

PLANNING COMMITTEE

WEDNESDAY, 17 APRIL 2024

Present: Councillor D Bagshaw, Chair

Councillors: P J Bales
L A Ball BEM
G Bunn
S J Carr
G S Hills
G Marshall
H E Skinner
P A Smith
D K Watts
H G Khaled MBE (Substitute)

Apologies for absence were received from Councillors R E Bofinger and D D Pringle.

There were also apologies for absence from Councillor P J Owen and Councillor J M Owen, who had intended to be at the meeting.

The officers present were S Simms, R Ayoub, S Heron, C Hallas and K Newton.

56 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

57 **MINUTES**

The minutes of the meeting on 13 March 2024 were confirmed and signed as a correct record.

58 **NOTIFICATION OF LOBBYING**

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

59 **DEVELOPMENT CONTROL**

59.1 **23/00349/FUL**

Construct detached two storey building comprising 4 apartments (C4 use)
Land south of Neville Sadler Court, Beeston, Nottinghamshire

Councillor G Bunn had requested that this proposal come before Committee.

The Committee gave consideration to the late items, which included a comment from a neighbour to the proposed development and two amendments to the report.

There were no public speakers.

Having given due consideration to all of the evidence before it, the Committee debated the application. The debate focussed on the flooding issues on the road, that the proposed development didn't meet space standards, that the plot was too small for the number of flats and that the proposal would break the 20% saturation barrier in the supplementary planning document.

The Committee agreed that the site should be developed, but there were concerns about the density of the proposal and the living conditions for any future tenants in the very small rooms.

It was proposed by Councillor P J Bales and seconded by Councillor P A Smith that the item be deferred to a future meeting of the Planning Committee so that the applicant could consider changing the design and density of the proposal. On being put to the meeting the motion was carried.

RESOLVED that the application be deferred.

Reason

To allow the applicant to consider changing the design and density of the proposal.

59.2 23/00881/FUL

Construct single/ two storey rear extension
53 City Road, Beeston, Nottinghamshire, NG9 2LQ

Councillor V C Smith had requested that application be determined by Committee.

The late items, which were noted by the Committee, were comprised of advice on the Supplementary Planning Document and an additional condition.

There were no public speakers.

The debate was had, with the focus being the size and scale of the application in comparison to the plot which would limit the amount of light to the windows in the proposed extension, and would impact on any future resident's amenity. There were also comments on the lack of garden space and the limited road space outside the property, which would mean the intensification of development would have an impact on the character of the area and neighbour amenity.

RESOLVED that planning permission be refused due to the liveability of the proposed development, the intensification it represented and its impact on the character of the area, with the precise wording of the refusal and conditions delegated to the Chair of Planning Committee in agreement with the Planning Manager and the Head of Planning and Economic Development.

Reasons

The proposed development would provide neither adequate external storage and amenity space, particularly given the increased intensity of use, nor a satisfactory degree of amenity for occupiers, particularly in respect of daylighting, outlook and adequacy of floor space, contrary to Policy 10 of the Broxtowe Aligned Core Strategy (2014), Policy 17 of the Broxtowe Part 2 Local Plan (2019) and the Homes and Buildings Characteristic of the National Design Guide.

59.3 24/00097/OUT

Outline planning (Some Matters Reserved) for residential development (2 dwellings)
Land to the rear of 40 Main Street, Awsworth, Nottinghamshire, NG16 2QT

Councillor D D Pringle had asked that this proposal come before Committee.

There were no late items.

Greg Parkes, objecting, made representation to the Committee prior to the general debate. A statement was read out on behalf of Councillor D D Pringle, Ward Member.

After considering all of the evidence before it the Committee debated the application. There were concerns about the access to the site and whether the turning would be too tight for an emergency vehicle. There were also discussions about flooding, drainage, the public right of way and the positioning of a fence on the site.

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

1. **Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

2. **The development hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.**

Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

3. **This outline permission relates to the Ordnance Survey Site Plan (1:1250) and Block Plan (1:200) Drawing reference DB/MC/23/9902 received by the Local Planning Authority on 14 February 2024.**

Reason: For the avoidance of doubt.

4. **No development shall commence until all of the reserved matters below**

have been approved on application to the Planning Authority:

- i. the design and external appearance of the proposed development;
- ii. a proposed site section plan; and
- iii. landscaping proposals for the site of the proposed development (including boundary treatments);

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

Reason: The application was submitted in outline only and to ensure that the details of the development are acceptable to the Local Planning Authority.

4. Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

5. No part of the development hereby approved shall commence until a detailed surface water drainage scheme 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. 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 and NPPF Paragraph 169.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

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 30 year and 1 in 100 year plus climate change
 return periods.

- o No surcharge shown in a 1 in 1 year.
- o No flooding shown in a 1 in 30 year.
- o For all exceedance to be contained within the site boundary
 without flooding properties in a 100 year plus 40% storm.
- Evidence to demonstrate the viability (e.g Condition, Capacity
 and positive onward connection) of any receiving watercourse to
 accept and convey all surface water from the site.
- Details of STW approval for connections to existing network
 and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third
 party land where applicable.
- Provide a surface water management plan demonstrating how
 surface water flows will be managed during construction to
 ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems
 shall be maintained and managed after completion and for the
 lifetime of the development to ensure long term effectiveness.

*Reason: 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 and in accordance with
 the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019).*

6. No development within the full planning permission phase hereby
 approved shall take place until a Construction/Demolition Method
 Statement has been submitted to and approved in writing by the
 Planning Authority. The statement shall include:
- i. The means of access for construction traffic;
 - ii. Parking provision for site operative and visitors;
 - iii. The storage of plant and materials used in the
 construction/demolition of the development;
 - iv. A scheme for the recycling/disposal of waste resulting from
 the construction/demolition works/site clearances; and
 - v. Details of dust and noise suppression to be used during
 the construction phase.

The approved statement shall be adhered to throughout the
 construction period.

*Reason: to protect the amenity of the neighbouring properties and in
 accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan
 (2019) and Policy 10 of the Aligned Core Strategy (2014).*

7. Prior to the commencement of the development hereby approved,
 details of a Landscape Ecological Management Plan (LEMP) shall have

been submitted to and approved in writing by the Local Planning Authority. The LEMP should include details of ecological enhancements including details and locations of bat and bird boxes; external lighting; precautionary working methods for site clearance; precautionary method in respect of Great Crested Newts; and hedgehog access points. The LEMP shall be carried out in accordance with the approved details.

Reason: In the interests of safeguarding and enhancing biodiversity in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).

8. No development, site excavation or groundwork shall commence until all retained hedgerows have been protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction, or any superseding guidance prevailing at that time). These barriers shall remain in place throughout the construction period and must not be moved or removed during the construction period without the prior written approval of the Planning Authority.

Reason: To ensure the existing and retained hedgerows are not adversely affected and in accordance with the aims of Policy 31 of the Broxtowe Local Plan Part 2 (2019).

9. No above ground development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
- The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interest of public health and safety in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).

10. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interest of public health and safety in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).

NOTES TO APPLICANT

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2. Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.
3. In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.
4. You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).
5. Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.

60 INFORMATION ITEMS

60.1 APPEAL DECISIONS

The Committee noted appeal decisions for application numbers 22/00650/FUL and 23/00338/FUL.

60.2 DELEGATED DECISIONS

The delegated decisions were noted.