



15 May 2018

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 23 May 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 - 20

The Committee is asked to confirm as a correct record the minutes of the meeting held on 18 April 2018.

4. NOTIFICATION OF LOBBYING

5. DEVELOPMENT CONTROL

- 5.1 15/00010/FUL PAGES 21 - 70
Construct 67 No. dwellings (revised scheme –
92/00730/FUL)
Land off Acorn Avenue, Giltbrook, Nottingham, NG16 2UF
- 5.2 17/00866/FUL PAGES 71 - 87
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
- 5.3 17/00873/FUL PAGES 88 - 100
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
- 5.4 18/00089/REG3 PAGES 101 - 106
Retain 10 satellite dishes and 1 aerial
Hopkins Court, Scargill Walk, Eastwood,
NG16 3AZ
- 5.5 17/00802/ADV PAGES 107 - 112
Retain 10 flagpoles
Evans Halshaw, Nottingham Road, Attenborough,
NG9 6DQ

6. INFORMATION ITEMS

6.1 Appeal Statistics

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

- 6.2 Delegated Decisions PAGES 113 - 120

PLANNING COMMITTEE

18 APRIL 2018

Present: Councillor M Handley, Chair

Councillors:	D Bagshaw	R D MacRae
	L A Ball BEM	G Marshall
	J S Briggs	P J Owen
	M Brown	R S Robinson
	T P Brindley	P D Simpson
	R I Jackson	M Radulovic MBE

Apologies for absence were received from Councillors J K Marsters and J W McGrath.

62. **DECLARATIONS OF INTEREST**

Councillor L A Ball BEM declared a pecuniary interest in agenda item 6.1 due to her employment and would withdraw from the meeting during debate and voting on that item in the interests of transparency, minute number 60.1 refers.

Councillor R D MacRae declared a non-pecuniary interest in agenda items 6.8 minute number 60.8 refers, 6.9 minute number 60.9 refers and 6.12 minute number 60.12 refers as he had attended a number of public meetings on these matters.

Councillor M Radulovic MBE declared a non-pecuniary interest in agenda item 6.11 as he had been in discussion with the applicant, minute number 60.11 refers.

63. **MINUTES**

The minutes of the meeting held on 21 March 2018 were confirmed and signed.

64. **NOTIFICATION OF LOBBYING**

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

65. TREE PRESEVATION ORDERS

65.1 Tree Preservation Order: Temple View Estate, Nuthall, 1968

An application had been received to fell two Beech trees located at 3 Ayscough Avenue, Nuthall, which were protected by the TPO Temple View Estate 1968. The trees had been found, on inspection, to be healthy.

Mr Stuart Clarke (the applicant) and Councillor J M Owen (Ward Member) addressed the Committee prior to the general debate.

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

- The trees were causing a loss of light to the garden of 3 Ayscough Avenue.
- Some substantial branches had fallen from the trees during storms and there was concern that these could damage houses in the vicinity.
- The main road (B600) at the rear of the property was busy and could be blocked if the tree should fall or lose further branches.
- There was concern about felling healthy trees.

RESOLVED to allow the felling of the two Beech trees at 3 Ayscough Avenue.

Reason

The trees are considered to be overbearing given the scale of the garden of 3 Ayscough Avenue. It is also considered that the trees represent a danger to the surrounding properties and traffic on the main road at the rear of the property.

60. DEVELOPMENT CONTROL

60.1 15/00010/FUL

Construct 67 no. dwellings (revised scheme – 92/00730/FUL)
Land off Acorn Avenue, Giltbrook, Nottingham, NG16 2UF

The application had been brought back to Committee as following the resolution to grant planning permission subject to a section 106 agreement at 11 November 2015 meeting, the applicant had proposed to amend the scheme, largely to make some amendments to the layout and to include 14 new house types, rather than the 12 originally proposed. The monies from the section 106 agreement were intended to fund flood alleviation measures.

There were no late items in respect of the application.

Mr Anthony Worrall, objecting, addressed the Committee prior to the general debate.

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

- It was noted that the resolution was subject to the section 106 agreement and that the conditions in place required extensive details of the flood mitigation plan, which would be for the whole local area. The section 106 monies were to fund a full study by Nottinghamshire County Council to inform the measures that would be required of the developer.
- There was reluctance to support the amendments to the site whilst the details of the flood mitigation plan were not in the public domain.
- There was concern that the developers did not own some parts of the site on which they proposed to build flood attenuation features.

RESOLVED that the scheme as amended should not be passed pending a further report to be taken to Committee detailing progress on the flood mitigation strategy for the site and wider area.

Reason

The Committee was concerned that the flood attenuation features proposed by the developer were not appropriate. A further report is to be taken to Committee detailing progress on the flood mitigation strategy for the site and wider area.

(Councillor L A Ball BEM, having declared a pecuniary interest, left the meeting before debate or voting.)

60.2 17/00854/FUL

Construct manège

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

The application sought permission to construct a horse exercise manège on the field to the north of Holly Farm Bungalow. Members had deferred making a decision of the application from meeting of the Committee on 21 March 2018 due to concerns regarding the Right of Way running through the site. Councillor M Handley had requested that the application be considered by Planning Committee.

The Committee was referred to the summary of late items which noted that the item had been misnumbered on the agenda. There were no public speakers.

It was noted that Nottinghamshire County Council, who were responsible for Rights of Way, had confirmed that the public footpath running through the site would not be affected by the proposed manège. Consideration was also

given to the fact that there was space for the footpath to be diverted if required.

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

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the Proposed Block & Site Plans (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.**

60.3 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

The application, which sought permission to erect a 39 bedroom hotel next to the Old Moor Lodge public house, had been called in by Councillor P J Owen.

The Committee was asked to refer to the late items submitted in respect of the item, including comments from the agent and concerns from residents.

Ms Tina Morhouse (on behalf of the applicant) and Mrs Meena Sahdev (objecting) addressed the Committee prior to the general debate.

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

- Planning permission had previously been granted for a 44 bedroom hotel, but this had lapsed.
- There would be a tree screen for privacy and the hotel would be 60 metres from neighbouring properties.
- It was noted that the scheme reduced the number of car parking spaces and this was a major source of concern to the Committee as the adjoining public house was already popular and the car park was often full. There

was concern that if the hotel was full, 39 additional cars would not be accommodated within the proposed car park.

- The hotel would be aimed at drivers looking to break their journey with a short stay in the area. It was noted that this could cause extra traffic.
- Some members considered that the development would be out of keeping with the residential nature of the estate, though others felt that it offered a convenient stopping place, near to the motorway.
- Concern that there would be an increase in crime associated with the hotel was discussed and the example of a similar development in Phoenix Park was cited.

It was proposed by Councillor R I Jackson and seconded by Councillor P Owen that the consideration of the item be deferred to allow for a more detailed consideration of parking levels. On being put to the meeting the motion was carried.

RESOLVED that consideration of the application be deferred.

Reason

Discussion needs to be had with applicant and highways to enable members to fully understand current parking levels, proposed parking levels and whether there will in turn be sufficient parking. The specific concern appeared to be regarding provision at peak times (early evening).

60.4 18/00081/ADV

Retain 4 internally illuminated signes (A,B,C and D) and 4 externally illuminated signs (E, F, G and H)

Old Moor Lodge, Mornington Crescent, Nuthall, NG16 1QE

The application, sought advertisement consent to erect replacement signage on and within the grounds of the existing public house as part of an extensive refurbishment. The item had been called in by Councillor P J Owen for consideration by Planning Committee.

There were no late items.

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

The debate centred on the following issues:

- The signage was excessive, particularly when compared with other similar business in the locality.
- There was an impact on residents of Mornington Crescent who were being disturbed by the lights of the signage at night.

It was proposed by Councillor P J Owen and seconded by Councillor R I Jackson that an amendment to the recommendation be made that no signs

facing on to Mornington Crescent should be illuminated. On being put to the meeting the amendment was carried.

RESOLVED 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).
3. Notwithstanding the drawings hereby permitted, the signs identified as 'B', 'C', and 'F' on the Block Plan (1:500) and detailed on the East/ West Elevation Details (1:100) and North/ South Elevation Details (1:100) shall be non-illuminated signs and shall remain as such for the lifetime of the development.

Reasons

1. For the avoidance of doubt.
2. In the interests of amenity and public safety.
3. To protect the amenity of nearby neighbours in accordance with Policy 10 of the Aligned Core Strategy (2014).

Note to Applicant

The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by seeking amended plans, to address the issues identified on the officers site visit.

60.5 17/00386/ADV
Display signage
The Old Rock, 1 – 3 Nottingham Road, Stapleford, NG9 8AB

The application was considered by 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 representation to be made to Stapleford Town Council.

There were no late items. Mr Baxter (objecting) and Mr Mohammed (on behalf of the applicant) addressed members prior to the general debate.

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

- Stapleford Town Council objected to the application as they consider the design and size of the proposed signage out of keeping with the local area.
- There was concern that advertising space could be for other businesses and it was clarified that it should pertain specifically to events and services provided at the public house.

RESOLVED 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.

- 60.6 18/00173/FUL
Install memorial stone
Land west of recreation ground, Canal Side, Beeston, NG9 1LZ

The application sought permission to install a memorial stone as a tribute to Owen Jenkins, who had been drowned attempting to rescue friends who had come into difficulties in the River Trent. The memorial would be situated on the grass embankment adjacent to Beeston Weir.

There were no late items and no public speakers.

Members debated the item and it was noted that this was a fitting tribute to Owen Jenkins and the strong show of community spirit that had surrounded his death.

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

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

Note 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..

60.7 17/00761/FUL
Construct dwelling
5 Dormy Close, Bramcote, Nottinghamshire, NG9 3DE

The application, which sought permission to construct a two/three storey dwelling with integral garage, had originally been brought before the Planning Committee on 14 February 2018 and a decision had been deferred due to concerns regarding the proposed size of the building.

The Committee was referred to the summary of late items which included objections from the resident at Manor Court House suggesting that Japanese Knotweed was present on the site leading to a suggestion that a condition be added to the final recommendation.

There were no public speakers on the item.

The application was debated and it was noted that the numerous small reductions in size to the proposed building would make a significant collective impact on neighbour amenity.

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 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.**
- 3. No development shall take place until a site survey of Japanese knotweed has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the survey shall be made available to the local planning authority. A report specifying the measures to be taken to eradicate Japanese Knotweed from the site, and a timetable for its eradication, shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved 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 prevent damage to the dwelling that is to be constructed and prevent the spread of the plant through development works to neighbouring properties, in accordance with the aims of the NPPF.

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/>

60.8 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, NG9 7AB

The application sought permission to retain the use of a ground floor vacant retail unit previously used as a carpet shop and convert the first and second floors in to six residential flats. Councillor J W McGrath had requested that this application be determined by the Committee.

Members were asked to consider the late items which included a statement from Councillor J W McGrath, comments from Stapleford Town Council, representation from Environmental Health and an email from the applicant.

Ms Allison Renshaw (objecting) and Councillor R H Darby (Ward Member) addressed members prior to the general debate.

The item was debated with particular reference to the following:

- There was concern about the lack of car parking facilities and the Committee queried whether a residents parking scheme could be introduced in William Road to alleviate any issues that would arise from an increased number of cars in the area. It was noted that car parking

schemes came under the remit of Nottinghamshire County Council. It was also noted that there was a Broxtowe Borough Council car park in the vicinity where residents would be able to park for free after 5pm.

- The dormer windows were noted to be relatively well screened, facing the Farm Foods building.

It was proposed by Councillor P J Owen and seconded by Councillor R I Jackson that the consideration of the item deferred to allow further consideration of parking. On being put to the meeting the motion was carried.

RESOLVED that the item be deferred.

Reason

To investigate whether parking permits could be issued in the Council car park or a regulation be put in place which would not allow occupants of flats to park on William Street.

60.9 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

An application had been received to convert a vehicle workshop into a dance studio, including external alterations. Councillor R D MacRae had requested that this application be determined by Planning Committee.

There were no late items. The applicant, Mr Robert Aldred, addressed the Committee prior to the general debate.

The application was debated and the following principle points were made:

- The dance studio was to provide private dance lessons by appointment, not classes. The target audience was to be couples entering ballroom dancing competitions. Concerns about the application had been based on a misunderstanding that a conventional dance school with group classes was proposed and a condition to exclude this use was discussed.
- Condition 3 stated that no music audible at the site boundary, mitigating any impact on neighbouring homes and businesses.

It was proposed by Councillor R I Jackson and seconded by Councillor R D MacRae that an amendment be made in the form of a condition, the exact wording of which to be delegated to the Chair, Leader of the Council and the Head of Neighbourhoods and Prosperity, to restrict dance school use to current business model, not a 'standard' dance school. On being put the meeting the amendment was carried.

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 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.
6. Notwithstanding the provisions of schedule 2 part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order alter or retract modification), this permission shall relate solely to the use of these premises for a dance studio operated in accordance with section 3 of the Planning Statement dated February 2018 and not for any other type of dance studio or use falling within Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

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.

6. To minimise the potential for parking congestion that could be created by vehicles associated with attendance at dance classes for large numbers of pupils, in the interests of highways safety and in accordance with the aims of Policy T11 of the Local Plan (2004) and Policy 17 of the Draft Part Two Local Plan (2017).

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. 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.

60.10 18/00121/REG3

Install external wall insulation

1, 3, 7, 11 and 12 Ash Tree Square, 1 and 4 Henson Square, Bramcote, Nottinghamshire

The proposal was to install external insulation on seven Council owned properties with the Bramcote Conservation Area. The application was brought before the Committee as it was a Council application.

Members were asked to consider the late items for this application which included a note on misnumbering on the agenda and comments from a neighbouring property, where there were concerns about noise.

There were no public speakers.

The debate focussed on the impact on neighbours and there was a request that adjoining properties be offered the opportunity to have their property clad at the same time at their own expense. It was agreed that these comments would be passed on to the Housing Department and contractors.

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 '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.

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

6.11 18/00133/FUL

Retain secure bicycle locker and bin store area
73 Main Street, Kimberley, Nottinghamshire, NG16 2NG

The application proposed to retain a secure bicycle locker and bin store that is located the front of 73 Main Street, Kimberley. Councillor R S Robinson had requested that his application be determined by Planning Committee.

Members were invited to consider the late items which included an email for the applicants agent, an email from the occupier of 77 Main Street and an email from Councillor R S Robinson.

Mr Trevor Court (on behalf of the applicant) and Mr Michael McPhee (objecting) addressed the Committee prior to the general debate.

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

- The appearance of the construction was discussed and there was disagreement about whether or not the appearance was acceptable. There was also debate about the quality of the build.
- The securing of personal property should be encouraged.

RESOLVED 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)

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 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/>

(Councillor M Radulovic MBE, having declared a non-pecuniary interest, left the meeting before debate or voting thereon.)

60.12 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

The application asks for permission to remove condition 10 of planning reference 16/00107/FUL. Planning permission was granted in November 2016 to construct 48 retirement living apartments and condition 10 stated that the pedestrian crossing should be constructed before the apartments were occupied. The section 106 monies to fund the construction of the crossing had been received and discussions were on-going with Nottinghamshire County Council regarding the specific siting of the crossing.

Members were asked to refer to the late items which included the correction of an incorrect reference number, an email from a resident asking that condition 10 be varied rather than removed and several comments on the location of the crossing.

Mr Paul Dennan (objecting) and Councillor R D McRae (Ward Member) addressed members prior to the general debate.

The application was debated with the following points made:

- Nottinghamshire County Council as the Highways Authority would need to approve the location of the crossing. The process of determining the correct place for the crossing would take time.
- It was felt to be unfair to hold back occupation of the flats when the developer had paid the section 106 monies in good faith.

RESOLVED 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

(Councillor R D MacRae, having spoken as ward member with a specific view as to where the crossing should go, left the meeting before debate or voting thereon.)

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 Appeal Decisions

61.2.1 17/00338/FUL

9 St Patricks Road, Nuthall, Nottingham, NG16 1ED

The Committee noted the Planning Inspector's decision to allow the applicant's appeal in respect of the above application.

61.2.2 17/00029/FUL

Land to the rear of 53 Kimberley Road, Nuthall, Nottingham, NG16 1DA

The Committee noted the Planning Inspector's decision to dismiss the applicant's appeal in respect of the above application.

61.2.3 17/00594/FUL

Land adjacent 5 Leamington Drive, Chilwell

The Committee noted the Planning Inspector's decision to dismiss the applicant's appeal in respect of the above decision.

61.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 24 February and 23 March 2018.

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 is a major application and has been brought back to Committee following the undertaking made by the Head of Neighbourhoods and Prosperity to update members on the progress made on flooding matters since the resolution to grant planning permission subject to a Section 106 Agreement at 11 November 2015 meeting.

1.0 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. Planning permission was granted in 1993 for 107 houses and garages (reference 92/00730/FUL) to be constructed on the site and this permission was implemented soon after 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 got the Building Regulations approval required to build all the properties and as such could build the remaining 63 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 4 dwellings and consists predominantly of detached four and five bedroom properties, all of which have either detached or integral garages.

2.0 Site History

2.1 Planning permission for 107 houses with garages and associated works within a section of this larger site was granted in 1993 (92/00730/FUL). 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.

2.2 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.

2.3 In November 2015 members agreed with the resolution contained within the committee report at appendix one and took the decision to grant planning permission subject to the prior completing of a Section 106 Agreement and a number of planning conditions. Condition 6 was attached to this resolution at the request of the Environment Agency to ensure that the development dealt with any additional surface water run off created by the development and did not add to any existing issues in the area. A similar condition was not imposed on the extant permission dating back to 1993 and described at paragraph 1.1

2.4 Discussions regarding the Section 106 Agreement to ensure that sufficient land is secured to undertake any flood alleviation measures, together with the sum of £100,000 have been on-going between the Lead Local Flood Authority, the applicant and the Council. It is believed that these discussions are close to a conclusion and in anticipation of starting on site the applicant submitted some amended plans. These showed some relatively minor alterations to the layout of the development and changes to plot types and were reported to Committee on 18 April 2018.

3.0 Flood Issues

3.1 Since the resolution to grant planning permission in 2015 the Lead Local Flood Authority have been involved in commissioning work to show the feasibility of several different options of flood alleviation measures. These works involved hydrological and hydraulic modelling.

3.2 The Lead Local Flood Authority (LLFA) shared this work with Broxtowe officers in summer 2017. The study undertaken by JBA consulting contained a hydrological analysis, hydraulic modelling, four flood mitigation options, cost estimations and an economic analysis.

3.3 The four mitigation options included:

- Daylighting the Daisy brook culvert from Portland Road to Thistle Close;
- Partial daylighting of the culvert from Portland Road to Tyrian Street;
- Raised kerbs along Thorn Drive and Rolleston Drive; or
- Partial daylighting of the Daisy brook and a swale near the substation on Thorn Drive.

At this point it was understood that further works had to be undertaken to fully understand the cost-benefit analysis of each option, together with further investigations of the existing drainage system before making any decision on the final design.

3.4 The LLFA in conjunction with Severn Trent Water (STW) concluded that the most effective way of progressing with the detailed feasibility was to allow STW to act as the lead and carry out these works utilising their in house expertise. This arrangement was formalised late 2017 and STW continue to progress with the

feasibility with flow monitoring planned for June 2018. This is a critical part of understanding how the various elements of the flood mechanisms influence one another and in pursuing a mitigation proposal. Completion of detailed feasibility will allow options to reduce the level of flood risk to be considered further.

3.5 The LLFA have been involved in the Section 106 Agreement to ensure that sufficient land would be secured to undertake any remediation work required. As part of their responsibilities as a LLFA a Section 19 report was taken to their Committee. Section 19 of the Flood and Water Management Act (2010) requires the appropriate authority to:

- (1) On becoming aware of a flood in its area, a lead local flood authority must, to the extent that it considers it necessary or appropriate, investigate—
 - (a) which risk management authorities have relevant flood risk management functions, and
 - (b) whether each of those risk management authorities has exercised, or is proposing to exercise, those functions in response to the flood.
- (2) Where an authority carries out an investigation under subsection (1) it must—
 - (a) publish the results of its investigation, and
 - (b) notify any relevant risk management authorities

3.6 A copy of this report is attached at appendix 3.

3.7 The developers have not yet been issued with a decision due to the on-going work surrounding the Section 106 Agreement, however in preparation they have been in discussions with Severn Trent Water and designed the sewers for the scheme in accordance with Severn Trent Waters' requirements. They are currently awaiting technical approval of these.

4.0 Current situation and options

4.1 The application submitted in 2015 remains undetermined and to avoid any appeal by the applicant on the grounds of non-determination a decision needs to be issued.

4.2 There are three options available to the Committee;

- Resolve to grant planning permission in accordance with the recommendation taken by Committee in November 2015.
- Resolve to grant planning permission in accordance with the recommendation to Committee on 18 April 2018 which is largely the same as that of November 2015, save for some minor revisions to the layout and house types.
- Resolve to refuse planning permission.

4.3 The difficulty with refusing the application is four-fold;

- Members of this committee have previously resolved to grant planning permission. There have been no material changes to the relevant policies in this case and there have been no changes to the site circumstances which may explain this change of position.
- There are no objections to the development from the Lead Local Flood Authority or Environment Agency, subject to the use of conditions as contained within the

recommendation of both previous reports to Committee. They are of the view that subject to an appropriate scheme to deal with any surface water run-off from the site, the development will not add to the existing flooding problems in the area.

- Without the grant of planning permission there would be no requirement for the applicant to pay £100,000 towards the alleviation of flooding problems in the area. It is not clear where this shortfall in funds would come from. In addition the council does not own the land which has been suggested to be safeguarded for the flood alleviation measures, this is owned by the developer. This land would only be secured by the Council by means of a Section 106 Agreement should permission be granted.
- There are no planning reasons to prevent the applicant implementing the remaining 63 dwellings approved in 1993. This permission does not include the equivalent condition 6 regarding the requirements for drainage and does not include a requirement to contribute £100,000 to alleviate flood problems in the area.

It may therefore appear to any Inspector at appeal that the Council has behaved unreasonably if permission is refused.

5.0 Conclusions

5.1 There have been no material changes to the site, or policies since the resolution to grant planning permission was taken by members of the committee in November 2015. The Lead Local Flood Authority, Local Planning Authority and developers have been in discussions surrounding the Section 106 Agreement and this document, it is understood, is close to being agreed by all parties. In addition since members took this decision in November 2015 initial feasibility works have been undertaken by consultants on behalf of the Lead Local Flood Authority to inform the design of possible flood alleviation measures in the wider area. Should permission be granted the developer will pay £100,000 towards these measures.

5.2 The amendments reported to committee on the 18 April 2018 being layout and minor design changes which had no implications for any flooding issues within the wider area or for the site itself. It is acknowledged that the concern of members focussed on flooding issues which this report is intended to address. As there have been no material changes to the site circumstance or relevant policies affecting the development since 2015, officers request that members consider the proposal and make a resolution to approve the development in line with the recommendation to committee in April 2018. This will secure a position of betterment on flood mitigation grounds when compared to the applicants fall-back position of implementing the 63 houses already with the benefit of planning permission.

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 1 – Planning Committee report dated 11 November 2015

Appendix 2 – Planning Committee report dated 18 April 2018

Appendix 3 – Nottinghamshire County Council Communities and Place Committee report dated 8 February 2018

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 refusible 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.

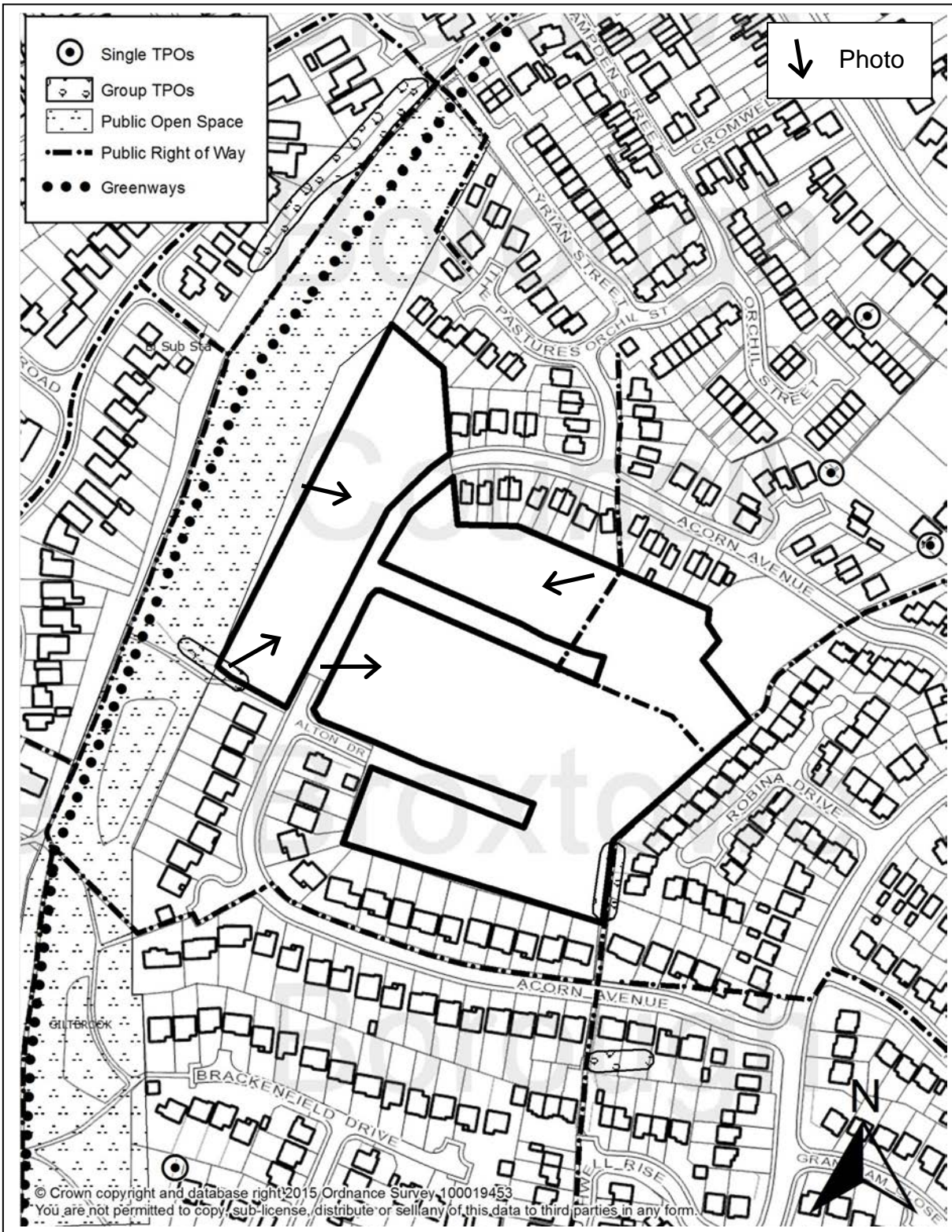
The applicant should be aware that any intrusive activities and any subsequent treatment require the prior written permission of the Coal Authority. Failure to obtain permission will potentially result in court action. The Coal Authority can be contacted on 0845 762 6848 and further information is provided 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

**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.
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- 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.
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 - (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.
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Background papers

Application case file

Appendix - Planning Committee report dated 11 November 2015

08 February 2018

Agenda Item:

REPORT OF CORPORATE DIRECTOR, PLACE

SECTION 19 REPORT – FLOODING IN NEWTHORPE – JULY 2013

Purpose of the Report

1. This report sets out the County Council's duties as the Lead Local Flood Authority to report on flooding incidents under Section 19 of the Flood and Water Management Act 2010 and to present its report in relation to the flooding in Newthorpe on 23 July 2013

Information

2. Following the severe flooding in many parts of the country during the summer of 2007, the Government commissioned an independent review (the 'Pitt Review') which in 2008 recommended that local authorities should lead on the management of local flood risk, working in partnership with other organisations. Two key pieces of legislation have brought this forward; the Flood Risk Regulations 2009 which transpose the EU Floods Directive into UK Law and the Flood and Water Management Act 2010 (FWMA).
3. The Council is a Lead Local Flood Authority (LLFA) and has powers and statutory duties to manage and co-ordinate local flood risk management activities. The County Council **does** this by working together with other organisations including the Environment Agency, who manage flooding from generally larger rivers known as Main Rivers, such as the River Trent; Internal Drainage Boards managing low lying areas; District, Borough, Parish and Town Councils; and infrastructure/ utility providers, such as Severn Trent Water and the Highways Agency. Partnership work is overseen by Strategic Flood Risk Management Board, jointly chaired by Nottinghamshire County Council (NCC) and Nottingham City Council (NCiC) and attended by all Risk Management Authorities (RMAs).
4. Section 19 of the FWMA gives NCC, as LLFA, the following duties:
 1. On becoming aware of a flood in its area, a LLFA must, to the extent that it considers it necessary or appropriate, investigate:
 - (a) which RMAs have relevant flood risk management functions, and
 - (b) whether each of those RMAs has exercised, or is proposing to exercise, those functions in response to the flood.
 2. Where an authority carries out the above investigation it must—
 - (a) publish the results of its investigation, and

(b) notify any relevant RMAs.

5. It should be noted that the purpose of a Section 19 Report is to outline what happened during a flooding incident and whether the relevant RMAs have exercised or will exercise their responsibilities but it does not identify specific measures to prevent future flooding. It is up to the LLFA if it wishes to then carry out further investigation into possible flood prevention and protection measures that could be implemented.
6. At Transport and Highways Committee on 31 October 2013 it was approved that Section 19 Reports should be undertaken where the County Council is aware that five or more properties in a locality have been affected by internal flooding (over the threshold [doorstep level] of the property).
7. As a result of the flooding in Newthorpe on the 23 July 2013 the LLFA carried out investigations and a feasibility study and is now able to present its Section 19 Report as contained in Appendix A.
8. The report identifies that the flooding experienced was as a result of two main mechanisms, one being from the front of the properties, the other from the rear. Each mechanism has its own characteristics but is made up of three main sources:
 1. Surface water runoff
 2. Sewer pipe surcharge
 3. Highway runoff
9. It also identifies that all relevant RMAs carried, and continue to carry, out their respective duties.
10. The report concludes that there are three main sources of flooding. These sources interact so flooding to the properties in Newthorpe is complex. Further work is needed to verify the sources of flooding and the mechanisms as part of the feasibility, options appraisal and design. It is proposed that this next stage is led by Severn Trent Water Ltd. (STW) supported by the County Council (NCC). This will allow us to understand the various sources and mechanisms of the flooding and facilitate the development of an integrated flood risk reduction scheme which considers all the issues. STW are to address the issues associated with their assets and flood risk duties; whilst also identifying any deficiencies associated with NCC's flood risk responsibilities. This partnership approach also helps to avoid duplication of efforts, disruption to the residents and supports clarity of responsibilities in taking the project forward. This conclusion is supported by STW and a project has been promoted in STW's investment plan. This project will however be subject to investment rules, cost benefit analysis and the outcomes of the feasibility work.

Other Options Considered

11. The County Council's role as LLFA is restricted to oversight of the actions of RMAs. County Council officers could, however, take a more active role in exploring solutions to the problems caused by the public sewers but this is thought to result in duplication of efforts and to not be cost-effective given that that STW are already aware of the issue and are looking towards a solution. In light of this, it is considered that STW's specialist knowledge and planning investment to address the issue represents the swiftest and most cost effective method for identifying (and then implementing) a solution.

Reason/s for Recommendation/s

12. The recommendations are designed to ensure the most effective route towards identification of a cost effective flood mitigation proposal is followed.

Statutory and Policy Implications

13. The County Council has a number of new statutory duties and powers under the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009 including preparation of Section 19 Reports.

14. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

15. The costs of the Section 19 report will be contained within existing budgets.

Implications for Sustainability and the Environment

16. It is anticipated that the recommendations will ultimately result in delivery of a sustainable project that reduces flood risk to 20 properties whilst also reducing the negative impacts the flooding has on the environment.

RECOMMENDATION/S

That the Committee approves the report for publishing and resolves that officers:

- 1) Continue to work with Severn Trent Water as they progress the joint investigations to verify all sources and mechanisms of flooding in this location in order to facilitate the delivery of a holistic flood alleviation scheme;
- 2) Bring a further report back to committee should any difficulties or significant delays with implementation of a suitable solution become apparent.
- 3) The Committee ratify the findings of the Section 19 report.

Adrian Smith
Corporate Director, Place

For any enquiries about this report please contact:
Gary Wood – Group Manager 0115 9774270
Sue Jaques – Flood Risk Manager 0115 9774368

Constitutional Comments [SJE 14/12/2017]

17. This decision falls within the Terms of Reference of the Communities & Place Committee to whom responsibility for the exercise of the Authority's functions relating to flood risk management scrutiny has been delegated.

Financial Comments [RWK 14/12/2107]

18. The financial implications are set out in the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- 'None'

Electoral Division(s) and Member(s) Affected

- Greasley and Brinsley – Cllr John Handley

Appendix A.**Newthorpe Section 19 Report****Introduction**

Section 19 of the Flood and Water Management Act 2010 states:

- (1) On becoming aware of a flood in its area, a lead local flood authority must, to the extent that it considers it necessary or appropriate, investigate:
 - (a) which risk management authorities (RMAs) have relevant flood risk management functions, and
 - (b) whether each of those risk management authorities has exercised, or is proposing to exercise, those functions in response to the flood.
- (2) Where an authority carries out an investigation under subsection (1) it must—
 - (a) publish the results of its investigation, and
 - (b) notify any relevant risk management authorities.

The objective of this report is to investigate which RMAs had relevant flood risk management functions during the flooding in July 2013 and whether the relevant RMAs have exercised, or propose to exercise, their risk management functions (as per section 19(1) of the Flood and Water Management Act 2010).

It should be noted that this duty to investigate does not guarantee that flooding problems will be resolved and cannot force others into action.

Background

On the afternoon of the 23rd July 2013 parts of Nottinghamshire were subjected to intense rainfall. The Met Office at Watnall recorded 35.6mm of rain in a 25 minute period up to 16.28hrs with the rainfall event having a return period of 1:74 years (1.33% AEP). As a result of this, parts of the county including Newthorpe experienced major flooding with some 600 properties as well as roads and carparks affected across the county.

The Met Office issued an Amber Warning at 1503hrs on the 23rd July highlighting that there was a possibility of up to 60mm of rain fall within a 3 hour period. Whilst the warning was issued the short period between its release and the rainfall did not allow any of the RMAs to fully instigate any pre-planned responses. As a result much of the activity by the Agencies was reactive rather than pro-active but given the short time span between warning and event this is understandable. It should be noted that no criticism is made of the Met Office. The weather conditions on the day were both very unusual in nature as well as quickly developing making forecasting difficult.

Summary of flooding

Twenty properties were affected by the flooding and these are shown on Plan 1.



Plan 1 – Properties affected by the flooding.

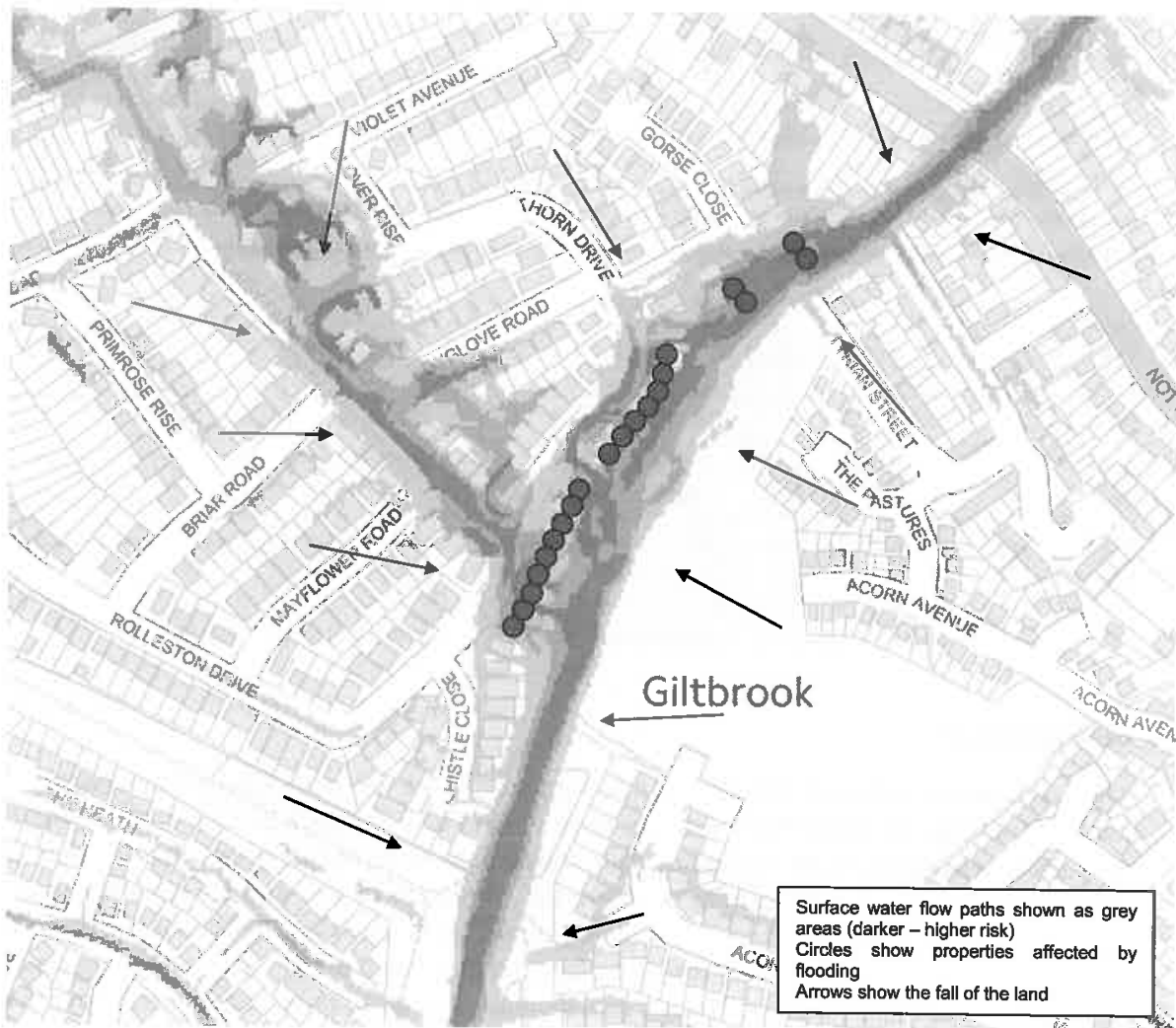
As part of the work carried out by the Authority it secured £250k of Local Levy towards a flood mitigation scheme and drew down £50k of this allocation for feasibility works. This work supported the information and recommendations contained within this report.

The flooding experienced comes from two main mechanisms, one being from the front of the properties, the other from the rear. Each mechanism has its own characteristics but is made up of three main sources:

1. Surface Water Runoff.
2. Sewer pipe surcharge.
3. Highway runoff.

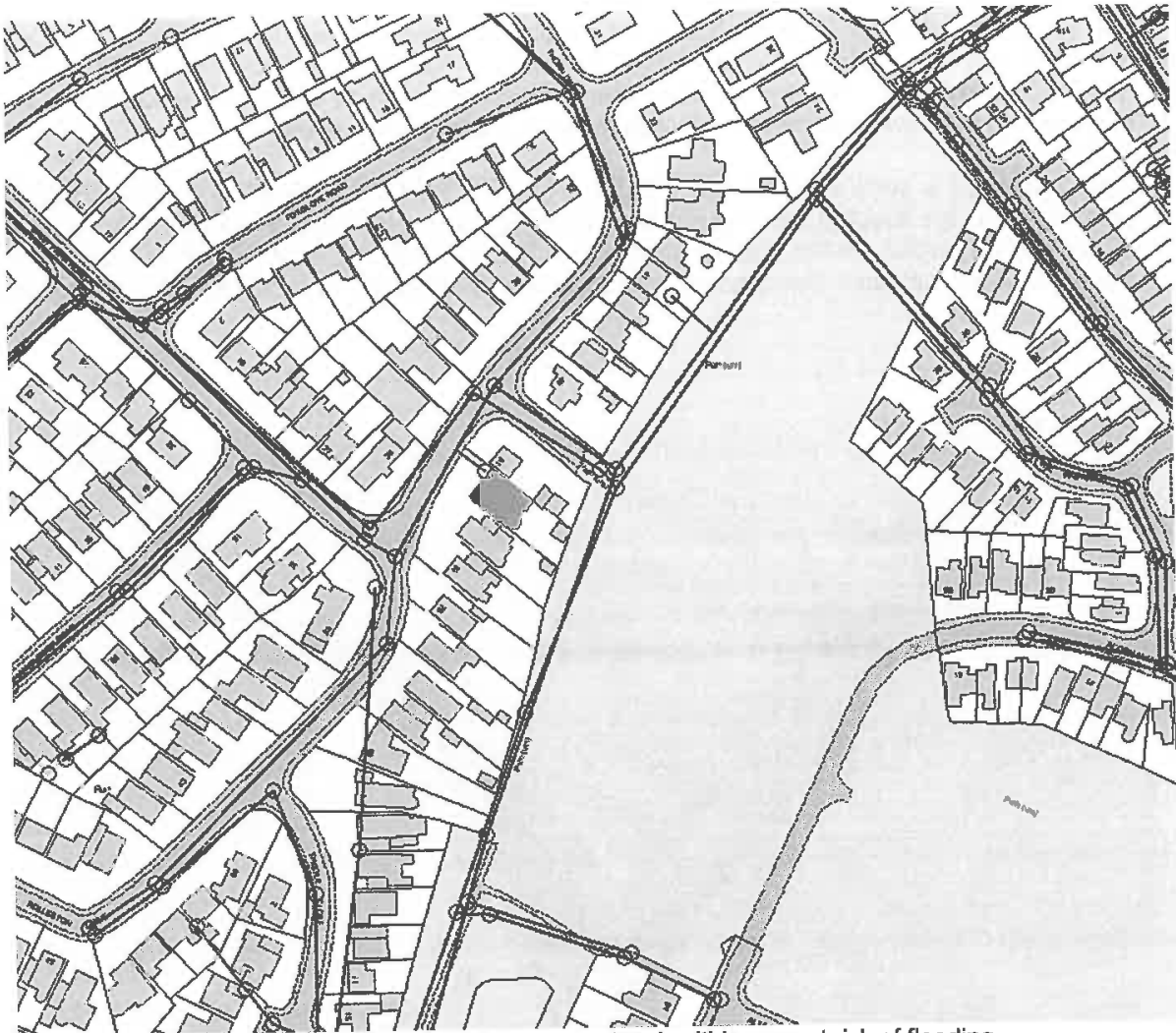
The properties affected sit at the bottom of a valley and are adjacent to the natural flow path of the old Daisy Brook (currently identified as a public surface water sewer on STW's record maps). During the flooding the surface water assets in the vicinity of the properties were unable to cope with the flows and this contributed to the flooding of properties.

Plan 2 shows the surface water flow paths (taken from the EA's surface water flood maps) that contributed to the flooding with the red dots showing the approximate positions of the properties affected. The arrows on the plan show the direction in which the land falls. This clearly shows the relationship between the affected properties and the natural surface water flow paths in the area.



Plan 2 – surface water flow paths and the affected properties

Plan 3 shows the location of public sewers within the area affected. It shows some correlation with natural flow paths and contours as would be expected.



Plan 3 – Location of public sewer network within area at risk of flooding

Generic factors

The impermeable nature of the ground following a dry spell will always be a contributory factor but it should also be noted that there has been a trend over the past decade or so for the front gardens of properties to be converted from gardens to hard standing for cars which in itself adds to the overall level of surface water runoff. Evidence of this can be seen in the areas upstream of the flooded properties. Recent changes in planning legislation now requires planning permission be sought by residents for any future such action unless they are installing permeable surfacing. In addition historic development is likely to have contributed to the overall level of surface water runoff as well as interfering with the natural flow routes.

Summary of causes of the flood

Under normal weather and rainfall conditions, i.e. those that do not exceed the various drainage design standards, the majority of the overall surface water drainage system in Newthorpe has the capacity to cope, ensuring water is drained without causing flooding. However the extreme events of the 23rd July 2013 led to surface water runoff that was far in excess of what the systems have been designed to cope with. It is evident from investigating the flood that there is no single cause in terms of a failure of the established drainage systems other than those of a natural and uncontrollable nature namely the amount of rainfall and topography of the catchment.

Key issues for noting.

The investigations identified a number of issues that should be noted as part of this report. These issues are included to help with the context and complexity of the investigation and support the conclusions. The following three points should be read in conjunction with Plan 4. below.

1. Issues with the Daisy Brook / Surface Water Sewer led to it being moved and culverted by Broxtowe Borough Council in the late 1980s. Originally the Daisy Brook was an open watercourse at the bottom of residents' gardens as shown on Image 1 below. Its relocation moved the line of the pipe uphill into a culvert below ground, away from its natural flow route and the properties. This culvert is now shown as a public surface water sewer.

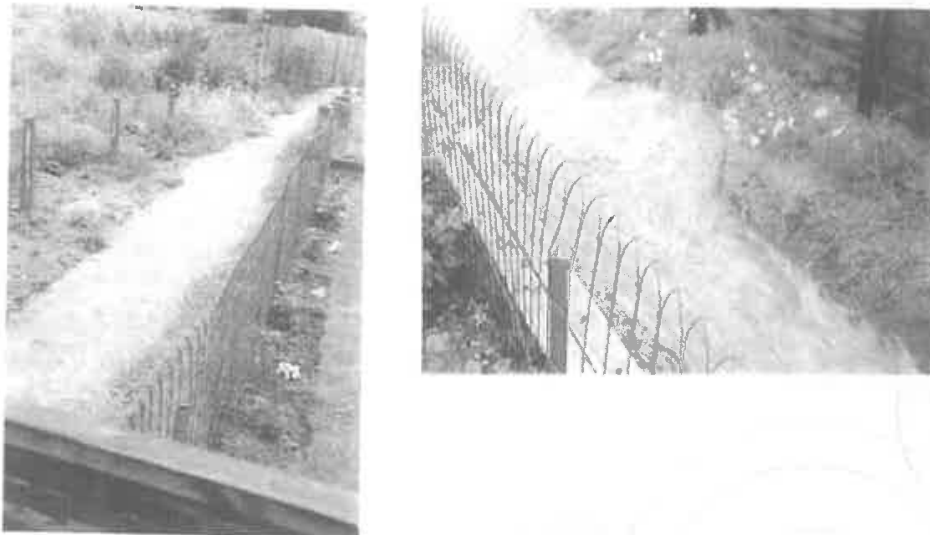
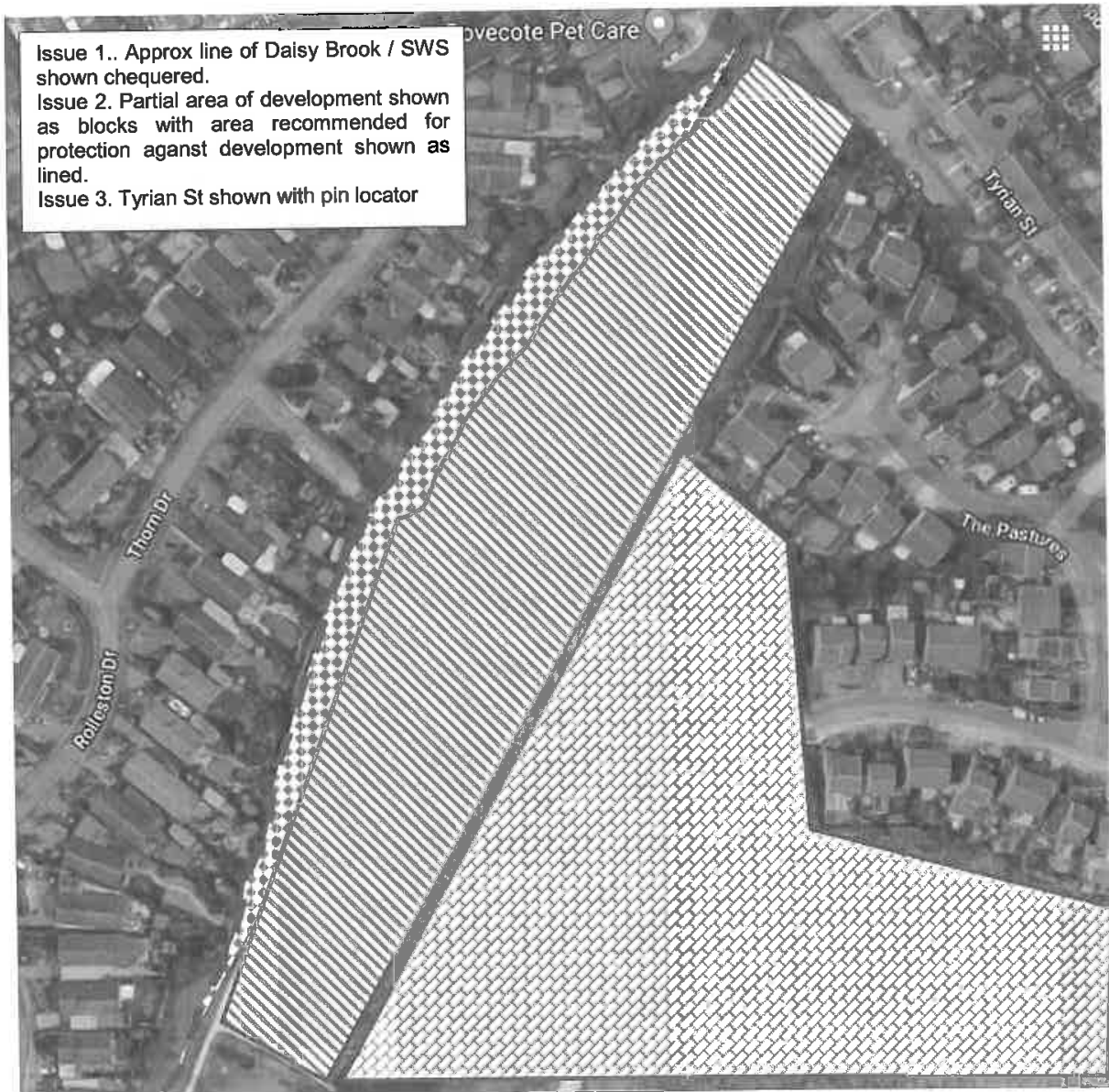


Image 1 – former route of Daisy Brook at rear of properties on Thorn Drive

2. The investigations have been further extended by residents' concerns over proposed development adjacent to the area of flooding. During the investigations NCC secured (currently in principle and subject to final signing of a S106 agreement) a contribution of £100k from the developer towards a flood mitigation scheme. We also supported the proposal to protect an area of land immediately adjacent to the flooded area and rear

gardens of the affected properties from future development. The management of these issues sits with Broxtowe Borough Council as Local Planning Authority and we have worked with them throughout our investigations.

3. The effectiveness of the surface water drainage on a recent development (Tyrian Street) has been called into question. The gradient of this road will allow surface water to run off quickly and a detailed representation of the surface water drainage will be included in any future hydraulic modelling to ensure a robust understanding of flood mechanisms.



Plan 4. Key Issues location plan

Risk Management Authorities and their responsibilities

1. Nottinghamshire County Council

a. Lead Local Flood Authority

- i. Investigate significant local flooding incidents and publish the results of such investigations.
- ii. Play a lead role in emergency planning and recovery after a flood event.
- iii. If a flood happens, all local authorities are 'category one responders' under the Civil Contingencies Act. This means they must have plans in place to respond to emergencies and control or reduce the impact of an emergency. LLFAs also have a new duty to determine which risk management authorities have relevant powers to investigate flood incidents to help understand how they happened, and whether those authorities have or intend to exercise their powers.
- iv. By working in partnership with communities, LLFAs can raise awareness of flood risks.
- v. LLFAs should encourage local communities to participate in local flood risk management.

b. Highway Authority

- i. Maintenance of the public highways.

2. Severn Trent Water Ltd.

a. Maintenance of the public sewerage system

Risk Management Authority Responses to Flood

The following lists the actions taken by each RMA in response to the flooding both in the immediate aftermath as well as in the longer term:

1. Nottinghamshire County Council

- a. Initiated and led the S19 Flood Investigation.
- b. Commissioned and funded a feasibility study into the hydraulic performance of key assets in the catchment and possible flood alleviation schemes.
- c. Secured third party funding towards flood alleviation schemes.
- d. Investigated and cleaned highway drainage assets.

2. Broxtowe Borough Council

- a. Initiated Emergency Planning procedures.

3. Severn Trent Water Ltd.

- a. Provided emergency response crews to assist in management of flooding event.
- b. Led initial investigations following the flooding event.
- c. Actively engaged in S19 Flood Investigation.
- d. Investigating hydraulic operation and standards of public sewers known to have surcharged during the event.

4. Environment Agency

- a. Actively helped secure Local Levy funding for future flood risk improvements.

The investigation concludes that all risk management authorities have, and continue to, exercise their respective functions in response to the flood.

Additional information.

The County Council, working closely with Broxtowe Borough Council, has as a result of its investigatory works secured a contribution of £100k towards a flood alleviation scheme as part of the Section 106 agreement for the development adjacent to the area of flooding. This contribution can be used by NCC or our nominee for the construction of a flood alleviation scheme.

The Authority has also secured £250k of Local Levy towards a flood mitigation scheme. As of December 2017 we have drawn down £50k of this allocation for feasibility works.

Future Actions

The following actions are proposed and have been agreed in principle with the respective parties (subject to committee approval in the case of the County Council).

1. Severn Trent Water continue to progress the joint investigations to confirm all sources and mechanisms of flooding in this location. This is to enable the development of a holistic flood alleviation scheme which addresses all sources of flooding.
2. The County Council to continue to work with STW and support them where necessary in achieving point 1. above

Working with the communities at risk and educating them on resilience measures and emergency plans will help prepare them for future events.

Further partnership working between the RMAs will also help in being prepared for any future issues, with clarity of roles and responsibilities shared amongst all parties to ensure an effective response and preparedness for future events.

Report of the Chief Executive

**17/00866/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**1 Details of the application

- 1.1 This is a major planning application and was first brought before Planning Committee on 18 April 2018 with a recommendation for approval (original report attached as an appendix). Members deferred making a decision on the application due to concerns regarding proposed parking levels.
- 1.2 The applicant has considered the issue regarding parking levels raised by the Planning Committee and to alleviate these concerns an amended site layout plan has been submitted indicating the provision of an additional 11 car parking spaces within the site, including 4 disabled spaces.

2 Re-consultations

- 2.1 Nottinghamshire County Council as the Highway Authority have been consulted on the amended site plan and confirm that they have no objections to the additional spaces of layout proposed.

3 Appraisal

- 3.1 The amended site plan shows the car park to be laid out to provide an additional 11 spaces (including 4 disabled) compared to the 89 spaces previously proposed. This results in an overall total of 100 spaces. All of the spaces are proposed to be contained within the existing car park and will not encroach into the Green Belt.
- 3.2 The Highway Authority are satisfied with the detail shown on the amended site plan and the level of parking provision serving both the proposed hotel and the existing public house.
- 3.3 Although a revised parking accumulation survey has not been submitted following the submission of the amended plan indicating the additional 11 parking spaces, the previous survey submitted did not raise any issues in respect of the provision of 89 spaces, the addition of 11 spaces is considered to represent a betterment and it is considered that any revised parking survey submitted would not raise any further issues.
- 3.4 Based on the above, it is considered that there is adequate parking provision proposed to serve both the proposed hotel and existing public house. Having consideration to the additional parking spaces proposed and the lack of any objection from the Highways Authority it is considered that there would be not be sufficient justification for a refusal of the application on highway safety or parking grounds.

4. Other Issues

- 4.1 The Lead Flood Authority has now advised that the Drainage Strategy provided with the application is satisfactory and there is no longer a requirement for the previously recommended condition.

5. Conclusion

- 5.1 Having regard to the comments made by members at the meeting on 18 March 2018, the applicant has attempted to address the concerns raised in respect of the proposed parking provision in reconfiguring the proposed parking layout to provide additional spaces. The overall provision of 100 spaces to serve both the hotel and the existing public house is considered sufficient to provide adequate off-street parking provision for staff and customers during the day and evening and there is no objection to the proposal from the Highways Authority. 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 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 drawing numbers: Location Plan, 4366 A001, received by the Local Planning Authority 19th December 2017, Soft Landscape Details, MR17-057/101A, and Ground Investigation Report (J17152A February 2018) received by the Local Planning Authority 20th March 2018, Proposed Elevations and Roof Plan, 4366 A102E, Proposed Floor Plans, 4366 A101B received by the Local Planning Authority 23rd March 2018 and Proposed Compound Plan, 4366 A009B, Proposed Fence Details, 4366 A055C, Proposed Site Plan, 4366 AO22J and Proposed Hard Landscaping, 4366 AO44D received by the Local Planning Authority 2nd May 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. The 1.8 metre high close boarded timber fence shown on drawing no. 4366-A005 Rev B, received by the Local Planning Authority on 5th April 2018 shall be erected in its entirety prior to development (including site clearance) commencing and shall be retained for the life of the development.
6. 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 Interest of highway safety.
4. To ensure the development does not have an adverse impact upon species specifically protected under the schedule of the Wildlife and Countryside Act 1981 in accordance with the aims of the NPPF.
5. In the interests of visual amenity.
6. To ensure the development presents a more pleasant appearance in the locality.

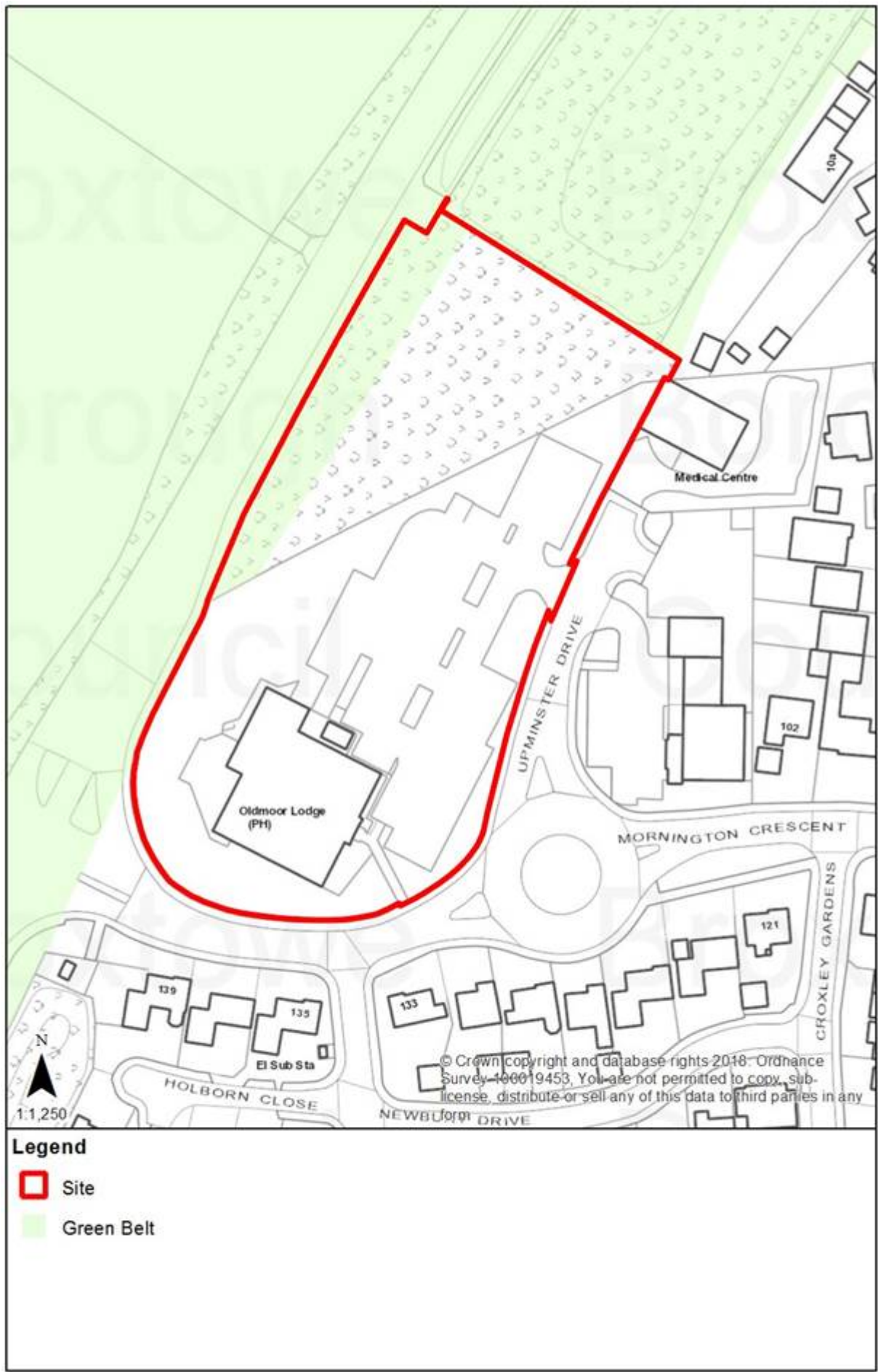
Note to applicant

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

Appendix – Planning Committee Report dated 18 April 2018



- Legend**
- Site
 - Green Belt

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

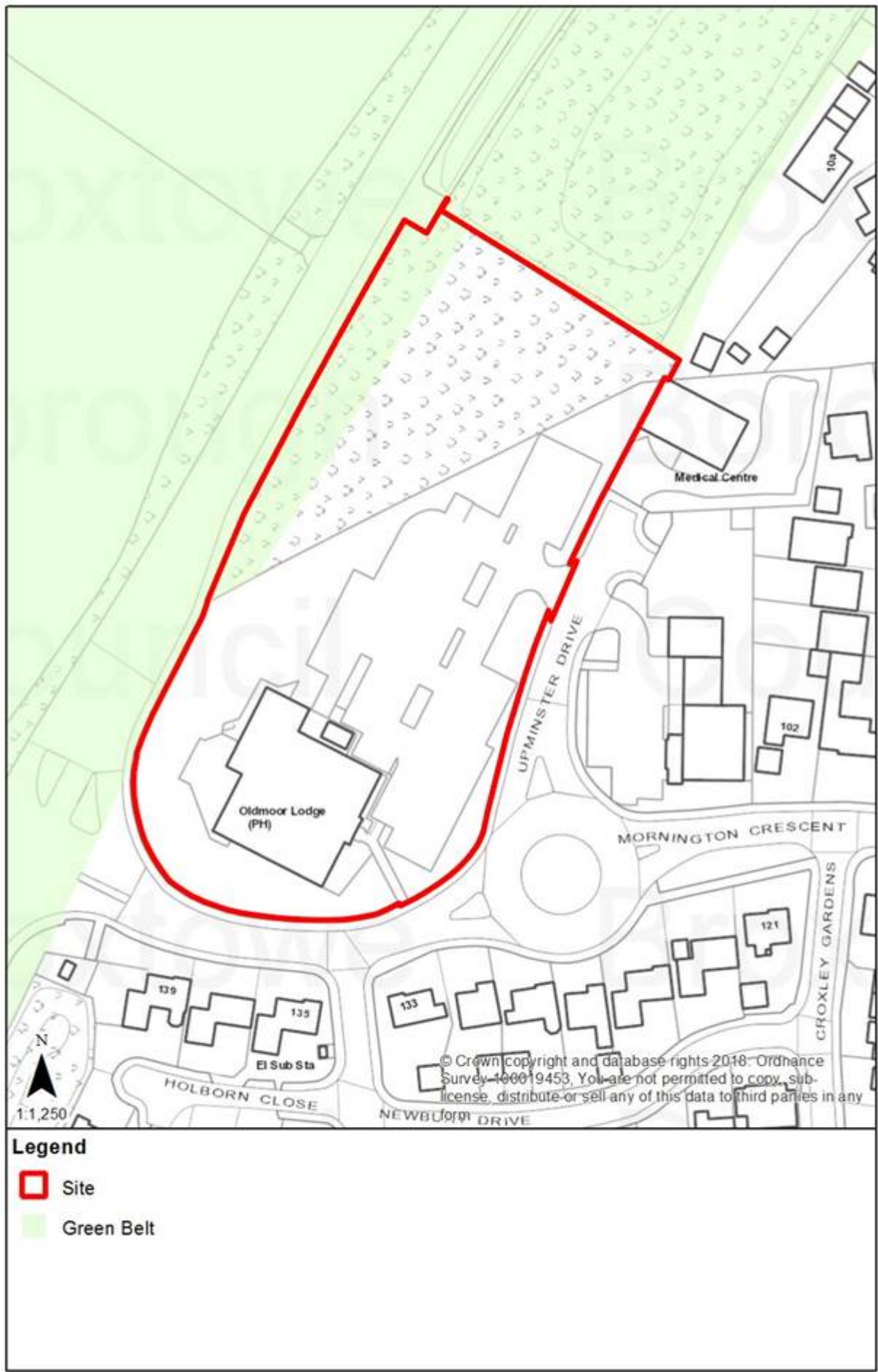
1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by seeking amended plans, to address the issues identified on the officers site visit.
2. Given the 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

**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**

1 Details of the application

- 1.1 The application was first brought before Planning Committee on 18 April 2018 with a recommendation for approval (original report attached as an appendix). Members deferred making a decision on the application due to concerns regarding parking.
- 1.2 It was requested by members for parking permits for the new occupants to be issued for the Victoria Street car park, directly opposite the site, and if the Highways Authority could put a regulation in place which would prevent occupants of the proposed flats parking on William Road.
- 1.3 A traffic survey to demonstrate the levels of parking has been submitted.
- 1.4 The Victoria Street car park is free of charge for one hour and charges are applied after that. The car park is free of charge from 4:00pm - 8:00am Monday to Friday, 12:00pm onwards on Saturday and all day on Sunday.

2 Consultations

- 2.1 Stapleford Town Council raise no objection but have reservations regarding the positioning of the dormer windows and parking issues on William Road, particularly in the evening.
- 2.2 The Senior Environmental Health Officer advised that they are in agreement with the principle of the noise report submitted (12455.01.v1). However, it only made reference to traffic noise and not the air handling and refrigeration units to the rear of Farmfoods. An amended report was submitted that dealt with this matter and no objections were received in relation to the information provided.

3. Assessment of amended proposals

3.1 Nottinghamshire County Council as Highways Authority have stated that permits would be automatically given to residents of the proposed flats due to their positioning on the corner of William Road. No restrictions could be put in place to prevent permits being issued or to prevent parking from these residents on William Road.

3.2 The Parking and CCTV/ Security Manager has advised that the Victoria Street car park is a short stay public shoppers car park. Residential parking permits have not been issued in town centre car parks due to the demand for high turnover to maintain and improve town centre trade and vitality. Therefore, granting permits in public car parks would compromise this and have a detrimental effect on businesses and trading.

4. Parking

4.1 The survey concludes that, at the times recorded, William Road had no less than 21 spaces available, Albert Avenue had no less than 14 spaces available, Victoria Street car park had no less than 17 spaces available and Victoria Street had no less than 7 spaces available. The report indicates that there is sufficient parking provision within the local area that can accommodate the vehicles generated by this development. Officers have carried out their own survey of parking provision and this supports the results of the submitted parking survey. The survey carried out by the officer concluded that, at 12:00pm on a Friday, William Road had 30 spaces available, Albert Avenue had 16 spaces available, Victoria Street car park had 24 spaces available and Victoria Street had 10 spaces available.

4.2 The parking survey, coupled with the comments from the Highways Authority, and the fact the site is located within a town centre location, means it is not considered justifiable to refuse this application based on a lack of parking provision within the locality, as the proposed development would not lead to a detrimental impact on highway safety. As such, the recommendation for approval remains the same.

5. Conclusion

5.1 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. Parking restrictions are a matter dealt with by the Highways Authority and adequate parking is available within the vicinity. 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).

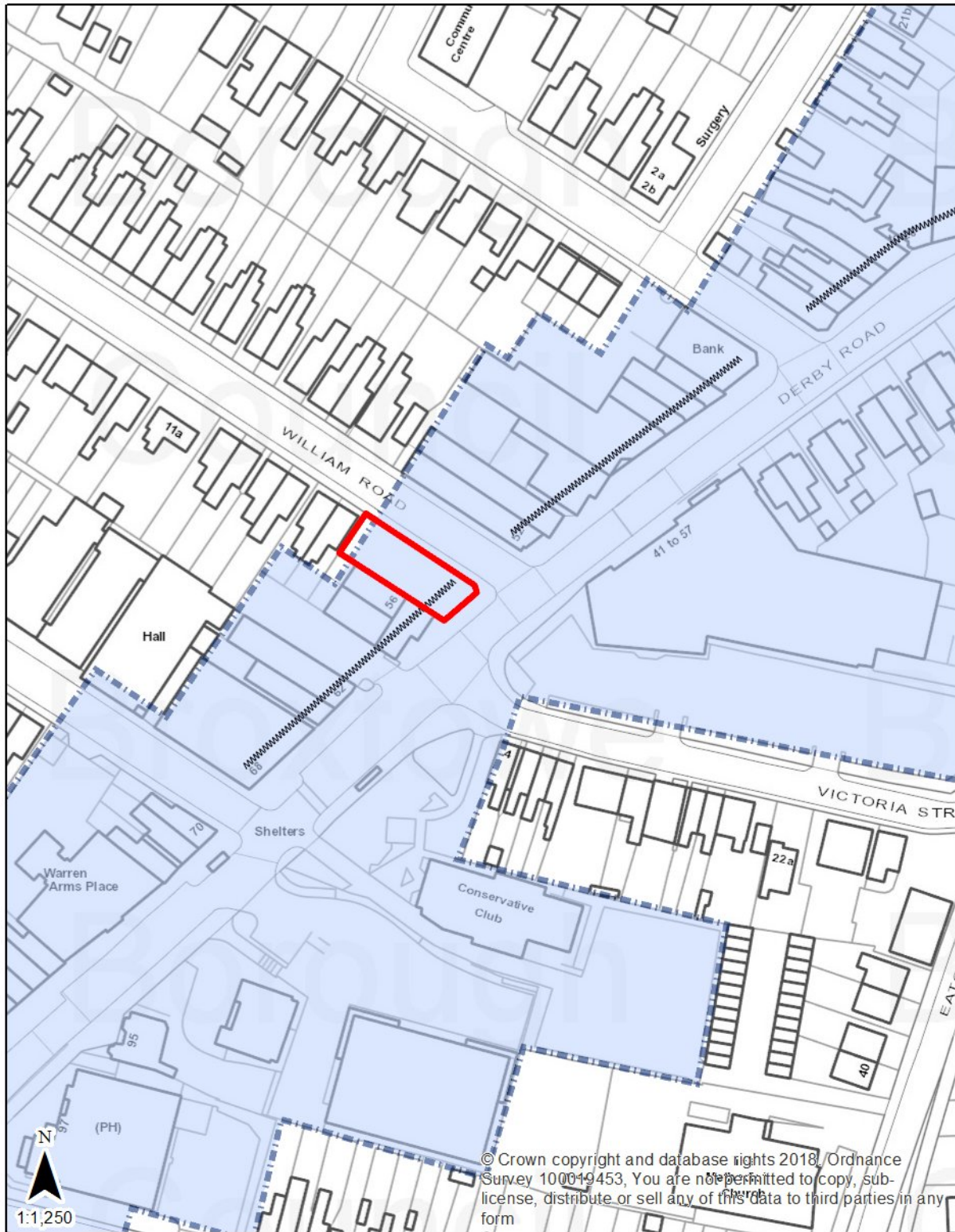
Note to applicant:

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

Appendix – Planning Committee report dated 18 April 2018



Legend



Site



Prime shopping frontages



Town centre

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.

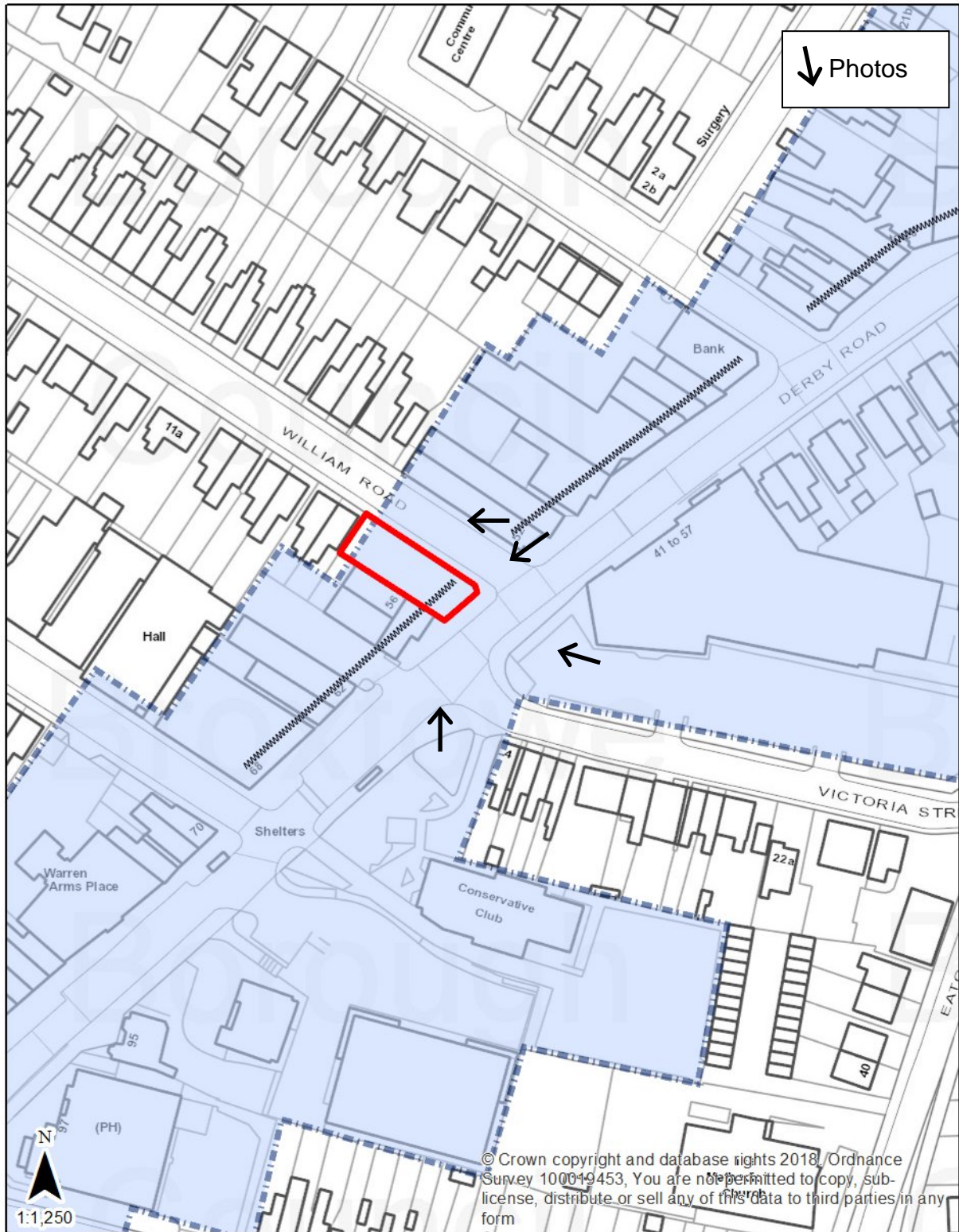
Reasons

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



Legend

 Site

 Prime shopping frontages

 Town centre

Report of the Chief Executive

**18/00089/REG3
 RETAIN 10 SATELLITE DISHES AND 1 AERIAL
 HOPKINS COURT, SCARGILL WALK, EASTWOOD, NG16 3AZ**

This application must be determined by Planning Committee as it is a Broxtowe Borough Council Application.

1 Details of the application

1.1 The application proposes to retain ten satellite dishes and one aerial that have been erected on the three buildings that make up Hopkins Court. The eleven dishes are all positioned on the south facing elevation of each of the three blocks. There are three dishes on the north block, six dishes and an aerial on the central block and one dish on the south block. The ten round dishes are 0.45m in diameter and are positioned at varying heights on the three blocks, with the highest being 5.202m above ground level on the north block. The aerial is a traditional aerial design and is 9.168m above ground level at its highest point.

2 Site and surroundings



North Block taken from east boundary.



Central Block taken from east boundary.



Central Block



South Block taken from south boundary.



Satellite dishes on Charlotte Court to the west of the site.



Satellite dishes on the south facing elevations on properties on Princes Street to the north of the site.



- 2.1 Hopkins Court is a Sheltered Housing development consisting of three blocks, referred to by the applicant as the North Block, Central Block and South Block. Each block has a linear form and is set over a maximum of two storeys with self-contained flats within them.
- 2.2 The site is positioned on a hill with a relatively steep gradient sloping down to the north. The site is bordered on the west side adjoining Victoria Street by a combination of 0.6m – 1m high brick walls and 1.2m high metal railings. The north side of the site is bordered by 1.8m high timber fences, and the east boundary adjoining Albert Street is made up largely of 1.8m high fences with 1.6m high metal railings to the south end of the site. The southern boundary, adjoining the public car park is made up of a 1.8m high timber fence.
- 2.3 The application site is set within the Eastwood Conservation Area with the North and Central Block being identified as having a neutral contribution and the South Block having a negative contribution, within the Conservation Area appraisal.

2.4 The site is positioned within Eastwood town centre and is surrounded by a mix of uses including residential to the north and east, a car park to the south and the D H Lawrence Museum and associated buildings to the west.

3 Relevant planning history

3.1 There is no relevant planning history to this 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.

4.2 **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' states that development should be assessed in relation to its massing, scale, materials, design and impact on the amenity of nearby residents or occupiers.

4.2.4 Policy 11: The Historic Environment states that proposals will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.

4.3 **Saved Policies of the Broxtowe Local Plan**

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 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 **Part 2 Local Plan (Draft)**

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. Consultation on the draft plan occurred between 18 September and 3 November 2017. The consultation comments are currently being considered and a summary of the comments provided were reported to the

Council's Jobs and Economy Committee on 14 December 2017. 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.
- 4.4.3 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.

5 Consultations

- 5.1 44 neighbouring properties were consulted on the application. No objections have been received.
- 5.2 The Conservation Adviser has been consulted and does not raise any objections to the proposal.

6 Appraisal

6.1 Design and Visual Appearance

- 6.1.2 The satellite dishes and aerial are largely visible from the public realm, particularly those on the Central Block and North Block which are visible from Victoria Street and Albert Street. The dish on the South Block is not easily visible from any public vantage point due to the change in levels and 1.8m high timber fence that adjoins the south boundary of the site.
- 6.1.2 Satellite dishes feature on a number of residential properties on Victoria Street and Princes Street to the west and north of the site. There are also a number of satellite dishes visible on Charlotte's Court on the corner of Scargill Walk and Victoria Street. By virtue of the number of satellite dishes clearly visible on neighbouring properties it is considered that the presence of the dishes on the application property are not out of keeping with the character of the area and do not have a harmful impact on the street scene.
- 6.1.3 Overall it is considered that the number of satellite dishes and aerial spread over the extent of the buildings does not give a 'cluttered' appearance that would be harmful to the appearance of the original buildings.

6.2 Heritage and Conservation

- 6.2.1 Section 72 of the Listed Building and Conservation Area Act 1990 requires the Local Planning Authority when determining applications to buildings or land in the

conservation area to pay special attention to preserving or enhancing the character or appearance of that area.

- 6.2.2 The Eastwood Conservation Area Appraisal identifies Hopkins Court as having a neutral / negative contribution to the Conservation Area. Generally the dishes and aerial are relatively unobtrusive and are spread out over the extensive buildings. For these reasons and the contribution the buildings themselves make to the Conservation Area it is considered that the dishes and aerial would preserve the character of the designated area and their cumulative impact would not be significant.

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 drawing numbers CW18:014:002 (1:100); received by the Local Planning Authority on 5 April 2018.**

Reasons

- 1. 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 determining the application within the eight week determination timeframe.

Background papers
Application case file



Report of the Chief Executive

17/00802/ADV
RETAIN 10 FLAGPOLES
EVANS HALSHAW, NOTTINGHAM ROAD, ATTENBOROUGH, NG9 6DQ

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

1 Details of the Application

1.1 The application seeks permission to retain ten flagpoles. Five flagpoles are displayed alongside, or close to, the boundary with Nottingham Road. Five flagpoles are displayed within the site. The flagpoles have a height of 4.63m. The rectangular flags displayed on the flagpoles measure 2.1m by 1m and are used to display a variety of advertisements associated with the car sales business.

1.2 During the course of the application, amended plans were submitted which reduced the number of flagpoles from fourteen to ten.

2 Site and Surroundings

2.1 The site is a car dealership which includes a car showroom, external car display areas, a vehicle repair and servicing garage and a wash and valet bay. There are two vehicular entrances into the site, one from Ranson Road and one from Nottingham Road. There is low level planting alongside the boundary with Nottingham Road.

2.2 To the north of the site, beyond Ranson Road, lies a residential area. To the north west of the site, there is a manufacturing business. Beyond the west boundary of the site, lies a supermarket. To the south, beyond Nottingham Road, there are various businesses including a car garage and an accountancy office. To the east, there is the office of a construction company.



3 Relevant planning history

- 3.1 Planning permission was granted to construct a car showroom and vehicle servicing facilities on the site in 1999 (98/00742/FUL). Condition 11 of the planning permission stated "There shall be no flags, bunting or similar display material erected on the sites without the prior written approval of the Local Planning Authority." The reason for the condition was "To ensure the development presents a more pleasant appearance in the locality".
- 3.2 There have been various applications relating to the display of advertisements and replacement fascia signs on the site. In 2007, advertisement consent was refused for ten flagpoles (07/00720/ADV) due to the cumulative effect of the proposals which would lead to a proliferation of advertisements and an unacceptable degree of visual clutter which would be detrimental to public amenity and the appearance of the area. The flagpoles were 8m in height with each flag measuring 1.8m x 0.8m. The most recent application (16/00445/ADV) related to the granting of advertisement consent for the display of three illuminated fascia signs, four illuminated signs and four non illuminated signs on the showroom and vehicle servicing buildings.

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 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 **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.

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

4.3.1 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.

4.3.2 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.

4.4 Neighbourhood Plan

4.4.1 The Chetwynd: The Toton & Chilwell Neighbourhood Forum are currently in the process of preparing a Neighbourhood Plan. The application site falls within their designated plan area.

5 Consultations

5.1 19 letters of consultation were sent to occupiers of properties either adjoining or opposite the site. In respect of the original plans, one letter stating no objection and two letters of objection were received. Following the submission of an amended plan, three letters of objection were received.

5.2 The following issues are raised within the objections:

- The flags have been displayed for some time which is contrary to condition 11 of the original planning permission (98/00742/FUL) which required the written approval of the Local Planning Authority prior to flags being erected. Compliance with the planning permission has not been taken seriously.
- The flags shown within the application do not reflect the variety of flags displayed.
- To erect more flags will make the site look like a circus and there is no need for this number of flags.
- The applicant fails to comply with the conditions of the existing planning permissions. Car parking spaces are not provided in accordance with the original planning permission resulting in staff parking on Ranson Road. Car transporters still regularly load and unload on Ranson Road. There is loud music from the car garage.

6 Appraisal

6.1 In accordance with the National Planning Policy Framework, the advertisements should only be assessed in the interests of public safety and amenity.

6.2 In respect of public safety, the flagpoles are set in from the highway boundary. The flags do not cause an obstruction to either vehicles or pedestrians, they are clearly different in form and appearance to road signs and are not illuminated.

Therefore, it is considered that they do not cause a distraction to drivers and do not cause an obstruction.

- 6.3 In respect of amenity, Nottingham Road is more commercial in character with a number of businesses to the east, south and west. To the north of Ranson Road the area is predominantly residential. Advertisement consent has been granted at AJW Motors, which lies directly to the south of the site, to display four flags (17/00641/ADV) and at NK Motors, to the south east of the site, to display twelve flags (16/00795/ADV).
- 6.4 The neighbour objections raise concerns regarding the number of flagpoles and whether there is a need for this amount. Reference must also be made to a previous refusal in 2007 for ten flagpoles on the site. During the course of the application, the number of flagpoles proposed to be retained has been reduced from fourteen to ten. The flagpoles are positioned either close to the boundary with Nottingham Road or set within the main site. No flagpoles are positioned close to either the northern or eastern boundaries with Ranson Road. As referred to above, a number of other businesses within the vicinity have similar flags displayed, with the two examples above both having received consent post 2007. Whilst ten flagpoles is a significant number, taking into consideration the large size of the site, it is considered that the flagpoles are appropriately distributed to prevent a cluttered appearance. The flagpoles are significantly smaller than those refused in 2007, with a maximum height of 4.63m compared to 8m which prevents them being overly prominent or dominant within the site. The content of the flags may vary but the size and positioning of the flags would have to stay in accordance with the submitted plans. Due to the commercial character of this section of Nottingham Road, it is considered that the flagpoles would not adversely affect the visual amenity of the area.
- 6.5 The neighbour objection letters also raise concerns regarding a breach of conditions attached to previous planning permissions. The display of flags is contrary to condition 11 of the original planning permission but the applicant is attempting to regularise this breach through this application. Issues relating to car transporters and car parking are not matters for this application which relates to advertisement consent but are planning enforcement issues which have been investigated. The complaint regarding loud music from the car garage has been referred to the Council's Environmental Health Department.

7 Conclusion

- 7.1 Overall, following the submission of an amended plan, it is considered that the flagpoles do not cause a public safety danger and are not 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 remain in accordance with the Site Location Plan received by the Local Planning Authority on 20th November 2017 and the photograph showing flagpole dimensions and the amended flagpole position drawing received by the Local Planning Authority on 10th April 2018.

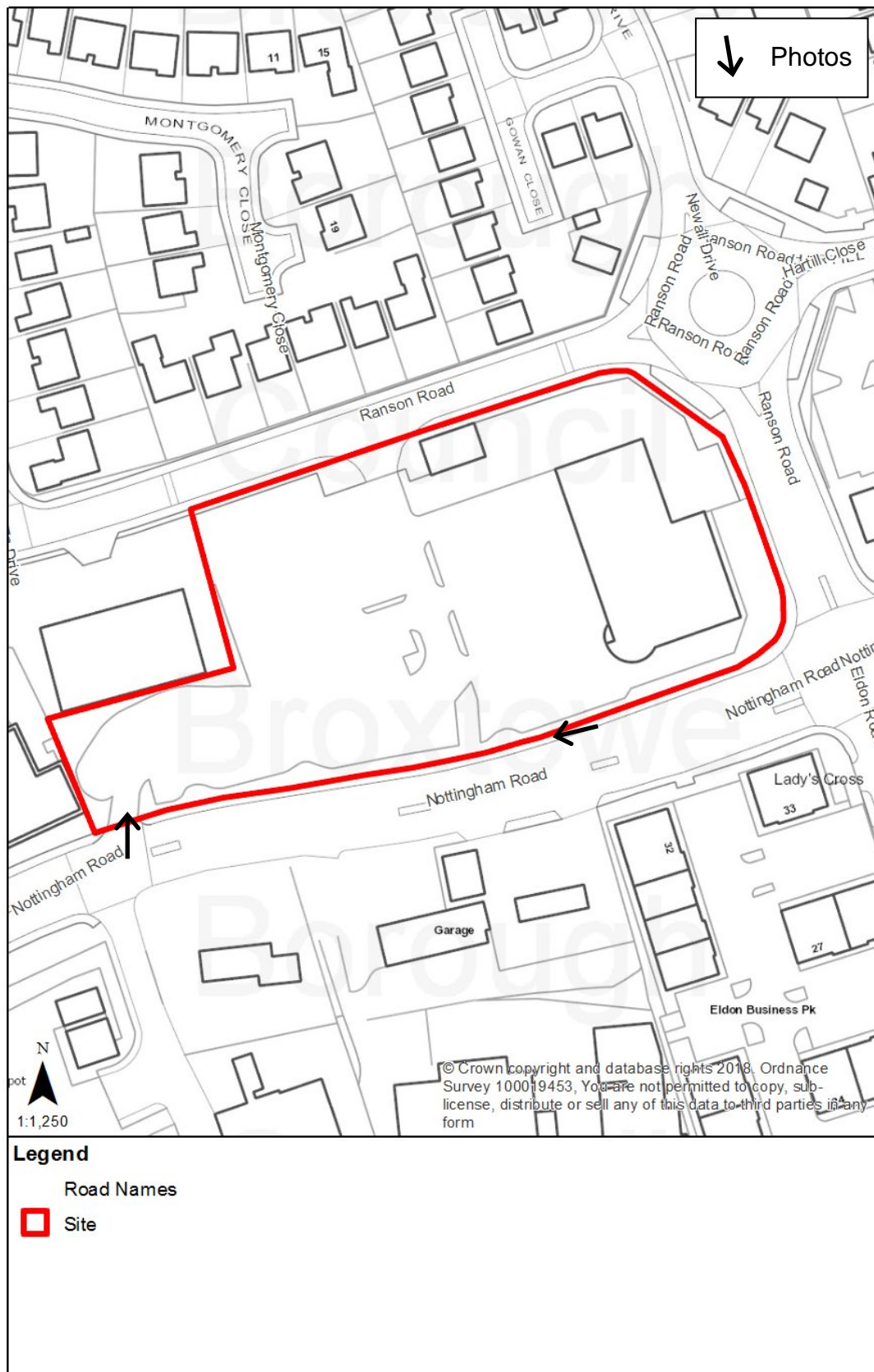
Reasons

- 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



BROXTOWE BOROUGH COUNCIL
DEVELOPMENT CONTROL – NEIGHBOURHOODS & PROSPERITY

PLANNING APPLICATIONS DEALT WITH FROM
04 MARCH 2018 TO 04 MAY 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 : Barbara Vinden-Cantrell 18/00019/FUL
Site Address : 137 Meadow Lane Chilwell Nottinghamshire NG9 5AJ
Proposal : **Construct single storey rear extension, front porch, front dormer and sloping rear roof with dormer**
Decision : **Conditional Permission**

Applicant : Mrs Shirley Jackson 18/00085/FUL
Site Address : 3 Long Lane Attenborough Nottinghamshire NG9 6BG
Proposal : **Construct single storey rear extension following demolition of conservatory**
Decision : **Conditional Permission**

Applicant : Mr & Mrs W Ray 18/00104/FUL
Site Address : 1 Barratt Close Attenborough Nottinghamshire NG9 6AE
Proposal : **Construct front dormer and extension, conservatory and lantern light**
Decision : **Conditional Permission**

Applicant : Mr Gary Broughton 18/00122/FUL
Site Address : 6 Barratt Lane Attenborough Nottinghamshire NG9 6AF
Proposal : **Install timber gates**
Decision : **Conditional Permission**

Applicant : Sarah Hart 18/00162/FUL
Site Address : Drury Almshouses 19 The Nook Chilwell Nottingham NG9 5AB
Proposal : **Construct rear extension**
Decision : **Conditional Permission**

AWSWORTH, COSSALL & TROWELL WARD

Applicant : Mrs Cara Noakes 18/00103/FUL
Site Address : 25 Tiree Close Trowell Nottinghamshire NG9 3RG
Proposal : **Raise ridge height and construct two storey side and single storey rear extensions and front bay window**
Decision : **Conditional Permission**

Applicant : Mr Steve Watson 18/00112/FUL
Site Address : Swancar Farm Country House Swancar Farm Nottingham Road Trowell Moor Trowell Nottingham NG9 3PQ
Proposal : **Site Portacabin and screening for a temporary 3 years period**
Decision : **Refusal**

Applicant : Mr Paul Singh 18/00137/FUL
Site Address : Half Moon House Bilborough Road Trowell Nottinghamshire NG8 4DR
Proposal : **Construct two storey side and rear extensions, external alterations and dormer window to side (revised scheme)**
Decision : **Conditional Permission**

Applicant : Mr A Murphy 18/00186/FUL
Site Address : 73 Tulip Road Awsworth Nottinghamshire NG16 2RS
Proposal : **Construct first floor side extension, front porch, raise roof height of existing garage and render dwelling**
Decision : **Conditional Permission**

BEESTON CENTRAL WARD

Applicant	:	Mr Eliot Saxton	17/00831/FUL
Site Address	:	15 Melrose Avenue Beeston Nottingham NG9 1HW	
Proposal	:	Construct two storey side and single storey rear extension	
Decision	:	Conditional Permission	
Applicant	:	Mr J Legge	18/00078/FUL
Site Address	:	72 Lower Road Beeston Nottinghamshire NG9 2GT	
Proposal	:	Construct two storey rear/side extension and single storey rear extension	
Decision	:	Conditional Permission	
Applicant	:	Mr I Bakaltchev Aspire Health & Care Ltd	18/00105/FUL
Site Address	:	Dovecote Lane Rehabilitation Unit 35 Dovecote Lane Beeston Nottinghamshire NG9 1HR	
Proposal	:	Construct first floor extension, external alterations to windows and doors, including insertion of new windows and render	
Decision	:	Conditional Permission	
Applicant	:	Mr J Roberts	18/00130/PNH
Site Address	:	15 Dovecote Lane Beeston Nottinghamshire NG9 1HR	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6 metres, with a maximum height of 3.3 metres, and an eaves height of 2.5 metres	
Decision	:	Prior Approval Not Required	
Applicant	:	Mrs M Din	18/00134/PNH
Site Address	:	11 Lower Road Beeston Nottinghamshire NG9 2GT	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6.0 metres, with a maximum height of 3.05 metres, and an eaves height of 2.7 metres	
Decision	:	Prior Approval Not Required	
Applicant	:	Miss E Mihaylova	18/00239/PNH
Site Address	:	13 Westward Avenue Beeston Nottinghamshire NG9 1HY	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4 metres, with a maximum height of 2.6 metres, and an eaves height of 2.6 metres	
Decision	:	Prior Approval Not Required	
BEESTON NORTH WARD			
Applicant	:	Ms Patel	18/00024/FUL
Site Address	:	63 Derby Road Beeston Nottinghamshire NG9 2TB	
Proposal	:	Construct single / two storey side and rear extensions and roof alterations including side and rear dormers	
Decision	:	Conditional Permission	
Applicant	:	Mr Shazad Ahmed	18/00075/FUL
Site Address	:	9 Clifford Avenue Beeston Nottinghamshire NG9 2QN	
Proposal	:	Construct first floor rear extension and insert first floor side window (revised scheme)	
Decision	:	Conditional Permission	
Applicant	:	Mr Richard Deakin	18/00140/FUL
Site Address	:	45 Anderson Crescent Beeston Nottinghamshire NG9 2PS	
Proposal	:	Construct two storey rear extension	
Decision	:	Conditional Permission	
Applicant	:	Mr Geoff Foreman	18/00165/FUL
Site Address	:	9 Muriel Road Beeston Nottinghamshire NG9 2HH	
Proposal	:	Construct single storey rear extension and first floor side extension	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Unwin	18/00167/PNH
Site Address	:	28 Walleth Avenue Beeston Nottinghamshire NG9 2QR	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3.5 metres, with a maximum height of 3.25 metres, and an eaves height of 2.25 metres	
Decision	:	Prior Approval Not Required	
BEESTON RYLANDS WARD			

Applicant	:	Mr N Houghton Freshcut Foods Ltd	17/00721/FUL
Site Address	:	Freshcut Foods Ltd 14-16 Lilac Grove Beeston Nottinghamshire NG9 1PF	
Proposal	:	Retain alterations to external elevations, external plant and north boundary fence	
Decision	:	Conditional Permission	
Applicant	:	Mr D Franczak	18/00052/ADV
Site Address	:	Metool Reeling Products Ltd Lilac Grove Beeston Nottinghamshire NG9 1PG	
Proposal	:	Display 3 illuminated and 1 non illuminated fascia signs	
Decision	:	Conditional Permission	
Applicant	:	Mr C Hamy	18/00203/PNH
Site Address	:	92 Meadow Road Beeston Nottinghamshire NG9 1JS	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5 metres, with a maximum height of 2.9 metres, and an eaves height of 2.9 metres	
Decision	:	Prior Approval Not Required	
BEESTON WEST WARD			
Applicant	:	Mr Thomas Hanrey Lidl	18/00053/ROC
Site Address	:	Lidl 69 Wollaton Road Beeston Nottinghamshire NG9 2NG	
Proposal	:	Variation of condition 7 of planning permission ref: 15/00756/FUL (delivery hours restricted to 08:00 - 19:00 Monday - Saturday and on bank holidays and 09:00 - 17:00 on Sundays) to enable delivery hours to be extended to 06:00 - 22:00 Monday to Saturday and 09:00 - 22:00 on Sundays	
Decision	:	Conditional Permission	
Applicant	:	Dr Gabrielle Mitchell	18/00074/FUL
Site Address	:	109 Bramcote Drive West Beeston Nottinghamshire NG9 1DU	
Proposal	:	Construct single/two storey rear extensions	
Decision	:	Conditional Permission	
Applicant	:	Mrs Lorna Gibbon	18/00087/FUL
Site Address	:	35 Cumberland Avenue Chilwell Nottinghamshire NG9 4DH	
Proposal	:	Construct pitched roof over flat roofed side extension	
Decision	:	Conditional Permission	
Applicant	:	Mr Robert Morris	18/00101/FUL
Site Address	:	16 Enfield Street Beeston Nottinghamshire NG9 1DN	
Proposal	:	Retain single storey rear extension	
Decision	:	Conditional Permission	
BRAMCOTE WARD			
Applicant	:	Mr Micheal Buck	18/00045/FUL
Site Address	:	27 Sandringham Drive Bramcote Nottinghamshire NG9 3ED	
Proposal	:	Construct single storey side extension	
Decision	:	Conditional Permission	
Applicant	:	Mr George Conrad	18/00072/FUL
Site Address	:	Beeston Fields Golf Club Old Drive Beeston Nottinghamshire	
Proposal	:	Retain two bay covered practice range	
Decision	:	Conditional Permission	
Applicant	:	Mr Mark King	18/00108/FUL
Site Address	:	17 Beeston Fields Drive Beeston Nottinghamshire NG9 3DB	
Proposal	:	Construct extension to first floor rear balcony, spiral staircase and external alterations	
Decision	:	Conditional Permission	
Applicant	:	Mr Taylor FW Taylor & Son	18/00110/AGR
Site Address	:	Southfields Farm Common Lane Bramcote Nottinghamshire NG9 3DT	
Proposal	:	Construct general purpose farm building	
Decision	:	Prior Approval Approved	

Applicant	:	Mr & Mrs Jamie & Kate Main	18/00138/FUL
Site Address	:	4 Ullswater Crescent Bramcote Nottinghamshire NG9 3BE	
Proposal	:	Retain fence	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Vikram Baicher	18/00141/FUL
Site Address	:	27A Seven Oaks Crescent Bramcote Nottingham NG9 3FW	
Proposal	:	Retain detached garden room	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Harris	18/00153/PNH
Site Address	:	7 St Michaels Square Bramcote Nottinghamshire NG9 3HG	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5.0 metres , with a maximum height of 2.9 metres, and an eaves height of 2.3 metres	
Decision	:	Prior Approval Not Required	
Applicant	:	Ms J Wilson	18/00175/FUL
Site Address	:	11A Rivergreen Crescent Bramcote Nottinghamshire NG9 3EQ	
Proposal	:	Construct single storey side extension	
Decision	:	Conditional Permission	
BRINSLEY WARD			
Applicant	:	Mr & Mrs Haslam	18/00116/FUL
Site Address	:	6 Stoney Lane Brinsley Nottinghamshire NG16 5AL	
Proposal	:	Construct additional entrance gates and wall	
Decision	:	Conditional Permission	
Applicant	:	Mr M Moriarty	18/00160/FUL
Site Address	:	8 Brynsmoor Road Brinsley Nottinghamshire NG16 5DD	
Proposal	:	Construct single storey side extension	
Decision	:	Conditional Permission	
CHILWELL WEST WARD			
Applicant	:	Ms Kayleigh Smith	18/00058/FUL
Site Address	:	17 Inham Circus Chilwell Nottinghamshire NG9 4FN	
Proposal	:	Construct single/two storey side extension and front porch	
Decision	:	Conditional Permission	
Applicant	:	Mr Ian Potter	18/00136/FUL
Site Address	:	3 Ridgewood Drive Chilwell Nottinghamshire NG9 5NW	
Proposal	:	Construct side extension	
Decision	:	Conditional Permission	
EASTWOOD HALL WARD			
Applicant	:	First Panattoni	18/00090/REM
Site Address	:	Land To The East Of The A610/Land To The West Of Eastwood Hall/North Of Mushroom Farm Mansfield Road Eastwood Nottinghamshire	
Proposal	:	Reserved matters approval for the erection of one industrial / warehouse unit (Use Class B1c, B2 and B8) with ancillary offices, plant, gatehouse, associated infrastructure including service yards, access, parking, landscaping and associated development	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Christopher Selby	18/00117/FUL
Site Address	:	5 Coach Drive Eastwood Nottingham NG16 3DR	
Proposal	:	Construct single storey side and front extensions	
Decision	:	Conditional Permission	
Applicant	:		18/00118/PNH
Site Address	:	12 Lindley Street Newthorpe Nottinghamshire NG16 3PW	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3.4 metres, with a maximum height of 3 metres, and an eaves height of 3 metres	
Decision	:	Prior Approval Not Required	

Applicant : Mr J Thornhill 18/00131/FUL
Site Address : 3 Meadow Close Eastwood Nottinghamshire NG16 3DQ
Proposal : **Construct single storey front extension**
Decision : **Conditional Permission**

Applicant : Mr Adrian Bream 18/00139/FUL
Site Address : 15 Engine Lane Newthorpe Nottinghamshire NG16 3PX
Proposal : **Construct detached house**
Decision : **Conditional Permission**

GREASLEY WARD

Applicant : Mrs Jo Roberts 18/00152/FUL
Site Address : 86 Smithurst Road Giltbrook Nottinghamshire NG16 2UP
Proposal : **Construct two storey side extension**
Decision : **Conditional Permission**

KIMBERLEY WARD

Applicant : Mr M Nelmes 18/00129/PNH
Site Address : 10 Dawver Road Kimberley Nottinghamshire NG16 2LT
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.3 metres, with a maximum height of 4 metres, and an eaves height of 2.6 metres**
Decision : **Refusal**

Applicant : Mrs Wendy Walker 18/00147/FUL
Site Address : 18 Babbington Lane Kimberley Nottinghamshire NG16 2PR
Proposal : **Construct single storey rear extension, attached garage and front porch**
Decision : **Conditional Permission**

Applicant : Mr S Smith 18/00168/REM
Site Address : Land At The Rear Of 51 Broxtowe Avenue Kimberley Nottinghamshire NG16 2HN
Proposal : **Construct dwelling (approval of reserved matters relating to planning reference 17/00766/OUT)**
Decision : **Conditional Permission**

NUTHALL EAST & STRELLEY WARD

Applicant : Mr I Din 17/00855/FUL
Site Address : 6 Oakwood Gardens Nuthall Nottinghamshire NG16 1RS
Proposal : **Construct first floor side and two storey and single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr Karl Vasey 18/00068/FUL
Site Address : 10 Temple Crescent Nuthall Nottinghamshire NG16 1BG
Proposal : **Alterations to lean-to and construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr & Mrs M Gayle 18/00086/FUL
Site Address : 39 Highfield Road Nuthall Nottinghamshire NG16 1BQ
Proposal : **Retain single storey rear / side extension**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Ward 18/00124/FUL
Site Address : 117 Harcourt Crescent Nuthall Nottinghamshire NG16 1AZ
Proposal : **Construct front porch**
Decision : **Conditional Permission**

Applicant : Mr G Wedge 18/00151/FUL
Site Address : 80 Cedarland Crescent Nuthall Nottinghamshire NG16 1AH
Proposal : **Construct two storey rear extension, single storey side extension and garage conversion to habitable accommodation**
Decision : **Conditional Permission**

STAPLEFORD NORTH WARD

Applicant	:	Mrs Preethi Shibu	18/00034/FUL
Site Address	:	143 Ilkeston Road Stapleford Nottingham NG9 8JJ	
Proposal	:	Construct single storey front extension	
Decision	:	Conditional Permission	
Applicant	:	Mr Martin, Ms Michelle Hibbert, Cargill	18/00113/FUL
Site Address	:	11 Trowell Road Stapleford Nottinghamshire NG9 8HB	
Proposal	:	Erect residential annexe	
Decision	:	Conditional Permission	
Applicant	:	Mrs D Holmes	18/00171/PNH
Site Address	:	4 Mayfield Drive Stapleford Nottinghamshire NG9 8JG	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the dwelling by 4 metres, with a maximum height of 2.996 metres, and an eaves height of 2.1 metres	
Decision	:	Prior Approval Not Required	
Applicant	:	Mrs M Osborne	18/00231/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 4.2 metres, with a maximum height of 3.6 metres, and an eaves height of 2.6 metres	
Decision	:	Prior Approval Not Required	
STAPLEFORD SOUTH EAST WARD			
Applicant	:	Mr Malc Flinn Stapleford Oaks Ltd	18/00013/FUL
Site Address	:	Land To The Rear Of 29 Toton Lane Stapleford Nottinghamshire NG9 7HB	
Proposal	:	Construct three detached dwellings, three detached garages and widening of access	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Heptinstall	18/00027/FUL
Site Address	:	192 Nottingham Road Stapleford Nottingham NG9 8BJ	
Proposal	:	Construct two storey front extension	
Decision	:	Conditional Permission	
Applicant	:	Mr D McGrath Fubar Pub Company Ltd	18/00062/P3JPA
Site Address	:	41 Nottingham Road Stapleford Nottinghamshire NG9 8AD	
Proposal	:	Prior notification under Class O - Change of use from offices (Class B1) to two apartments (Class C3)	
Decision	:	Prior Approval Not Required	
Applicant	:	Miss K Thordal	18/00145/FUL
Site Address	:	9 Hickings Lane Stapleford Nottinghamshire NG9 8PB	
Proposal	:	Construct single storey side/rear extension	
Decision	:	Conditional Permission	
Applicant	:	Miss Danielle Nicholls	18/00180/FUL
Site Address	:	51 Pinfold Lane Stapleford Nottingham NG9 8DL	
Proposal	:	Construct dropped kerb	
Decision	:	Conditional Permission	
STAPLEFORD SOUTH WEST WARD			
Applicant	:	Mr Chris Burrows Sutton Trade Paints	18/00084/FUL
Site Address	:	66 - 68 Wellington Street Stapleford Nottinghamshire	
Proposal	:	Partial retention of change of use from vocational training centre (Class D1) to mixed use storage and distribution (Class B8) and offices (Class B1)	
Decision	:	Conditional Permission	
Applicant	:	Mr S Kemp Millipede Ale House	18/00094/FUL
Site Address	:	8 Alexandra Street Stapleford Nottinghamshire NG9 7ED	
Proposal	:	Change of use from retail (Class A1) to micro pub (Class A4)	
Decision	:	Conditional Permission	

Applicant : Mr Stephen Argent 18/00095/FUL
Site Address : 146 Brookhill Street Stapleford Nottingham NG9 7GN
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

TOTON & CHILWELL MEADOWS WARD

Applicant : Mr Alex Cannell 18/00076/FUL
Site Address : 17 Whiting Avenue Toton Nottinghamshire NG9 6FD
Proposal : **Variation of condition 3 of planning permission reference 99/00418/FUL to allow the conversion of the garage to living accommodation. Construct single storey side and front extension and access ramp.**
Decision : **Conditional Permission**

Applicant : Mr Brian Williams 18/00088/FUL
Site Address : 3 Orpean Way Toton Nottinghamshire NG9 6LE
Proposal : **Construct first floor side extension**
Decision : **Conditional Permission**

Applicant : Mr Pratt 18/00135/FUL
Site Address : 4 Kirkham Drive Toton Nottinghamshire NG9 6HG
Proposal : **Construct single storey front and rear and two storey side extensions**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Jackson 18/00169/FUL
Site Address : 4 Empingham Close Toton Nottinghamshire NG9 6FJ
Proposal : **Construct single storey side and rear extensions**
Decision : **Conditional Permission**

WATNALL & NUTHALL WEST WARD

Applicant : Mr J Dye 18/00066/FUL
Site Address : 77 Philip Avenue Nuthall Nottinghamshire NG16 1EB
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : Ms N Whittall 18/00098/FUL
Site Address : 15 Trough Road Watnall Nottinghamshire NG16 1HQ
Proposal : **Construct first floor extension**
Decision : **Conditional Permission**

Applicant : Mr Richard Parker 18/00119/OUT
Site Address : 96 Nottingham Road Kimberley Nottinghamshire NG16 2NA
Proposal : **Outline application to construct dwelling with all matters reserved**
Decision : **Conditional Permission**

Applicant : Mr Stewart Thompson 18/00127/FUL
Site Address : 26 Trough Road Watnall Nottinghamshire NG16 1HQ
Proposal : **Construct side extension and boundary wall**
Decision : **Conditional Permission**
