



Planning Committee
Wednesday, 17 March 2021

LATE ITEMS

5.2 LATE ITEMS

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SUMMARY of LATE ITEMS

4.2 20/00541/FUL - 42 – 44 Brookhill Leys Road Eastwood

Application considered at meeting on 10 March 2021.

4.3 20/00714/FUL - 259 High Road Chilwell

Application considered at meeting on 10 March 2021.

4.4 21/00023/FUL Land North of Home Farm Cottage and Park View Cottage, Main Street, Strelley

1 response (received 16.3.21) expressing support of the proposal.

4.5 20/00641/FUL - Land to the rear of Brinsley Recreation Ground, Church Lane, Brinsley

Response (received 15.3.21) from The Coal Authority who withdraw their objections to the scheme, subject to conditions relating to a watching brief and foundation design within the areas of former opencast mining.

In light of the above the recommendation to Committee should be revised to remove part i) of the recommendation (the comments of the Coal Authority being addressed).

Condition 7 should also be amended to add further clarity and should read:

No development shall commence until details of all necessary piling or other penetrative foundation design, specifically in the area of former open case mining within the south of the site and as identified in the Geomatters Highwall Investigation Report dated 24.11.20 have been submitted to and approved in writing by the Local Planning Authority. This shall include details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be constructed in accordance with the approved details.

Reason: No such details were provided with the application and it is considered that the development cannot proceed safely without such details being provided before development commences to ensure that the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).

An additional condition should be added which reads:

No development shall commence until a written scheme of investigation including a watching brief covering site excavations and soil stripping operations has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details. If unexpected ground conditions are discovered during development resulting in former coal mining

operations being exposed work shall cease immediately. A further ground investigation report shall be submitted to and approved in writing by the Local Planning Authority highlighting the extent and nature of the previously undiscovered ground conditions including a suitable method statement enabling works to recommence on site. Any recommencement of work on site shall proceed only in accordance with these approved details.

Reason: To ensure development proceeds in a safe manner reflecting ground conditions and former coal mining operations and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).

Email (received 11.3.21) from applicants containing CGI images of the development. They also request amendments to conditions 2 and 14 contained within the report for added clarity and precision.

In light of this, condition 2 should be amended to read:

The development hereby permitted shall be carried out in accordance with drawings numbered:

Location Plan - H8060-02 Rev B
Planning Layout - H8060/P101e Rev F
Off Site Junction Arrangement ADC2052-DR-002 Revision P3
Site Access General Arrangement - ADC2052-DR-001 Rev P6
Vehicular Tracking - ENG-101-VT
Drainage Strategy - H8060-102B Rev B
General Arrangement – Drainage - H8060-102B Rev B

Soft Landscape Proposals (1 of 3) GL1359 01E
Soft Landscape Proposals (2 of 3) GL1359 02E
Soft Landscape Proposals (3 of 3) GL1359 03E
1.8m Timber Hit & Miss Fence – 2010/DET/228
0.9m Estate Railings - 2010/DET/226
1.8m Close Boarded Fence - 2010/DET/207
Boundary Wall – Type 3 - NM-SD13-013
Boundary Wall – Type 1 - DB-SD13-004 Rev C

Street Scenes - H8060_05_01 Rev B
Materials Layout - H8060/06 Rev B
Cross Sections - H8060_05_02 Rev A
6 x 3m Double Garage - LDG2H8
6 x 3m Single Garage - LSG1H8
Standard Double Garage SDG1H8 Rev A
Standard Double (2 x single) Garage - SDG2H8 Rev A
Standard Single Garage SSG1H8 Rev A

Holden Weatherboard: house type code H4693WH7
Wilford (Gable End Terrace): P204-EG7: Rev A
Wilford (Hipped End Terrace): P204-EH7: Rev E
Wilford (Mid Terrace) : P204-I-7: Rev B
Hadley (Detached) : P341-D7: Rev B_C
Hadley (End Terrace) : P341 –E-7: Rev B_C
Henley: H588--7: Rev B_D

Holden: H469--H7: Rev D
Meriden: H429--H7: Rev C
Winstone: H421--H7: Rev D
Ingleby: H403-F7: Rev A
Abbeydale: H349-H7: Rev C
Avondale: H456-X7 Rev 3W09:
Archford (Hipped End Terrace)P382-EH7: Rev C
Archford (Mid Terrace) : P382-I-7: Rev D
Archford (End Gable Terrace) : P382-EG7: Rev A
Greenwood (Gable End Terrace)T322-E-7: Rev A_B
Type 74 (End Terrace): SH74-E-7
Type 58 / Type 59 (Hipped End Terrace): SF58-E-7/SF59-EH7
Type 50 (Hipped End Terrace): SH50-EH7
Type 50 (Mid Terrace) : SH50-I-7: Rev C
Type 52 (Hipped End Terrace) : SH52-EH7
Type 67 (Hipped End Terrace) SH67-EH7
Type 67 (mid Terrace): SH67-I-7
Type 69 (Hipped End Terrace): SH69-EH7
Type 69 (Mid Terrace): SH69 -I-7

Reason: To ensure that the development hereby approved is carried out in accordance with the approved plans and details.

Condition 14 should be amended so it reads as follows:

No development shall commence above ground floor level until a noise assessment has been undertaken detailing a scheme for protecting the proposed dwellings from noise from the multi use games area and sports pitches adjacent to the proposed development and has been submitted to and approved by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority.

4.6 20/00056/OUT - Land West Of Awworth (inside The A6096), Including Land At Whitehouse Farm, Shilo Way, Awworth

Email (received 8.3.21) from applicants requesting a condition which allows them to phase the development and amendments to a number of other conditions to reflect this.

In light of this a phasing condition should be added to the recommendation at condition 4 worded as follows:

'No development, including preparatory works, shall commence until a site-wide phasing programme has been submitted to and approved in writing by the local planning authority.

Each Reserved Matters application made pursuant to this permission shall be accompanied with an update to any previously approved phasing programme(s) with the same details, as relevant, and define the extent and location of individual development phases or sub-phases and any associated interim arrangements for access, drainage, etc. The development relevant to that reserved matters approval

shall not be carried out other than in accordance with the approved programme for that development.

Reason: To ensure that the impacts of the development are appropriately mitigated at all stages of the construction phase, and so occupiers of the development are able to reach and access services and facilities at an appropriate time, in the interests of achieving sustainable development’.

All subsequent conditions will be renumbered accordingly to reflect the addition of this condition.

To reflect the possible phasing of the scheme the following conditions (numbered as shown in the report) should be amended as follows:

5. Prior to the commencement of development (excluding site clearance and enabling works) of a phase or sub-phase, detailed drawings and particulars showing the following for that phase or sub-phase (the ‘Reserved Matters’) shall be submitted to and approved by the Local Planning Authority:

- (a) the layout, scale, and external appearance of all buildings;
- (b) parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays, drainage and the location and detail of all Electric Vehicle Charging points. All details shall comply with the County Council’s current Highway Design and Parking Guides
- (c) full manufacturer details of the materials to be used in the external surfaces of all buildings and including the location and colour of the external meter boxes;
- (d) cross sections through the site showing the finished floor levels of the new dwellings in relation to adjacent land and buildings. These details shall be related to a known datum point; and
- (e) landscaping treatment of the site

The development of that phase or sub-phase shall be carried out strictly in accordance with the approved details.

Reason: The application was submitted in outline only and no such details were provided. The development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF, Policy 4.1, 15, 17 and 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 2, 8, 10, 16 and 17 of the Broxtowe Aligned Core Strategy (2014) and in the Interests of Highway safety.

8. The pedestrian connections to Park Hill and Barlow Drive North shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority as part of the relevant phase or sub-phase they form part of prior to the occupation of any of the dwellings for that phase or sub-phase hereby approved. The details shall include information relating to the status, ownership and maintenance of the connections, their width, surfacing and any lighting proposed.

Reason: To promote sustainable travel and in accordance with Policy 4.1 of the Broxtowe Part 2 Local Plan.

9. The detailed drawings and particulars required under condition 5 (e) for a phase or sub-phase shall include the following details:

- (a) trees, hedgerows and shrubs to be retained and measures for their protection during the course of development. No development shall commence until the agreed protection measures are in place;
- (b) numbers, types, sizes and positions of proposed trees and shrubs including those to replace the highways trees removed;
- (c) proposed hard surfacing treatment;
- (d) planting, seeding/ turfing of other soft landscape areas including surrounding SUDs features;
- (e) details of the site boundary treatments and curtilage boundary treatments;
- (f) Details of all bridleway, footpaths and pathways within the site including their proposed status, maintenance, surfacing, widths and any proposed deterrents for use; and
- (g) a timetable for implementation of the scheme

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

Reason: The application was submitted in outline only and no such details were provided. The development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF, Policy 4.1, 15, 17 and 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 8, 10, 16 and 17 of the Broxtowe Aligned Core Strategy (2014).

11. No development, including site clearance, shall commence on a phase or sub-phase until details of appropriate gas prevention measures for that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. No building to be erected pursuant to this permission shall be occupied or brought into use until:

- (i) all necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and
- (ii) it has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.

Reason: The application was submitted in outline only so no such details were provided. The development cannot proceed safely without such details being provided before development commences to ensure that the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).

12. a) Prior to works commencing on the construction of any dwellings for a phase or sub-phase, a detailed environmental noise assessment, based on submitted reserved matters details for that phase or sub-phase, must be submitted to, and approved in writing by the Local Planning Authority specifying the measures to be taken to ensure that all noise-sensitive premises are protected from road and industrial noise, such that the following noise levels are not exceeded:

- An LAeq, 16-hour of 55dB (free field) in outdoor living areas between 07:00 and 23:00 hours (daytime);
- An LAeq, 16-hour of 35dB inside living rooms between 07:00 and 23:00 hours (daytime);
- An LAeq, 8-hour of 30dB inside bedrooms between 23:00 and 07:00 (night time)
- An LMax fast of 45dB inside bedrooms between 23:00 and 07:00 hours (night time)

Those dwellings requiring the incorporation of noise mitigation measures to achieve the above levels, as well as the nature of these measures shall be identified and agreed with the Local Planning Authority prior to construction commencing on that phase or sub-phase. In dwellings where windows must be closed to achieve the above levels adequate acoustic treated ventilation must be provided.

- b) All noise mitigation measures shall be designed and installed in accordance with the approved mitigation scheme and completed under the supervision of an acoustic engineer. All works shall be completed before any permitted dwelling is occupied.

Reason: The application was submitted in outline only so no such details were provided. The development cannot proceed satisfactorily without such details being provided. In the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).

13. No development of a phase or sub-phase shall commence until details of any necessary piling or other penetrative foundation design for that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority including details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be constructed in accordance with the approved details.

Reason: The application was submitted in outline only so no such details were provided. The development cannot proceed satisfactorily without such details being provided before development commences in the interests of public health and safety so as to protect occupants from excessive construction noise and vibration and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).

20. Prior to the removal of any hedgerows identified as 'important' under the archaeology and history criteria of the Hedgerow Regulations 1997 in a phase or sub-phase, an archaeological recording shall be undertaken and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an accurate record of any important hedgerows are made and in accordance with Paragraph 199 of the NPPF.

21. Any historic or archaeological features which are revealed when carrying out the development hereby permitted within a phase or sub-phase shall be retained in-situ and reported to the local Planning authority in writing within 5 working days. Works shall be halted in the area affected until provision has been made for the retention and/or recording and any associated reporting, publication and archiving commensurate to the archaeological work undertaken in accordance with details submitted to and approved in writing by the local planning authority.

Reason: To ensure appropriate investigation and recording/mitigation of any below ground archaeology in accordance with Paragraph 199 of the NPPF.

Email (received 11.3.21) from resident which raises a number of concerns which can be summarised as follows:

- Coronavirus means application may be passed without due diligence and opportunity for full debate including raising objections.
- Decision should be postponed as Coronavirus has meant no chance for parties wishing to object to meet together and prepare a statement containing everyone's concerns which could be presented before the committee.
- Inadequate timeframe to prepare representation to Committee to allow views of residents to be represented. Impossible to make a valid and informed decision without this.
- The word limit is deliberately suppressing the right to make a valid case against the proposal.

Further emails (received 12.3.21 and 15.3.21) which notes the following:

- 2 more areas of housing in and around Awsworth have recently been approved.
- Haven't addressed concerns raised and demonstrates how the concerns of the local residents are ignored.
- Feels let down by the Council in this matter.

Email (received 12.3.21) from applicants which requests an extended time period under condition 1 to allow 5 years for the reserved matters to be submitted.

Update on Awsworth Neighbourhood Plan (paras 6.9.1 – 6.9.4 of the report)

'The final version of the Independent Examiner's Report has now been received by the Council. This recommends that, subject to a number of modifications, the Awsworth Neighbourhood Plan should proceed to referendum. This is to be reported to the 25th March 2021 meeting of the Council's Jobs and Economy Committee. Whilst the Council has not yet taken the formal decision for the Awsworth Neighbourhood Plan to proceed to referendum, Policy H1 and other policies of the Neighbourhood Plan, as modified following the recommendations of the Independent Examiner, should now be afforded some significant weight in the determination of this and other planning applications for sites in Awsworth Parish'.

4.7 20/00820/FUL - 18 Princess Avenue, Beeston

Email (received 10.3.21) from applicant. Comments that application has been guided by planners to ensure compliance with the local plan, that it does not involve any change of use and would be in keeping with the surrounding area.

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