

PLANNING COMMITTEE

WEDNESDAY, 28 JULY 2021

Present: Councillor D K Watts, Chair

Councillors: D Bagshaw
L A Ball BEM
D Grindell
R I Jackson
G Marshall
P J Owen
S Paterson
D D Pringle
R S Robinson
R D Willimott
H E Skinner (Substitute)
S J Carr (ex-Officio)

Apologies for absence were received from Councillors J W McGrath and M Handley

17 **DECLARATIONS OF INTEREST**

Councillor R I Jackson declared a non pecuniary interest in item 6.2 as he was acquainted with the applicant. Minute number 21.2 refers.

18 **MINUTES**

The minutes of the meeting on 7 July 2021 were confirmed and signed as a correct record.

19 **NOTIFICATION OF LOBBYING**

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

20 DEVELOPMENT CONTROL

20.1 APPLICATION NUMBER 20/00423/FUL

Proposed alterations to site access roadway, improvements to Main Road junction, alterations to existing coal stock yard site entrance and new commercial development comprising B1c, B2 and B8 units with associated roadways, hard-standings and landscaping.

Watnall Disposal Point, Main Road, Watnall, Nottinghamshire, NG16 1HA

This application was brought before Planning Committee by Councillor J M Owen and Councillor R D Willimott.

There were no late items for the Committee to consider.

Charles Holehouse (applicant) addressed the Committee prior to the general debate.

The application was deferred at the meeting of the Planning Committee on 23 June 2021 in order to seek clarity from the Highway Authority on the need for a refuge point. It was noted that there were no objections to the proposal from the highway authority and that no additional works were requested.

A discussion followed regarding the need for pedestrian access to the site, the high volume of traffic on Main Road, Watnall, as well as the need to have infrastructure to support residents to make environmentally sound choices.

The debate progressed on to the recommendations from the Highway Authority and it was noted that the Road Safety Assessment did not support a request for a refuge.

The Committee received legal advice.

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

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

Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

2. **The development hereby permitted shall be carried out in accordance with Site Location Plan 1: 1250 1846 (P03), Roof Plan 1846 (P08), Coal Yard Customer Collection Canopy Elevation, 1846 (P09), Elevations Units 7 – 10 1846 (P06), Elevations Units 1 -6 & 15 – 20 1846 (P05), Elevations Units 11 – 14 1846 (P04) Elevations Units 21 & 22 1846 (P07) received by the Local Planning Authority 02 July 2020, Proposed Site Plan 1846 (P01A) and Proposed Site Access 1846 (P02A) received by the Local Planning Authority 11 December 2020.**

Reason: For the avoidance of doubt.

3. a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.
- b) No building to be erected pursuant to this permission shall be 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: In the interest of public health and safety

4. The total rating level resulting from the use of any plant, machinery or equipment hereby installed pursuant this permission, shall not exceed the existing background sound level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive premises.

Reason: To protect existing residents from excessive plant noise.

5. No development shall commence until details of any necessary piling or other penetrative foundation design 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 implemented on accordance with the approved details.

Reason: To protect nearby occupants from excessive construction noise and vibration.

6. No part of the development hereby permitted shall be brought into use until the site access arrangement as shown for indicative purposes only on drawing number MRW-BWB-GEN-XX-DR-TR-110 Revision P5 has been provided.

Reason: In the interest of highway safety.

7. No part of the development hereby permitted shall take place until the measures to control two-way vehicular flows along the site access road as shown for indicative purposes on drawing numbers 1846 P01A and 1846 P02A have been provided. The method of controlling two-way vehicular flows along the site access road shall then be maintained in accordance with the approved details for the lifetime of the development.

Reason: In the interest of highway safety.

8. The new driveway to the retained dwelling shall be surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

Reason: In the interest of highway safety.

9. No part of the development hereby permitted shall be brought into use until the parking and turning areas shown on drawing number 1846 P01 Revision A have been provided. The parking and turning areas shall be maintained in accordance with the approved details and shall not be used for any purpose other than the parking and turning of vehicles.

Reason: In the interest of highway safety.

10. No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel.

11. No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan should include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as part of a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecologist clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure the impact on ecology is minimised during construction and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.

12. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - . all previous uses
 - . potential contaminants associated with those uses
 - . a conceptual model of the site indicating sources, pathways and receptors
 - . potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

13. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

14. The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

15. No development or site clearance shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- (a) Numbers, types, size and positions of trees and shrubs and existing trees to be retained;
- (b) Measures for the protection of retained trees;
- (c) A detailed plan which demonstrates biodiversity net gains across the site (based on the recommended Biodiversity Metric provided in the submitted Preliminary Ecological Appraisal) (ECUS March 2020);
- (d) Planting, seeding/turfing of other soft landscape areas;
- (e) Details of site boundary treatments;
- (f) A timetable for implementation of the scheme.

The landscaping scheme shall be carried out in accordance with the approved timetable and the tree protection measures shall be in place before any site clearance/development commences. 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: In the interests of visual amenity and of enhancing biodiversity, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Part 2 Local Plan (2019).

16. The premises shall be used for Class E Business, B2 and B8 and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: For the avoidance of doubt.

17. The open areas of the site shall not be used for any form of storage of goods, merchandise or materials of any description without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 of the 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, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. It is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:**

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

- 3. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact hdc.south@nottscc.gov.uk for details.**

- 4. The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land. [Where the development site may be accessed by a significant number of vehicles or may be particularly susceptible to material 'tracking' off site onto the highway, details of wheel-washing facilities must be provided to and approved by the Highway Authority.]**

- 5. As this permission relates to the creation of a new unit(s), please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure an address(es) is(are) created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.**

20.2 APPLICATION NUMBER 20/00908/FUL

Construct single storey side and single storey rear extension
25 Nether Green, Eastwood, Nottinghamshire, NG16 3DW

Councillor J P T Parker requested that this application be brought before Committee.

There was a late item correcting the front sheet of the agenda to state that the extension was to be single storey and would be an increase of 34.1% of the original volume of the original volume of the dwelling.

Councillor J P T Parker (Ward Member) addressed the Committee prior to the general debate.

The Committee considered the application noting that there was no impact on neighbour amenity, that the design was acceptable and that the proposal was not overpowering.

RESOLVED that planning permission be granted, with the precise wording and conditions of the permission to be delegated to the Head of Planning and Economic Development in consultation with the Chair of Planning Committee.

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

Reason: To comply with S91 of the town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall be carried out in accordance with the site location plan received by the Local Planning Authority on 31 December 2020 and the amended ground floor plan, amended roof plan, amended side elevations, amended rear elevation and amended front elevation received by the Local Planning Authority on 2 July 2021.**

Reason: For the avoidance of doubt.

- 3. The extension hereby approved shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing dwelling.**

Reason: To ensure the development presents a satisfactory standard of external appearance, 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).

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. 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 0345 7626848.

Further Information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

20.3 APPLICATION NUMBER 21/00395/FUL

Remove existing flat roof and replace with pitched roof and dormer to front elevation with terrace to rear elevation

3 Drayman Court, Kimberley, Nottinghamshire, NG16 2TR

The application had been brought before Committee by Councillor R S Robinson.

The Committee noted the late item which was comprised of nine emails of support from other residents of Drayman Court.

Matthew Murphy (applicant) addressed the Committee prior to the general debate.

The Committee debated the proposed development noting that it was modest in scale and that the replacement of the flat roof with a pitched roof would be more in keeping with the appearance of the old brewery building.

RESOLVED that planning permission be granted, with the precise wording and conditions of the permission to be delegated to the Head of Planning and Economic Development in consultation with the Chair of the Planning Committee.

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

Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the site location plan received by the Local Planning Authority on 31 December 2020 and the amended ground floor plan, amended roof plan, amended side elevations, amended rear elevation and amended front elevation received by the Local Planning Authority on 2 July 2021.

Reason: For the avoidance of doubt

3. The extension hereby approved shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing dwelling.

Reason: To ensure the development presents a satisfactory standard of external appearance, 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).

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. 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 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

20.4 APPLICATION NUMBER 21/00040/FUL

Retain 1.8m high perimeter fence
St Patrick's Church Hall, Back Lane, Nuthall, Nottinghamshire

Councillor J M Owen had asked that this matter be determined by the Planning Committee.

The Committee noted the late item comprised of an email from a resident objecting to the fence.

Reverend Barbara Holbrook (applicant) addressed the Committee prior to the general debate.

The Committee debated the application with particular reference to the appearance of the fence, security, the proximity to the conservation area and neighbour amenity.

RESOLVED that planning permission be granted subject to the following condition.

1. The development hereby permitted shall be retained in accordance with the Site Location Plan, Elevation Plans and Block Plan; received by the Local Planning Authority on 29 January and 1 March 2021.

Reason: For the avoidance of doubt.

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.

20.5 APPLICATION NUMBER 21/00358/REG3

Construct single storey toilet block including accessible toilet and create green wall above to rear

Land off Styring Street, Beeston

This application was brought to Committee because the Council is the applicant.

There were no late items or public speakers on this proposal.

The Committee debated the application, noting the time it had taken to build these public toilets and the benefits to the community.

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

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

Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

2. **The development hereby permitted shall be carried out in accordance with the site location plan received by the local planning authority on 24.5.21, elevations CW22.001.04 received by the local planning authority on 14.5.21 and proposed block and floor plan CW22.001.02 received by the local planning authority on 5 July 2021.**

Reason: For the avoidance of doubt.

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. **The applicant should liaise with NTL (the tram operator) regarding any required work permits.**

20.6 APPLICATION NUMBER 21/00354/REG3

Construct a single storey rear extension
72 Chilton Drive Watnall Nottinghamshire NG16 1JL

The application was brought before Committee as the Council was the applicant.

There were no public speakers and no late items for the Committee to consider.

The Committee discussed the application.

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

1. The development hereby permitted shall be carried out in accordance with the Proposed Floor Plan and Proposed Sections received by the Local Planning Authority on 21 April 2021, Proposed Roof Plan received by the Local Planning Authority on 13 May 2021, Site Location Plan, Proposed Block Plan, and Proposed Elevations, received by the Local Planning Authority on 25 May 2021.

Reason: For the avoidance of doubt.

2. The hereby approved extension shall be constructed with appropriate gas prevention measures, in accordance with the current version of BS 8485 and the email from the applicant received on 21 June 2021.

Reason: In the interests of public health and safety and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 19 of the Part 2 Local Plan (2019).

3. Upon removal of the external store, the existing brickwork on the boundary with no. 74 shall be retained or replaced with a fence to match the style and height of the existing boundary fence.

Reason: To ensure a satisfactory standard of neighbour amenity 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).

NOTES TO APPLICANT

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the extended determination timescale.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
3. Gas prevention measures will require approval and inspection during installation by Building Control.

21 INFORMATION ITEMS

21.1 APPEAL DECISION 19/00791/FUL

Retain two/single storey extensions, boundary fence, hard standing area and sub-division of property to create additional dwelling unit
116 Marlborough Road, Beeston, Nottinghamshire, NG9 2HN

The appeal decision was noted by the Committee.

21.2 APPEAL DECISION 20/00154/FUL

Construct detached dwelling with associated car parking, drive and vehicular access and construct boundary wall following the demolition of existing wall and outbuilding
21 Barratt Lane, Attenborough, Nottinghamshire, NG9 6AD

The appeal decision was noted by the Committee.

21.3 APPEAL DECISION 20/00183/OUT

Outline application (with some matters reserved) to construct 2 dwellings (revised scheme)
84 Cow Lane, Bramcote, Nottinghamshire, NG9 3BB

The appeal decision was noted by the Committee.

21.4 APPEAL DECISION 20/00538/FUL

Construct three storey side extension, rear dormer, first floor rear extension and convert existing house to create 7 apartments, demolish existing garage, external alterations, new vehicular and pedestrian access, 6 car parking spaces and bin and cycle stores (revised scheme)
232 Queens Road Beeston Nottinghamshire NG9 2BN

The appeal decision was noted by the Committee.

21.5 APPEAL DECISION 20/00326/FUL

Retain marquee extension and a sheltered bar servery and variation of condition 3 of planning approval 13/00533/FUL to permit amplified music and speech within the marquee and marquee extension
Star Inn, 22 Middle Street, Beeston, Nottinghamshire NG9 1FX

The appeal decision was noted by the Committee.

21.6 APPEAL DECISION 20/00603/FUL

Construct single/two storey side and rear extensions and front porch (revised scheme)
34 Sandy Lane, Bramcote, Nottinghamshire NG9 3GS

The appeal decision was noted by the Committee.

The Committee went on to discuss all of the reported appeal decisions in general terms. It was considered that there was a lack of consistency in the decision making process and it was proposed by Councillor P J Owen and seconded by Councillor D K Watts that a letter be written to the Secretary of State outlining the concerns of Councillors and Officers regarding appeals decisions. The letter would be written by the Chair of the Planning Committee in agreement with the Head of Planning and Economic Development.

On being put to the meeting the motion was carried.

RESOLVED that a letter be written to the Secretary of State for Housing, Communities and Local Government outlining the concerns of Councillors and Officers regarding appeals decisions. The letter would be written by the Chair of the Planning Committee in agreement with the Head of Planning and Economic Development.

21.7 DELEGATED DECISIONS

The Committee noted the delegated decisions.