



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Planning Committee

Date: **Wednesday 13 January 2021**

Time: **6.00 pm**

Place: **Virtual Meeting**

For any further information please contact:

Cayte Goodall

Democratic Services Officer

0115 901 3961

Planning Committee

Membership

Chair Councillor John Truscott

Vice-Chair Councillor Paul Wilkinson

Councillor Michael Adams
Councillor Peter Barnes
Councillor Chris Barnfather
Councillor David Ellis
Councillor Rachael Ellis
Councillor Andrew Ellwood
Councillor Mike Hope
Councillor Rosa Keneally
Councillor Meredith Lawrence
Councillor Barbara Miller
Councillor Marje Paling
Councillor John Parr
Councillor Alex Scroggie
Councillor Henry Wheeler

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MINUTES PLANNING COMMITTEE

Wednesday 2 December 2020

Councillor John Truscott (Chair)

In Attendance:	Councillor Paul Wilkinson	Councillor Rosa Keneally
	Councillor Michael Adams	Councillor Meredith Lawrence
	Councillor Peter Barnes	Councillor Barbara Miller
	Councillor Chris Barnfather	Councillor Marje Paling
	Councillor David Ellis	Councillor John Parr
	Councillor Rachael Ellis	Councillor Alex Scroggie
	Councillor Andrew Ellwood	Councillor Henry Wheeler
	Councillor Mike Hope	

Absent: None

Officers in Attendance: M Avery, K Cartwright, A Dubberley, S Fayaz,
C Goodall and S Pregon

63 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

None.

64 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 21 OCTOBER 2020.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

65 DECLARATION OF INTERESTS

The Chair declared a collective non-pecuniary interest on behalf of all Members in item 7 on the agenda, as Gedling Borough Council were in ownership of the land and had made the application.

Councillor Barnes declared a personal interest in item 8 on the agenda and did not participate in the discussion nor the vote.

66 APPLICATION NO. 2020/0238 - ASHDALE, NOTTINGHAM ROAD, BURTON JOYCE

Outline application for 11 new dwellings with matters of access, scale and layout to be considered as part of this application.

A written representation from Sallyanne Johnson, a local resident in objection to the application, was read by Alec Dubberley, Service Manager - Democratic Services.

The Assistant Director – Planning and Regeneration introduced the report.

RESOLVED:

To Grant Outline Planning Permission with the matter of Access, Layout and Scale approved: Subject to the owner entering into a Section 106 Agreement with the Borough Council as Local Planning Authority and with the County Council as Local Education Authority for financial contributions towards open space and education and a local labour agreement; and subject to the conditions listed for the reasons set out in the report:

Conditions

- 1 Application for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission. Details of appearance and landscaping (hereinafter called the reserved matters) for the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3 This permission shall be read in accordance with the application form and following list of approved drawings:
1508G/002 Revision H - Site Block Plan
1508G/004 Revision E - Site Block Plan - Impact Plan

The development shall thereafter be undertaken in accordance with these plans/details.
- 4 No dwelling hereby approved shall be occupied until a suitable access arrangement has been provided in accordance with the approved drawing no. 1508G/004 Revision E - Site Block plan - Impact Plan.
- 5 No dwelling shall be occupied until the roads necessary to serve that dwelling have been constructed to base level.

- 6 No dwelling shall be occupied until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 7 Prior to the commencement of development details of the existing and proposed ground levels of the site and finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 8 No dwelling shall be occupied until one or more dedicated vehicle parking spaces and/ or a garage have been provided at each dwelling with access to an electric vehicle (EV) charge point. Charge points must have a minimum power rating output of 7kW on a dedicated circuit, capable of providing a safe overnight charge to an electric vehicle. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.
- 9 Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment; all works on site shall, thereafter, be undertaken in accordance with the approved CEMP
- 10 The development shall be carried out in accordance with the submitted flood risk assessment (ref: Land at Ashdale, Nottingham Road, Burton Joyce, Gracemachin Planning and Property Ltd, Farrow Walsh Consulting, FW1907_FRA_001, V2.1, 06/04/2020) and the following mitigation measures it details: o Finished floor levels shall be set no lower than 19.82 metres above Ordnance Datum (AOD) as stated within section 7.2.1 of the FRA. The mitigation measures shall then be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- 11 No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy has been submitted to and approved in writing

by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any dwelling. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide 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.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.

- 12 Before development is commenced there shall be submitted to and approved in writing by the Local Planning Authority drainage plans for the proposed means of disposal of foul sewage. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development thereafter.
- 13 In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 14 Development shall be undertaken in accordance with the approved noise report, completed by BSP Consulting, BSP Document Ref: RDBJ-BSP-ZZ-XX-RP-C-001-

P1_Environmental_Noise_Assessment and the mitigation therein, notably with regard to window details and ventilation to the dwellings and fencing to the garden areas. Verification that the approved sound insulation has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

- 15 Development shall be undertaken in accordance with the Ecological Appraisal Report by JJH Consulting Ltd dated December 2019 and the recommendations and mitigation measures adhered to at all times.
- 16 Prior to the commencement of development, a further badger survey of the site shall be submitted and approved in writing by the Local Planning Authority. Any mitigation contained in the approved report shall thereafter be implemented.
- 17 Prior to the commencement of development, Great Crested Newt presence/absence surveys shall be submitted and approved in writing by the Local Planning Authority. Any mitigation contained in the approved report shall thereafter be implemented.
- 18 The development shall be undertaken in accordance with the Arboricultural Report and Impact Assessment by AWA Tree Consultants, dated August 2020, Reference AWA2971 and the Arboricultural Method Statement by AWA Tree Consultants, dated August 2020 reference AWA3363, specific attention shall be given to the timings of events from arboricultural works through erection of protective fencing and development to protective fence removal and the need for strict monitoring throughout the process. The protective fencing shall be provided before site preparation commences and the protective fencing shall remain in place at all times during site preparation and development. The protective fencing shall only be removed following completion of the development.
- 19 Prior to the erection of any external lighting (other than within the curtilages of the approved dwellings) there shall be submitted to and approved in writing by the Local Planning Authority details of all such lighting, including levels of illumination and a lux plot of the estimated luminance. The external lighting shall be provided in accordance with the approved details and shall be retained as such thereafter for the lifetime of the development.
- 20 No above ground construction works shall commence until details of bat and bird boxes to be incorporated within the fabric of the buildings and/or within the site have been submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be provided prior to the first occupation of the development hereby approved.

- 21 No part of the development hereby permitted shall take place until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, visibility splays, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with the approved details and retained thereafter for the life of the development.
- 22 All access driveways and parking areas shall be constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 23 No development hereby permitted shall commence until details of wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities thereby approved shall be maintained in working order for the duration of the construction works at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.

Reasons

- 1 To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990.
- 2 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 For the avoidance of doubt.
- 4 To ensure an adequate form of development in the interests of highway safety and to comply with policy LPD61.
- 5 To ensure that each dwelling has appropriate vehicular access and to comply policy LPD61.
- 6 To ensure that loose material does not enter the highway and to comply with policy LPD61.
- 7 This pre-commencement condition is necessary to ensure that the development does not have a detrimental impact upon visual amenity or upon the occupiers of adjacent dwellings.

- 8 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 9 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 10 To ensure that the site is safe and suitable for use, thereby taking into consideration the aims of the National Planning Policy Framework 2019, policy 1 of the Aligned Core Strategy 2014 and policy LPD3 of the Local Planning Document 2018.
- 11 A detailed surface water management plan is required to ensure that the development is in accordance with National Planning Policy Framework 2019 and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
- 12 To ensure foul water is adequately disposed of and to comply with policies LPD4, LPD5 and LPD6.
- 13 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 121 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 14 To ensure that amenity of proposed dwellings are suitably protected and to comply with guidance within the NPPF.
- 15 To ensure that protected species are not detrimentally impacted and to comply with guidance within the NPPF.
- 16 To ensure that protected species are not detrimentally impacted and to comply with guidance within the NPPF.
- 17 To ensure that protected species are not detrimentally impacted and to comply with guidance within the NPPF.
- 18 To ensure that the trees to be retained at the site are appropriately protected at all times.
- 19 In the interests of protecting ecological interests.
- 20 No above ground construction works shall commence until details of bat and bird boxes to be incorporated within the fabric of the buildings and/or within the site have been submitted to and

approved in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be provided prior to the first occupation of the development hereby approved.

- 21 To ensure the development is constructed to adoptable standards.
- 22 In the interests of highway safety.
- 23 In the interests of highway safety.

Reasons for Decision

The principle of the development accords with the objectives of national and local planning policies. It is considered that the site could be used for residential development without causing undue harm to visual and residential amenity, highway safety, ecological interests or flooding. It is therefore considered that the granting of outline planning permission would fully accord with the objectives of the relevant planning policies set out in the National Planning Policy Framework, Aligned Core Strategy, Local Planning Document and Supplementary Planning Documents.

Notes to Applicant

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. The applicant should note that notwithstanding any planning permission if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with Nottinghamshire County Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. All correspondence with the Highway Authority should be addressed to:- NCC (Highways Development Control) (Floor 3) Nottinghamshire County Council County Hall Loughborough Road West Bridgford Nottingham, NG2 7QP

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. They may obtain copies of our current guidance notes and application forms for diversions from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

No vegetation clearance or ground works shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist. If any nesting birds are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before the development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences, unless otherwise prior agreed in writing by the Borough Council.

The applicant is advised that any site clearance works are undertaken outside of the bird breeding season - October to February inclusive.

The applicant is advised that conditions 16 and 17, relating to the requirement for a further badger survey and a survey regarding the potential presence of Great Crested Newts shall be read in conjunction with the submitted Ecological Appraisal Report by JJH Consulting Ltd December 2019.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2019). Negotiations have taken place during the assessment of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The developer is encouraged to consider upgrading the EV charging facilities to incorporate additional mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows Smart charging of electric vehicles. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

In relation to the lighting condition above the submission of a bat-sensitive lighting scheme, should be developed in accordance with the Bat Conservation Trust publication "Artificial Lighting and Wildlife - Interim Guidance: recommendations to help minimise the impact of artificial lighting" dated June 2014.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

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

You are advised that planning permission does not override any private legal matters which may affect the application site, over which the Borough Council has no jurisdiction (e.g. covenants imposed by former owners, rights of light, etc.).

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the

Council's website or from the Planning Portal:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

17th November 2020

67 APPLICATION NO. 2020/0258 - LAND NORTH OF PAPPLEWICK LANE, LINBY

Development of 18no houses.

The Assistant Director – Planning and Regeneration introduced the report and informed members that further to the information contained in the report, a local labour agreement was considered to be necessary to comply with Policy LPD48 as the development met the threshold for an agreement. It was recommended that this was secured via a planning condition which was consistent with the method of securing such provision for the wider site.

The Assistant Director – Planning and Regeneration recommended that permission was granted in accordance with the report, but with an additional condition requiring the development to be undertaken in accordance with a local labour agreement, to be submitted to and approved in writing by the local planning authority.

RESOLVED:

To Grant Full Planning Permission: Subject to the owner entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council as education authority for the provision of, or financial contributions towards Educational Facilities, Affordable Housing, and the provision of Open Space and its future maintenance and subject to the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby permitted shall be completed in accordance with the submitted documents received on 13th July 2020:

Proposed Location Plan Dwg No. 02
Proposed Site Plan Dwg No. 01 Red D
Materials Plan Dwg No. 03
Landscape Strategy Dwg No. 101

Proposed Boundary Treatment Plan Drawing No. 04
Outline Hardworks Surfaces Dwg No. 201
Tree Protection Plan Dwg No. RSE_3685_TPP Rev V1

House Types

Somerby Dwg No. SOM/WKDG/100/26/02 Rev CA
Lowesby Dwg No. LOW/WKDG/100/75/03 Rev CA
Willesley Dwg No. WIL/WKDG/100/67/03 Rev CA
Dalby Dwg No. DALB/WKDG/100/73/02 Rev CA
Lichfield Dwg No. LIC/WKDG/100/30/03 Rev CA
Somerby (Brick Banding) Dwg No. SOM/WKDG/100/26/03 Rev CA
Worcester Dwg No. WOR/WKDG/100/10/04 Rev CA

The development shall thereafter be undertaken in accordance with these plans/details.

- 3 Prior to the first occupation every property built on the site with one or more dedicated vehicle parking spaces and/ or a garage shall be provided with access to an electric vehicle (EV) charge point. Charge points must have a minimum power rating output of 7kW on a dedicated circuit, capable of providing a safe overnight charge to an electric vehicle.
- 4 Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the IAQM Guidance on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.
- 5 No dwelling hereby approved shall be occupied until all access driveways and parking areas relating to that dwelling are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 6 No dwelling hereby approved shall be occupied until any access driveway or parking area directly relating to that dwelling has been surfaced in a bound material (not loose gravel). The surfaced driveway or parking area shall then be maintained in such bound material for the life of the development.

- 7 Unless otherwise agreed by the Local Planning Authority, works must not commence until a detailed remediation scheme is submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and criteria, and a timetable of works and site management procedures. The agreed remediation scheme shall be implemented in accordance with the approved timetable of works.
- 8 Prior to completion of the works a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
- 9 No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development.
- 10 All the trees and hedges shown on the Tree Protection Plan Dwg No. RSE_3685_TPP Rev V1 as "to be retained" and/or any trees whose canopies overhang the site] shall be protected by strong fencing, the location and type in accordance with the approved Arboricultural Impact Assessment, Method Statement and Tree Protection Plan. The fencing shall be erected in accordance with the approved details 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. Nothing shall be stored or placed within any fenced area, 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. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 11 Prior to the commencement of the development hereby permitted, details of a local labour agreement to cover the construction of the development shall be submitted to and approved in writing by the Borough Council. The local labour agreement shall be implemented in accordance with the approved details

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and to define the permission.
- 3 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Council's Local Plan.
- 4 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Council's Local Plan.
- 5 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 6 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
- 7 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Council's Local Plan.
- 8 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Council's Local Plan.
- 9 A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
- 10 In the interests of visual amenity and effective landscaping of the site.
- 11 To ensure the development complies with policy LPD48 – Local Labour Agreements.

Notes to Applicant

- 1 It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
- 2 The applicant should note that notwithstanding any planning permission if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with Nottinghamshire County Council's current highway design guidance and specification for roadworks.
- 3 The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
- 4 It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. All correspondence with the Highway Authority should be addressed to:-

NCC (Highways Development Control) (Floor 3), Nottinghamshire
County Council, County Hall, Loughborough Road, West
Bridgford, Nottingham, NG2 7Q
- 5 The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles.
- 6 All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).
- 7 The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community

Infrastructure Levy (CIL). Full details of CIL are available on the Council's website.

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

68 APPLICATION NO. 2020/0698 - 19 ASHE CLOSE, ARNOLD

The item was withdrawn from the agenda.

69 APPLICATION NO. 2020/1042 - EAGLE SQUARE, FRONT STREET, ARNOLD

Temporary relocation of 12 market stalls on to Eagle Square for up to 12 months (change of use).

The Assistant Director – Planning and Regeneration introduced the report and informed members that further to the publication of the report, the separate street trading consent application had been approved by the Environment & Licensing Committee.

RESOLVED:

To Grant full Planning Permission subject to the conditions listed for the reasons set out in the report.

Conditions

- 1 This permission shall be for a period of 12 months only from the date of this permission, at the expiration of which time the market stalls and any ancillary structures shall be removed.
- 2 The development hereby approved shall be carried out in accordance with the following documents/plans deposited on the 16th October 2020:-
 - Application form;
 - Planning Statement;
 - Site Location OS Plan drg. no EGR/ AMP/ ES -001 -;
 - Site Survey Block Plan drg. no. EGR/ AMP/ ES - 002-;

and the following plans and documents received on the 17th November 2020

- Interim Market Proposals drg. no. GBC/EG+R/AMP_004; and
- Correspondence relating to the servicing of the market and the waste strategy.

Reasons

- 1 To allow for the retention of a market facility within Arnold Town centre during the redevelopment of Arnold Market place and in the interests of the viability and vitality of the Town Centre.
- 2 For the avoidance of doubt.

Notes to Applicant

Your attention is drawn to the following:-

Sufficient electric supply should be provided for the stalls.

The trees in the area and the in situ seating area should be protected when installing the market stalls to prevent damage.

Access must be allowed from High Street into the precinct for shop deliveries, emergency vehicles and disable blue badge holders. As a public right of way it should not be blocked - unless an alternative route is arranged with Nottinghamshire County Council highways.

The flood relief water storage tank under the Eagles Square shall remain accessible at all times.

The applicant is advised that all planning permissions granted on or 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

70

ENFORCEMENT REF: 0186/2020 - AGRICULTURAL LAND TO THE NORTH OF ASH VALE FARM, BANK HILL, WOODBOROUGH

The construction of an unauthorised building, engineering works, unauthorised fence and earth bund.

The Assistant Director – Planning and Regeneration informed members that the building was not within the residential curtilage and that it was within the Green Belt.

RESOLVED:

That the Assistant Director - Planning and Regeneration, be authorised to take all enforcement action including the service of any enforcement notices and in conjunction with the Director of Organisational Development & Democratic Services, proceedings through the courts if required to ensure the unauthorised development at the site is removed.

**71 ENFORCEMENT REF: 0184/2020 - 3 WOBURN RISE,
WOODTHORPE**

Unauthorised development.

The Assistant Director – Planning and Regeneration introduced the report informed members that the temporary stop notice served under the scheme of delegation expired on the 3rd December and that subject to committee approval, it was intended to issue a full stop notice and an enforcement notice.

RESOLVED:

That the Assistant Director - Planning and Regeneration, be authorised to take all enforcement action including the service of any necessary stop notices and enforcement notices and in conjunction with the Director of Organisational Development & Democratic Services, proceedings through the courts if required to ensure the unauthorised development at the site is removed.

72 APPEAL DECISION - THE FOLLY, PARK LANE, LAMBLEY

Erection of a link extension to the existing dwelling and conversion of stables and workshop to additional living accommodation together with associated parking and landscaping works.

RESOLVED:

To note the information.

73 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

74 ANNUAL MONITORING REPORT

RESOLVED:

To note the report.

75 BRIEFING NOTE - AMENDMENTS TO USE CLASSES

RESOLVED:

To note the report.

76 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the report.

77 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 7.00 pm

Signed by Chair:
Date:

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PLANNING COMMITTEE PROTOCOL

Introduction

1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is empowered by the Borough Council, as the democratically accountable decision maker, to determine planning applications in accordance with its constitution. In making legally binding decisions therefore, it is important that the committee meeting is run in an ordered way, with Councillors, officers and members of the public understanding their role within the process.
3. If a Councillor has any doubts about the application of this Protocol to their own circumstances they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.
4. This protocol should be read in conjunction with the Council's Member's Code of Conduct, Code of Practice for Councillors in dealing with Planning Applications, briefing note on predetermination and the Council's Constitution.

Disclosable Pecuniary and Non- Pecuniary Interests

5. The guidance relating to this is covered in the Council's Member's Code of Conduct and Code of Practice for Councillors in dealing with Planning Applications.
6. If a Councillor requires advice about whether they need to declare an interest, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Pre-determination and Predisposition

7. Councillors will often form an initial view (a predisposition) about a planning application early on in its passage through the system whether or not they have been lobbied. Under Section 25(2) of the Localism Act 2011 a Councillor is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take in relation to a matter, and, the matter was relevant to the decision.
8. This provision recognises the role of Councillors in matters of local interest and debate, but Councillors who are members of the Planning Committee taking part in a decision on a planning matter should not make up their minds how to vote prior to consideration of the matter by the Planning Committee and therefore should not

comment or make any commitment in advance as to how they intend to vote which might indicate that they have a closed mind (predetermination).

9. If a Councillor has made up their mind prior to the meeting, or have made public comments which indicate that they might have done, and is not able to reconsider their previously held view, then they will not be able to participate on the matter. The Councillor should declare that they do not intend to vote because they have (or could reasonably be perceived as having) judged the matter elsewhere. The Councillor will be then not be entitled to speak on the matter at the Planning Committee, unless they register to do so as part of the public speaking provision. For advice on pre-determination and predisposition, Councillors should refer to the Code of Practice for Councillors in dealing with Planning Applications in the Council's Constitution, and seek the advice of the Council Solicitor and Monitoring Officer.

Lobbying

10. The guidance relating to this is covered in the Code for dealing with Planning Applications.
11. If a Councillor requires advice about being lobbied, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Roles at Planning Committee

12. The role of Councillors at committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Councillors may also request that their votes are recorded.
13. The role of Officers at Planning Committee is to advise the Councillors on professional matters, and to assist in the smooth running of the meeting. There will normally be a senior Planning Officer, plus a supporting Planning Officer, a senior Legal Officer and a Member Services Officer in attendance, who will provide advice on matters within their own professional expertise.
14. If they have questions about a development proposal, Councillors are encouraged to contact the case Officer in advance. The Officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Committees time and more transparent decision making.

Speaking at Planning Committee

15. Planning Committee meetings are in public and members of the public are welcome to attend and observe; however, they are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.
16. Speaking at Planning Committee is restricted to applicants for planning permission, residents and residents' associations who have made written comments to the Council

about the application and these have been received before the committee report is published. Professional agents representing either applicants or residents are not allowed to speak on their behalf. Anyone intending to speak at Committee must register to do so in writing, providing name and contact details, by 5pm three working days before the Committee meeting. As most Committee meetings are currently held on Wednesdays, this is usually 5pm on the Friday before. A maximum of 3 minutes per speaker is allowed, unless extended at the Chair of the Committee's discretion, so where more than one person wishes to address the meeting, all parties with a common interest should normally agree who should represent them or split the three minutes between them. No additional material or photographs will be allowed to be presented to the committee, and Councillors are not allowed to ask questions of speakers.

17. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chair of the Committee will bring the meeting to order. In exceptional circumstances the Chair of the Committee can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
18. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting.

Determination of planning applications

19. Councillors will then debate the motion and may ask for clarification from officers. However, if there are issues which require factual clarification, normally these should be directed to the case Officer before the Committee meeting, not at the meeting itself. After Councillors have debated the application, a vote will be taken.
20. Whilst Officers will provide advice and a recommendation on every application and matter considered, it is the responsibility of Councillors, acting in the interests of the whole Borough, to decide what weight to attach to the advice given and to the considerations of each individual application. In this way, Councillors may decide to apply different weight to certain issues and reach a decision contrary to Officer advice. In this instance, if the Officer recommendation has been moved and seconded but fails to be supported, or if the recommendation is not moved or seconded, then this does not mean that the decision contrary to Officer advice has been approved; this needs to be a separate motion to move and must be voted on. If, in moving such a motion Councillors require advice about the details of the motion, the meeting can be adjourned for a short time to allow members and Officers to draft the motion, which will include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. Councillors may move that the vote be recorded and, in the event of a refusal of planning permission, record the names of Councillors who would be willing to appear if the refusal was the subject of an appeal.

Oct 2015

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Planning Report for 2020/0504



Report to Planning Committee

Application Number:	2020/0504
Location:	Land At Burton Road, Gedling
Proposal:	Construction and operation of a hand car wash and valeting business to include construction of canopies and welfare building; new access and fencing.
Applicant:	IDD Commercial Ltd.
Agent:	Stone Planning Services Ltd
Case Officer:	Nigel Bryan

The application has been referred to Planning Committee by the Planning Delegation Panel to allow matters in respect of highway safety and amenity – residential and visual – to be fully considered, along with possible impacts from water pollution.

1.0 Site Description

- 1.1 The application site relates to an area of land between Burton Road and Conway Road, adjacent to the junction with the Colwick Loop Road. The site is hard surfaced with access onto both Burton and Conway Road to the north and south respectively. The site is currently vacant.
- 1.2 The Inn For A Penny public house is located directly to the west of the site. Residential dwellings surround the application site to the north, south and west (excluding the Public House). Jubilee Park is situated on the opposite side of Colwick Loop Road.
- 1.3 A group of trees and a mature privet hedge are located on a piece of land that is not included with the application site directly to the east. A public footpath also dissects the site running north up to Brooklands Drive and south parallel to the Colwick Loop Road.
- 1.4 The Ouse Dyke runs along the length of the western boundary. The application site did fall within Flood Zone 3 as detailed by the Environment Agency's flood maps; however, under new modelling the revised flood zones show this site to be in Flood Zone 2.

2.0 Relevant Planning History

2.1 A planning application for the same use, although it did include car sales too, was made under reference 2019/0014, it was refused permission on the 29th March 2019 for two reasons, as reproduced below, having been considered at the Planning Delegation Panel of 22 March 2019.

- 1) *The proposed development would, by reason of its form and appearance in this prominent location, have a detrimental impact upon the visual amenity of the surrounding area. The development would therefore be contrary to Part 12 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy.*
- 2) *The site is located within Flood Zone 3 and insufficient information has been provided to allow for the assessment of flood risk considerations. The proposal is therefore contrary to Part 14 of the National Planning Policy Framework, Policy 1 of the Aligned Core Strategy and Policy 3 of the Local Planning Document.*

3.0 Proposed Development

3.1 The title of the application is reproduced below:

“Construction and operation of a hand car wash and valeting business to include construction of canopies and welfare building; new access and fencing”

3.2 For the avoidance of doubt, there have been changes to the application in that the access to the site has been amended from that originally proposed and it is now proposed to have a site entrance from Burton Road and egress to Conway Road. Furthermore, additional information has been received with regard to drainage of the site and clarification on boundary treatments and noise mitigation, which are explored in more detail later in this report. Additional consultation has also been undertaken on the update information.

3.3 A single building measuring 10m by 2.5m, which would be single storey, flat roofed and timber clad, would be sited toward the eastern edge of the site and have within it a staff room, toilet and storage. Four canopies, grouped together, are to be erected and would comprise a metal frame 2.3m at its lowest point, 2.8m at its tallest with a fabric roof covering; these would be sited toward the western edge of the site. A total of 6 parking spaces would be provided as well as the spaces available under the canopy whilst vehicles are being cleaned.

3.4 To make the site secure fencing is proposed around the site periphery; this will comprise 1.8m high green mesh fencing to the Burton Road frontage and with Colwick Loop Road, although the fencing to Burton Road will be set-back by approximately 2m, with planting to the front visually to soften it. Along the western boundary a 2m high acoustic fence is proposed to be erected; however, this will be set 8m back from the edge of the site to respect an easement with the Ouse Dyke and right of way, and it will extend approximately half-way to Conway Road. Along the southern boundary

approximately two-thirds will have the acoustic fencing, nearest to the properties on Conway Road, whereas the remaining third will be mesh fencing, the same as on Burton Road. No additional fencing is proposed along the southern boundary with Conway Road in that whilst the egress point allows access across the wider site it is not intended to incorporate the southern half of the site within the main site complex. Existing planting between the application site and Cowlick Loop Road falls outside of the application site and will remain.

4.0 Consultations

4.1 Neighbouring properties were notified and a site notice erected. Following receipt of additional information further consultation has been undertaken. 150 letters of representation have been received, all of which, with one exception, object to the application. A summary of the objections are drafted below:

- ☐ The access and egress is unacceptable and dangerous to highway safety;
- ☐ The resultant volume of traffic will increase and conflict with other users at a busy location e.g. near Carlton le willows school;
- ☐ Parking is insufficient;
- ☐ Movement for emergency services will be restricted;
- ☐ Impact on highway safety for local residents and school children;
- ☐ Increase in noise and disturbance;
- ☐ Proposed use would be detrimental to the character of the locality;
- ☐ Proposed structures would be an eyesore/out of character with the area;
- ☐ Surrounding area predominantly residential in nature;
- ☐ Adverse impact on wildlife;
- ☐ Chemicals from car wash will pollute Ouse Dyke;
- ☐ Loss of green area;
- ☐ Loss of trees and vegetation;
- ☐ Detrimental impact on Jubilee Park;
- ☐ Increase in flooding in local vicinity;
- ☐ Impact on local sewer systems;
- ☐ Impact on residential amenity;
- ☐ Increased noise pollution;
- ☐ Litter and anti-social behaviour will increase;
- ☐ Land should be used for community benefit;
- ☐ Covenants regarding use of the land will be breached;
- ☐ There are other car washes within the locality and the facility is not required;
- ☐ There are more suitable sites elsewhere;
- ☐ No significant employment benefit to locality, which is notorious for low and exploitative pay;
- ☐ The previous reasons for refusal have not been addressed;
- ☐ The boundary treatments proposed are industrial in appearance and out of character with the residential area.

The letter of support notes that the site is currently wasteland and that any highway concerns will be much reduced once the GAR is open and traffic in the area is reduced.

- 4.2 Nottinghamshire County Council (Highways Authority) – Based on the original plans that had one point for both access and egress the Highway Authority objected to the application on highway grounds. However, based on the updated access arrangements, the Highway Authority raise no objections to the application, subject to the imposition of conditions in respect of the access arrangements, signing materials and fencing.
- 4.3 Nottinghamshire County Council (Rights of Way Officer) – Note that the amended plans take into account the right of way and raise no objection to the application.
- 4.4 Nottinghamshire County Council (Lead Local Flood Authority (LLFA)) – Do not wish to make comments in relation to flood risk as the development falls outside the guidance set out by Government for applications that do require a response from the LLFA. However, the below general guidance has been offered:
1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
 2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
 3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
 4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (e.g. culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.
- 4.5 Environment Agency – Noted that originally structures were within 8m of ousedyke, which should not be allowed due to maintenance of the adjacent watercourse. However, following receipt of amended plans they raise no objection in this regard. In respect of possible flooding impacts it is noted that new flood modelling for the site indicates that it falls within flood zone 2. The site can therefore be considered appropriate for development categorised as 'less vulnerable', in line with the Planning Practice Guidance. From a flood risk perspective the Local Planning Authority should ensure that the Environment Agency's flood risk standing advice on the .gov.uk website is followed and a condition be added with regard to surface water run-off during construction.
- 4.6 Severn Trent Water – No comments received.
- 4.7 Gedling Borough Council (Public Protection) – Agree with the content of the noise report and raise no objection to the application subject to the imposition of a conditions securing the mitigation identified.

- 4.8 Tree Officer – notes that trees on site are likely to be protected by virtue of the 8m easement; however, a tree protection method statement should be secured to ensure that they are not unduly impacted.

5.0 Assessment of Planning Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that ‘if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise’.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2019 (NPPF), the Aligned Core Strategy (2014) and the Local Planning Document 2018.

6.0 Development Plan Policies

- 6.1 The following policies are relevant to the application:

National Planning Policy Framework 2019

- 6.2 The NPPF sets out the national objectives for delivering sustainable development with Section 2 (achieving sustainable development) Sections 6 (Building a strong competitive economy), 9 (promoting sustainable transport) 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment) most pertinent.

Greater Nottingham Aligned Core Strategy Part 1 Local Plan

Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals.

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 4: Employment Provision and Economic Development – when making planning decisions, regard will be given to all uses which generate employment.

Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

Policy 17 – Biodiversity – sets out the approach to ecological interests.

Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

- ☐ Policy LPD 3 – Managing Flood Risk
- ☐ Policy LPD 4 – Managing Surface Water
- ☐ Policy LPD 5 – Managing Surface Water Quality
- ☐ Policy LPD 10 – Pollution
- ☐ Policy LPD 32 – Amenity
- ☐ Policy LPD 45 – Employment Development on Unallocated Sites
- ☐ Policy LPD 57 – Parking Standards
- ☐ Policy LPD 61 – Highways Safety

7.0 Planning Considerations

Principle of development

- 7.1 Paragraph 10 of the NPPF states that “At the heart of the Framework is a presumption in favour of sustainable development”. Paragraph 11 goes on to state that for decision making this means approving development proposals that accord with an up to date development plan without delay. Part 6 of the NPPF advises that the local planning authority should support sustainable economic development.
- 7.2 LPD 45 states that permission will be granted for the construction and change of use of buildings for business, general industry, storage and distribution on sites other than those allocated or protected for employment uses provided the proposal meets the following criteria:
- a) The site is not in Green Belt;
 - b) There is no available alternative site within the development limits of an allocated or protected employment site;
 - c) The proposal would not have a detrimental effect on highway safety; and
 - d) The proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers.
- 7.3 LPD 45 therefore accepts the principle of employment related development on unallocated sites provided that no suitable alternative sites are available on allocated or protected employment sites. The agent has identified that the nearest allocated employment site is at Teal Close, Colwick is also reasonably close; however in terms of the operation proposed there is a need for the use to be in a high traffic area, which the current application site has, with cars predominant. No sequential test is required and such uses do clearly need access to large numbers of vehicles. Furthermore, the footnote to the policy identifies that the site would need to be capable of serving the intended market area, locating the use at Colwick or Teal Close is some distance from the intended market area and it is noted that there are a number of car washes nearer those sites, including at Morrison’s in Netherfield.
- 7.4 The application site is not within the Green Belt. Taking the above into consideration, the principle of a car wash at the above site may be deemed acceptable in principle, subject to a full assessment of the impact on highway

safety and amenity of nearby residents and occupiers and all other material planning considerations.

Impact on residential amenity

- 7.5 The proposed development would result in a new commercial use being introduced to an area predominately residential in nature, although there is a Pubic House just the other side of the Ouse Dyke.
- 7.6 Policy LPD 32 outlines that planning permission will only be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers. Impact on amenity may include, but is not limited to, overbearing, overlooking and overshadowing, noise pollution, the level of activity on site, traffic, residential visual amenity and other forms of pollution.
- 7.7 Given the location of the proposed structures on the site and their relationship with surrounding properties it is not considered that there would be an overlooking or overbearing impact.
- 7.8 Concern has been raised about possible noise that would be generated from the use; however, Environmental Health have raised no objection to the application. A noise survey has been submitted in support of the application and identifies a noise barrier is proposed along the elevations adjacent to residential properties. The noise survey looks at the possible impacts on the property nearest the site to on Conway Road and that opposite the site on the corner of Burton Road and Brooklands Drive. In respect of Conway Road the noise barrier will reduce possible noise increases from the use to acceptable levels. In respect of the property opposite the site it is apparent that noise from the road between the two increases the background noise and no mitigation is considered necessary, in both instances the noise increase will be less than +5db, and any impacts on residential amenity are considered to be acceptable. Hours of operation have been identified as 08:00-18:00 hrs Monday to Saturday and 10:00-18:00 hrs on Sundays and Bank Holidays; this would be acceptable and could be controlled through a condition.
- 7.9 Taking into account the above it is not considered that the scheme would have a detrimental impact on residential amenity through the scale of built form or noise that the use would generate. The application is therefore deemed to comply with policy LPD32.

Impact on visual amenity

- 7.10 Part 12 of the NPPF and Policy 10 of the ACS outline good design is fundamental in planning and a key aspect of sustainable development. Paragraph 130 of the NPPF states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions". Policy 10 goes on to state that development will be assessed in terms of its "structure, texture and grain including street patterns, plot sizes, orientation and positioning of buildings and the layout of space".

- 7.11 A previous application was refused for reasons outlined earlier in this report; however, the scale of built form has reduced from 256sqm to 96sqm. Furthermore, the building proposed to be erected would be timber clad, single storey in nature and inconspicuous given it's siting toward the eastern edge of the site and taking into account existing and proposed planting. There are limited single storey flat roof structures in the locality but the design of the building would be an improvement on the portacabins proposed in the previous scheme and the building is not considered to be of a poor design; rather it is functional in its design.
- 7.12 It is also noticeable that planting is proposed between the Burton Road frontage and proposed fencing; details of the planting schedule could be secured by condition, as well its retention for a period of at least five years. Existing planting to the Colwick Loop Road would be retained and falls outside of the application site and whilst acoustic fencing is proposed along the boundary with the Ouse Dyke it would be 2m tall and given that it is not adjacent to a highway used by vehicular traffic it is not something that would require planning permission in its own right.
- 7.13 Therefore, taking into account the changes made to the application it is considered that the design of the built form has improved and will respect the character of the area, as well as the quantum of development reduced and the site being screened by additional planting. As a result, the application is deemed to comply with guidance within the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy.

Highway safety and parking

- 7.14 Following receipt of amended plans, it has been confirmed that entrance to the site will be from Burton Road with egress onto Conway Road. This layout was the same as proposed under the previous application, to which the Highway Authority raised no objection to. It is noted that the site is reasonably close to existing junctions; however, the use of a one-way system would reduce possible conflicts between users of the site and the existing highway network. Parking for 6 vehicles would be provided, as well as space under the canopy for vehicles being cleaned. There is no specific guidance with regard to parking provision for car washes, which is a sui generis use; however, 6 spaces, along with those for vehicles being washed is considered to be acceptable. Taking into account the above, the application is deemed to comply with policies LPD57 and LPP61.

Flooding

- 7.15 The Environment Agency have confirmed that the site now falls within flood zone 2 and raise no objection to the application, subject to the imposition of a condition with regard to surface water run-off during construction. A site specific flood risk assessment has been submitted in support of the application and identifies that the use is 'less vulnerable' and as such the use is not inappropriate in this location. For the avoidance of doubt, given that the

use is less vulnerable, there is no need to apply the sequential or exceptions test.

- 7.16 Having regard to the above the use is considered to be acceptable in this location and complies with guidance contained in the National Planning Policy Framework, Policy 1 of the Aligned Core Strategy and Policy LPD 3.

Environmental impacts

- 7.17 Following the advice of the Environment Agency and Gedling Borough Council's Scientific Officer no trade effluent, including eco-friendly cleaning products, should be discharged to the adjacent watercourse. It has been indicated that water from the canopies where the cars will be washed will be collected and stored in a tank where it will be recycled. If the tank becomes full excess water will then flow to a vehicle wash separator where larger particles can be removed; however, it does not remove all particles and the waste water thereafter will need to be disposed of via the foul water network, with pipes running across the application site, where the excess water will ultimately be discharged. There would be a requirement under separate legislation to have the consent of the Severn Trent to access the sewer network. For the remainder of the site it is indicated that water will naturally percolate through permeable hardcore hardstanding. Taking into account the above, it is considered that the water from the site can be adequately discharged without affecting the adjacent water course and it is indicated that excess water will either be recycled, discharged to the foul water network or naturally percolate. As a result the application is deemed to comply with policies LPD3, LPD4, LP5 and LPD10.

Other matters

- 7.18 Concern has been expressed about possible anti-social behaviour from the use and exploitation of workers. However, other legislation covers low pay and the layout is not considered to encourage anti-social behaviour and such matters would be for the police.
- 7.19 Concerns have also been raised on the impact on the value of neighbouring properties. Possible impacts on house prices is not a material planning consideration. It has been indicated that when the land was sold to the Council it was on the understanding that it would be used for wider community use or public open space; however, when the land was sold to the Council there were no covenants restricting its use and the land is no longer owned by the Council. Furthermore, covenants are not a planning matter. The tree officer has requested additional information with regard to trees; however, the only specimens of note on site are in close proximity to the ouse dyke and, as a result, will not be impacted due to the 8m easement.

8.0 Conclusion

- 8.1 The application would bring into use a parcel of vacant land for an employment use to grow the economy. It is not considered that highway safety would be compromised nor would residential amenity be compromised through noise that would be generated. In respect of the character of the area, the built form would be modest in scale and not prominent in the streetscape and is considered to respect the character of the area. The application is, therefore, deemed to comply with guidance within the National Planning Policy Framework; policies 1, 4, 7 and 10 of the Aligned Core Strategy and policies LPD4, LPD 5, LPD 10, LPD 45, LPD 32, LPD 57 and LPD 61 of the Local Planning Document.

9.0 Recommendation: GRANT PLANNING PERMISSION: Subject to the following conditions:

Conditions

- 1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
- 2 This permission shall be read in accordance with the application form and following list of approved drawings:

Application form
Proposed site layout – 001 rev C
Canopy detail – 002 rev rev H
Drainage layout – WMD106/100/P
Vehicle wash separator (drawing and specification)
Noise Assessment (13055.01.v2)
Flood Risk Assessment

The development shall thereafter be undertaken in accordance with these plans/details.
- 3 The use hereby permitted shall not take place outside the following:-

08:00-18:00 hrs Monday to Saturday
10:00-18:00 hrs on Sundays and Bank Holidays
- 4 Prior to the commencement of development, a scheme of landscaping showing the location, species and size of specimens to be planted shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following operation of the car wash. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.
- 5 The car wash shall not be brought into use until a dropped vehicular footway crossing is available for use on Burton Road and constructed in accordance with the Highway Authority specification.

- 6 The car wash shall not be brought into use until both accesses are surfaced for the first 10.0m in a hard-bound material (not loose gravel).
- 7 The car wash shall not be brought into use until the in access is constructed with provision to prevent the unregulated discharge of surface water from the car wash to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 8 The gates erected at the Burton Road access to car wash shall not open over the public highway and they shall only be closed when the car wash is closed and they shall remain open whilst the car wash is in operation.
- 9 The car wash shall not be brought into use until internal directional signage has been installed, together with entry and no entry signs on the applicant own land and not on the public highway.
- 10 The car wash shall not be brought into use until verification that the approved sound insulation scheme (Noise Assess, August 2020, Report Reference: 13055.01.v2) has been implemented and is fully operational. The verification shall be submitted to and be approved in writing by the Local Planning Authority; the details as installed shall be retained thereafter whilst the car wash is in operation.
- 11 The car wash shall not be brought into use until the drainage details as shown on drawing WMD106/100/P - Drainage layout, have been installed; the details as installed shall be maintained as operational thereafter throughout the life of the development.
- 12 The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reasons

- 1 To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
- 2 For the avoidance of doubt.
- 3 For the avoidance of doubt and to ensure that residential amenity is respected and to comply with policy LPD32.
- 4 In the interests of respecting the character of the area and to comply with policy ACS10.
- 5 In the interests of highway safety and to comply with policy LPD61.

- 6 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and to comply with LPD61.
- 7 To ensure surface water from the site is not deposited on the public highway causing dangers to road users and to comply with policy LPD61.
- 8 To allow the car to pull into the car wash and not having to wait on the highway and to comply with policy LPD61.
- 9 To direct the car wash users to the in/out entry points and to comply with policy LPD61.
- 10 To ensure that the amenity of neighbouring properties are respected and to comply with policy LPD32.
- 11 To ensure that the site is adequately drained and to comply with policies LPD3, LP4 and LP5.
- 12 To ensure that the site is adequately drained and to comply with policies LPD3, LP4 and LP5.

Reasons for Decision

The application would bring into use a parcel of vacant land for an employment use to grow the economy. It is not considered that the highway safety would be compromised nor would residential amenity be compromised through noise that would be generated. In respect of the character of the area, the built form would be modest in scale and not prominent in the streetscape and is considered to respect the character of the area. The application is, therefore, deemed to comply with guidance within the National Planning Policy Framework; policies 1, 4, 7 and 10 of the Aligned Core Strategy and policies LPD4, LPD 5, LPD 10, LPD 11, LPD 45, LPD 32, LPD 57 and LPD 61 of the Local Planning Document.

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

- o The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
- o There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.
- o The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be

made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

- o If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.

- o If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.

- o Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed

- o Where the right of way runs across the site, there are currently open fields on either side with no adjacent boundary. This open aspect should be retained as far as is practicable as part of any development, with good practice design principles applied to either ensure that the route does not become enclosed and/or is incorporated it as part of a greenspace corridor. See NCC development guide.

- o The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way.

- o Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption. <http://www.nottinghamshire.gov.uk/transport/licences-and-permits/scaffolding-hoarding-and-advertising-boards> If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email

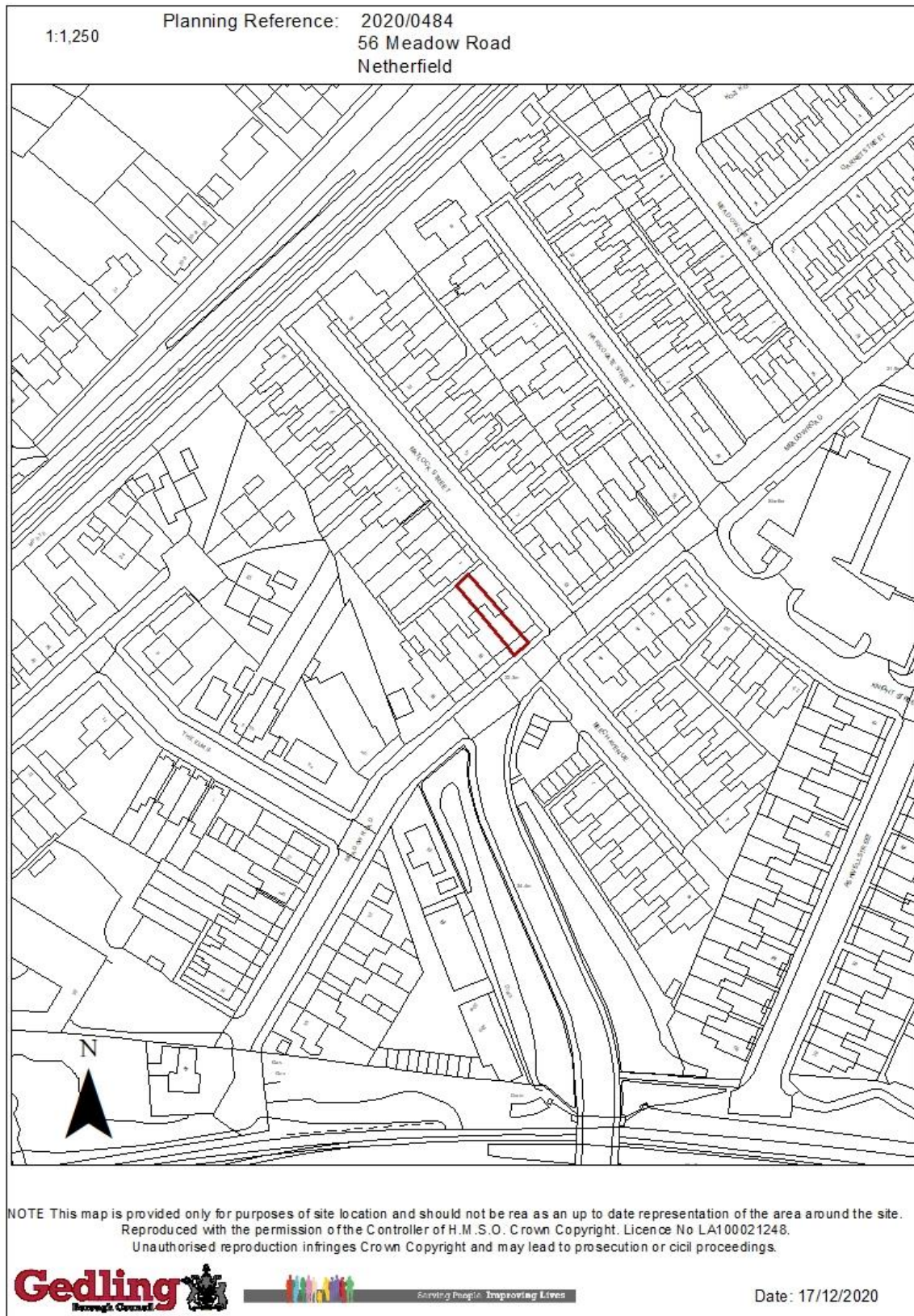
- o If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit. <http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit> and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic

The proposal makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80.to arrange for these works to be carried out.

The approved sound insulation scheme must be maintained in accordance with manufacturer's recommendations.



Planning Report for 2020/0484



Report to Planning Committee

Application Number: 2020/0484

Location: 56 Meadow Road, Netherfield

Proposal: Single storey extension to rear elevation and change of use from C3 to sui-generis, 6 bedrooms, 7 occupants House in Multiple Occupation

Applicant: Silk Projects Limited.

Agent:

Case Officer: Alison Jackson

The application has been referred to Planning Committee by the Planning Delegation Panel to allow the matters in respect to highway safety and parking and amenity to be fully considered.

1.0 Site Description

- 1.1 56, Meadow Road, Netherfield is an existing two storey terraced property with existing accommodation within the roof space. The property is set slightly back from Meadow Road. There is an existing pedestrian access to the rear of the property leading from Matlock Street. The site is situated in close proximity to the Netherfield designated local shopping centre.

2.0 Relevant Planning History

- 2.1 None.

3.0 Proposed Development

- 3.1 The application seeks planning permission for the change of use of the property from a Class C3 (dwelling) to a House in Multiple Occupation (HMO) providing 6 bedrooms and providing accommodation for 7 occupants, which falls within a sui generis use.
- 3.2 Permission is also sought for the erection of a single storey rear extension to the property. The materials proposed for the extension are specified as brick to match those of the existing property.

4.0 Consultations

- 4.1 Nottinghamshire County Council (Highway Authority) – the site is within walking distance of shops, amenities and public transport. The area is

predominately residential and parking on Meadow Road is controlled by single yellow lines. It is therefore unlikely that the proposal would result in an unacceptable risk to highway safety and therefore no objections are raised.

- 4.2 Environmental Health (Noise) – no objections however, an informative should be attached to any grant of planning permission advising in regard to noise insulation and building regulations.
- 4.3 Environmental Health (Licensing) – no objections but a Licence would need to be applied for. The proposal accords with national space standard except in relation to lounge which is marginally below the space standards. As part of the licence application process, amenities including those provided in the kitchen would be assessed.
- 4.4 Environment Agency – no objections as the submitted Flood Risk Assessment states that existing internal ground levels within the property are 22.15mAOD. This is 0.24metres above the potential flood level at the site (flood level of 21.91mAOD), therefore there are no flood risk issues arising. Standing advice should be applied for the proposed rear extension.
- 4.5 Nottinghamshire County Council (Local Lead Flood Authority) – no comments in respect to the application as the proposal does not constitute a major application, however, the development should not increase flood risk to neighbouring sites or put the development at risk of flooding.
- 4.6 A site notice was displayed and neighbour notification letters posted. As a result of the consultation undertaken 19 no. letters of objection have been received and these are summarised below:
- ☐ Detrimental impact on the properties in the area.
 - ☐ The occupation of the dwelling with 7 occupants does not compliment the local environment.
 - ☐ The use of the property would act as a deterrent to the area.
 - ☐ Existing residents, if there is an economic downturn, would leave the area if permission is granted.
 - ☐ The proposed use of the premises would set a precedent.
 - ☐ Highway safety issues.
 - ☐ Lack of parking. There is no off road parking serving the property and only three cycle spaces proposed.
 - ☐ Concern over parking and traffic flow owing to construction vehicles.
 - ☐ Traffic congestion in the area.
 - ☐ Existing access points are already blocked, the possibility of more cars will add to this.
 - ☐ Parking has recently been restricted on Knight Street as yellow lines have been introduced.
 - ☐ Concerns over potential anti-social behaviour.
 - ☐ Existing residents have put a lot of work into their properties and the proposal would be detrimental to this.
 - ☐ There is a further application pending on Ashwell Street, which will add to the parking problems in the area in general. Further HMO's are also proposed in the area which will result in a detrimental impact.
 - ☐ Impact on the value and saleability of neighbouring properties.

- ☐ Additional noise to neighbouring properties.
- ☐ Loss of family homes and a family area.
- ☐ The proposal will threaten the cohesion and sense of community in the area.
- ☐ There is a lack of affordable homes in the area. Fewer homes in the area are owner occupied.
- ☐ Families should be encouraged to this developing area.
- ☐ The demand for on street parking will prevent road maintenance and refuse collections.
- ☐ Concerns that the premises will be used for illegal sex operations.
- ☐ Concerns that houses in multiple occupation will spread Covid-19 in the property and the area in general.
- ☐ Concerns over the safety of residents in the area.
- ☐ Increase in rubbish and bins on the street and to the rear of the property.
- ☐ A three bedroom house would be over occupied with 7 residents.
- ☐ HMO's should be banned in residential streets/areas.
- ☐ The use of the loft is a health and safety issue as there is no fire escape.
- ☐ Increase in rental properties.
- ☐ Why can a company that is not from the area purchase properties and convert them into money making machines. They are operating a 'pyramid scheme'.
- ☐ Impact of the rear extension onto neighbouring properties in respect to loss of light.
- ☐ Concerns that the existing sewerage system will not cope with so many residents.
- ☐ The works on the property have already been undertaken.
- ☐ Unscrupulous landlords are not wanted in Netherfield.
- ☐ A parking permit scheme may need to be introduced
- ☐ Stress caused to neighbouring residents
- ☐ Concerns over who will occupy the property.

5.0 Assessment of Planning Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2019 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

- 6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework 2019

Sets out the national objectives for delivering sustainable development. Section 1 (Achieving Sustainable development), Sections 5 (Delivering a sufficient supply of homes), 12 (Achieving well-designed places) and Section 14 (Meeting the challenge of climate change, flooding and coastal change)

are particularly relevant.

6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 8: Housing Size, Mix and Choice – sets out the objectives for delivering new housing.

Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

6.4 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

LPD 3 – Managing Flood Risk states planning permission will be granted for development in areas at risk of flooding provided that the development does not increase the risk of flooding on the site or elsewhere.

LPD 32 - Amenity states “Planning permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures”.

LPD 37 – Housing Type, Size and Tenure states “Planning permission will be granted for residential development that provides for an appropriate mix of housing, subject to housing need and demographic context within the local area.”

LPD 57 – Parking Standards states “Planning permission for residential development will be granted where the development proposal accords with the aims of the Council’s Supplementary Planning Document 2012 – Parking Provision for residential developments, or unless otherwise agreed in writing by the Local Planning Authority.

LPD 61 – Highway Safety states “Planning permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.”

6.5 Other

Parking Provision for Residential Developments – Supplementary Planning Document 2012– sets out the car parking requirements for new residential development.

7.0 Planning Considerations

Principle of the Proposed use

- 7.1 The site is located within an urban area where the principle of the proposed use of the property together with the use of the proposed extension as an HMO is considered acceptable subject to the assessment of all material planning considerations. The property is currently unoccupied with its authorised use being as a Class C3 residential dwelling and whilst the proposed use, given that there would be 7 occupants at the property, would result in the use of the property falling within a sui generis use, the premises will be used for residential purposes, which is acceptable in this location.
- 7.2 It is therefore considered that the proposal accords with the aims of the National Planning Policy Framework 2019, policy 8 of the Local Planning Document 2018 and policy LPD37 of the Local Planning Document 2018.

Impact of the proposed Use on Residential Amenity

- 7.3 In my opinion the use of the existing property and the proposed extension as an HMO will result in no undue impact onto the amenity of neighbouring properties. Whilst there would be 7 people occupying the property, the facilities in the property are shared by the residents and therefore the occupants would be effectively living as one residence.
- 7.4 It is also acknowledged that the property could be used as a 6-bed HMO without requiring planning permission, I therefore consider that the occupancy of the property with one additional resident, but only six bedrooms will result in no undue impact on the amenity of neighbouring properties.
- 7.5 Whilst I note the concerns of neighbouring residents in respect to the fact that the use would not be as a 'family home' and the proposed use would affect what existing residents consider to be a 'family area' with the use adversely affecting the community in the area, I can see no justification for this assertion. The use of the property by 7 occupants, whilst I accept would be different from a conventional 'family home', the use of the property as a HMO is supported through Policy 8 of the Aligned Core Strategy and LPD37, as above, which states that residential development should contribute to a mix of housing tenures, types and sizes to create sustainable, inclusive and mixed communities. This proposed development would provide accessible accommodation for tenants in a very sustainable location, close to public transport links and local amenities and would provide a mixed community.
- 7.6 The area of Netherfield currently offers a mixture of housing types, which is welcomed in terms of planning policies, providing inclusive communities. Planning policy does not prevent the development of properties for HMO's providing all other material considerations are assessed.
- 7.7 The Environmental Health Officer has been consulted on the application and has advised that they raise no objections to the proposed use of the premises in terms of the compliance with space standards. I see no reason to disagree with the professional advice of the Environmental Health Officer, however a

Licence would need to be sought from the Borough Council and other matters in respect to facilities being provided within the property, i.e. fridges etc. would need to be assessed by Environmental Health through a mandatory 'property health check' as part of the application process.

- 7.8 The comments received from the Council's Public Protection Section in respect to the building regulations requirements and sound insulation etc. should be attached as a note to any grant of planning permission.
- 7.9 The implementation of these building regulations requirements, which will need separate building regulations approval, will also prevent any noise issues emanating from the use of the premises and between the individual rooms within the premises themselves.
- 7.10 The building regulations will also cover any potential fire risk issues affecting both the occupants of the property and given the fact that the property is a terraced property, neighbouring properties as well.
- 7.11 I note that concerns have been raised in respect to potential anti-social behaviour as a result of the occupants of the property, again I see no justification for this assertion. However, as the property would be tenanted should any anti-social behaviour issues arise, these can be reported to the owner/management company of the property or the Council's Public Protection department and these matters could therefore be investigated and any appropriate action taken. Any matters of a more serious nature could also be investigated by Nottinghamshire Police.
- 7.12 It is therefore considered that the proposal accords with the aims of Policy 8 of the Aligned Core Strategy and policy LPD32 and policy LPD37 of the Local Planning Document 2018.

Design and Impact of the Proposed Extension on Neighbouring Amenity

- 7.13 In my opinion, the proposed rear extension together with the proposed minor alterations to the external appearance of the existing building (this being the replacement of a window with a door) will be visually acceptable and will not detract from the existing dwelling.
- 7.14 The proposed extension is subservient in its nature to the existing dwelling and does not appear dominant on the site, with amenity space to serve the property remaining. Whilst I note that the proposed extension would be constructed with a flat roof, given that the extension is to the rear of the property where views will be limited, I consider that the construction of the extension with a flat roof is acceptable in this instance.
- 7.15 I note that the proposed extension would be sited adjacent to the side boundary of the site with no. 58 and, whilst set in from the side boundary of the site with the other immediate neighbouring property, no. 54, the extension is still relatively close to this neighbouring dwelling. However given the single storey nature of the extension together with the orientation of the site, I am satisfied that there would be no undue overbearing or overshadowing impact onto neighbouring properties.

- 7.16 In regard to any potential overlooking impact onto neighbouring properties, given the siting of the windows and doors, together with boundary treatments that are in place, I am satisfied that there will be no undue overlooking impact onto neighbouring dwellings.
- 7.17 It is therefore considered that the proposal accords with the aims of the National Planning Policy Framework 2019, policy 10 of the Aligned Core Strategy 2014 and policy LPD32 of the Local Planning Document 2018.

Highway Safety

- 7.18 The Highway Authority has raised no objection to the proposal and state that the proposed use of the premises as a HMO would result in no undue highway safety issues.
- 7.19 The Highway Authority comment that parking on Meadow Road is controlled by single yellow lines and therefore there should be no haphazard parking on Meadow Road which would result in highway safety issues. It is noted that Meadow Road is a main route through Netherfield and therefore if parking was to occur on Meadow Road this could result in highway safety issues. However, the presence of the single yellow lines should avoid any parking on Meadow Road, therefore, averting any highway safety issues arising.
- 7.20 I note that no parking provision is being made at the site to serve the proposed use of the premises as an HMO. LPD 57 as set out above, states that planning permission will be granted for residential development where the development proposal meets the requirements for parking provision as set out within Appendix D of the Local Planning Document or otherwise agreed in writing by the Local Planning Authority. Appendix D reflects the Parking Provision for Residential Development SPD which gives guidance on the parking provision required for development. Policy LPD57 together with Appendix D and the Council's Parking SPD refer to the requirement for parking provision for dwellings and flats alone with no reference being made to residential developments falling within a residential sui generis use which this proposal is for. I consider therefore that in accordance with policy LPD57, as the proposal relates to residential sui generis use as opposed to dwellings or flats, the requirements of Appendix D and the guidance within the Parking SPD cannot be applied in this instance. It is therefore the latter of part (a) of Policy LPD57 that applies in this instance in that planning permission can be granted for residential development providing parking standards are as 'otherwise agreed' by the Local Planning Authority.
- 7.21 Taking the above into account, I consider given the proximity of the site to the Netherfield designated shopping area, where there are a number of public car parks together with a number of amenities, shops, etc. which are within walking distance of the application site, together with the fact that the site is situated on a public transport route, the requirement for off road car parking at the site is not required in this instance and the requirement for parking provision has been appropriately assessed in accordance with policy LPD57.

- 7.22 Whilst I note that neighbouring residents have raised concerns in regard to the lack of off street parking and that there will be a greater demand for on road car parking on neighbouring streets preventing existing residents from being able to park, again the site is on a bus route and close to public car parks which can adequately accommodate parking.
- 7.23 With this property and other properties within the area which do not have off street car parking facilities, the on street parking is not restricted to individual properties, it is a case where anyone can park on the street. The concerns raised in regard to parking permits being introduced for residents would be a matter for the County Council as Highway Authority.
- 7.24 I am also mindful of the nature of the use of the dwelling, as a HMO, where occupants are perhaps not likely to have cars but if they do, then given the proximity of the site to a number of public car parks and on street parking being available in the area, parking can be accommodated.
- 7.25 I am also conscious that when the property is marketed as a HMO the rooms available would not state that no off road car parking is available to serve the site and therefore the parking issue may manage itself to a certain extent, as if future occupants required off street parking they would be unlikely to apply to be a tenant at the property.
- 7.26 The site does however offer cycle parking to serve the site which is welcomed.
- 7.27 It is therefore considered that the proposal accords with policy LPD61 in respect to highway safety and LPD57 in regard to the need for off street parking provision.

Flood Risk Issues

- 7.28 As the proposal relates to a change of an existing residential property there is no requirement to undertake a sequential test or an exception test. The proposal however has to be assessed as to whether or not the proposal results in any flood risk issues to the occupants of the premises. As the proposal is for the change of use of the premises, there will be no increased flood risk to the area in general.
- 7.29 A Flood Risk Assessment has been submitted with the application which states that existing internal ground levels within the property are 22.15mAOD. This is 0.24metres above the potential flood level at the site (flood level of 21.91mAOD), therefore there are no flood risk issues arising.
- 7.30 The Environment Agency has advised that in regard to the proposed rear extension standing advice should be applied. In this respect given that the floor levels of the rear extension are to be set no lower than the floor level of the existing dwelling, I am satisfied that there are no flood risk issues affecting the proposed rear extension.
- 7.31 It is therefore considered that the proposal accords with the aims of the National Planning Policy Framework 2019, policy 1 of the Aligned Core Strategy 2014 and policy LPD3 of the Local Planning Document 2018.

Other

- 7.32 I am aware that there are other planning applications which are currently being assessed by the Borough Council for the conversion of properties within the Netherfield area to HMO accommodation. I would advise that each proposal and site must be considered on its own merits and precedents are therefore not set should one site be granted planning permission.
- 7.33 Whilst I appreciate that during any construction works there is likely to be some disruption to neighbouring residents, this is unlikely to result in significant prolonged disruption. However, should issues arise in regard to times and operations of construction work these matters can be investigated by the Council's Public Protection department and any appropriate action taken.
- 7.34 I am aware that some works have commenced at the property, this matter has been discussed with the Agent for the application who has advised that the works being undertaken are internal works only to the existing property, in order to create a 6 bedroom HMO for 6 residents. The Agent has advised that if permission fails for the proposal as it currently stands for 6 bedrooms and 7 occupants, their fall-back position would be to convert the property to 6 bedrooms with 6 residents which would not require planning permission. I am therefore satisfied that the works which have been undertaken do not require planning permission in their own right and the development has not commenced in respect to this current application. The Agent was also advised that should any works commence at the property which do require planning permission these works would be at the applicant's own risk.
- 7.35 The potential impact of the proposal on the value of neighbouring properties is not a material planning consideration.
- 7.36 There is no evidence to suggest that the property will be used for illegal purposes, however should this be found to be the case once the property is occupied it would be a Police matter.
- 7.37 The concerns in regard to the potential spread of Covid-19 in the property is not a material planning consideration. Whilst Covid-19 is a concern for all, certain procedures can be adopted to control this. Furthermore, the occupants would be living as one household and would have to follow any applicable Covid legislation and guidance.
- 7.38 There is no evidence that the proposal would lead to unscrupulous landlords in the area, however the landlord would need to apply for a Licence under separate legislation.

8.0 Conclusion

- 8.1 The proposed development is consistent with national and local planning policies. The proposal will result in no undue impact on the residential amenity of occupiers of neighbouring properties, there are no highway safety or parking issues arising and space standards within the development are

considered to be acceptable. The development is also acceptable in respect to flood risk issues. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 1, 5, 12 and 14), Policies A, 1, 8 and 10 of the GBCAS (2014) and Policies LPD 3, 32, 37, 57 and 61 of the LPD.

Recommendation: GRANT PLANNING PERMISSION: subject to the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development shall be undertaken in accordance with the details as set out within the application form received on the 27th May 2020, the location plan received on the 27th May 2020, the plans received on the 27th May 2020, drawing numbers 001, 002 and 003 and the Flood Risk Assessment by Silk Projects LTD, dated September 2020.
- 3 The development shall be undertaken in accordance with the submitted Flood Risk Assessment, by Silk Projects LTD, dated September 2020 which states that existing internal ground levels within the property are 22.15mAOD. This is 0.24metres above the potential flood level at the site (flood level of 21.91mAOD).

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure that the site is safe and suitable for use, thereby taking into consideration the aims of the National Planning Policy Framework 2019, policy 1 of the Aligned Core Strategy 2014 and policy LPD3 of the Local Planning Document 2018.

Reasons for Decision

The proposed development is consistent with national and local planning policies. The proposal will result in no undue impact on the residential amenity of occupiers of neighbouring properties, there are no highway safety or parking issues arising and space standards within the development are considered to be acceptable, a Licence however would need to be sought from the Borough Council. The development is also acceptable in respect to flood risk issues. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 5, 12 and 14), Policies 1, 8 and 10 of the GBCAS (2014) and Policies LPD 3, 32, 37 and 61 of the LPD.

Notes to Applicant

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

Your attention is drawn to the following Building Regulations advice which will need to be adhered to: Sound Insulation & Building Regulations The resistance to the passage of sound in buildings must comply with Approved Document E of the building regulations which sets out standards for the resistance to airborne sound and impact sound between and within dwellings. Approved Documents E covers:- Separating walls, floors & associated flanking transmissions for new buildings- Internal walls, floors & stairs for new buildings-Dwelling houses & flats formed by a material change of use-Rooms for residential purposes-Common internal parts of buildings containing flats or rooms for residential purposes . Approved Document E states that it is good practice to consider the layout of rooms in separate dwellings at the design stage to avoid placing noise sensitive rooms next to rooms in which noise is generated eg not situating living areas or kitchens above or next to bedrooms. This will reduce the likelihood of future complaints about impact noise.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2019).

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

Date Recommended: 17th November 2020



Planning Report for 2020/0630



Report to Planning Committee

Application Number:	2020/0630
Location:	45 Ashwell Street, Netherfield
Proposal:	Change of use from C3 dwellinghouse to seven bedroom (Sui-generis) HMO including loft dormer extension
Applicant:	Mr Justin Ingrey
Agent:	Wilson Architects Ltd.
Case Officer:	Alison Jackson

The application has been referred to Planning Committee by the Planning Delegation Panel to allow the matters in respect to highway safety and parking and amenity to be fully considered.

1.0 Site Description

- 1.1 45, Ashwell Street, Netherfield is an existing two storey end terraced property. The property is set slightly back from Ashwell Street. The property does not benefit from off street parking. The site is situated in close proximity to the Netherfield designated local shopping centre.

2.0 Relevant Planning History

- 2.1 None.

3.0 Proposed Development

- 3.1 Planning permission is sought for the change of use of the property from a Class C3 (dwelling) to a House in Multiple Occupation (HMO) providing 7 bedrooms which falls within a sui generis use. Five of the proposed rooms would provide en-suite facilities, with bedrooms 5 and 6 having access to a shared bathroom. Two of the bedrooms initially showed the provision of small kitchenette areas in addition to the en-suites, the plans however have been revised during the processing of the application to remove the kitchenette areas from these two rooms.
- 3.2 Permission is also sought for the erection of a dormer to the rear elevation roof slope of the dwelling, this providing accommodation within the existing roof area to provide bedrooms 6 and 7. The materials proposed for the dormer are tiles to the elevations to match the existing dwelling and white upvc for the windows.

4.0 Consultations

- 4.1 Nottinghamshire County Council (Highway Authority) – no objections, however it is noted that the existing dwelling relies on on street parking only. Parking on street is not a road safety issue however, inconvenience could be caused to existing residents who also have a demand for parking in the area.
- 4.2 Environmental Health (Noise) – no objections however, an informative should be attached to any grant of planning permission advising in regard to noise insulation and building regulations.
- 4.3 Environmental Health (Licensing) – no objections but a Licence would need to be applied for. The proposal accords with national space standards. As part of the licence application process, amenities including those provided in the kitchen would be assessed.

- 4.4 Environment Agency – no objections subject to the following condition:

The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref; Flood Risk Assessment, Change of use to HMO, Roy Lobley Consulting, RLC/0597/FRA01, 05/10/2020) and the following mitigation measures it details:

- ☐ Finished floor levels shall be set no lower than 21.75 metres above Ordnance Datum (AOD) as stated within paragraph 1.6 of the FRA.
- ☐ Flood Resistance measure to be implemented to a minimum height of 22.35 metres above Ordnance Datum (AOD), measures to be implemented as stated within paragraph 5.4 of the FRA.
- ☐ Flood Resilience measures to be implemented to a minimum height of 22.35 metres above Ordnance Datum (AOD), measures to be implemented as stated within paragraph 5.4 of the FRA.
- ☐ Safe refuge area to be located on the first floor or above, as stated within paragraph 5.5 within the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 4.5 Nottinghamshire County Council (Local Lead Flood Authority) – no comments in respect to the application as the proposal does not constitute major application, however the development should not increase flood risk to neighbouring sites or put the development at risk of flooding.
- 4.6 A site notice was displayed and neighbour notification letters posted. As a result of the consultation undertaken 37 no. letters of objection have been received together with a petition which has been signed by 57 residents and these are summarised below:

- ☐ The proposal will add to traffic congestion.
- ☐ Lack of parking.

- ☐ Highway safety issues for highway users and pedestrians.
- ☐ Due to the amount of cars parked on the streets, no maintenance takes place to the streets.
- ☐ Lack of access along streets for refuse collection vehicles and emergency vehicles.
- ☐ Loss of value of neighbouring properties.
- ☐ Increased noise and disturbance to neighbouring properties.
- ☐ Concerns over whether the sewage system and water supply to the proposed HMO and existing properties is adequate.
- ☐ Increase in drug problems in the area.
- ☐ A HMO would undo the improvements in the area.
- ☐ The Victorian properties are an asset to the area, the introduction of a HMO would suppress any future investment in the area.
- ☐ Concerns over whether the Licensee would be a 'fit and proper' person.
- ☐ The company proposing the HMO is targeting the area to make money.
- ☐ Too much development is taking place in Netherfield.
- ☐ Netherfield is becoming over populated and is being turned into a ghetto.
- ☐ Lack of capacity in local schools for additional children in the area.
- ☐ Concerns over the types of people who will occupy the HMO. Will the property be used as a bail hostel
- ☐ The area will become unsafe.
- ☐ Concerns over increase in antisocial behaviour and crime.
- ☐ Concerns over the number of bins that would be needed and an increase in rubbish, potentially leading to fly tipping/vermin and health hazards.
- ☐ The mental health of neighbouring residents will be adversely affected.
- ☐ Other HMO's are being considered in the area.
- ☐ The rooms are too small to provide adequate living accommodation. It is an overintensive use of the property.
- ☐ Loss of community feel in the area if an HMO is allowed.
- ☐ The proposal will set a precedent.
- ☐ The works to the property would be disruptive to the area.
- ☐ Overlooking impact as a result of the proposed dormer.
- ☐ Loss of family homes and affordable homes.
- ☐ Increase risk of Covid-19 in the area and within an HMO.
- ☐ It's a disgrace that such an application is being considered.
- ☐ Existing residents will be forced to move if permission is granted.
- ☐ Concerns that the property would be used for illegal sex operations.
- ☐ HMO's should be banned in residential streets/areas.
- ☐ An HMO would be out of character with the area.
- ☐ There are enough flats and bedsits in the area.
- ☐ Risk to existing residents in the area given who may occupy the property.
- ☐ Concerns over the use of the roof area, will this cause fire risk issues.
- ☐ Loss of owner occupied housing.
- ☐ The HMO should be located in another area.
- ☐ A residents parking scheme will need to be considered.

5.0 Assessment of Planning Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the

determination must be made in accordance with the plan unless material considerations indicate otherwise’.

- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2019 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

- 6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework 2019

Sets out the national objectives for delivering sustainable development. Section 1 (Achieving Sustainable development), Sections 5 (Delivering a sufficient supply of homes), 12 (Achieving well-designed places) and Section 14 (Meeting the challenge of climate change, flooding and coastal change) are particularly relevant.

6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 8: Housing Size, Mix and Choice – sets out the objectives for delivering new housing.

Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

6.4 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

LPD 3 – Managing Flood Risk states planning permission will be granted for development in areas at risk of flooding provided that the development does not increase the risk of flooding on the site or elsewhere.

LPD 32 - Amenity states “Planning permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures”.

LPD 37 – Housing Type, Size and Tenure states “Planning permission will be granted for residential development that provides for an appropriate mix of

housing, subject to housing need and demographic context within the local area.”

LPD 57 – Parking Standards states “Planning permission for residential development will be granted where the development proposal accords with the aims of the Council’s Supplementary Planning Document 2012 – Parking Provision for residential developments, or unless otherwise agreed in writing by the Local Planning Authority.

LPD 61 – Highway Safety states “Planning permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.”

6.5 Other

Parking Provision for Residential Developments – Supplementary Planning Document 2012– sets out the car parking requirements for new residential development.

7.0 **Planning Considerations**

Principle of the Proposed Use

- 7.1 The site is located within an urban area where the principle of the proposed use of the property together with the proposed use of the converted loft space as an HMO is considered acceptable subject to the assessment of all material planning considerations. The property has an authorised use as a Class C3 residential dwelling and whilst the proposed use, given that there would be 7 bedrooms provided at the property, would result in the use of the property falling within a sui generis use, the premises will be used for residential purposes, which is acceptable in this location.
- 7.2 It is therefore considered that the proposal accords with the aims of the National Planning Policy Framework 2019, policy 8 of the Local Planning Document 2018 and policy LPD37 of the Local Planning Document 2018.

Impact of the proposed Use on Residential Amenity

- 7.3 In my opinion the use of the existing property, together with the proposed loft conversion, as an HMO will result in no undue impact onto the amenity of neighbouring properties. Whilst there would be 7 bedrooms provided at the property, facilities in the property are shared by the residents and therefore the occupants would be effectively living as one residence. Whilst the initially submitted plans showed the provision of a kitchenette area within two of the bedrooms, the plans have been revised to remove the kitchenette areas from these rooms and therefore the occupants of all the rooms will share the kitchen area provided together with the living room area.
- 7.4 It is also acknowledged that the property could be used as a 6-bed HMO without requiring planning permission, I therefore consider that the creation of one additional bedroom in order to create 7 bedrooms in total will result in no undue impact on the amenity of neighbouring properties.

- 7.5 Whilst I note the concerns of neighbouring residents in respect to the fact that the use would not be as a 'family home' and the proposed use would affect what existing residents consider to be a 'family area' with the use adversely affecting the community in the area, I can see no justification for this assertion. The use of the property as proposed, whilst I accept would be different from a conventional 'family home', the use of the property as a HMO is supported through Policy 8 of the Aligned Core Strategy and LPD37, as above, which states that residential development should contribute to a mix of housing tenures, types and sizes to create sustainable, inclusive and mixed communities. This proposed development would provide accessible accommodation for tenants in a very sustainable location, close to public transport links and local amenities and would provide a mixed community.
- 7.6 There is no suggestion within the application that the premises would be used as a bail hostel.
- 7.7 I do not consider that the proposal would lead to the area being overpopulated as a result of the proposed use of the premises as an HMO.
- 7.8 The area of Netherfield currently offers a mixture of housing types, which is welcomed in terms of planning policies, providing inclusive communities. Planning policy does not prevent the development of properties for HMO's providing all other material considerations are assessed.
- 7.9 The Environmental Health Officer has been consulted on the application and has advised that they raise no objections to the proposed use. I see no reason to disagree with the professional advice of the Environmental Health Officer, however a Licence would need to be sought from the Borough Council which would assess space standards, facilities being provided within the property, i.e. fridges etc with these matters being assessed by Environmental Health through a mandatory 'property health check' as part of the application process.
- 7.10 The comments received from the Council's Public Protection Section in respect to the building regulations requirements and sound insulation etc, should be attached as a note to any grant of planning permission.
- 7.11 The implementation of these building regulations requirements, which will need separate building regulations approval, will also prevent any noise issues emanating from the use of the premises and between the individual rooms within the premises themselves.
- 7.12 The building regulations will also cover any potential fire risk issues affecting both the occupants of the property and given the fact that the property is a terraced property, neighbouring properties as well.
- 7.13 I note that concerns have been raised in respect to potential anti-social behaviour as a result of the occupants of the property and the potential that the area will become unsafe, again I see no justification for this assertion. However, as the property would be tenanted should any anti-social behaviour issues arise, these can be reported to the owner/management company of the property or the Council's Public Protection department and these matters

could therefore be investigated and any appropriate action taken. Any matters of a more serious nature could also be investigated by Nottinghamshire Police.

- 7.14 It is therefore considered that the proposal accords with the aims of policy 8 of the Aligned Core Strategy and policy LPD32 and policy LPD37 of the Local Planning Document 2018.

Design and Impact of the Proposed Rear Dormer on Neighbouring Amenities

- 7.15 In my opinion, the proposed dormer to the rear elevation roof slope of the property will be visually acceptable and will not detract from the existing dwelling. The proposed dormer sits within the existing roof of the dwelling and does not project above the ridge of the existing dwelling which is welcomed.
- 7.16 I am satisfied that there would be no undue overbearing or overshadowing impact onto neighbouring properties as a result of the proposed rear dormer.
- 7.17 In regard to any potential overlooking impact onto neighbouring properties, given the windows to the dormer will look onto the rear garden area of the application dwelling, I am satisfied that there will be no undue overlooking impact onto neighbouring dwellings.
- 7.18 It is therefore considered that the proposal accords with the aims of the National Planning Policy Framework 2019, policy 10 of the Aligned Core Strategy 2014 and policy LPD32 of the Local Planning Document 2018.

Highway Safety

- 7.19 The Highway Authority has raised no objection to the proposal and state that the proposed use of the premises as a HMO would result in no undue highway safety issues but note that demand for on street parking may result in inconvenience to neighbouring residents but that this is not a highway safety issue.
- 7.20 I note that no parking provision is being made at the site to serve the proposed use of the premises as an HMO. LPD 57 as set out above, states that planning permission will be granted for residential development where the development proposal meets the requirements for parking provision as set out within Appendix D of the Local Planning Document or otherwise agreed in writing by the Local Planning Authority. Appendix D reflects the Parking Provision for Residential Development SPD which gives guidance on the parking provision required for development. Policy LPD57 together with Appendix D and the Council's Parking SPD refer to the requirement for parking provision for dwellings and flats alone with no reference being made to residential developments falling within a residential sui generis use which this proposal is for. I consider therefore that in accordance with policy LPD57, as the proposal relates to residential sui generis use as opposed to dwellings or flats, the requirements of Appendix D and the guidance within the Parking SPD cannot be applied in this instance. It is therefore the latter of part (a) of Policy LPD57 that applies in this instance in that planning permission can be

granted for residential development providing parking standards are as 'otherwise agreed' by the Local Planning Authority.

- 7.21 Taking the above into account, I consider given the proximity of the site to the Netherfield designated shopping area, where there are a number of public car parks together with a number of amenities, shops, etc. which are within walking distance of the application site, together with the fact that the site is situated on a public transport route, the requirement for off road car parking at the site is not required in this instance and the requirement for parking provision has been appropriately assessed in accordance with policy LPD57.
- 7.22 Whilst I note that neighbouring residents have raised concerns in regard to the lack of off street parking and that there will be a greater demand for on road car parking on neighbouring streets preventing existing residents from being able to park, again the site is on a bus route and close to public car parks which can adequately accommodate parking.
- 7.23 With this property and other properties within the area which do not have off street car parking facilities, the on street parking is not restricted to individual properties, it is a case where anyone can park on the street. The concerns raised in regard to parking permits being introduced for residents would be a matter for the County Council as Highway Authority.
- 7.24 I am also mindful of the nature of the use of the dwelling, as a HMO, where occupants are perhaps not likely to have cars but if they do, then given the proximity of the site to a number of public car parks and on street parking being available in the area, parking can be accommodated.
- 7.25 I am also conscious that when the property is marketed as a HMO the rooms available would state that no off road car parking is available to serve the site and therefore the parking issue may manage itself to a certain extent, as if future occupants required off street parking they would be unlikely to apply to be a tenant at the property.
- 7.26 In respect to the issues of road maintenance, this would be a matter for the County Council as the road is an adopted highway.
- 7.27 It is therefore considered that the proposal accords with policy LPD61 in respect to highway safety and LPD57 in regard to the need for off street parking provision.

Flood Risk Issues

- 7.28 As the proposal relates to a change of an existing residential property there is no requirement to undertake a sequential test or an exception test. The proposal however has to be assessed as to whether or not the proposal results in any flood risk issues to the occupants of the premises. As the proposal is for the change of use of the premises, there will be no increased flood risk to the area in general.
- 7.29 I note that the Environment Agency has raised no objections to the proposed use of the premises as a HMO, subject to measures set out within the Flood

Risk Assessment to set finished floor levels to an acceptable height, the provision of flood resistance and resilience measures be incorporated into the development together with the fact that a safe refuge area would be located on the first floor should flooding occur.

- 7.30 I am satisfied therefore that with the incorporation of these measures into the development the use of the premises as proposed will result in no flood risk issues arising. A condition therefore will need to be attached to any grant of planning permission to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment.
- 7.31 It is therefore considered that the proposal accords with the aims of the National Planning Policy Framework 2019, policy 1 of the Aligned Core Strategy 2014 and policy LPD3 of the Local Planning Document 2018.

Other

- 7.32 I am aware that there are other planning applications which are currently being assessed by the Borough Council for the conversion of properties within the Netherfield area to HMO accommodation. I would advise that each proposal and site must be considered on its own merits and precedents are therefore not set, should one site be granted planning permission.
- 7.33 The Local Planning Authority are obligated to assess applications submitted and determine the applications accordingly taking into account all material planning considerations.
- 7.34 The concerns in respect to the impact of the proposal on the sewage system and water supply to the site would be a matter for Severn Trent and Building Control in order to ensure that there is capacity for the safe disposal of waste and adequate water can be provided to the property.
- 7.35 I note the concerns raised in respect to where bins would be stored and am satisfied that these can be accommodated on the frontage of the application site, there is no evidence to suggest that fly tipping would occur in the area which would lead to vermin in the area. The cleanliness of the site would be a matter for occupants of the property but should problems arise, as the premises would be tenanted the concerns could be reported to the owner/management company of the property or the Council's Public Protection Section and these matters would be investigated and any appropriate action taken.
- 7.36 Whilst I appreciate that during any construction works there is likely to be some disruption to neighbouring residents, this is unlikely to result in significant prolonged disruption. However, should issues arise in regard to times and operations of construction work these matters can be investigated by the Council's Public Protection department and any appropriate action taken.
- 7.37 The potential impact of the proposal on the value of neighbouring properties is not a material planning consideration.

- 7.38 There is no evidence to suggest that the property will be used for illegal purposes, however should this be found to be the case once the property is occupied it would be a Police matter.
- 7.39 In addition concerns over drug dealing within the area is a Police matter.
- 7.40 The concerns in regard to the potential spread of Covid-19 in the property is not a material planning consideration. Whilst Covid-19 is a concern for all, certain procedures can be adopted to control this. Furthermore, the occupants would be living as one household and would have to follow applicable Covid legislation and guidance.
- 7.41 The concerns raised over the potential impact of the development on the mental health of neighbouring residents is not a material planning consideration.
- 7.42 There is no evidence that the proposal would lead to unscrupulous landlords in the area, however, the landlord would need to apply for a Licence under separate legislation.

8.0 Conclusion

The proposed development is consistent with national and local planning policies. The proposal will result in no undue impact on the residential amenity of occupiers of neighbouring properties, there are no highway safety or parking issues arising and space standards within the development are considered to be acceptable. The development is also acceptable in respect to flood risk issues. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 1, 5, 12 and 14), Policies A, 1, 8 and 10 of the GBCAS (2014) and Policies LPD 3, 32, 37, 57 and 61 of the LPD.

Recommendation: GRANT PLANNING PERMISSION: subject to the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development shall be carried out in accordance with the details as set out within the application form received on the 9th July 2020, the site location and block plan received on the 9th July 2020, drawing number 20064-P-001 and the plan received on the 9th July 2020, drawing number 20064-P-102 Revision B.
- 3 The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref; Flood Risk Assessment, Change of use to HMO, Roy Lobley Consulting, RLC/0597/FRA01, 05/10/2020) and the following mitigation measures it details:
 - Finished floor levels shall be set no lower than 21.75 metres above Ordnance Datum (AOD) as stated within paragraph 1.6 of the FRA.

- Flood Resistance measure to be implemented to a minimum height of 22.35 metres Above Ordnance Datum (AOD), measures to be implemented as stated within paragraph 5.4 of the FRA.
- Flood Resilience measures to be implemented to a minimum height of 22.35 metres above Ordnance Datum (AOD), measures to be implemented as stated within paragraph 5.4 of the FRA.
- Safe refuge area to be located on the first floor or above, as stated within paragraph 5.5 within the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure that the site is safe and suitable for use, thereby taking into consideration the aims of the National Planning Policy Framework 2019, policy 1 of the Aligned Core Strategy 2014 and policy LPD3 of the Local Planning Document 2018.

Reasons for Decision

The proposed development is consistent with national and local planning policies. The proposal will result in no undue impact on the residential amenity of occupiers of neighbouring properties, there are no highway safety or parking issues arising and space standards within the development are considered to be acceptable, a Licence however would need to be sought from the Borough Council. The development is also acceptable in respect to flood risk issues. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 5, 12 and 14), Policies 1, 8 and 10 of the GBCAS (2014) and Policies LPD 3, 32, 37 and 61 of the LPD.

Notes to Applicant

Your attention is drawn to the following Building Regulations advice which will need to be adhered to: Sound Insulation & Building Regulations The resistance to the passage of sound in buildings must comply with Approved Document E of the building regulations which sets out standards for the resistance to airborne sound and impact sound between and within dwellings. Approved Documents E covers:- Separating walls, floors & associated flanking transmissions for new buildings- Internal walls, floors & stairs for new buildings-Dwelling houses & flats formed by a material change of use-Rooms for residential purposes-Common internal parts of buildings containing flats or rooms for residential purposes . Approve Document E states that it is good practice to consider the layout of rooms in separate dwellings at the design stage to avoid placing noise sensitive rooms next to rooms in which noise

is generated eg not situating living areas or kitchens above or next to bedrooms. This will reduce the likelihood of future complaints about impact noise.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2019).

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

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Planning Report for 2020/1110



Report to Planning Committee

Application Number: 2020/1110

Location: Conway Road Recreation Ground, Carlton

Proposal: Install 12m cabinet style galvanised column including concrete base for CCTV camera

Applicant: Gedling Borough Council

Agent:

Case Officer: Claire Turton

The applicant is Gedling Borough Council and therefore, in accordance with the Council's Constitution, this application has been referred to Planning Committee.

1.0 Site Description

- 1.1 The application site is a recreation ground consisting of a bowling green and pavilion, tennis courts and playground.
- 1.2 The site is located within the urban area of Carlton. Neighbouring properties are predominantly residential with a railway line immediately to the east of the site.
- 1.3 The site is located within flood zone 3.

2.0 Relevant Planning History

- 2.1 None.

3.0 Proposed Development

- 3.1 The application seeks full planning permission for the erection of a 12m high metal pole for a CCTV camera. The pole would be sited on the recreation ground itself, roughly east of the pavilion building.
- 3.3 The purpose of the cameras is to assist in the prevention and detection of anti-social behaviour at the site.

4.0 Consultations

4.1 **The Environment Agency**;- No objection.

4.2 A Site Notice was posted and neighbour consultations undertaken.

1 letter has been received by a neighbouring resident querying whether the camera will get a good view of both bowling greens and both sides of the pavilion building. The author states that this is important as this is where people gather. The Planning Officer, in consultation with the applicant, has responded directly to the neighbour that the location of the camera has been chosen to get a good view of the whole park, including the bowling green and both sides of the pavilion.

5.0 Development Plan Policies

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2019 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG). The Greater Nottingham Aligned Core Strategy Part 1 Local Plan and the Local Planning Documents (part 2 Local plan) is also pertinent.

5.3 The following policies are relevant to the application:

5.4 National Planning Policy Framework 2019

Sets out the national objectives for delivering sustainable development. Section 8, paragraph 91 (promoting healthy and safe communities) makes specific reference to the need to ensure that crime, and the fear of crime, does not undermine community cohesion. Section 12, paragraph 127 (Achieving well-designed places) also makes reference to how crime, and the fear of crime, can undermine the quality of life. Section 8, paragraph 155 (meeting the challenge of climate change, flooding and coastal change) states that inappropriate development in areas at risk of flooding should be avoided but where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

5.5 Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan

Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

5.6 Local Planning Document (Part 2 Local Plan)

LPD 3: Managing Flood Risk – advises regarding development in areas at a risk of flooding.

LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

6.0 Assessment of Planning Considerations

- 6.1 The key issues in the determination of this application are the impact of the proposal on the immediate surroundings in terms of the design and appearance of the proposal, the impact of the proposal on the residential amenity of nearby properties, flood risk and the support provided towards crime prevention in the area.

7.0 Principle of development

- 7.1 The principle of the development is supported in that the site is located within a built-up area and there is a need to ensure that crime, and the fear of crime is, where possible, reduced. I have been informed by the applicant that there have been issues of anti-social behaviour at the recreation ground. As a result, it is considered that the erection of the pole and CCTV camera will reduce the fear of crime and help the detection of crime too. The proposal is, therefore, deemed to comply with guidance within the NPPF (sections 8 and 12).

8.0 Design

- 8.1 The proposed CCTV column would be located to the rear (east) of the site, away from the public highway and is therefore not prominent within the streetscene. There are a number of other similar poles in the area including street lights. Whilst the proposed pole would be slightly taller at 12 metres, the pole would not appear an incongruous feature in the streetscape and is appropriate in the context of where it would be sited.
- 8.2 It is considered that the pole and camera would not have any material adverse impact on the character of the area by reason of its scale, bulk, form, layout or materials such that it would comply with the requirements of Policy 10 of the ACS and LPD32.

9.0 Residential amenity

- 9.1 The CCTV is to be used to monitor the recreation ground as a deterrent and to record possible crimes in the area. There are residential properties in the area, surrounding all four sides of the recreation ground albeit with a public highway and a railway line intervening to the west and east respectively. The nearest residential boundary is in excess of 50 metres away from the proposed camera. In any case, the purpose of the camera is not to impinge on the privacy of occupiers but to observe the public realm. As a result the camera would not impact upon residential amenity.

9.2 Given the above, the proposal is considered to accord with all relevant aims of policy LPD32 and is acceptable.

10.0 Flood Risk

10.1 The proposal is located in Flood Zone 3. The National Planning Policy Framework requires the submission of a Flood Risk Assessment for all developments in Flood Zone 2 and 3. A Flood Risk Assessment has been submitted with the application which identifies that the proposed development is extremely minor in nature (it has a footprint of 0.5 square metres set within a park of approx. 1.3 hectares) and is extremely unlikely to have any impact on the function of the floodplain given the small footprint. The Environment Agency has raised no objection to the proposal stating that it will not have any major impact on the function of the floodplain. It is therefore considered that the proposal complies with the advice of the NPPF and LPD3.

11.0 Crime prevention

11.1 Paragraph 91 of the NPPF advises that planning decisions should aim to ensure that developments, inter-alia, 'are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'. Policy 10 of the Core Strategy also supports the 'incorporation of features to reduce opportunities for crime and the fear of crime, disorder and anti-social behaviour, and promotion of safer living environments'. It is considered that the operation of a CCTV camera at this location would be acceptable due to its purpose to reduce crime and the fear of crime. It is therefore considered that the proposal complies with the advice of the NPPF and Core Strategy Policy 10.

12.0 Conclusion

12.1 The proposed development is consistent with Gedling Borough planning policies. The proposal represents an acceptable form of development which seeks to reduce crime, the detection of crime and the fear of crime. The proposal is not considered to have an unacceptable impact on the visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of the occupiers of neighbouring properties. The proposal will not increase flood risk in the area.

It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 8 and 12), Policy 10 of the GBCAS (2014) and Policies LPD 3 and 32 of the LPD.

Recommendation: Grant Conditional Planning Permission

Conditions

- 1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
- 2 This permission shall be read in accordance with the application form and following list of documents and approved drawings:

Application Form, received 5th November 2020 and amended Certificates, received 13th November 2020

Site Location and Block Plan, received 18th November 2020

Drawing no. TC.10.400.01 entitled 400 Sq Cabinet Based 10 Mtr Pole, received 5th November 2020

Appendix One Image of CCTV Dome Type Camera, received 5th November 2020

Appendix Two Image of Proposed Transmitter, received 5th November 2020

Appendix Three Diagram of CCTV Column, received 5th November 2020

Drawing no. WEC-467586A1 entitled CS2000 showing Plastic Bung, received 18th November 2020

The development shall thereafter be undertaken in accordance with these plans/details.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt

Reasons for Decision

The proposed development is consistent with Gedling Borough planning policies. The proposal represents an acceptable form of development which seeks to reduce crime, the detection of crime and the fear of crime. The proposal is not considered to have an unacceptable impact on the visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of the occupiers of neighbouring properties. The proposal will not increase flood risk in the area. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 8 and 12), Policy 10 of the GBCAS (2014) and Policies LPD 3 and 32 of the LPD.

Notes to Applicant

The applicant is advised that all planning permissions granted on or 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

The applicant should be aware that the site is within a flood zone and therefore it would be advisable to set any control equipment as high as possible to offset the risk of any control equipment becoming damaged.

Date Recommended: 16th December 2020

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Planning Enforcement Report for 0182/2020



Report to Planning Committee

Reference Number: 0182/2020

Location: 9 Gedling Road, Carlton

Breach of Planning Control: The construction of an unauthorised building.

1 Background

- 1.1 In September 2020, it was brought to the Council's attention that a single storey outbuilding had been constructed forward of the principal elevation of No. 9 Gedling Road, Carlton.
- 1.2 No. 9 Gedling Road is a detached residential dwelling within the built-up area of Gedling. The site is elevated above Gedling Road and is located on a corner plot between Gedling Road and Redland Grove. Neighbouring properties are predominantly residential, although there are some commercial uses close by.
- 1.3 The front and side of the property is bound by a stone wall approximately 1 metre in height with a fence directly behind this adding a further metre in height. This fence does not have planning permission but is likely to be exempt from any formal planning enforcement action due to the length of time it's been there.
- 1.4 The outbuilding measures 7.3 metres in length x 4.9 metres in width (at its widest point). It is used as a garden room and to cover a hot tub.
- 1.5 Recently, the applicants have planted conifers (which do not require planning permission) in order to try and screen the building from public view points.
- 1.6 On the 14th October 2020 the owners of the dwelling submitted a retrospective planning application reference 2020/1030 to retain the building but the application was refused permission in December 2020.

2.0 Planning History

- 2.1 There are various extensions at the property, including a conservatory to the side and a rear off-shoot linking to a garage in the rear garden (with vehicular access from Redland Grove). This means that the front garden is the largest area of amenity space serving the dwelling.

- 2.2 Google street view shows that the fence to the front of the site has been in situ since at least 2008 and therefore is likely to be immune from enforcement action.

3 Assessment

- 3.1 Schedule 2 Part 1 Class E of the General Permitted Development Order 2015 (GPDO) grants permission for an outbuilding within the curtilage of a dwelling house, if it is incidental to the enjoyment of the dwelling, subject to certain restrictions including a condition that the building must not be situated on land forward of a wall forming the principal elevation of the original dwelling house. In this case the outbuilding is forward of the principal elevation and therefore requires planning permission
- 3.2 Although development has occurred without planning permission and is therefore unauthorised, local planning authorities are required to consider government guidance when deciding whether to take planning enforcement action. Government guidance is found in the National Planning Policy Framework 2019 (NPPF) (Paragraph 58) and states that although effective enforcement is important as a means of maintaining public confidence in the planning system, ultimately enforcement action is discretionary and local planning authorities should act proportionately in responding to breaches of planning control.
- 3.3 The main considerations when deciding whether to take enforcement action in this case are;
- i) the visual impact of the proposal on the character and appearance of the locality
 - ii) the impact of the proposal on the residential amenity of occupants of the neighbouring properties
 - iii) Highway safety
 - iv) whether the Local Planning Authority is within the four year statutory time limit for taking action for unauthorised development.

3.4 Planning Policies

The following policies are relevant to this development:

- 3.5 At the national level the National Planning Policy Framework (February 2019) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. It seeks good design as a key element of sustainable development and a high standard of amenity for existing and future users of land and buildings.

- 3.6 Paragraph 124 of the NPPF states that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 3.7 Paragraph 127 of the NPPF states that “Planning policies and decisions should ensure that developments ... create places ... with a high standard of amenity for existing and future users.”
- 3.8 At the local level, Policy 10 of the Greater Nottinghamshire Aligned Core Strategy (2014) seeks to proactively promote good design and reinforce valued local characteristics. In order to achieve this, the policy approach sets out a number of criteria to reinforce valued local characteristics.
- 3.9 Policy LPD 32 of the Local Plan Document seeks to protect the amenity of nearby residents or occupiers.
- 3.10 Policy LPD 35 requires the massing, scale and proportion of development should be appropriate to the immediate context, site constraints and the character of the surrounding area.
- 3.11 LPD 43 - states planning permission will be granted for extensions or alterations to dwellings which are not within the Green Belt but which are within the main built up areas and key settlements provided it is in keeping with the surrounding character and it would not cause an adverse impact on the amenity of nearby occupiers.
- 3.12 LPD 61 – Highway Safety requires planning permission to be granted for development which does not have a detrimental effect on highway safety.

Visual impact on the character and appearance of the locality

- 3.13 The site is located in a prominent location on the corner of two public highways. The outbuilding is located to the front / side corner of the site and the development is extremely prominent within the street scene and dominates the front of the site and host dwelling.
- 3.14 The development measures 2.5 metres in height but due to the site being on higher land than Gedling Road, it appears much taller than this when viewed from public areas. The development measures 7.3 metres in width and dominates the front boundary of the plot, obscuring part of the ground floor of the host dwelling.
- 3.15 Both of the elevations of the unauthorised building which face Gedling Road are blank elevations, containing no visual interest such as windows. Overall this leads to a prominent outbuilding, presenting blank elevations and dominating and obscuring the front of the site, to the detriment of the visual amenity of the area.
- 3.16 The applicant has recently planted conifer trees to try and screen the building. However, at this current time the conifers are only marginally taller than the existing fence and do not screen the building.

- 3.17 It is considered the development is contrary to the advice contained in the NPPF, Policy LPD43 of the Local Plan

Impact on Residential Amenity

- 3.18 Due to separation distances and the fact the development borders two public highways and not other residential dwellings or gardens, I do not consider that the development has an unacceptable impact on the residential amenity of neighbouring occupiers in terms of massing / overshadowing and there are no issues involving overlooking onto neighbouring properties as all windows face into the site itself.

Highway Safety

- 3.19 Parking and access at the site are unaffected by the development.

Time Limits

- 3.13 The statutory time limit for taking action for unauthorised built development is four years. In this case the evidence available to the Council strongly suggests the development only commenced this year and the Council is within time to commence enforcement proceedings such as issuing an enforcement notice.

Human Rights

- 3.15 Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 3.16 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing an enforcement notice or pursuing formal proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients' rights. However, it is considered that issuing an enforcement notice would be a proportionate response to halt the breach of planning control taking place and depending on compliance with the notice it might well be justified to take court action.

Equalities

- 3.17 The Council's Planning Enforcement team operates in accordance with the Council's Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to

take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate in the individual circumstances and which are in accordance with the Council's policy and government legislation.

- 3.18 The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council's published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

Crime and disorder

- 3.19 The Crime and Disorder Act 1998 places a duty on the Local Planning Authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.

4 Conclusion

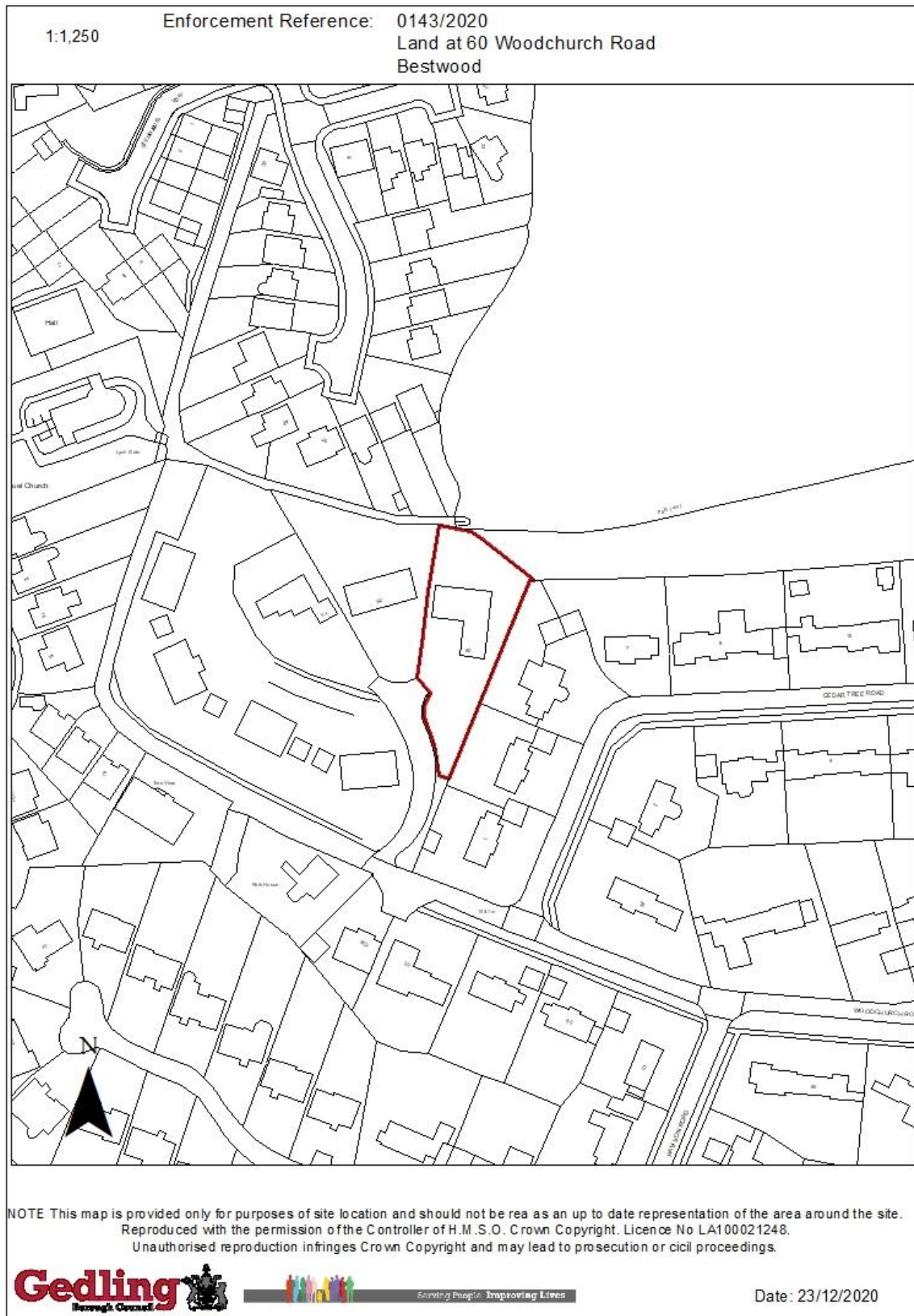
- 4.1 A breach of planning control has been identified and it is considered that the siting and scale of the development make the outbuilding extremely prominent within the street scene, presenting blank elevations which dominate the front of the site and host dwelling to the detriment of the visual amenity of the area.
- 4.2 For these reasons the development is considered to be contrary to the advice in the NPPF as well as Policy 10 of the Gedling Borough Council Aligned Core Strategy and Policy 43 of the Gedling Local Planning Document.
- 4.3 The Council should now commence enforcement action without delay by issuing a planning enforcement notice requiring the removal of the outbuilding.

5 Recommendation

- 5.1 **That the Head of Development and Place, be authorised to take all enforcement action including the service of any enforcement notices and in conjunction with the Head of Governance and Customer Services take proceedings through the courts if required to ensure the unauthorised outbuilding is removed.**



Planning Enforcement Report for 0143/2020



Report to Planning Committee

Reference Number: 0143/2020

Location: Land at 60 Woodchurch Road, Bestwood.

Breach of Planning Control: Material change of use of residential dwelling and garden to a mixed use of residential dwelling and garden and a warehousing/storage and distribution facility.

1 Background

- 1.1 No. 60 Woodchurch Road, is a large detached dwelling in a wholly residential area of Bestwood. It is fully enclosed by large electronic gates and a brick built boundary wall. It has a large garden area to the front and rear of the property and a large double integral garage.
- 1.2 Access to the site is via a private road extending northwards from an adopted section of Woodchurch Road. The private access road also provides access to two other existing large detached properties and a development site where permission has been granted for three more large detached dwellings and a large bungalow.
- 1.3 Complaints were first received in November 2015 about the owners of this property, receiving deliveries at the property of fixtures and fittings in connection with their kitchen business which was operating from shop premises nearby.
- 1.4 A letter was sent by the Council to the owners advising them this activity required planning permission as the fixtures and fittings being delivered and stored at the property were not required in connection with the dwelling, resulting in a change of use of the residential premises. A month later, in December 2015 the complainants advised there had been no further deliveries and they were happy for the file to be closed.
- 1.5 In March 2017, the Council again received complaints about deliveries to No. 60 and about the impact the HGVs and deliveries were having on other people living nearby.

- 1.6 The Council sent another letter and in May 2017, the complainant advised that the problem had been resolved and there was no need for any further action.
- 1.7 In September 2017, further complaints were received about the owners at No. 60 receiving kitchen units and other fittings at their residential property in connection with their kitchen business and again the Council wrote to the owners to advise enforcement action would be taken if the use did not cease. Again, the complaint confirmed the use had cease and there was no further action required by the Council.
- 1.8 In August 2020, the complainant contacted the Council to advise there had been further commercial deliveries to No. 60 in heavy goods vehicles in the early hours of the morning and that the vehicles had blocked the access and the noise had caused disturbance.
- 1.9 The owners were contacted and they advised the Council Officer that they had retired and were no longer running the kitchen business but they were now building two self-build properties and had received bathroom and other fittings at their home for storage until they could be fitted in the new dwellings.
- 1.10 The owners were advised that the matter would be referred to the Planning Committee for consideration of enforcement action.

2 Planning History

- 2.1 There is no planning history for this property

3 Assessment

- 3.1 No. 60 Woodchurch Road is a residential property in a popular residential area of Bestwood. The narrow private access road is currently busy with construction traffic working on and delivering to the development site opposite as well as neighbours trying to access and leave their own properties.
- 3.2 The use of the dwelling for storage of items and materials not intended for the property, requires planning permission and no such permission has been applied for nor granted.
- 3.3 Although the change of use has occurred without planning permission and is therefore unauthorised, local planning authorities are required to consider government guidance when deciding whether to take planning enforcement action. Government guidance is found in the National Planning Policy Framework (NPPF) (Paragraph 58) and states that although effective enforcement is important as a means of maintaining public confidence in the planning system, ultimately enforcement action is discretionary and local planning authorities should act proportionately in responding to breaches of planning control.
- 3.4 The main considerations when deciding whether to take enforcement action in this case are;

i) whether the use of the dwelling for the storage and distribution of goods has any detrimental effect on the amenities of the occupiers of nearby properties, on character of the area or the environment, or highway safety.

ii) whether the Local Planning Authority is within the ten year statutory time limit for taking action for a material change of use of the land.

Planning policy considerations

3.5 The fundamental aim of the NPPF is that the planning system should achieve sustainable development by three overarching objectives and in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. It attaches great importance to positive improvements in the conditions which people live and work and paragraph 130, the NPPF states that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...”

3.6 At the local level, Policy 10 of the Greater Nottinghamshire Aligned Core Strategy (2014) seeks to proactively promote good design and reinforce valued local characteristics. In order to achieve this, the policy approach sets out a number of criteria to reinforce valued local characteristics.

3.7 Policy LPD 32 of the Local Plan Document seeks to protect the amenity of nearby residents or occupiers.

3.8 Policy LPD 35 requires the massing, scale and proportion of development should be appropriate to the immediate context, site constraints and the character of the surrounding area.

3.9 Policy LPD 61 states that “Planning permission will only be granted for development proposals which do not have a detrimental effect on highway safety...”

Impact on residential amenity

3.10 It is considered that the number of vehicular movements and deliveries associated with the storage and distribution of goods, fittings and materials is detrimental to neighbours’ amenities and will cause noise and disturbance to the occupiers of nearby dwellings affecting their enjoyment of their homes. The use is contrary to LPD Policy 32.

Impact on the character of the area and the environment

3.11 This area of Bestwood is characterised by well-kept and well-presented residential properties. There is no other commercial use in the immediate vicinity. The additional vehicular movement and visitors associated with the delivery and

distribution of goods is detrimental and out of character with this residential area and is therefore contrary to Policy 10 of the Core strategy and Policy LPD 35.

Impact on highway safety

- 3.12 The Highways Authority are unable to object to this change of use as it is operating from a private access drive.

Time Limits

- 3.13 The statutory time limit for taking action for a material change of use of the land is 10 years. In this case the evidence available to the Council strongly suggests that the change of use has been intermittent for the last five years and the Council is within time to commence enforcement proceedings such as issuing an enforcement notice requiring the use to cease.
- 3.14 Should the activity be allowed to continue without formal intervention from the Council, the use will become established and outside of the control of the Council resulting in a storage and distribution operation being allowed to continue without any conditions in a wholly residential area.

Human Rights

- 3.15 Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 3.16 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing an enforcement notice, or pursuing formal proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients' rights. However, it is considered that issuing a notice in the first instance would be a proportionate response to rectifying the breach of planning control taking place and depending on compliance with the notice it might well be justified to take court action.

Equalities

- 3.17 The Council's Planning Enforcement team operates in accordance with the Council's Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate in the individual circumstances and which are in accordance with the Council's policy and government legislation.
- 3.18 The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council's published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

Crime and disorder

- 3.19 The Crime and Disorder Act 1998 places a duty on the Local Planning Authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.
- 3.20 In light of all the facts it is now considered expedient to serve an enforcement notice to require the cessation of the unauthorised storage and distribution use of materials and items which are not considered incidental or ancillary to the domestic residential use of the dwelling.

4 Conclusion

- 4.1 The use of this residential property for the storage and distribution of materials, fittings and other items for use at other premises has continued intermittently for five years. Although the owners cease the use for a period of time when the Council contacts them, the use later resumes.
- 4.2 The breach conflicts with both national and local policies. Negotiations with the owners have failed to rectify the breach and failure of the Council to act in these circumstances may leave local residents with a business which adversely affects

their well-being and is detrimental to the character and amenity of the area and which is beyond the control of the Council.

- 4.3 The Council should now commence enforcement action without delay by issuing a planning enforcement notice requiring the cessation of the unauthorised use. If the notice is not complied with proceedings should be taken in the courts if necessary.

5 Recommendation

- 5.1 The Assistant Director – Planning and Regeneration, be authorised to take all enforcement action including the service of any necessary enforcement notices and in conjunction with the Director of Organisational Development & Democratic Services take proceedings through the courts if required to ensure the cessation of the unauthorised storage and distribution use.**

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Planning Enforcement Report for 0073/2020



Report to Planning Committee

Reference Number: 0073/2020

Location: Land at 17 Upminster Drive, Arnold.

Breach of Planning Control: Construction of an unauthorised building.

1 Background

- 1.1 This property is a two storey detached dwelling in the urban area of Arnold. There is a rear garden area to the property with the land sloping upwards from the west to the east, resulting in the neighbouring property at No. 15 being set at a slightly lower level and No. 19 at a slightly elevated level to the land at No.17. Adjoining the rear boundary of the site is No. 54 Kempton Drive.
- 1.2 On the 5th April 2019, the Council was notified that a large building was being constructed in the rear garden of No. 17 Upminster Drive without the benefit of planning permission.
- 1.3 The Council's Planning Enforcement Officer visited the site and saw a wooden building incomplete but under construction. The building measured approximately 7.2m by 8.1m and an overall height of 2.8m. There were sewerage and water pipes installed and leading to the building.
- 1.4 The owners advised the building was intended as a residential annex to the main building for family members to live in. The annex was to provide three bedrooms, a kitchen/living room and bathroom facilities.
- 1.5 A retrospective planning application reference 2019/0502 was submitted to retain the building but was refused planning permission on the 5th December 2019

2 Planning History

- 2.1. There is no other planning history for this property

3 Assessment

- 3.1 Although the construction of the building has occurred without planning permission and is therefore unauthorised, local planning authorities are required to consider government guidance when deciding whether to take planning

enforcement action. Government guidance is found in the National Planning Policy Framework (NPPF) (Paragraph 58) and states that although effective enforcement is important as a means of maintaining public confidence in the planning system, ultimately enforcement action is discretionary and local planning authorities should act proportionately in responding to breaches of planning control.

3.2 The main considerations when deciding whether to take enforcement action in this case are;

i) whether the residential annex has any detrimental effect on the amenities of the occupiers of nearby properties, on character of the area or the environment, or highway safety.

ii) whether the Local Planning Authority is within the four year statutory time limit for taking action for built development.

Planning policy considerations

3.3 The fundamental aim of the NPPF is that the planning system should achieve sustainable development by three overarching objectives and in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. It attaches great importance to positive improvements in the conditions which people live and work and paragraph 124 of the NPPF states “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Paragraph 130, of the NPPF further states that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...”

3.5 At the local level, Policy 10 of the Greater Nottinghamshire Aligned Core Strategy (2014) seeks to proactively promote good design and reinforce valued local characteristics. In order to achieve this, the policy approach sets out a number of criteria to reinforce valued local characteristics.

3.6 Policy LPD 32 of the Local Plan Document seeks to protect the amenity of nearby residents or occupiers.

3.7 Policy LPD 35 requires the massing, scale and proportion of development should be appropriate to the immediate context, site constraints and the character of the surrounding area.

3.8 Policy LPD 43 advises planning permission will be granted for extensions not in the Green Belt but in urban and key settlements, providing the proposal is in keeping with the character of the area and it does not cause a significant adverse impact on the amenity of nearby occupiers.

- 3.9 Policy LPD 61 states that “Planning permission will only be granted for development proposals which do not have a detrimental effect on highway safety...”
- 3.10 Buildings that provide ancillary accommodation to a main dwelling can be considered acceptable in some instances, but proposals have to be assessed in terms of whether or not the accommodation is truly providing ancillary accommodation, the appearance of the proposal and the impact on neighbouring properties.
- 3.11 In this instance, the scale of the building together with the accommodation which would be provided, three bedrooms, a bathroom, kitchen/living room, in my opinion does not constitute ancillary accommodation to the main dwelling but rather it appears as ‘an independent residential unit being sited within the rear garden of the existing dwelling and it would not be serving the main dwelling on the site.

Impact on residential amenity

- 3.12 The footprint of the building is comparable with that of a small bungalow and the building is supported on short posts raising it above the ground level of the garden in part, by approximately 380mm above the existing ground level of the site.
- 3.13 The scale of the building together with its height above the ground level of the land results in the building appearing dominant and prominent within the plot reinforcing the opinion the building is not ancillary to the existing dwelling.
- 3.14 As the land is higher than that of the neighbouring property at No. 15 and the building is further raised above the ground level of the site, the building appears dominant when viewed from the neighbouring property and results in an overbearing and prominent form of development on the site contrary to both national and local policies mentioned above.
- 3.15 The property at No. 19 is on land higher than the unauthorised building and as such there is no adverse impact on the residential amenities of the occupiers of this property.
- 3.16 Whilst there would be no over shadowing or overbearing impact from the unauthorised building on the neighbouring property to the rear, the windows to the rear of the building could result in an adverse overlooking impact onto this neighbouring dwelling. However, the plans submitted in respect of the 2019 planning application indicate these windows would be obscured glazed with any opening parts located 1.7m above the floor level of the rooms they serve, this being the case there would be no overlooking issues onto the neighbouring property at the rear.

Impact on the character of the area and the environment

- 3.17 Given the scale and footprint of the building together with the accommodation proposed the building is considered to be a separate independent unit as opposed to an annex to be used in conjunction with the main dwelling.
- 3.18 The site is not large enough to cater for two independent units on the site whilst maintaining an acceptable relationship with each other and with the existing neighbouring properties. It appears as a cramped and contrived development and in addition given the scale of the building together with the fact that it is raised in part above the level of the land on which it sits the building appears overly dominant and prominent within the site to the existing dwelling and the neighbouring dwelling at No. 15.
- 3.19 The building is detrimental and out of character with this residential area and is therefore contrary to Policy 10 of the Core strategy and Policy LPD 35.

Impact on highway safety

- 3.20 It is considered the building has no adverse impact on highway safety.

Time Limits

- 3.21 The statutory time limit for taking action for built development is 4 years. The building is not substantially completed and so the Council is within time to commence enforcement proceedings such as issuing an enforcement notice requiring the building to be demolished.

Human Rights

- 3.22 Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 3.23 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing an enforcement notice, or pursuing formal proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients' rights. However, it is considered that issuing a notice in the first instance would be a proportionate response to rectifying the breach of planning control taking place

and depending on compliance with the notice it might well be justified to take court action.

Equalities

- 3.24 The Council's Planning Enforcement team operates in accordance with the Council's Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate in the individual circumstances and which are in accordance with the Council's policy and government legislation.
- 3.25 The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council's published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

Crime and disorder

- 3.26 The Crime and Disorder Act 1998 places a duty on the Local Planning Authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.
- 3.27 In light of all the facts it is now considered expedient to serve an enforcement notice to require the removal of the unauthorised building.

4 Conclusion

- 4.1 The unauthorised building is currently incomplete and unoccupied but it is intended as a separate residential property within the garden of an existing dwelling. The development results in a cramped and contrived form of development which is out of keeping and detrimental to the character of the area. Furthermore it is overbearing on the existing dwelling and on the neighbouring dwelling at No. 15.
- 4.2 The breach conflicts with both national and local policies. Negotiations with the owners have failed to rectify the breach and failure of the Council to act in these

circumstances may leave a dwelling which is out of character and detrimental to the character and amenity of the area and which is beyond the control of the Council.

- 4.3 The Council should now commence enforcement action without delay by issuing a planning enforcement notice requiring the building to be demolished. If the notice is not complied with proceedings should be taken in the courts if necessary.

5 Recommendation

- 5.1 **The Head of Development and Place, be authorised to take all enforcement action including the service of any necessary enforcement notices and in conjunction with the Head of Governance and Customer Services take proceedings through the courts if required to ensure the cessation of the unauthorised storage and distribution use.**

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Report to Planning Committee

Application Number: 2020/0847 – Appeal Ref: APP/N3020/D/20/3263301

Location: 1 Shandwick Close, Arnold, NG5 8AZ

Proposal: Two-storey front extension.

Case Officer: Cristina Dinescu

Planning permission was refused by the Borough Council on the 9th October 2020 on the following grounds:

1. The double storey nature, location, separation distances and relationship with adjoining property, would result in a significant undue overbearing and overshadowing impact on the residential amenities of the occupiers of no.14 Strathmore Road. The proposal is contrary to policies LDP 32 and LPD 43 of the Local Planning Document.

An appeal against this decision was subsequently lodged with the Planning Inspectorate.

Prior to the determination of this appeal it was confirmed to the Planning Inspectorate that the concerns actually relate to No.16 Strathmore Road.

This appeal has been Dismissed. The Inspector concluded that the development would have an unduly intrusive and overbearing presence on No.16, due to the scale and height of the development, coupled with its relationship with this neighbouring property. The development would result in an unacceptable impact on living conditions and would therefore be contrary to policies LPD 32 and LPD 43 of the Local Planning Document which seek to ensure development does not have a significant adverse impact on the amenity of nearby residents.

Recommendation: To note the information.

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Report to Planning Committee

Application Number: 2019/1029 – Appeal Ref: APP/N3020/W/20/3257421

Location: 10 Nottingham Road Ravenshead Nottingham

Proposal: Proposed new dwelling within existing garden plot.

Case Officer: Bev Pearson

Planning permission was refused by the Borough Council on the 23rd July 2019 on the following grounds:

1. 'In the opinion of the Local Planning Authority the proposal would result in the construction of a new building in the Green belt and fails to accord with any of the identified exceptions of development. It would therefore constitute inappropriate development which would be by definition harmful to the openness of the Green Belt. In the absence of any very special circumstances which would outweigh such harm the development fails to accord with Section 13 (Protecting Green Belt Land) of the NPPF (2019), Policy 3 (The Green Belt) of the Aligned Core Strategy (2014) and Policy LPD 15 (Infill Development in the Green Belt) of the Local Planning Development Document (2018).'- and
2. 'In the opinion of the Local Planning Authority the proposed development would result in a loss of protected trees to the detriment of the visual amenity of the site and would therefore result in adverse impact on the character and appearance of the site, the streetscene and its wider setting. The proposal therefore fails to accord with Section 12 (Achieving well-designed places) of the National Planning policy Framework (2019), Policy 10 (Design and Enhancing local Identity) of the Aligned Core Strategy (2014) and policies LPD 15 (infill Development within the Green Belt) LPD 19 (Landscape Character and Visual Impact) LPD 34 (Residential Gardens) of the Local Planning Development Document (2018).'

An appeal against this decision and an application for the award of costs was subsequently lodged with the Planning Inspectorate.

This appeal has been dismissed.

1. In relation to reason 1 of the refusal of permission the Inspector considered that the proposal failed to meet any of the exceptions of development set out in Paragraph 145 of the NPPF which may not be considered inappropriate development in the Green Belt nor Policy LPD 15 of the LPD. For this reason the Inspector concluded the proposal would amount to 'inappropriate development' that would cause harm to the openness of the Green Belt and harm to the character and appearance of the site and surrounding area. There are no very special circumstances to outweigh the harm caused. The development is contrary to national planning policy, along with the ACS and LPD. There are no material considerations to outweigh the conflict with these planning policies.

2. In relation to reason 2 of the refusal of permission the Inspector concluded that having regard to the removal of TPO trees, the proposed development would be visually harmful to the character and appearance of the site and surrounding area and the scheme would therefore conflict with Policy 10 of the ACS, Policies LPD 19 and LPD 34 of the LPD and section 12 of the Framework.

The application for the award of costs was made on the basis that the Council behaved unreasonably which resulted in unnecessary and wasted expense in the appeal process and subsequent delays has resulted in wider cost implications.

The application for award of costs has also been dismissed.

The Inspector considered that the Council has considered that the application did not overcome fundamental concerns set out in their previous pre application response, that the officer's recommendation report and the reasons for refusal were clear and sufficient evidence was submitted to support the Council's policy stance and has been consistent in determining similar planning applications. Furthermore the reasons for refusal were not unreasonable and the use of planning conditions could not make the development acceptable.

The Inspector therefore concluded that the applicant has not shown that the Council's refusal of planning permission was unreasonable.

Recommendation: To note the information.



Report to Planning Committee

Subject: Future Planning Applications

Date: 22/12/2020

The following planning applications or details have been submitted and are receiving consideration. They may be reported to a future meeting of the Planning Committee and are available for inspection online at: <http://pawam.gedling.gov.uk:81/online-applications/>

<u>App No</u>	<u>Address</u>	<u>Proposal</u>	<u>Possible Date</u>
2019/0560	Land At Teal Close Netherfield	Reserved matters application for the erection of 277no. dwellings	24/02/2021
2019/1180	34 Main Street Calverton	Proposed Demolition of existing dwelling & erection of 3 retail units at ground floor with 8 apartments over	24/02/2021
2020/0050	Land at Top wighay Farm	Outline planning application for mixed-use development comprising; 805 homes, land for employment purposes (up to 49,500m2 of B1/B8 uses), a Local Centre comprising A1-A5, B1(a) and D1 uses (up to 2,800m2), a 1.5 form entry Primary School and associated infrastructure, open space and landscaping (EIA Development)	24/02/2021
2020/0953	Carlton Le Willows Academy	Two storey teaching block comprising 20 classrooms and associated accommodation, assembly hall, dining hall with kitchen; new access to Burton Road and highway improvements; creation of car park; replacement football pitch and alterations to existing building to create lift access and canteen pod	24/02/2021
2020/0954	The Phoenix, Shelford Road, Gedling	Demolition of the existing buildings on the site (former pub and outbuilding); construction of a three-storey apartment block containing 26 self-contained flats, a secure cycle and bin store and	

		ancillary landscaping; the stopping up of the two existing vehicular accesses, the creation of a new vehicular access to Wollaton Avenue and creation of a 21 space car park	31/03/2021
2020/0822	Land off Flatts Lane, Calverton	Reserved matters approval (appearance, landscaping, layout and scale) for the erection of 82 dwellings and public open space pursuant to outline permission 2020/0726	24/02/21
2019/1080	Land At Broad Close Woodborough	Outline application for 11no. residential properties	24/02/21

Please note that the above list is not exhaustive; applications may be referred at short notice to the Committee by the Planning Delegation Panel or for other reasons. The Committee date given is the earliest anticipated date that an application could be reported, which may change as processing of an application continues.

ACTION SHEET PLANNING DELEGATION PANEL - 27th November 2020

2020/0630

45 Ashwell Street, Netherfield, NG4 2FQ

Change of use from C3 dwellinghouse to seven bedroom (Sui Generis) HMO including loft dormer extension

The Panel recommended that the application be determined at the Planning Committee so that matters in respect of highway safety and parking, along with impacts on amenity, can be fully explored and discussed.

2020/0937

12 Prior Road, Daybrook, NG5 6AW

Two storey side extension (Resubmission).

The proposed development would respect the character of the area, residential amenity and not have a detrimental impact on highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

2020/0942

59A Burton Road, Carlton, NG4 3DQ

Erection of 2 self contained flats over covered parking area (re-submission of application 2019/0974)

The proposed development would have a detrimental impact on the character of the area, setting of the adjacent listed buildings and have a detrimental impact on residential amenity.

The Panel recommended that the application be determined under delegated authority.

Decision: That the application be refused permission.

2020/0961

76 Bonner Lane, Calverton, Nottinghamshire

Erection of two new gate pillars for new access to Bonner Lane.

The proposed pillars would be inappropriate development within the green belt as well have a detrimental impact on the character of the area given the urbanising nature of the development in a green streetscape.

The Panel recommended that the application be determined under delegated authority.

Decision: That the application be refused permission.

27th November 2020

Video Conference Call Meeting due to Covid-19.

Cllr John Truscott

Cllr Paul Wilkinson

Cllr David Ellis

Cllr John Parr

Cllr Marje Palling

Cllr Meredith Lawrence

Kevin Cartwright – Principal Planning Officer

Nigel Bryan – Principal Planning Officer

ACTION SHEET PLANNING DELEGATION PANEL 4th December 2020

2020/0506

229 Vale Road Colwick NG4 2GP

Detached single storey annex in rear garden

The proposed development would have no undue impact on the residential amenity of neighbouring occupiers or visual amenity.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

2020/0927

1A Greys Road Woodthorpe Nottinghamshire

Variation of condition 2 (approved plans) of planning permission 2016/1264.

The proposed development would have no undue impact on the character and appearance of the street scene or the amenity of neighbouring occupiers.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

2020/0930

29 Oakwood Drive Ravenshead Nottinghamshire

Variation of condition 3 of planning permission 2015/0063 in relation to opening hours.

The proposed development would have no undue impact on the amenity of neighbouring occupiers or highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

2020/0969

Former Electricity Sub Station Mile End Road Colwick

8 no. one-bedroom flats with parking spaces on the site of a redundant electrical substation

The proposed development would have no undue impact on the character and appearance of the street scene, residential amenity of neighbouring occupiers, highway safety, contamination, air quality and flood risk.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions

2020/1010
Fleurtations 303 Westdale Lane West Mapperley
Ground floor shop & first floor flat extension.

The proposed development would have an undue impact on the character and appearance of the street scene in this prominent corner location.

The Panel recommended that the application be determined under delegated authority.

Decision: Refuse Planning Permission.

Video Conference Call

Cllr John Truscott
Cllr Marje Palling
Cllr David Ellis
Cllr Paul Wilkinson
Cllr John Parr
Cllr Meredith Lawrence

Kevin Cartwright – Principal Planning Officer

4th December 2020

ACTION SHEET PLANNING DELEGATION PANEL 11th December 2020

2020/0651

Clock Tower Building Park Road Bestwood

Listed Building Consent to repair existing window frames and install secondary glazing.

The proposed works would preserve the historic fabric of the listed building.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Listed Building Consent with Conditions.

2020/0841

82 Somersby Road Woodthorpe NG5 4LT

Proposed roof extension to create a gable end roof to the existing dwelling and the erection of a dormer window to the rear elevation.

The proposed development would have no undue impact on the character and appearance of the host property, street scene or the amenity of neighbouring occupiers.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

2020/1030

9 Gedling Road Carlton NG4 3EX

Retention of single storey outbuilding

The proposed development would have an undue impact on the character and appearance of the street scene.

The Panel recommended that the application be determined under delegated authority.

Decision: Refuse Planning Permission.

2020/1064

66 Castleton Avenue Arnold NG5 6NJ

Two storey side extension and internal alterations

The proposed development would have an undue impact on the character and appearance of the street scene.

The Panel recommended that the application be determined under delegated authority.

Decision: Refuse Planning Permission.

2020/1094TPO

Linby House Linby Lane Linby

G1 group of 12 Limes bordering driveway: reduce height by approximately 5-8m or suitable growth points.

The proposed works would have an undue impact on the health of the trees and are inappropriate in terms of good arboricultural practice.

The Panel recommended that the application be determined under delegated authority.

Decision: Refuse Consent.

Video Conference Call

Cllr John Truscott

Cllr Marje Palling

Cllr David Ellis

Cllr Paul Wilkinson

Cllr John Parr

Cllr Meredith Lawrence

Cllr Barbara Miller

Kevin Cartwright – Principal Planning Officer

Nigel Bryan - Principal Planning Officer

11th December 2020

ACTION SHEET PLANNING DELEGATION PANEL - 18th December 2020

2020/0639

46 Avondale Road, Carlton NG4 1AF

Two storey side and rear extension and a single storey rear extension

The proposed development would respect the character of the area, residential amenity and not have a detrimental impact on highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

2020/0825

Spring Lane Farm, 382 Spring Lane, Lambley

Erection of conservatory

The proposed development would result in disproportionate extensions to the original dwelling to the detriment of the openness of the Green Belt and contrary to policy LPD13.

The Panel recommended that the application be determined under delegated authority.

Decision: That the application be refused permission.

2020/0970

44 Fraser Square, Carlton, NG4 1NN

Two-storey side and single storey front extension

The proposed development would respect the character of the area, residential amenity and not have a detrimental impact on highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

2020/1059

The Riding Stables, Main Street, Lambley

Erection of Garage and Carport following approval of application 2020/0269

The proposed garage and car port would result in development that would be detrimental to the openness of green belt given the replacement dwelling approved under reference 2020/0269.

The Panel recommended that the application be determined under delegated authority.

Decision: That the application be refused permission.

2020/1060

The Riding Stables, Main Street, Lambley

Erection of garage and car port following approval of application 2019/1179

The proposed garage and car port would result in development that would be detrimental to the openness of green belt given the replacement dwelling approved under reference 2019/1179.

The Panel recommended that the application be determined under delegated authority.

Decision: That the application be refused permission.

2020/1071

95 First Avenue, Carlton, NG4 1PH

Retention of timber lean-to single storey side extension

The proposed development would result in an extension that would be out of character with the area given its prominence in the streetscape, materials and elevation treatment.

The Panel recommended that the application be determined under delegated authority.

Decision: That the application be refused permission.

2020/1076

127 Chandos Street, Netherfield, NG4 2NB

New two bedroom dwelling added to side of existing property.

The proposed development would result in an overdevelopment of the plot at odds with the character of the area.

The Panel recommended that the application be determined under delegated authority.

Decision: That the application be refused permission.

2020/1137

6 St Helens Grove, Burton Joyce, NG14 5AP

Proposed porch, first floor extensions to incorporate loft conversion, balcony to front

The proposed development would respect the character of the area, residential amenity and not have a detrimental impact on highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision: Grant Planning Permission subject to Conditions.

18th December 2020

Video Conference Call Meeting due to Covid-19.

Cllr John Truscott

Cllr Paul Wilkinson

Cllr Marje Palling

Cllr David Ellis

Cllr John Parr

Cllr Barbara Miller

Cllr Meredith Lawrence

Kevin Cartwright – Principal Planning Officer

Nigel Bryan – Principal Planning Officer

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