir. Whilst the exact details of the stone are not currently known as the stone has not been obtained and each one is unique, the stone would be approximately 2m high, 1.5m wide and would have a centrally cut hole with internal inscription. There would be a small internal light to allow the inscription to be read. The stone would sit on a concrete base and would be positioned alongside a bench. Safety fencing is also proposed on the embankment but does not form part of this application.

2 Site and surroundings

- 2.1 The embankment is a triangular piece of grassed land. It is currently open with the exception of a warning sign and an 'emergency throwline'. To the north west lies the Canalside Heritage Centre. To the north east lies the Weir Fields Recreation Ground. To the west lies Beeston Weir with the River Trent to the south. The site is within the Green Belt and Flood Zone 3 (high probability of flooding).

3 Relevant Planning History

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

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.

4.1.2 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.

4.1.3 Section 9 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The construction of new buildings should be considered as inappropriate unless it is a form of development listed as an exception. This includes the provision of appropriate facilities for outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

4.1.4 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.

4.2 **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 10: Design and Enhancing Local Identity' sets design principles to be applied to new development and states that all new development should be designed to make a positive contribution to the public realm and sense of place and create an attractive, safe, inclusive and healthy environment.

4.2.5 'Policy 16: Green Infrastructure, Parks and Open Space' states that parks and open space should be protected from development. Exceptions may be made if the development is a small part of the Green Infrastructure network and will not be detrimental to its function.

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

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

4.3.2 Policy E8 'Development in the Green Belt' states that planning permission will not be granted for development in the Green Belt except where it constitutes appropriate development. Appropriate development includes essential facilities for outdoor sport and recreation and uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it.

4.3.3 Policy RC17 'Outdoor Recreation Pursuits' states that planning permission will be granted for outdoor recreation facilities provided that there would be satisfactory access, it would not detract from the open character, environmental and landscape value of the area and there would not be unacceptable harm to local amenity.

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

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

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, as supplemented by certain Broxtowe-specific points (none of which are directly relevant to this proposal).

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; and creates a place with a locally inspired or otherwise distinctive character.

5 Consultations

5.1 The Council's Parks and Environment Section fully support the application.

5.2 The Canal and River Trust has no objection but recommends that the applicant continues to liaise with the Trust to finalise the arrangements for the installation of the memorial and to confirm the long term arrangements for future maintenance.

5.3 The comments of the Environment Agency will be reported verbally to the Committee if they are received.

6 Assessment

6.1 The application seeks permission to install a memorial stone as a tribute to Owen Jenkins. As each stone is unique, the exact dimensions of the stone are not currently known but a plan and sample images have been submitted to provide an example of how the stone will look. It is considered this information demonstrates that the memorial will be of a high design quality which is appropriate within this setting. The position of the memorial has been selected following discussions with the Canal and River Trust, who own the land, and with the Environment Agency. This has resulted in a clear zone of 8m from the river embankment wall to the memorial to ensure the memorial is in a safe location. The location and positioning of the memorial, adjacent to the bench, is therefore considered to be appropriate.

6.2 The site lies within the Green Belt. The NPPF states that the provision of appropriate facilities for outdoor recreation can be appropriate development as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The memorial and adjacent bench would form part of a wider recreational area and the size, shape and positioning of the memorial would not impact openness. It is therefore considered that the development would be acceptable in Green Belt terms.

6.3 In accordance with Local Plan Policy RC17, it is also considered that the memorial would not detract from the environmental or landscape value of the area and there would be no harm to local amenity.

6.4 The site lies within Flood Zone 3 but due to the type and scale of the memorial proposed, the development will not increase flood risk elsewhere and is considered to be appropriate development within a flood risk area. It is also considered that there would not be a preferable location for this memorial in an area of lower flood risk.

7 Conclusion

7.1 It is evident the design and positioning of the stone has been carefully selected and that a high quality design, appropriate for this memorial, would be achieved. The proposal is also acceptable in terms of Green Belt policy and flood risk.

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 Plan received by the Local Planning Authority on 6 March 2018 and the Location Plan received by the Local Planning Authority on 7 March 2018.

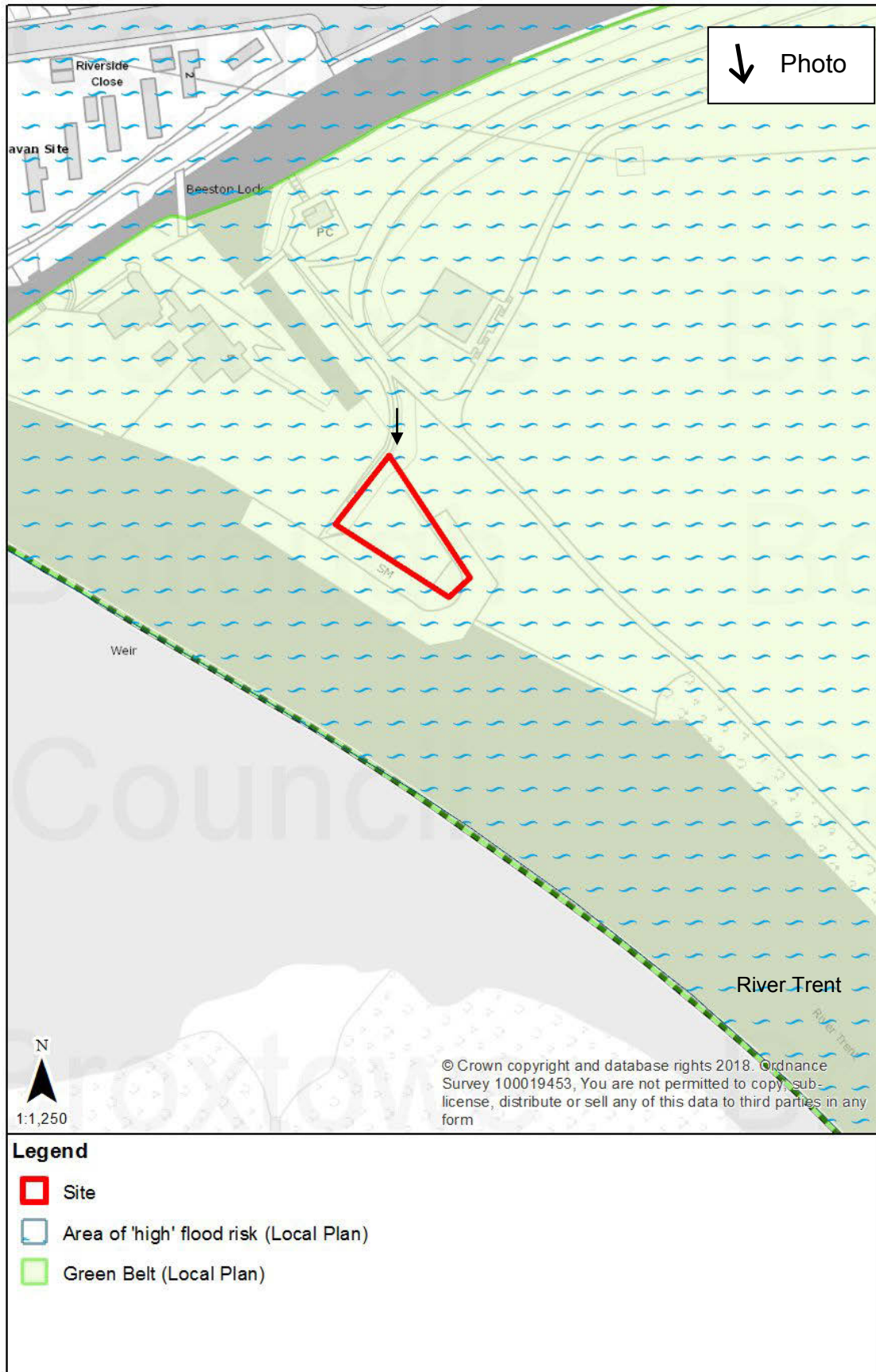
Reasons

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

Notes to applicant

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 eight week determination period.

Background papers
Application case file



Report of the Chief Executive

**17/00761/FUL
CONSTRUCT DWELLING
5 DORMY CLOSE, BRAMCOTE, NOTTINGHAMSHIRE**1 Details of the application

- 1.1 The application was first brought before Planning Committee on 14 February 2018 with a recommendation for approval (original report attached as an appendix). Members deferred making a decision on the application due to concerns regarding the size of the proposed building.
- 1.2 The applicant has considered the issues raised by the Planning Committee and has made the following:
- Overall height of parts of parapet roof reduced by a maximum of 0.5m.
 - Ground level reduced by 0.5m, meaning overall height of parts of building have been reduced by a maximum of 1m.
 - Link between main house and garage reduced from 4m to 3m in width.
 - West (side) elevation has addition of Corten steel, a window has been removed at both first and ground floor and there is an addition of soft landscaping and planting.
 - First floor canopy feature alongside east (side) elevation extended from 0.5m to 1m to increase privacy for occupants of 4 Dormy Close.
 - South (rear) elevation: obscurely glazed balustrade added beside bedroom two and replacement of bifolding doors with Juliet balcony.
 - Projection of rear patio reduced by 0.5m.

2. Re-consultations

- 2.1 Amended plans were submitted and a further 7 day consultation has been undertaken with the occupants of neighbouring properties.

3. Assessment of amended proposals

- 3.1 Several amendments have been made to the proposed dwelling, in addition to a reduction in height from the initial proposal. The above amendments have meant that footprint of dwelling has moved 1m away from the southern boundary. It is considered that the privacy for the occupants of Manor Court House and no. 4 Dormy Close have been increased. The obscurely glazed balustrade and Juliet balcony with the extended canopy feature along the east (side) elevation means the dwelling will not afford clear views over the rear garden of no. 4. The rear patio being reduced in size, the height being reduced and the dwelling moved 1m further from the southern boundary means the impact on Manor Court House has been improved.
- 3.2 It is considered the west (side) elevation has been improved from the previously proposed scheme. The addition of the Corten steel breaks up the expanse of the concrete and the removal of two windows means there will be a reduction in the perception of feeling overlooked for the occupants of Manor House. The reduction in

the height and width by 1m and addition of soft landscaping will reduce the impact of this elevation when viewed from Manor House.

4. Impact on Heritage Assets

4.1 The initial scheme was considered to be acceptable in terms of its impact on the adjoining Bramcote Conservation Area and the Conservation Advisor raised no objections. As the height and scale of the dwelling have been reduced, it is considered the impact has been decreased on the surrounding area. The design of the dwelling has remained relatively the same, therefore it is considered the impact on Bramcote Conservation Area remains as assessed before.

5. Conclusions

5.1 Having regard to the comments made by Members at the meeting on 14th February, it is considered that the applicant has attempted to address the issues raised by neighbours through the submission of amended plans. A reduction in the footprint and height has reduced the massing of the dwelling and moved it further away from the southern boundary. The concerns in relation to design have been addressed so that the west (side) elevation has been softened in its appearance. The proposal therefore accords with Policies H7 and T11 of the Broxtowe Local Plan, with Policies 8, 10 and 11 of the Broxtowe Aligned Core Strategy, Policies 17 and 23 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

Recommendation

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of the permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawing numbers: 001 Rev I received by the Local Planning Authority on 26 March 2018 and 002 Rev G and 004 Rev B received by the Local Planning Authority on 27 March 2018.**

Reasons

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

Note to applicant:

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

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

Background papers

Application Case File

Appendix: Planning Committee Report dated 14 February 2018.

Report of the Chief Executive

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

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

1 Details of the application

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

2 Site and surroundings

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



View of east boundary with no. 4 Dormy Close



View towards north boundary



View of site from Dormy Close

3. Relevant planning history

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

4. Policy context

4.1 National Policy

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

4.2 Draft Part 2 Local Plan

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

4.3 Broxtowe Aligned Core Strategy

- 4.3.1 Policy 8 'Housing Mix and Choice' states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes.
- 4.3.2 Policy 10 'Design and Enhancing Local Identity' states that development should be assessed in relation to its massing and scale, materials, design and impact on the amenity of nearby residents.
- 4.3.3 Policy 11 'The Historic Environment' advises that new development should have regard to the historic environment and proposals will be supported where heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.

4.4 Saved Policies of the Broxtowe Local Plan

- 4.4.1 Policy H7 'Land not Allocated for Housing Purposes' states small scale residential development within existing built-up areas will be permitted providing the residents of the new dwellings would have a satisfactory degree of privacy and amenity, that satisfactory arrangements can be made for access and parking and that the development would not result in an undesirable change in the character or appearance of the area. The development should not prejudice the potential for future development of a larger area and the development should not have an unacceptable effect on the privacy and amenity of the occupiers of nearby properties.
- 4.4.2 Policy T11 'Guidance for Parking Provision' states new development will not be permitted unless appropriate provision is made for vehicle parking and servicing.

5. Consultations

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

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

6. Appraisal

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

6.2 Principle

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

6.3 Amenity, design and parking

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

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

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

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

6.4 Impact on Heritage Assets

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

7. Conclusion

7.1 It is concluded the proposal of dwelling of this size and design on this site is acceptable and it will not have an adverse effect on neighbouring amenity or negatively impact on Bramcote Conservation Area or the setting of the nearby Listed Buildings. The proposal therefore accords with Policies H7 and T11 of the Broxtowe Local Plan, with Policies 8, 10 and 11 of the Broxtowe Aligned Core Strategy, Policies 17 and 23 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

Recommendation

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of the permission.**

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

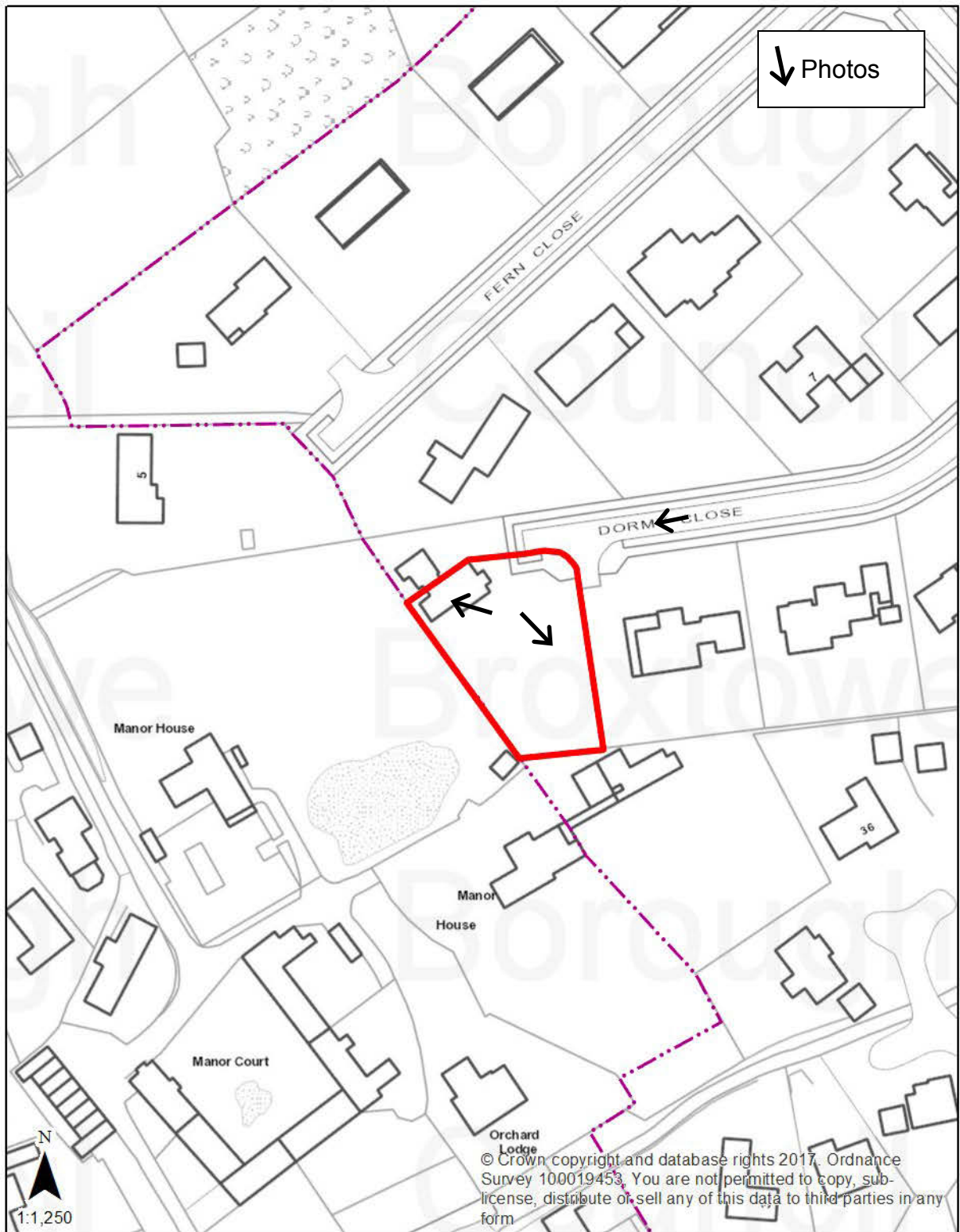
Reasons:

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

Notes to applicant:

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

Background papers
Application case file



↓ Photos

Legend

-  Site
-  Conservation Areas (Local Plan)

Report of the Chief Executive

**17/00873/FUL
CHANGE OF USE FROM RETAIL (CLASS A1) TO RETAIL AND
RESIDENTIAL (CLASS C3) TO CREATE 6 FLATS AND EXTERNAL
ALTERATIONS INCLUDING SIDE DORMER
54 DERBY ROAD, STAPLEFORD, NOTTINGHAMSHIRE**

Councillor McGrath has requested this application be determined by Planning Committee.

1 Details of the application

- 1.1 The application seeks permission to retain the use of a ground floor vacant retail unit (A1), previously used as a carpet shop and convert the first and second floors into six residential flats (C3) (consisting of five, two bedroom flats and one, one bedroom flat) including external alterations and a flat roof dormer. The building, including the ground floor shop, has been vacant for a significant amount of time.
- 1.2 The external changes include the following: a flat roof dormer with four windows and two new first floor windows in the south west (side) elevation and roof slope; nine roof lights, four replacement first floor windows in the north east (side) elevation; two doors, a roller shutter and a window and door with adjoining glazing at ground floor level in the north east (side) elevation and a second floor window in the north west (rear) elevation.

2 Site and surroundings

- 2.1 The building is located on the corner of William Road and Derby Road in a row of commercial premises within the prime shopping frontage of Stapleford town centre. The building has an ornate gable fronting Derby Road, is predominantly two storeys with the front element containing a second floor in the attic and projections to the rear with a gabled element fronting William Road. There are large shop windows at ground floor level. No outside space or parking is associated with the building. There is pedestrian access from Derby Road and William Road.
- 2.2 Pound Stretcher and a public car park (Victoria Street) are positioned opposite the site on Derby Road, Treetops Hospice and no. 52A (flat above) are positioned to the north east, Farmfoods is the adjoining single storey building positioned to the south west, and semi-detached and detached dwellings on William Road are positioned to the north and north west. William Road is covered by a residents parking permit scheme. No. 1 William Road, the adjoining house to the north west, has one first floor window in the south east (side) elevation.



Front (south east) elevation



Front (south east) elevation



Side (north east) elevation



Side (north east) elevation

3. Relevant planning history

3.1 A planning application (89/00734/FUL) to construct two shops at nos. 56 and 58 and to renovate no. 54 was granted permission in November 1989.

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. 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 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 Draft Policy 10 'Town centre and district centre uses' - permission will only be granted for development at ground floor level providing it comprises an A1 use (or a 'main town centre use' as defined in the NPPF if certain thresholds are not exceeded) and does not result in an adverse impact on the vitality and viability of the centre and permission for upper floor development will be granted providing it comprises a 'main town centre use' or residential accommodation.

4.2.3 Draft Policy 15 'Housing size, mix and choice' - 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.

4.2.4 Draft Policy 17 'Place-making, design and amenity' - provides a number of criteria for development including that it should integrate into its surroundings, have good access to public transport and ensure a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.

4.3 Broxtowe Aligned Core Strategy

4.3.1 Policy 6 'Role of Town and Local Centres' - sets out the hierarchy of centres, with further details to be included in Part 2 Local Plans.

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

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

4.4 Saved Policies of the Broxtowe Local Plan

4.4.1 Policy 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. In the case of proposed flats above shops, development should not prejudice the operation of the shop by the loss of storage space or by preventing servicing.

4.4.2 Policy S1 'Shopping and Associated Uses Within Town Centres' - advises that permission will be granted for the redevelopment or expansion of shops (Class A1), providing that proposals do not have an unacceptable impact on neighbouring uses, or on the vitality and viability of the town centre.

4.4.3 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 advises that before the development commences, the applicant should submit a noise report to ascertain the impact of the existing noise climate on the proposed living accommodation and detailing necessary mitigation measures. Any further comments will be reported verbally to Committee.

5.2 The Environment and Business Development Manager advises on the bin requirements for the flats and that suitable access to a dropped kerb for manoeuvring the bins should be available

5.3 Nottinghamshire County Council Highways Authority advise they have no objection but raise concerns that retail staff and occupants of the flats may cause an inconvenience to the existing residents and their visitors who also have a current demand for parking in the area.

5.4 There have been 15 objections from surrounding neighbours. One objection includes two additional neighbours' addresses. A further 6 objections were received from amended plans. As part of the consultation process, 10 neighbours (including adjoining neighbours) were consulted and a site notice was displayed to the front of the building. The objections can be summarized as follows:

- All residents of William Road should have been consulted.
- Unrestricted parking on Albert Road means there are already parking problems caused by residents of adjoining roads and people visiting Stapleford town centre.
- Any new residential accommodation should have allocated parking.
- Difficulties accessing driveway due to parked cars.
- Increase in traffic.
- Proposal of three ramps onto William Road which could cause problems for pedestrians using the pavement.
- Some residents are elderly and disabled and struggle with access to their cars.
- Safety concerns of people crossing the road (especially children) due to cars, vans and lorries being double parked all down the neighbouring streets.
- Potential of 12-18 more cars associated with the flats.
- William Road is restricted to permit parking between 9:00am-5:00pm so outside of these hours will mean further pressure on parking on this road.
- William Road is not very wide and an accident has already occurred in which a car was written off due to careless driving.
- Parking issues will increase if occupants of the flats are given parking permits/visitor passes for William Road.

- As the flats are within Stapleford town centre, this should mean the residents cannot utilise William Road for parking.
- Flats granted permission at the bottom of Toton Lane were given allocated parking in a nearby car park which should be the case for these flats.
- Permit times on William Road should be extended due to parking issues.
- Additional parking from the retail unit for staff and deliveries has not been considered.
- Design and Access Statement states there is on street parking which is an inaccurate comment.
- The application states there is no new or altered pedestrian access but the proposed plans show a new entrance from William Road.
- Work has started on the building before permission has been granted.
- Noise, smell and disturbance from the conversion of the building.
- Loss of privacy and overlooked by side and rear windows.
The need for 1-2 person accommodation is recognised.

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 whether parking should be provided.

6.2 Principle

6.2.1 It is considered that the principle of converting the building into six flats and retaining the ground floor as a retail unit is acceptable. The property is currently in a state of disrepair and has been vacant for a significant amount of time so 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 change the internal layout of flats and retail unit and to insert a second floor rear window.

6.3.2 The footprint of the building will remain the same. The proposed dormer will not be visible from Derby Road or William Road and therefore have no impact on the street scene. The new first floor windows in the north east and south west (side) elevations will have matching stone cills and replicate the style of the existing sash windows. The proposed windows in the north east (side) elevation are considered to be a visual improvement to the existing windows due to them matching the style of the main windows. As the materials are not stated on the proposed plans, a condition will be applied to ensure the materials used to partially block up window openings match the main building. The roof lights and doors are considered to be acceptable additions in regards to size and style. Part of the north east (side) and south east (front) elevations at ground floor level will remain relatively the same. Two windows will be blocked up and replaced with doors but the openness of the retail unit will still be retained and provide an active frontage for a future business. The proposed roller shutter door serving the bin store is of a relatively small scale and therefore is considered it will not appear

- prominent in the street scene. It is considered the proposed external alterations are relatively minimal and the building will achieve an acceptable level of design.
- 6.3.3 Environmental Health have advised that due to the proximity of the proposed residential flats to Farmfoods (no. 56 Derby Road), a retail use, the noise from their air conditioning units and storage area being close to flats 1 and 5, should be considered.
- 6.3.4 It is considered the proposed flats will provide a satisfactory amount of living space and a sufficient outlook for future occupants. Although no outdoor amenity space is proposed for the occupants, the site is within a short walking distance to Queen Elizabeth Park which is 0.5 mile to the south east and is considered acceptable due to the building being located in a town centre.
- 6.3.5 No. 1 William Road directly adjoins the site and is positioned to the north west (rear) of the site. The second floor window proposed in the north west (rear) elevation of the building is considered to be a sufficient distance from no. 1 that it will not cause any adverse overlooking to these occupants. The proposed dormer windows will be obscured by the rear most element of the building so will not afford any direct views over the rear garden of no. 1 and will directly face the roof of FarmFoods. The new first floor windows in the side (south west) elevation will not directly overlook any residential properties and will face the roof of Farmfoods. The proposed windows in the side (north east) elevation are smaller than the existing windows and therefore are considered to be acceptable. The proposed roof lights are considered to be in acceptable locations and will not have any adverse effect on the amenity of the surrounding neighbours. The proposal of three ramps onto William Road are considered to be of a relatively small scale that it is likely they will have minimal impact on pedestrians using this part of the pavement. It is considered the proposed external alterations will not have an adverse effect on the amenity of the surrounding neighbours.
- 6.3.6 It is evident within the consultation responses that there is significant concern that the development does not include sufficient parking provision and that this will lead to increased demand for on-street parking.
- 6.3.7 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.
- 6.3.8 The site lies within Stapleford town centre with regular bus services on Derby Road directly to the front of the building which provide access to Beeston town centre, Nottingham and Derby city centres (i4 and the number 18). Victoria Street public car park is directly opposite the flats and facilitates one hour free parking and up to three hours at a cost. Parking is restricted to permit holders on William Road between the hours of 9:00am - 5:00pm, Monday to Saturday which controls

the number of cars that can park along this road in the day. It is accepted that there will be additional parking demand from the development and this may lead to on-street parking along William Road in the evening and Albert Avenue. However, it is considered that there would not be a severe highways impact and residents would have the opportunity to use more sustainable transport options. Based on the above, it is considered that a pragmatic approach needs to be taken in respect of developing empty buildings within existing urban areas.

6.3.9 An objection highlights that the flats constructed adjacent to Maycliffe Hall on Toton Lane were allocated parking in a nearby car park. No parking was provided at the time this application was approved and the site is now privately owned. The Council has not provided any car parking spaces in association with these flats.

6.4 Other Issues

6.4.1 An internal bin store has been provided which accommodates sufficient waste receptacles for the flats and retail unit. A dropped kerb is within close proximity of the entrance to the bin store and therefore is considered sufficient for manoeuvring bins.

6.4.2 The building is currently being internally renovated and works have not started on the conversion. It is acknowledged that if the application is granted permission, there would be some degree of noise, smell and disturbance and anything that is considered overly excessive should be reported to Environmental Health.

6.4.3 The application form states there will be no new or altered pedestrian access. Access via doors to the flats in the side (north east) elevation will be created from William Road.

6.4.4 Concerns with permits and the restriction on hours of parking should be addressed with Nottinghamshire County Council as the relevant authority dealing with residents' parking permits.

6.4.5 It is considered a positive aspect of the application that the ground floor retail unit will be retained and renovated which will attract new business and contribute positively to the local economy and vitality of Stapleford town centre.

7. Conclusion

7.1 It is concluded the proposal of converting the building into six flats, external alterations (including a dormer) and the retention of an A1 use at ground floor is acceptable and will not have an adverse effect on neighbouring amenity or highway safety. The proposal therefore accords with Policies H4, T11 and S1 of the Broxtowe Local Plan, with Policies 6, 8 and 10 of the Broxtowe Aligned Core Strategy, Policies 10, 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 the Site Location Plan received by the Local Planning Authority on 27 December 2017, Proposed Elevations and Roof Plans received by the Local Planning Authority on 20 March 2018 and Proposed Floor Plans received by the Local Planning Authority on 22 March 2018.
3. Any materials used in the external alterations of the building should be of a type, texture and colour so as to match those of the existing building.

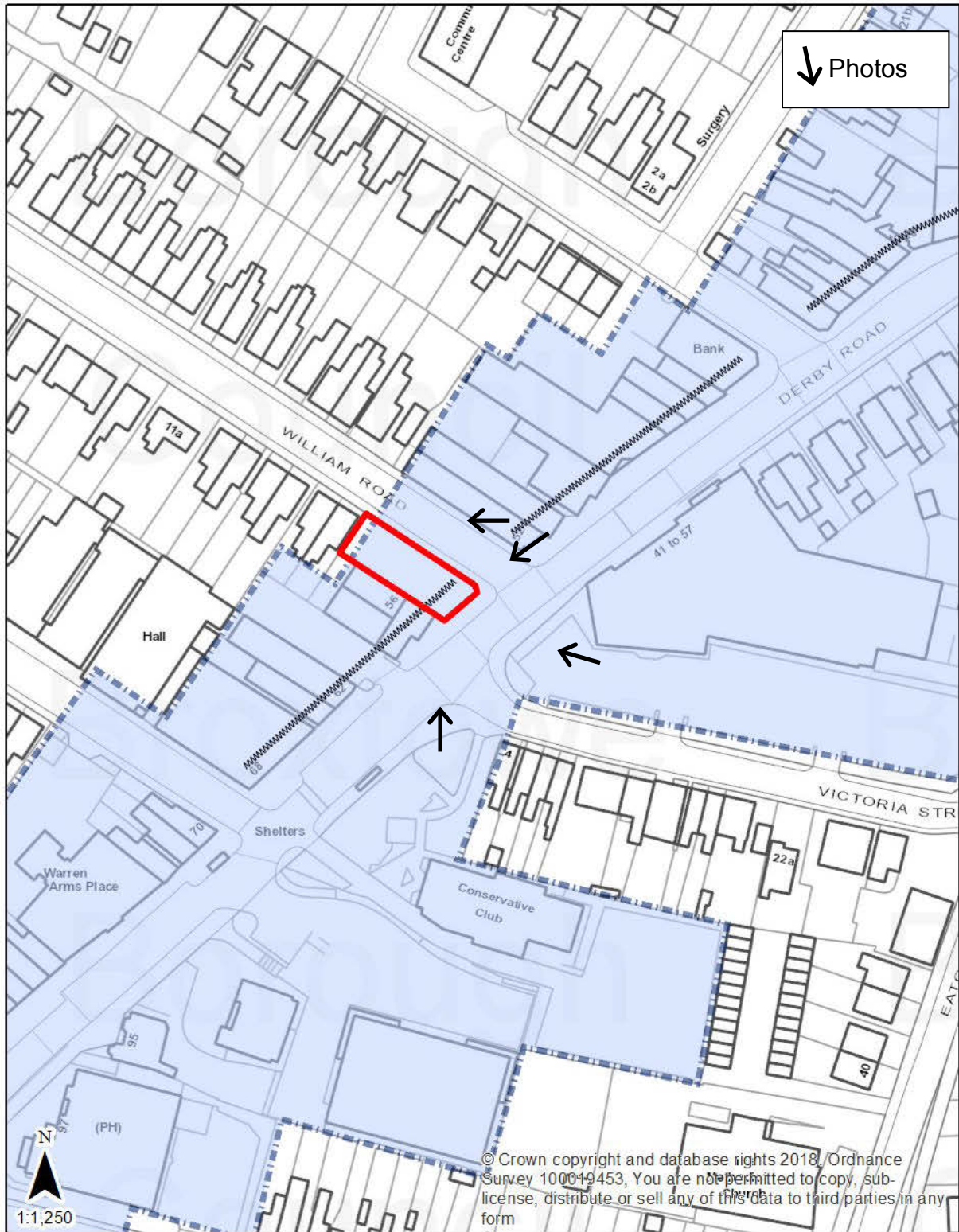
Reasons

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 10 of the Broxtowe Aligned Core Strategy (2014).

Note to applicant:

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

Background papers
Application Case File



↓ Photos

Legend

□ Site

www Prime shopping frontages

▤ Town centre

Report of the Chief Executive

18/00114/FUL
CHANGE OF USE FROM VEHICLE WORKSHOP AND GARAGE TO DANCE STUDIO (CLASS D2), INCLUDING ASSOCIATED EXTERNAL ALTERATIONS
MANOR YARD, 92A CHURCH STREET, STAPLEFORD, NOTTINGHAMSHIRE NG9 8DJ

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

1 Details of the application

- 1.1 The application seeks permission to convert a vehicle workshop and garage into a dance studio including external alterations. The existing workshop will be used for the dance studio and the external adjoining store area will be rebuilt/ converted into a reception area with a kitchen, toilets and store area that will be ancillary to the dance studio. The external alterations will include two ground floor windows in the east (rear) elevation and glazing adjoining double glazed doors in the west (front) elevation of the workshop. Two windows and a glazed door will be inserted in the north (side) elevation of the store area.
- 1.2 Two containers will be removed to create the additional space required to provide nine off-street car parking spaces. The majority of dance lessons will take place in the evening when the surrounding businesses are closed, therefore additional parking will be available should it be needed.
- 1.3 The proposed dance studio will provide private dance lessons by appointment between 10:00am - 11:00pm every day. These hours are proposed times to provide flexibility. There will be two full-time members of staff.

2 Site and surroundings

- 2.1 The application site is located within a small industrial area on the eastern side of Church Street. Neighbouring units are used for a mixture of light industrial and general industrial purposes.
- 2.2 The wider area is characterised by mainly residential properties along Pinfold Lane to the south, residential properties and two takeaway shops to the west, Hickings Lane recreational ground to the east and residential properties to the north.
- 2.3 The site slopes down gradually 0.3m from east to west and the access road is in a poor state of disrepair. The site is 162m north of Stapleford town centre and within relatively close proximity to regular bus services along Derby Road.



West (front) elevation



West (front) elevation and side (north) elevation



Workshop Interior



Proposed parking area and entrance to site

3. Relevant planning history

- 3.1 An application (82/00266/FUL) for a workshop and garage was granted permission in July 1982.
- 3.2 An application (89/00145/FUL) for a detached garage and store was granted permission in April 1989.
- 3.3 An application (89/00721/FUL) for two industrial units was granted permission in October 1989.
- 3.4 An application (97/00202/FUL) to retain a security compound and containers and continue using the land for parking mini-buses was granted permission in May 1997.
- 3.5 An application (04/00379/FUL) to construct a single building containing two light industrial units (Class B1c) was granted permission in August 2004.

3.6 An application (07/00461/FUL) to construct a building for warehouse and storage (Class B8) was granted permission in November 2007.

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, proactively drive and support sustainable economic development to deliver business and industrial units, a good standard of amenity for existing and future occupants should be secured and high quality design should be demonstrated. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

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 9 'Retention of Good Quality Existing Employment Sites' - permission will not be granted for other purposes unless it is demonstrated that the site is not viable for its specified employment use, the use is within Class B1, B8 or sui generis use of a similar nature and the redevelopment provides the necessary quality of design, landscaping, parking and amenity in accordance with other policies in this Local Plan, having regard to the local environment and in particular the amenity of nearby and adjoining occupiers.

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

4.2.4 Policy 17 'Place-Making, Design and Amenity' - states that permission will be granted for development which has good access to public transport, takes advantage of existing buildings, provides sufficient, well-integrated parking, 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 4 'Employment Provision and Economic Development' - seeks the appropriate management of existing employment sites by ensuring allocations most attractive to the employment market remain available, good quality existing employment sites which are an important source of jobs and sites that support less-skilled jobs in and near deprived areas, or have the potential to provide start

up grow-on space; and considering the release of sites which do not meet aforementioned criteria.

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

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

4.4.2 Policy RC1 'Leisure Facilities' - states that proposals for leisure facilities will be permitted in circumstances where all of the following apply: a sequential approach has been applied in selecting the site, in the case of edge-of-centre and out-of-centre locations, the need for additional facilities has been demonstrated, well located in relation to public transport, amenity of neighbouring properties would not be adversely affected, appropriate provision for parking and the character of the area would not be adversely affected.

5. Consultations

5.1 The Environmental Health Officer has no objection subject to the inclusion of a condition that restricts audible sound from sound reproduction or amplification equipment at the site boundaries.

5.2 Nottinghamshire County Council Highways Authority have no objection subject to conditioning that the parking areas are should be clearly delineated and surfaced in a bound material.

5.3 Two objections have been received and are summarised as follows:

- Use of current businesses in evening and weekends is minimal meaning there will be extra noise and a significant increase in volume of traffic and congestion as a result of the dance studio being open 9:00am - 11:30pm.
- Noise from music including potential for heavy rock music.
- Many residents are older along Pinfold Lane and the development could encourage gangs of youths to gather around the chip shop leaving rubbish on pavements and in gardens.
- Nine car parking spaces is not sufficient and could increase traffic generation and parking issues along Pinfold Lane which is already limited.
- Loss of privacy in back garden due to increase in traffic at evenings and weekends.

6. Appraisal

6.1 The main issues to assess in respect of this application relate to the principle of the development, 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 from a vehicle workshop into a dance studio is acceptable. It is acknowledged that policy 4 of the Aligned Core Strategy and policy 9 of the Draft Part 2 Local Plan aim to retain good quality employment sites unless it can be demonstrated that they are not viable for that use. The application building is of a relatively small footprint and it is considered that the loss of this employment site for general industrial employment use is acceptable given the proposed use will create two new full-time jobs. It is also considered that this application will maintain the quantity of existing floorspace. To use the site as a dance studio, although this results in a significantly different form of employment, this is not considered to be lower quality. It is considered that a sequential test is not required as the proposal is in line with Policy 13 of the Draft Part 2 Local Plan.

6.2.2 The proposed refurbishment of the building will improve the external aesthetics, especially the adjoining store. The proposal of a dance studio within this location will not be entirely dissimilar to the noise created from the adjoining commercial units and previous vehicle workshop. Although the hours the dance studio are proposing to open are 10:00am - 11:00pm throughout the week, a condition to control the noise level will be included which is considered to be sufficient, due to the small scale of the proposal, to protect the residents from excessive noise and disturbance.

6.3 Amenity, design and parking

6.3.1 It is not proposed to increase the footprint of the building. The external store area will be rebuilt and the external alterations will include two ground floor windows in the east (rear) elevation, glazing adjoining double glazed doors in the north (front) elevation of the workshop two windows and a glazed door in the west (side) elevation of the store area. The store area is in a state of disrepair and the refurbishment of this is seen as a positive element of the application. The addition of glazing is considered to be a positive feature which will break up the expanse of the elevations. The unit will still retain relatively the same appearance of a commercial industrial unit.

6.3.2 The nearest residential properties to the proposed dance studio are positioned to the south along Pinfold Lane. The site is a minimum of 15m from the north (rear) elevations of these properties. The south (side) elevation will remain the same with no new openings or windows proposed. Given the reasonable separation distance, the existing industrial uses on this site, the low intensity nature of the proposed dance studio and the inclusion of a condition to control any audible noise beyond the boundary, it is considered the proposed dance studio will have minimal impact on the Pinfold Lane neighbours.

- 6.3.3 It is considered the proposed change of use is unlikely to have a significant impact on other residential occupants due to the separation distance. The surrounding commercial units are unlikely to be significantly affected by the change of use due to the nature of the businesses already creating a degree of noise and the buildings not being habitable.
- 6.3.4 The proposal of windows in the east (side) elevation will have an outlook onto the recreational field and therefore not directly overlook any residential properties. The west (front) elevation and north (side) elevation will have ground floor windows and glazed doors. These will face inwards onto the industrial estate and therefore are considered to be in acceptable positions facing neighbouring commercial units and not residential properties.
- 6.3.5 It is considered unlikely that the proposed change of use from a vehicle workshop to a dance studio will encourage anti-social behaviour. The site is set back significantly from Church Street meaning its presence will not be widely visible to passers-by. However, any anti-social issues that may occur in and around this area are a matter to be dealt with by the police.
- 6.3.6 Nine off-street car parking spaces will be provided on site following the removal of two containers. Seven spaces will be positioned alongside the southern site boundary. Two further spaces will be positioned in front of the reception area. Given the nature of the business being relatively small scale, the majority of the classes taking place in the evening when further spaces of the industrial estate can be utilized and the site being within relatively close proximity to Stapleford town centre with regular bus services, it is considered sufficient spaces have been provided. A condition will be included to ensure the spaces are clearly delineated, the parking area is surfaced in a hard, bound material and the kerbs are dropped before the dance studio is occupied.
- 6.3.7 The objections raise concerns over the opening hours and traffic generation in and out of the site causing a disturbance. The current use of the vehicle workshop involves repairs of small coaches which would generate a reasonable amount of traffic and disturbance. Church Street is a main road through Stapleford town centre. It is acknowledged that the opening hours will be extended beyond the hours of the existing use. However, the noise created from cars parking on this portion of land beyond the site entrance is considered to be relatively low impact and will not be significantly different to the cars that already park here and would not warrant a refusal.

7. Conclusion

- 7.1 It is concluded the proposal to convert this building from a vehicle workshop into a dance studio with external alterations is acceptable and it will not have an adverse effect on the neighbouring amenity, create an unacceptable loss of an employment site or have a detrimental impact on highway safety and parking. The proposal therefore accords with Policies T11 and RC1 of the Broxtowe Local Plan, with Policy 6 and 10 of the Broxtowe Aligned Core Strategy, Policies 13 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 drawing numbers: 18/U1CS/04 received by the Local Planning Authority on 14 February 2018 and 18/U1CS/03c and the Site Location Plan received by the Local Planning Authority on 20 February 2018.
3. No sound reproduction or amplification equipment (including public address systems, loudspeakers, etc) which is audible at the site boundary shall be installed or operated on the site.
4. The premises shall not be open to customers except between 10.00 and 23.00 hours on any day.
5. The development hereby approved shall not be brought into use until the kerbs have been dropped for the full length of the car parking spaces, the parking area has been surfaced in a hard, bound material and each space has been clearly delineated as shown on the proposed site plan (1:200) and 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. To protect nearby residents from excessive noise and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
4. To protect nearby residents from excessive noise and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
5. In the interests of highway safety and to ensure the provision of on-site parking.

Note 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. Given the proximity of residential properties, it is advised that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.**

Background Papers
Application Case File



Legend

 Site

 Existing open spaces

Report of the Chief Executive

**18/00121/REG3
 INSTALL EXTERNAL WALL INSULATION
 1, 3, 7, 11 AND 12 ASH TREE SQUARE, 1 AND 4 HENSON SQUARE,
 BRAMCOTE, NOTTINGHAMSHIRE**

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

1. Details of the application

- 1.1 The application seeks permission to install external wall insulation.
- 1.2 The proposal is to install external insulation on seven council-owned properties within the Bramcote Conservation Area. The external insulation would have a total thickness of 0.11m with render (including 'Brick Effect Render') that would match the appearance of the existing external walls of the dwellings.

2. Site and surroundings



Front of no. 1 Ash Tree Square.



Rear of no. 1 Ash Tree Square.



Front of no. 3 Ash Tree Square



Rear of no. 3 Ash Tree Square.



Front of no. 7 Ash Tree Square.



Rear of no. 7 Ash Tree Square



Front of nos. 11 and 12 Ash Tree Square.



Front of no. 1 Henson Square (left).



Front of no. 4 Henson Square.

- 2.1 Ash Tree Square consists of six pairs of inter-war semi-detached dwellings. Nos. 1, 2, 3 and 4 have their front elevations facing the road, with their rear elevations facing the square. Nos. 5, 6, 7, 8, 9, 10, 11 and 12 have their front elevations facing the square. Nos. 1, 3, 11 and 12 are a mixture of brick and render. No. 7 is a brick dwelling.
- 2.2 Henson Square consists of two sets of three terraced dwellings and a pair of semi-detached dwellings. Nos. 1 and 4 are brick dwellings.

3. Policy Context

3.1 National policy

3.1.1 The National Planning Policy Framework (NPPF) 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 heritage assets should be conserved in a manner appropriate to their significance.

3.1.2 Paragraph 95 of the NPPF states that Local Planning Authorities should actively support energy efficiency improvements to existing buildings.

3.1.3 Paragraph 131 of the NPPF states that 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. 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.

3.2 Broxtowe Aligned Core Strategy

3.2.1 Policy 1 'Climate Change' encourages the use of less energy through energy efficient building design and construction, including thermal insulation.

3.2.2 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.

3.2.3 Policy 11 'The Historic Environment' states that planning decisions will have regard to the contribution heritage assets can have to the delivery of wider social, cultural, economic and environmental objectives.

3.3 Saved Policy of the Broxtowe Local Plan

3.3.1 Policy H11 'Minor Development' states that planning permission will be granted for minor development, provided that the siting, design and materials do not substantially harm the appearance of the property or the street scene, or the amenity of neighbouring occupiers.

3.4 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.

3.4.3 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.

4. Consultations

4.1 The Council's Conservation Advisor raises no objection as the proposals would match the existing brick/render materials and would result in a similar appearance to the existing. He notes there would be changes to the appearance through the elevation openings being set deeper than existing and there would be some unbalancing of semi-detached properties with the insulated properties projecting further than those properties outside of the application. However, subject to a condition to approve render application, colour and brick, it is considered there would not be harm to the character or appearance of the Conservation Area.

4.2 No. 5 Ash Tree Square supports the development proposal.

4.3 No. 8 Ash Tree Square objects to the application. They are concerned that the external insulation would not be in keeping with the private properties, especially the semi-detached properties. They would like to see an example of the proposed exterior.

4.4 No. 4 Ash Tree square objects to the application. They are concerned about the disruption to parking during the works, as well as noise disruption. They object to the cost, and are concerned that the work has already been started.

5. Appraisal

5.1 The main issues to consider with this application are the impact on the Conservation Area and neighbour amenity.

5.2 The proposed external insulation would add 0.11m of thickness to the existing dwellings and will use materials to match the original dwellings. It is considered that because the appearance of the insulation would match the original materials, the development is appropriate. Material samples will be conditioned to ensure a match.

5.3 The Bramcote Conservation Area Character Appraisal (2008) states that the properties in Ash Tree Square make a positive contribution to the Conservation Area. The properties in Henson Square were not part of the Conservation Area at the time of the appraisal, and were added to the Conservation Area in 2008 following the appraisal. The entrance to Henson Square is from Cow Lane, which is important to the Conservation Area due to its rural appearance.

5.4 The proposed insulation would result in a change to the appearance of the dwellings. The openings (windows and doors) would be set further in than the existing, and the insulated properties would project further forward than properties outside of the application, leading to some unbalancing of semi-detached dwellings. It is considered that because such differences will be minimal and as

the proposed materials will match the existing brick/render materials, there would not be harm to the character or appearance of the Conservation Area.

- 5.5 Weight can also be attached to the wider environmental benefits attached to energy efficiency improvements which are outlined in Policy 1 of the Broxtowe Aligned Core Strategy and paragraph 95 of the NPPF.
- 5.6 Due to the use of matching materials and minimal thickness of the insulation (0.11m), it is considered that there would be no negative impact on the amenity of the occupants of the adjoining properties or other properties in the surrounding area.
- 5.7 No. 8 Ash Tree Square’s objection relates to the choice of insulation materials. Matching materials will be used and will be conditioned.
- 5.8 No. 4 Ash Tree Square’s objections relate to parking and noise disruption during the works, and the cost to the taxpayer. Disruption caused by the building works and the cost are not material planning considerations. Work has not started on the insulation.

6 Conclusion

- 6.1 In conclusion, it is considered that the external wall insulation would not harm the character of the Conservation Area and weight can also be attached to the environmental benefits resulting from improved energy efficiency. Therefore the development would accord with Broxtowe Local Plan Policy H11, Policies 1, 10 and 11 of the Broxtowe Aligned Core Strategy, Policies 17 and 23 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

Recommendation

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the ‘12 Ash Tree Square Proposed Elevations’ (CW18:009/11), the ‘3 Ash Tree Square Proposed Elevations’ (CW18:009/07) and the ‘7 Ash Tree Square Proposed Elevations’ (CW18:009/08) received by the Local Planning Authority on 19 February 2018, the ‘1,11 Ash Tree Square Proposed Elevations’ (CW18:009/06) and the ‘1, 4 Henson Square Proposed Elevations’ (CW18:009/09) received by the Local Planning Authority on 21 February 2018 and the ‘Site Location Plan’ (CW18:009/01) received by the Local Planning Authority on 26 March 2018.**
- 3. No building operations shall be carried out until samples of the materials to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed only in**

accordance with those details.

Reasons

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy H11 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Draft Part 2 Local Plan.

Note 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 eight week determination timescale.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see:

<https://www.broxtowe.gov.uk/for-you/planning/development-in-former-coal-mining-areas/>

Background papers
Application Case File



Legend

-  Sites
-  Listed Building
-  Conservation Area
-  Photos

Report of the Chief Executive

18/00133/FUL
RETAIN SECURE BICYCLE LOCKER AND BIN STORE AREA
73 MAIN STREET, KIMBERLEY, NOTTINGHAMSHIRE, NG16 2NG

Councillor Robinson has requested this application be determined by Planning Committee.

1. Details of the application

1.1 The application proposes to retain a secure bicycle locker and bin store that is located to the front of 73 Main Street. The structure is 1.2m high with a width of 2.3m and depth of 3.8m. The structure has a flat roof and the bicycle store part of the structure will be secured by double doors which are set back 0.9m from the front of the structure.

2. Site and surroundings



Frontage of bin store and bicycle locker.



View of No. 73 and bin store from the south side of Main Street.



View of No. 73 and bin store from the south side of Main Street.



Relationship between development and No. 75.

2.1 73 Main Street is a two storey end terraced property situated on the north side of Main Street close to the town centre of Kimberley. The property has white painted brick elevations with a tiled roof and UPVC windows and doors.

2.2 The site is in a largely residential area, although it is opposite the large Sainsbury’s supermarket. To the west of the application site there is a greater mix of uses with retail, leisure and residential.

2.3 The application property has no private outdoor amenity space to the rear. The bin and bicycle store is situated to the front of the property, covering the majority of the outside area afforded to the property. It forms the adjoining boundary with No. 75 to the east with the wall being 0.8m high on the side of No. 75.

3. Relevant Planning History

3.1 14/00090/FUL – planning permission was granted for the construction of 3 dwellings and carport following the demolition of the original buildings. As the dwellings were approved on land with buildings on relating to a builder’s yard this development did not result in the loss of amenity space in the form of garden area for No. 73.

4. Policy Context

4.1 National policy

4.1.1 The National Planning Policy Framework (NPPF) March 2012, contains a general presumption in favour of sustainable development whereby planning permission should be granted for proposals that accord with the development plan without delay. It outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, a good standard of amenity for existing and future occupants should be secured, and developments should be located in sustainable locations.

4.2 Broxtowe Aligned Core Strategy 2014

4.2.1 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 or occupiers.

4.3 Saved Policy of the Broxtowe Local Plan 2004

4.3.1 Local Plan Policy H11: Planning permission will be granted for minor development, such as sheds, garages, fencing and satellite dishes, provided that the siting, design and materials do not substantially harm the appearance of the property or the street scene, or the amenity of neighbouring occupiers.

4.4 Draft Part 2 Local Plan

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. Consultation on the draft document occurred between 15 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.

4.4.2 Policy 17 'Place-making, Design and Amenity' states that development 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; two-storey extensions should avoid a terraced or cramped effect; dormers should not dominate the roof; development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

5. Consultations

5.1 6 neighbouring properties were consulted on the application. Two letters of objection have been received raising concerns which are summarised below:

- The design by virtue of its scale, size and massing is harmful to the street scene and not in keeping with the character of the area.
- The drawings submitted with the application are not representative of how visible the structure is from the street scene.
- The building is not fit for purpose as it is not high enough to stand up in and surely breaches health and safety regulations for buildings.
- The structure is being used to store motorbikes as oppose to bicycles which the application suggests and therefore there are issues with regards to noise pollution.
- A bin store presumably seeks to demonstrate a hygiene need when the bins were always kept to the rear on No. 73.
- The drawings are not to scale.

- This is not a building within a garden area it is a building that replaces the garden area.
- The structure rises almost half a meter above the level of the neighbouring garden with consequent loss of light and amenity to the neighbouring property.

6. Appraisal

6.1 Design and Visual Appearance

6.1.1 Main Street has a varied street scene with the north side of the road (on which the application site is situated) largely consisting of residential properties. The types and positioning of these properties vary with No. 73 and 75 being set back off the main road and No. 77 having no set back and the front elevation opening directly onto the pavement. The properties to the west of No. 73 are further set back with a parking area adjoining the main road. By virtue of this mix of positioning it is not considered that this section of Main Street has a clearly identifiable street scene and therefore the principle of a structure being developed to the front of the property is considered acceptable.

6.1.2 The south side of Main Street opposite the application site is largely covered by the side elevation of Sainsbury supermarket, which incorporates a raised walkway from a fire escape in the store. The supermarket is a substantial structure that gives significant context to the character of the area. It is therefore important that this be considered in regards to the impact of the proposed structure on the overall character of the surrounding area.

6.1.2 The structure is brick built with the elevations painted white to match those of the properties it is situated to the front of. The structure is positioned adjoining the boundary wall and projects approximately 0.2m above the wall. Therefore the majority is not visible from the street scene as it is hidden behind the boundary wall. Taking into account the amount of the structure that is visible from the street scene and the efforts taken to ensure that the visible aspects of the structure are in keeping with the properties behind it is considered that the development does not have a significantly harmful impact on the street scene and is not out of character with the surrounding area. It is therefore considered that an acceptable standard of design has been achieved.

6.2 Neighbouring Amenity

6.2.1 The structure makes up the adjoining boundary between No. 73 and No. 75 to the east. On the side of No. 75 the structure projects approximately 0.8m above ground level and is similar to the height that would be expected of a boundary wall in this position. The structure does not extend up as far as the bottom of the ground floor windows of either No. 73 or No. 75. Overall it is not considered that the structure has an unacceptable impact on No. 75 by virtue of loss of light or sense of enclosure.

6.2.2 As the structure takes up a majority of the outdoor amenity space of No. 73, which has no rear or side garden, it is a valid consideration that the roof of the structure could be used as a potential seating or storage area. Any attempt to do so could have a negative impact on the residents of No. 75 who could be subject

to a loss of privacy or light. Therefore it is considered reasonable to condition that the roof of the structure shall not be used at any time as a terrace, garden or similar outside amenity space.

- 6.2.3 Concerns have been raised in letters of objection that the structure is being used for the storage of motorcycles as oppose to bicycles as indicated on the plans submitted, and therefore noise pollution is an issue. In the absence of the structure motorcycles could be stored in the open space to the front of No. 73 without the need for planning permission. In these circumstances the same concerns would be present with regards to noise pollution.

Recommendation

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

- 1. The development hereby permitted shall be retained in accordance with Plan Reference 73MSK01 received by the Local Planning Authority on 22 February 2018.**
- 2. The roof of the development hereby approved shall not be used at any time as a terrace, garden or similar outside amenity space.**

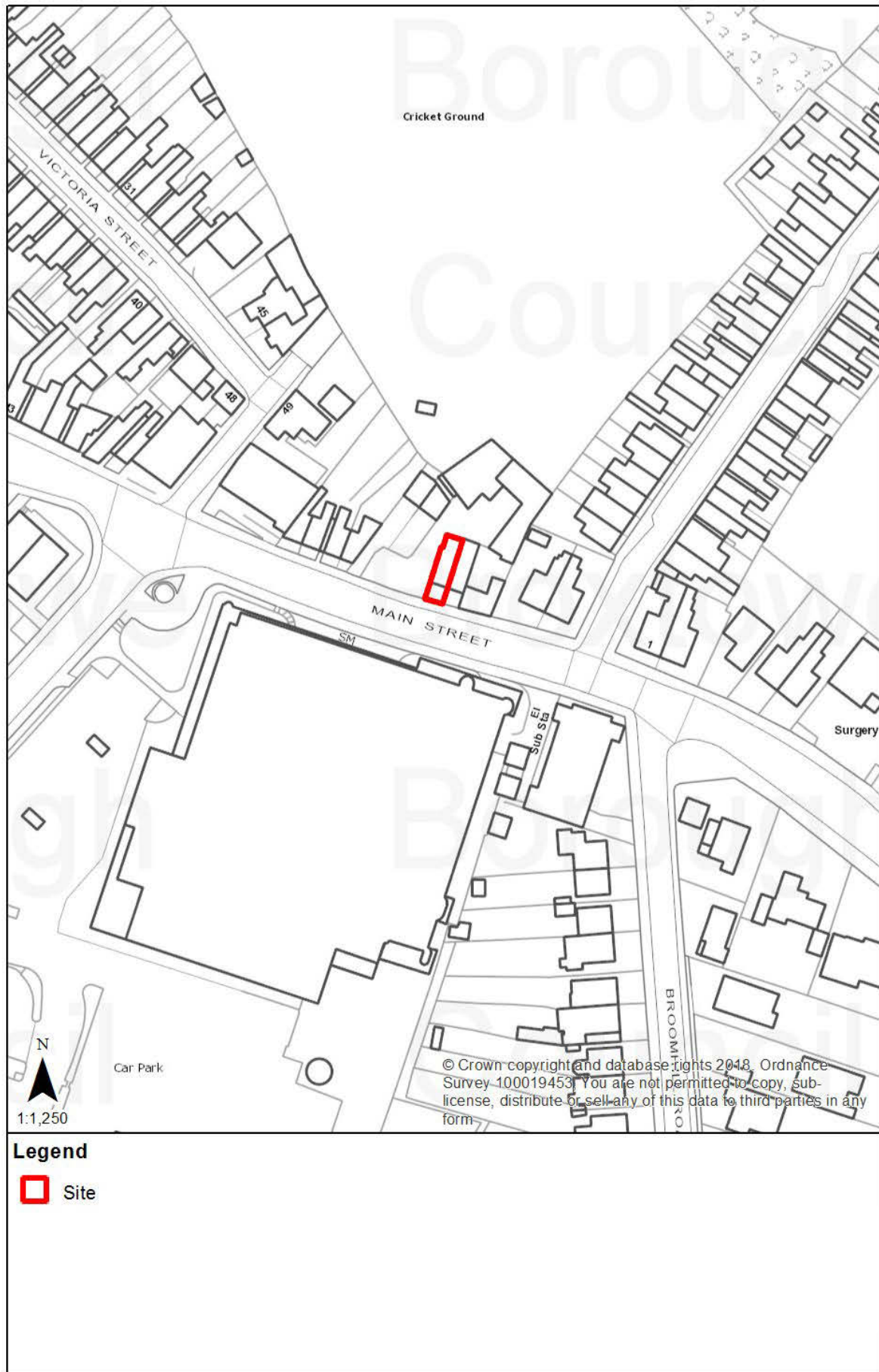
Reasons

- 1. For the avoidance of doubt.**
- 2. To protect the privacy of nearby neighbours, in accordance with Policy H11 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014)**

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

Background papers
Application Case File



Report of the Chief Executive

18/00080/ROC

REMOVAL OF CONDITION 10 (NO PART OF THE DEVELOPMENT SHALL BE BROUGHT INTO USE UNTIL CONSTRUCTION OF THE PEDESTRIAN CROSSING) OF PLANNING PERMISSION REF: 16/00107/FUL (CONSTRUCT 48 RETIREMENT LIVING APARTMENTS) SITE OF FORMER SINBAD PLANT LTD, HICKINGS LANE, STAPLEFORD, NG9 8PJ

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

1 Details of the Application

- 1.1 The application seeks permission to remove condition 10 of planning reference 16/00107/FUL. Planning permission was granted in November 2016 to construct 48 retirement living apartments including communal facilities, landscaping and car parking. Condition 10 of the planning permission stated:

No part of the development hereby permitted shall be brought into use until the pedestrian crossing and any associated works to the adjacent footways have been constructed in accordance with drawing number 050.00323.002 RevC.

- 1.2 The reason for the condition was to ensure a safe crossing point is available for pedestrians and users of the retirement living apartments.
- 1.3 The application was accompanied by a Section 106 Agreement. The Section 106 required the payment of £40,000 to Broxtowe Borough Council one month prior to the commencement of the development which would be used to provide a pedestrian crossing serving the development. The contribution has been paid in full to the Council and work is progressing on finalising the details of the crossing in liaison with Nottinghamshire County Council.
- 1.4 The development is now substantially complete and the applicant is seeking to remove condition 10 to allow the retirement complex to be occupied without being in breach of the condition.

2 Site and surroundings

- 2.1 The retirement living complex is substantially complete. It comprises a part two storey, part three storey building in a 'T' shape with parking to the front and side and a communal garden area to the rear. The site is enclosed by a mixture of fencing and metal railings.
- 2.2 The site was previously used by a construction plant hire and warehousing business. The site lies approximately 1 mile to the north east of Stapleford town centre. The site slopes downwards slightly towards Ewe Lamb Close. Opposite the site there are residential properties and a car sales business. Immediately to the north east there are commercial buildings and further to the north east lies a

supermarket and a group of local shops. To the south and south west there are residential properties on Ewe Lamb Lane and Ewe Lamb Close.

Front of the retirement complex



View looking north east along Hickings Lane from the junction with Ewe Lamb Lane



3 Relevant Planning History

- 3.1 Planning permission (reference 16/00107/FUL) was granted in November 2016 to construct 48 retirement living apartments including communal facilities, landscaping and car parking. Further details of the application will be provided in section 6 of this report.
- 3.2 A non-material amendment application was submitted to make external changes relating to the provision of a garden room to the rear of the building. The changes were allowed as a non-material amendment.

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.
- 4.1.2 In relation to assessing the highway impacts of a proposal, the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe.
- 4.2.3 Paragraph 103 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations must be necessary to make the development acceptable in planning terms, be directly related to the development, and fairly and reasonably related in terms of scale and kind to the development.

4.1.3 Paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

4.2 Broxtowe Aligned Core Strategy

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

4.2.2 ‘Policy A: Presumption in Favour of Sustainable Development’ reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

4.2.3 ‘Policy 10: Design and Enhancing Local Identity’ sets design and layout principles to be applied to new development and states that development should create an attractive, safe, inclusive and healthy environment and reflect the need to reduce the dominance of motor vehicles.

4.2.6 ‘Policy 14: Managing Travel Demand’ seeks to ensure that the most sustainable means of transport are planned into development. It sets out measures to encourage a switch to sustainable forms of transport first, before major highway capacity improvements are considered.

4.2.8 Policy 18: ‘Infrastructure’ seeks to ensure new development is provided with the necessary infrastructure. It is based on an Infrastructure Delivery Plan that has been prepared to support the Aligned Core Strategy. This includes infrastructure requirements and viability information.

4.2.9 ‘Policy 19: Developer Contributions’ states that developments will be expected to meet the costs of new infrastructure and provide for the future maintenance of facilities.

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

4.3.1 The Part 2 Local Plan is currently under preparation. 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 H7 states that 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.

4.3.5 Policy T1 states that planning permission for developments which generate a demand for travel will not be granted until a contribution towards transport infrastructure has been negotiated.

4.3.6 Policy T11 and appendix 4 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 14th December 2017. Due to the current stage of the plan preparation, only limited weight can be attached to the policies.
- 4.4.2 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 provides, or is close to, community facilities; has good access to public transport and enables convenient use by people with limited mobility.
- 4.4.3 Policy 32 'Developer Contributions' outlines when financial contributions may be sought from developments.

5 Consultations

- 5.1 Nottinghamshire County Council as Highways Authority states no objection to the removal of condition 10.
- 5.2 Three neighbour consultation responses were received.
- 5.3 Two responses object to the removal of condition 10. They state that a pedestrian crossing is urgently needed in this location. There are existing traffic problems beside the supermarket to the north east of the site and there is a need for double yellow lines along both sides of this section of Hickings Lane. There is a high risk of an accident happening due to visibility being obscured by parked vehicles and due to the increase in foot and road traffic resulting from the development.
- 5.4 Two responses object to a crossing being constructed between Ewe Lamb Lane and Washington Drive. Both responses state that the location would be unsuitable and inappropriate as residents from the development would have to cross two roads and a number of access points to access the local shops. This would be dangerous for the residents who may be elderly and have less mobility. If the need for a pedestrian crossing is shown, it should be further to the north of Hickings Lane. They also object to a pedestrian crossing as it would have a detrimental impact on the amenity of residential properties on Hobart Drive through a loss of privacy and increased noise, air and light pollution.
- 5.5 One of these responses also states that condition 10 should be removed as the need for the crossing cannot be established until the development has been brought into use and a survey undertaken to establish the patterns and frequencies of pedestrian journeys arising from the development. The proposal for the pedestrian crossing was not included in the original planning application and has not been subject to public consultation and therefore affected residents have not had a chance to comment. They understand that they could claim for compensation from the loss of amenity under the Land Compensation Act 1973 and Noise Insulation Regulations 1975.

6 Assessment

- 6.1 Condition 10 of the planning permission required the construction of a pedestrian crossing and any associated works to the adjacent footways prior to the retirement complex being brought into use. The reason for the condition was to ensure a safe crossing point is available for pedestrians and users of the retirement living apartments. The condition referred to a drawing which shows a crossing to the north east of the development, to the north of Washington Drive.
- 6.2 A Section 106 agreement was signed which secured the payment of £40,000 from the applicant to Broxtowe Borough Council to provide the pedestrian crossing. This payment has been made to the Council and the Council is now progressing with the technical work which is required prior to the crossing being constructed. A technical drawing has been produced showing a zebra crossing with flashing beacons to the north east of the retirement complex and the Highways Authority are currently being consulted regarding the proposed specification of the crossing. The crossing would provide a safer crossing point for residents of the retirement complex which would allow for improved access to local shops and services to the north east of the site and would result in a more sustainable development.
- 6.3 The applicant has complied with the requirements of the Section 106 through payment of the money and the Council now has the funds required to ensure that the crossing is delivered. As the payment has been made and as it is now under the control of the Council, the applicant considers that condition 10 is no longer necessary and seeks to remove the condition so that the development can be occupied without being in breach of this condition.
- 6.3.1 The NPPF is clear that planning conditions must be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Taking into consideration that the Council has the necessary funds to secure the provision of a crossing, that technical work is progressing and that the delivery is now outside of the applicant's control, it is considered that it would be unreasonable and unnecessary to retain condition 10 and restrict occupation until the crossing is provided.
- 6.3.2 It is noted that residents on Hobart Drive have raised concerns regarding the impact that a crossing positioned between Ewe Lamb Lane and Washington Drive would have on their amenity. However, it is noted that the plan referred to within condition 10 and the latest technical drawing show a crossing to the north east of the development and not between Ewe Lamb Lane and Washington Drive. It must also be noted that the position of the crossing is not an issue for this application with the location to be confirmed following the necessary consultation with the highways authority. The application relates to whether a crossing should be constructed prior to occupation of the development.
- 6.3.3 The original planning permission included a number of other conditions which have now been discharged. These related to external materials, the submission of an investigative land contamination survey and a landscaping scheme and details of wheel washing facilities. As these conditions have been discharged, it is considered that these are no longer necessary and do not need to be repeated on

a new planning permission. The drawing numbers will also be updated to reflect those submitted as part of the non-material amendment application.

7 Conclusion

- 7.1 The application seeks the removal of condition 10 which requires the construction of a pedestrian crossing prior to the development being brought into use. In accordance with the Section 106 agreement, the applicant has paid £40,000 to the Council to allow for the crossing to be constructed and the Council is now progressing with the technical work which is required prior to the crossing being constructed. The applicant has fulfilled their requirement and the provision of the crossing and the location of the crossing are now under the Council's control, subject to the relevant consultation with the Highways Authority. The crossing is not required in respect of highway safety but will provide a safer crossing point for residents of the retirement complex and would result in a more sustainable form of the development. As the financial contribution has been paid in full, it is considered that the removal of condition 10 would be acceptable.

Recommendation

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

1. The development shall remain in accordance with drawings received on the 27 November 2018 ;
 - MI_2249_01_03_AC_001_C - Location & Context Plan;
 - MI_2249_01_03_AC_002_D – Site Layout;
 - MI_2249_01_03_AC_003_C – Elevations Sheet One;
 - MI_2249_01_03_AC_004_C - Elevations Sheet Two;
 - MI_2249_01_03_AC_005_C – Elevations Sheet Three;
 - MI_2249_01_03_AC_008_B – Ground Floor Plan;
 - MI_2249_01_03_AC_009_B – First Floor Plan;
 - MI_2249_01_03_AC_010_C – Second Floor Plan; and
 - MI_2249_01_03_AC_011_B - Roof Plan.
2. The approved landscaping scheme shall be carried out strictly in accordance with the approved details and 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.
3. No unit constituting an individual unit of occupation shall be used for any purpose other than as a private residence for the occupation of an elderly person unless otherwise agreed in writing with the Council. An elderly person shall be defined as follows:
 - (1) being a single resident any person who has attained the age of 60 years unless the survivor of those persons mentioned in (2);
 - (2) being joint residents of whom one has attained the age of 60 years and the other of 55 years.
4. The windows in the most North Easterly side elevation serving apartments 2, 3, 21 and 22 shall be obscurely glazed and shall remain as such for the life of the development.
5. 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 MI_2249_01_03_AC_002_D. 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.
6. The access arrangements shall be maintained as a dropped and tapered/flush kerb along the footway and the edge of the trafficked area.

7. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reasons

1. For the avoidance of doubt.
2. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014).
3. In the interests of local amenity and highway safety.
4. 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).
5. To ensure that adequate off-street parking provision is made and to reduce the possibilities of the proposed development leading to on-street parking in the area.
6. To ensure ease of passage along the footway for pedestrians, especially with motorised buggies etc.
7. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

Notes to applicant

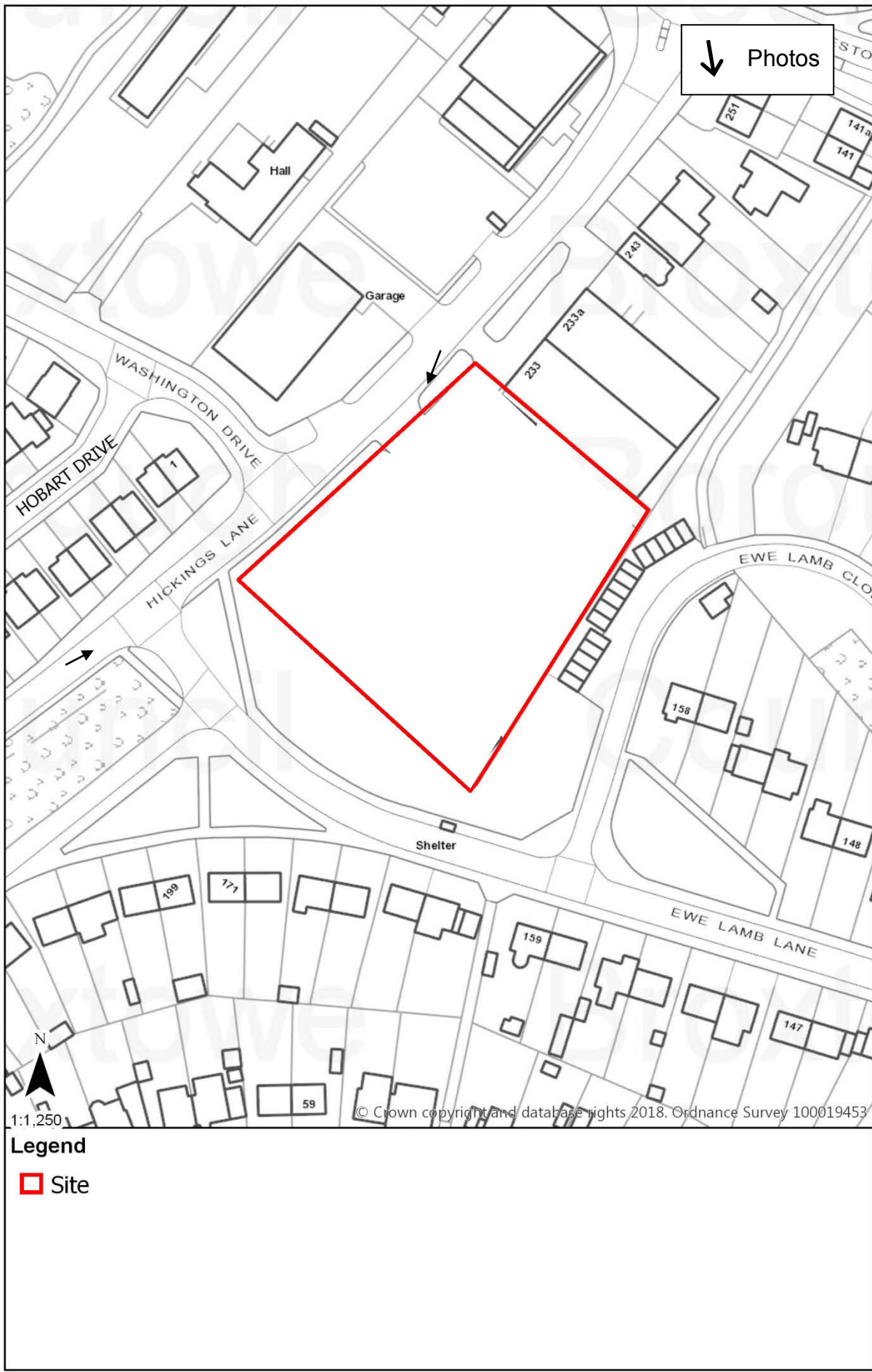
1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by communicating with the agent throughout the course of the application.
2. The proposed development lies within 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

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

- 3. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have / no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact the Highways Authority on 0115 9773991 for details. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.**

Background papers

Application case file



Report of the Chief Executive

APPEAL DECISIONS

Reference Number : **17/00338/FUL**
Applicant/Agent : **Mr J Sanghera**
Site Address : **9 St Patricks Road Nuthall Nottingham NG16 1ED**
Proposal : **Construct two storey side extension and rear and single storey rear extension.**

APPEAL ALLOWED AND PLANNING PERMISSION GRANTED

The application sought planning permission to construct a two storey side and rear extension and a single storey rear extension. This was refused on 28 July 2017 under delegated powers for the following reason;

The proposed 2-storey side extension, as amended, having a very minimal set-back from the principal elevation and a marginally lower ridge height from the main dwelling, is considered to be an over-prominent proposal in the street scene, due to the way the house is angled to the street, with little element of subservience from the main dwelling. As such, the proposal is considered to be out of proportion with the design, character and appearance of the existing dwelling and would be contrary to Policy H9 of the Broxtowe Local Plan (2004), Draft Policy 17 of the Broxtowe Part 2 Local Plan (2017) and Policy 10 of the Aligned Core Strategy (2014).

Amendments were made from the original proposal in an attempt to alleviate this issue but it was considered not enough had been done to reduce the over-prominent nature of the extension. Further amendments were requested to allow for an acceptable standard of design but were not received and therefore the application was refused.

In allowing the appeal the Inspector noted that as a consequence of the siting of No. 9 there is sufficient space to accommodate the side extension and still retain a gap between No. 9 and its unattached neighbour at No. 7 to avoid creating a terracing effect or be overly prominent in the street scene.

The Inspector made reference to two other properties she identified on her site visit that had two storey side extensions, both of which were set back from the front elevation of the host dwelling at first floor level and stepped down from the ridge. However, she noted that there was minimal setback from both properties at ground floor level and that with no Supplementary Planning Guidance to indicate a specific requirement for setback distances or reduction in ridge height it is left to be a subjective judgement by the decision maker in consideration of the context.

Overall the Inspector found the proposal acceptable as it would not harm the appearance of the host property and therefore did not conflict with Policy H9 of Broxtowe Local Plan 2004 or Policy 10 of the Aligned Core Strategy 2014.



Reference Number : **17/00029/FUL**
Applicant/Agent : **Mr R Harrison**
Site Address : **Land to rear of 53 Kimberley Road, Nuthall, Nottingham NG16 1DA**
Proposal : **Construct two dormer bungalows with detached garage block and associated landscaping, erection of new boundary treatments and widening of access.**

APPEAL DISMISSED

The application sought planning permission to construct two dormer bungalows and a detached garage block within the rear garden of 53 Kimberley Road, Nuthall. It was proposed to split the site into two plots, each being occupied by a detached 3 bedroom bungalow with rooms in the roof space. The development included a proposed shared garage block constructed on a section of land currently fenced off as garden and over part of a block paved parking area owned by the occupiers of Temple Lake House No.53A, within the south-west corner of the site. The proposals also included the widening of the existing access from Kimberley Road to a width in order to allow 2 vehicles to pass at the point of entry/exit into the site. New boundary treatments and landscaping were also proposed as part of the scheme. This was refused by Committee on 21 June 2017 for the following reasons;

- 1. The proposed scheme would be an over intensive development which would result in an undesirable change to the character of the area.*
- 2. The proposed dwellings and garage block in built form would create an un-neighbourly relationship which would cause significant adverse impact upon the amenity of the occupiers of nearby properties.*
- 3. The scheme would rely on a poor access arrangement which would likely result in significant adverse impact upon highway safety.*

Accordingly the proposal is contrary to the aims of Saved Policies H7 & T11 of the Broxtowe Local Plan 2004, Policy 10 of the Aligned Core Strategies 2014 and Core Planning Principles para.17 & Section 7: Requiring Good Design of the National Planning Policy Framework (NPPF) 2012 and there are no other material considerations that justify treating this proposal as an exception.

In essence, it was considered that the proposal resulted in a development which was out of character with that of the existing surrounding area and which would result in detriment to the amenity of the occupants of the existing surrounding properties. Concern was also expressed by members in regard to the access being substandard, resulting in highway safety issues on Kimberley Road.

In dismissing the appeal, whilst the Inspector considered the access to be sufficient to result in no highways safety concerns and that there would be no detrimental impact to any of the existing neighbouring properties through loss of privacy, or noise; she considered that the proposals would result in a loss of the open, spacious nature of the built form along this section of Kimberley Road which would be of detriment to its character and appearance.



Reference number : **17/00594/FUL**
Proposal : **Erect dwelling (revised scheme)**
Site address : **Land Adjacent 5 Leamington Drive, Chilwell**
Applicant : **Mr Peter Barnett**

APPEAL DISMISSED

The application proposed the erection of a detached house. Permission was refused because the siting and footprint of the house was considered to be out of keeping with the established pattern of surrounding development; the unacceptable overbearing impact and significant loss of light for the occupiers of 5 Leamington Drive and the proximity of the site to adjoining properties resulting in a poor standard of amenity for the future occupants of the proposed dwelling.

The Inspector considered the main issues to be the effect of the proposal on the living conditions of the occupiers of 5 Leamington Drive and the character and appearance of the site and surrounding area and whether the proposed occupants would have a sufficient standard of amenity. Due to the higher level of the site, the proximity to number 5 and the site being to the north, the Inspector agreed the proposed house would have an overbearing impact and cause a loss of light to the detriment of the amenity of the occupants of number 5. The Inspector agreed the occupants of the proposed dwelling would have insufficient privacy due to overlooking from number 7 which is located at a higher level than the site. As Leamington Drive is characterised by generous plot lengths, the Inspector concluded that the development would be out of character with the prevailing pattern and proportions of established dwellings and their gardens due to the small size of the plot.



Legend

-  Land Adjacent 5 Leamington Drive

BROXTOWE BOROUGH COUNCIL
DEVELOPMENT CONTROL – NEIGHBOURHOODS & PROSPERITY

PLANNING APPLICATIONS DEALT WITH FROM
24 February 2018 TO 23 March 2018

CONTENTS

Planning applications dealt with under Delegated Powers

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

BROXTOWE BOROUGH COUNCIL
DEVELOPMENT CONTROL – NEIGHBOURHOODS & PROSPERITY

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

ATTENBOROUGH & CHILWELL EAST WARD

Applicant : Mr Jason Teece 17/00477/FUL
Site Address : Gate House Barton Lane Attenborough Nottinghamshire NG9 6DY
Proposal : **Erect dwelling following demolition of gatehouse**
Decision : **Conditional Permission**

Applicant : Mr Halfords 17/00702/ADV
Site Address : Halfords Unit 7A Chilwell Retail Park Barton Lane Attenborough Nottinghamshire
Proposal : **Retain 2 illuminated signs and 2 non illuminated signs**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Whyman 18/00003/FUL
Site Address : 1 Brookland Drive Chilwell Nottingham NG9 4BD
Proposal : **Construct single storey front/side extension**
Decision : **Conditional Permission**

AWSWORTH, COSSALL & TROWELL WARD

Applicant : Mr S P Bates 18/00030/FUL
Site Address : 106 Ilkeston Road Trowell Nottinghamshire NG9 3PX
Proposal : **Retain outbuilding**
Decision : **Conditional Permission**

BEESTON CENTRAL WARD

Applicant : Mr P Cockcroft 17/00842/FUL
Site Address : 268B Queens Road Beeston Nottinghamshire NG9 2BD
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr Barry Duffin 18/00035/FUL
Site Address : 8 Lower Road Beeston Nottingham NG9 2GL
Proposal : **Change of use from a 6 bed house in multiple occupation (Class C4) to a 7 bed house in multiple occupation (sui generis)**
Decision : **Conditional Permission**

BEESTON NORTH WARD

Applicant : Mrs Wendy Coe 18/00040/FUL
Site Address : 44 Peveril Road Beeston Nottinghamshire NG9 2HY
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : Hydrogen (Beeston) Ltd 18/00054/LBC
Site Address : Dagfa House School 57 Broadgate Beeston Nottinghamshire NG9 2FU
Proposal : **Listed Building Consent for works to convert Dagfa House to student accommodation including the insertion of windows and roof lights**
Decision : **Conditional Permission**

BEESTON RYLANDS WARD

Applicant : Mr J McCoy 18/00036/OUT
Site Address : 41 Trent Vale Road Beeston Nottinghamshire NG9 1ND
Proposal : **Outline application to construct three dwellings with all matters reserved following demolition of existing dwelling**
Decision : **Conditional Permission**

BEESTON WEST WARD

Applicant : Mr C Hall Gilbert & Hall 17/00869/FUL
Site Address : Former Temporary Show Home For Anglo Scotian Mills Development Site Albion Street Beeston Nottinghamshire
Proposal : **Change of use to café/bar & office (Class A3/A4 & Class B1) and external alterations including insertion of vent tiles (revised scheme)**
Decision : **Conditional Permission**

Applicant : Mr C Hall Gilbert & Hall 17/00877/LBC
Site Address : Former Temporary Show Home For Anglo Scotian Mills Development Site Albion Street Beeston Nottinghamshire
Proposal : **Listed Building Consent to install new entrance screen, tile vents, flue, internal stud partitions, lift, stairs and obscure and secondary glazing (revised scheme)**
Decision : **Conditional Permission**

Applicant : Miss Zoe Tristram 18/00048/FUL
Site Address : 5 Imperial Avenue Beeston Nottingham NG9 1EZ
Proposal : **Construct single storey side and rear extensions with wood burning flue and pergola**
Decision : **Conditional Permission**

Applicant : Mr David Hilton 18/00099/FUL
Site Address : Land To The Rear Of 61 Bramcote Road Beeston Nottinghamshire NG9 1DW
Proposal : **Construct dwelling**
Decision : **Withdrawn**

BRAMCOTE WARD

Applicant : Mr A Bonner 17/00835/FUL
Site Address : 1 Warrender Close Bramcote Nottinghamshire NG9 3EB
Proposal : **Construct bungalow**
Decision : **Conditional Permission**

Applicant : Mr A Hill 18/00029/FUL
Site Address : 48 Ewe Lamb Lane Bramcote Nottinghamshire NG9 3JZ
Proposal : **Construct single/two storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr Kitchin 18/00032/FUL
Site Address : 53 Arundel Drive Bramcote Nottingham NG9 3FX
Proposal : **Construct two storey front extension, single storey rear extension, replace rear flat roof with gable roof, convert garage to habitable room, render dwelling, install solar panels and two first floor side windows**
Decision : **Conditional Permission**

Applicant : Mr Adrian Morgan 18/00033/FUL
Site Address : 23 Beeston Fields Drive Beeston Nottinghamshire NG9 3DB
Proposal : **Erect fencing and gates around tennis court**
Decision : **Conditional Permission**

Applicant : Mr Jonathan Rigby 18/00044/FUL
Site Address : 28 Park Road Bramcote Nottingham NG9 3LA
Proposal : **Construct single storey rear and side extension and rear decking**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Paul Beeson 18/00049/FUL
Site Address : 43 Bridle Road Bramcote Nottingham NG9 3DH
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Brittan 18/00051/FUL
Site Address : 42 Bankfield Drive Bramcote Nottingham NG9 3EG
Proposal : **Construct first floor rear extension with Juliet balcony, single / two storey side extension and front porch.**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Neil Martin 18/00059/FUL
Site Address : 70 Burnside Drive Bramcote Nottinghamshire NG9 3EF
Proposal : **Construct front, rear, side extensions and raise ridge height to create first floor accommodation with Juliet balcony to rear (revised scheme)**
Decision : **Conditional Permission**

Applicant : Mr R Serevena 18/00060/FUL
Site Address : 135 Derby Road Bramcote Nottinghamshire NG9 3GZ
Proposal : **Construct single/two storey rear extension. Insert first floor side window**
Decision : **Conditional Permission**

Applicant : Mrs Louise Hannay 18/00071/FUL
Site Address : 10 Kendal Drive Beeston Nottinghamshire NG9 3AW
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

BRINSLEY WARD

Applicant : Mr R Clarke 18/00010/FUL
Site Address : The Farmhouse 51 Cordy Lane Brinsley Nottinghamshire NG16 5BY
Proposal : **Change of use of restaurant (Class A3) to residential (Class C3)**
Decision : **Conditional Permission**

Applicant : Mr R Fotheringham 18/00069/FUL
Site Address : 14 Queens Drive Brinsley Nottinghamshire NG16 5DF
Proposal : **Construct single storey side extension**
Decision : **Conditional Permission**

Applicant : Mr J Abrams 18/00073/PNH
Site Address : 60 Church Walk Brinsley Nottinghamshire NG16 5AT
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5.900 metres, with a maximum height of 3.900 metres, and an eaves height of 2.250 metres**
Decision : **Prior Approval Not Required**

CHILWELL WEST WARD

Applicant : Mr D Lock Chilwell Care Home Ltd 17/00865/ROC
Site Address : Inham Nook Methodist Church Pearson Avenue Chilwell NG9 4GQ
Proposal : **Variation of condition 2 (the development shall be carried out in accordance with the approved plans) of planning reference: 15/00714/FUL (Construct 70 bed care home) to provide five additional bedrooms, one additional car parking space and enable alterations to external elevations**
Decision : **Conditional Permission**

Applicant : Mr Matt Marinelli Hofton & Sons Ltd 18/00025/FUL
Site Address : 46A Blenheim Drive Chilwell Nottinghamshire NG9 5ES
Proposal : **Subdivide flat to create two flats including window alterations**
Decision : **Conditional Permission**

Applicant : Mrs E Ortloff 18/00091/PNH
Site Address : 4 Longleat Crescent Chilwell Nottinghamshire NG9 5EU
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.48 metres, with a maximum height of 2.8 metres, and an eaves height of 2.58 metres**
Decision : **Prior Approval Not Required**

EASTWOOD HALL WARD

Applicant : Mrs Debra Wigman Hall Park Academy 17/00810/FUL
Site Address : Hall Park Academy Hall Park Drive Eastwood Nottinghamshire NG16 3ED
Proposal : **Retain existing steel container and portacabin**
Decision : **Conditional Permission**

Applicant : Mr Neil Lawson 18/00067/PNH
Site Address : 83 Greenhills Road Eastwood Nottinghamshire NG16 3FT
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.0 metres, with a maximum height of 3.40 metres, and an eaves height of 2.25 metres**
Decision : **Prior Approval Not Required**

EASTWOOD HILLTOP WARD

Applicant : Mr M Everard 18/00057/FUL
Site Address : 185 Chewton Street Eastwood Nottinghamshire NG16 3JR
Proposal : **Construct first floor side extension**
Decision : **Conditional Permission**

Applicant : Mr B Sabzevari 18/00093/ADV
Site Address : 230 Nottingham Road Eastwood Nottinghamshire NG16 3GR
Proposal : **Erect illuminated fascia sign**
Decision : **Conditional Permission**

GREASLEY WARD

Applicant : R Turnbull 18/00037/ROC
Site Address : 176 Moorgreen Newthorpe Nottinghamshire NG16 2FE
Proposal : **Variation of condition 1 (approved plans) and condition 2 (permitted development removal for extensions/enlargements) of planning ref: 17/00245/REM to enable the construction of two rear dormer windows**
Decision : **Withdrawn**

Applicant : Mr Gary Gallant 18/00039/FUL
Site Address : 139 Main Street Newthorpe Nottinghamshire NG16 2DH
Proposal : **Construct single storey rear extension and replace garage**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Anthony Wheatley 18/00065/FUL
Site Address : 30 Main Street Newthorpe Nottinghamshire NG16 2ET
Proposal : **Construct single storey side extension**
Decision : **Conditional Permission**

Applicant : Mr J Whittle 18/00083/PNH
Site Address : 148 Moorgreen Newthorpe Nottinghamshire NG16 2FE
Proposal : **Construct single storey rear extension. extending beyond the rear wall of the original dwelling by 2.6 metres, with a maximum height of 2.8 metres, and an eaves height of 2.8 metres**
Decision : **Withdrawn**

Applicant : Mr Richard Hunter 18/00164/FUL
Site Address : 39 Valley Drive Newthorpe Nottinghamshire NG16 2DT
Proposal : **Construct two storey side extension**
Decision : **Withdrawn**

KIMBERLEY WARD

Applicant : Mr Jason Hayden JH Motors 17/00832/ADV
Site Address : Unit 1 Block 4 Artic Way Kimberley Nottingham NG16 2HS
Proposal : **Display non illuminated sign**
Decision : **Conditional Permission**

Applicant : Mr Daniel Shaw Brickcraft Developments LTD 17/00839/FUL
Site Address : Kimberley West Cottage 21 Station Road Kimberley Nottinghamshire NG16 2NR
Proposal : **Construct single storey rear and side extension to dwelling approved under planning reference 13/00505/FUL**
Decision : **Conditional Permission**

Applicant : Mr Shaw Brickcraft Developments Ltd 17/00841/FUL
Site Address : Critchs Yard Industrial Units Brewery Street Kimberley Nottinghamshire
Proposal : **Construction of office building, extension to workshop and change of use from B8 (Storage and Distribution) to B2 (General Industrial)**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Alex Milne 17/00876/FUL
Site Address : 26 Edgwood Road Kimberley Nottingham NG16 2JR
Proposal : **Construct two storey side and single storey rear extensions**
Decision : **Conditional Permission**

NUTHALL EAST & STRELLEY WARD

Applicant : Mr D Meli 18/00107/PNH
Site Address : 34 Cedar Avenue Nuthall Nottinghamshire NG16 1AF
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.0 metres, with a maximum height of 4.0 metres, and an eaves height of 2.4 metres**
Decision : **Refusal**

STAPLEFORD NORTH WARD

Applicant : Mrs Natalie Gaunt New Wave Installations Cardtronics UK Ltd 17/00738/ADV
Site Address : 3 Pasture Road Stapleford Nottinghamshire NG9 8HR
Proposal : **Retain 3 illuminated ATM signs**
Decision : **Conditional Permission**

Applicant : Mr D White 18/00018/FUL
Site Address : 11 Crawford Avenue Stapleford Nottinghamshire NG9 8GJ
Proposal : **Construct single storey front and side extensions**
Decision : **Conditional Permission**

Applicant : Mrs M Osborne 18/00096/PNH
Site Address : 50 Moorbridge Lane Stapleford Nottinghamshire NG9 8GU
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3.6 metres, with a maximum height of 3.4 metres, and an eaves height of 2.65 metres**
Decision : **Prior Approval Not Required**

Applicant : Mrs Susan Bramley 18/00102/PNH
Site Address : 30 The Crescent Stapleford Nottinghamshire NG9 8JA
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3.24 metres, with a maximum height of 3.16 metres, and an eaves height of 2.34 metres**
Decision : **Prior Approval Not Required**

STAPLEFORD SOUTH EAST WARD

Applicant : Mrs Ann Walker 18/00004/FUL
Site Address : 2 Hemlock Avenue Stapleford Nottingham NG9 8DN
Proposal : **Construct single storey rear extension and side access ramp**

Decision : **Conditional Permission**

Applicant : Mrs Shazia Ashraf 18/00031/FUL
Site Address : 23 Nottingham Road Stapleford Nottinghamshire NG9 8AB
Proposal : **Change of use from financial and professional services (Class A2) to take away (Class A5), install new shopfront and roller shutter**
Decision : **Conditional Permission**

STAPLEFORD SOUTH WEST WARD

Applicant : Mr S Tatham 17/00853/FUL
Site Address : 31 New Eaton Road Stapleford Nottinghamshire NG9 7EF
Proposal : **Retain extension and change of use from residential garage (Class C3) to workshop (Class B1)**
Decision : **Conditional Permission**

Applicant : Mr & Mrs P Wright 18/00008/CLUP
Site Address : 45 Wellington Street Stapleford Nottinghamshire NG9 7BE
Proposal : **Certificate of lawful development to construct single storey rear extension**
Decision : **Approval - CLU**

Applicant : Mrs Jones 18/00020/FUL
Site Address : 66A Derby Road Stapleford Nottinghamshire NG9 7AB
Proposal : **Construct first floor extension to create flat over existing shop.**
Decision : **Conditional Permission**

Applicant : Mr Jagtar Johal 18/00038/FUL
Site Address : 27 Lime Grove Stapleford Nottingham NG9 7GF
Proposal : **Construct two storey and single storey rear extension. Insert first floor side window. Alterations to include lowering of ground level and construction of raised platform with balustrade.**
Decision : **Conditional Permission**

TOTON & CHILWELL MEADOWS WARD

Applicant : Mr & Mrs S Atkinson 18/00011/ROC
Site Address : 9 Gowan Close Chilwell Nottinghamshire NG9 6NS
Proposal : **Variation of condition 3 of planning ref: 92/00651/REM (the garages shall be kept available for the accommodation of private vehicles...) to allow for the conversion of the garage to living accommodation**
Decision : **Conditional Permission**

Applicant : Ms Sarah Cannell 18/00028/FUL
Site Address : 8 Blackrod Close Toton Nottinghamshire NG9 6GQ
Proposal : **Construct single storey side extension**
Decision : **Conditional Permission**

Applicant : Mr Alan Heys 18/00041/FUL
Site Address : 44 Mountbatten Way Chilwell Nottinghamshire NG9 6NG
Proposal : **Construct single storey rear extension and garage extension**
Decision : **Conditional Permission**

Applicant : Mr Steven Marriott 18/00042/FUL
Site Address : 11 Edale Rise Toton Nottinghamshire NG9 6JJ
Proposal : **Convert detached garage to create annexe**
Decision : **Conditional Permission**

Applicant : Mr N Windler 18/00056/FUL
Site Address : 9 Whitburn Road Toton Nottinghamshire NG9 6HP
Proposal : **Construct two storey side and single storey rear extensions and front canopy**
Decision : **Conditional Permission**

WATNALL & NUTHALL WEST WARD

Applicant : Mr & Mrs Adrian Morgan 18/00043/FUL
Site Address : 77 Kimberley Road Nuthall Nottinghamshire NG16 1DD
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr R Bunhejee 18/00082/PNH
Site Address : 29 Little Holland Gardens Nuthall Nottinghamshire NG16 1AY
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3 metres with a maximum height of 3.5 metres, and an eaves height of 2.8 metres**
Decision : **Prior Approval Not Required**
