

PLANNING COMMITTEE

WEDNESDAY, 4 MAY 2022

Present: Councillor D K Watts, Chair

Councillors: J W McGrath
L A Ball BEM
D Grindell
R I Jackson
G Marshall
P J Owen
S Paterson
D D Pringle
S J Carr (Substitute)
J M Owen (Substitute)
H E Skinner (Substitute)

Apologies for absence were received from Councillors D Bagshaw, M Handley, R S Robinson and R D Willimott.

1 **DECLARATIONS OF INTEREST**

Councillors S J Carr, G Marshall and R I Jackson declared a non pecuniary interest in item 5.4, 35 – 37 The Square, Beeston, as they were members of the Beeston Town Centre Board. Minute number 4.4 refers.

2 **MINUTES**

The minutes were confirmed and signed as a correct record, with two minor amendments to the numbering.

3 **NOTIFICATION OF LOBBYING**

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

4 DEVELOPMENT CONTROL

4.1 21/00772/FUL

Construct two bungalows

Land to the rear of 55 Church Street, Eastwood, Nottinghamshire, NG16 3HR

The application had been brought before Committee by Councillor M Radulovic MBE and was deferred at the meeting of 30 March 2022 to allow the developer to address concerns about the height of the proposed development.

There were no late items and no public speakers.

The Committee noted that the developer had reduced the height of the proposed development, but there was concern that the height of the properties could be increased and that the dormer windows could be added under permitted development rights. It was proposed by Councillor R I Jackson and seconded by Councillor D K Watts that the planning permission be amended to include a condition that removed permitted development rights regarding height and dormer windows. On being put to the meeting the motion was carried.

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of 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 16 September 2021 and proposed ground floor plan and elevations GD/SC/21/0042/01 Rev D received by the Local Planning Authority 4 April 2022.**

Reason: For the avoidance of doubt.

- 3. No above ground works shall be carried out until details of the manufacturer, type and colour of the brick and tiles to be used have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.**

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).

- 4. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:**

- (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development**

- (b) numbers, types, sizes and positions of proposed trees and shrubs**
- (c) proposed boundary treatments**
- (d) proposed hard surfacing treatment**
- (e) proposed lighting details**
- (f) planting, seeding/turfing of other soft landscape areas.**

The approved scheme shall be carried out strictly in accordance with the agreed details.

Reason: No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014)

- 5. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.**

Reason: No such details were submitted and in accordance with the aims of Policy 17 of the Broxtowe Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014)

- 6. No development shall commence until a scheme of intrusive investigations has been carried out on site to establish the risk proposed to the development by past shallow coal mining activity and 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 from 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 21 of the Broxtowe Local Plan (2019)

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

Reason: In the interest of public health and safety in accordance with Policy 21 of the Broxtowe Local Plan (2019)

- 8. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00**

Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect nearby occupants from excessive construction noise and vibration and in accordance with Policy 17 and 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

- 9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no alterations or additions to the roof (Class B and Class C).**

Reason: In the interests of privacy and amenity for nearby residents 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 agreed determination timescale.**
- 2. 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.**
- 3. As this permission relates to the creation of a new unit, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure an address is 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.**
- 4. Notice will be served on the developer to purchase the first time provision of bins. The resident will need to place bins at the curtilage of the property for collection. For more information please email recycling@broxtowe.gov.uk**

4.2 21/00785/FUL

Change of use for equestrian use, construct new stable block with associated works and track

Land to the rear of 6 Smithfield Avenue, Trowell, Nottinghamshire

This application had been called to Committee by Councillor D D Pringle and deferred at the meeting of 30 March 2022 to allow the applicant to reconsider the position of the stable block.

There was a late item to amend condition three of the planning permission.

Nisha Desai, objecting, addressed the Committee prior to the general debate.

There was concern that about the access to the field and that, if parts of the field or stables were sub-let, there would be an increase in traffic to the site that would be detrimental to neighbour amenity. It was proposed by Councillor D D Pringle and seconded by Councillor D K Watts that the proposal should be amended to include conditions in respect of a boundary treatment and preventing commercial enterprise and sub-letting on the site. On being put to the meeting the motion was carried.

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

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of 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. This permission shall be read in accordance with the following plans: site location plan 1:1250 (received by the Local Planning Authority 21.09.21), amended proposed layout, elevations and site plan GD/LG/21/020/01 Rev. D. (received by the Local Planning Authority 05.04.22).

Reason: For the avoidance of doubt.

3. Prior to the hereby permitted use commencing a storage and waste layout plan shall have been submitted to and approved by the Local Planning Authority. The approved layout shall include the following details:
 - a) location of hay or any other feed stored; and
 - b) location of waste stored.

The approved scheme shall be carried out strictly in accordance with the approved details, unless written consent has been obtained from the Local Planning Authority for a variation.

Reason: In the interests of residential amenity of neighbouring properties in accordance with Policy 17 of the Part 2 Local Plan 2019.

4. The hereby permitted development shall be used for private/domestic purposes only and no business shall be carried out there from.

Reason: The application has been determined on the bases that the development does not relate to the provision of a business.

5. The planning permission hereby granted shall be for the benefit only of the applicant and only the applicant's horses shall be kept in the hereby permitted stable block.

Reason: in the interests of residential amenity of neighbouring properties in accordance with Policy 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. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
3. Due to the proximity of the site to residential properties it is recommended that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.
4. Any manure heaps should be positioned such that neighbouring properties are not affected by nuisances e.g. odour or flies. Any complaints will be investigated to determine whether a statutory nuisance is being caused in accordance with the Environmental Protection Act 1990.

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5.
 - The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the Right of Way (RoW) or materials unloaded or stored on the RoW so as to obstruct the path.
 - There should be no disturbance to the surface of the footpath without prior authorisation of the RoW team.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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 countryside.access@nottsc.gov.uk

- If a skip is required and is sited on a highway, which includes 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.

4.3 22/00139/FUL

Construct single storey rear extension
68 Awsworth Lane, Cossall Nottinghamshire

Councillor L A Ball BEM had requested that this item be decided by Committee.

It was noted that the late items had been mis-numbered, stating 21/00139/FUL rather than 22/00139/FUL. There were no late items.

Chris Hudson, the applicant, addressed the Committee prior to the general debate.

The Committee had no concerns about the proposed development having a negative impact on the amenity of neighbours or the openness of the Green Belt.

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

Conditions:

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. This permission shall be read in accordance with the following plans: site location plan 1:1250, existing and proposed layouts, elevations and site block plan No. GD/CH/2022/004/01 (all received by the local planning authority 17/02/22). The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**
- 3. The development hereby permitted shall be carried out in accordance with the materials contained within the application form.**

Reasons:

- 1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.**
- 2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**
- 3. To ensure the development presents a satisfactory standard of external appearance in accordance with Policy 17 and Policy 23 of the Part 2 Local Plan 2019.**

4.4 22/00247/REG3

External alterations to existing building including new shop front entrances, new cladding/fascia to canopy, led strip lighting and other minor refurbishment works
35-37 The Square, Beeston, Nottinghamshire, NG9 2JJ

The application was brought to Committee because the building is owned by the Council.

There were no public speakers and no late items.

The Committee noted the intensity of the lighting and the improvement in the appearance of the building.

RESOLVED that full planning consent be granted subject to the following conditions:

1. **The development hereby permitted shall be commenced before the expiration of three years beginning with the date of 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. **This permission shall be read in accordance with the following plans: Site location plan No: 8000 Rev. A, Existing floor plans No. 08008 Rev. B, Existing elevations No. 08030 Rev. A, Proposed floor plans No. 08020 Rev. D, Proposed elevations No. 08040 Rev. A, Proposed lighting plan No. 08050 Rev. A (received by the Local Planning Authority 18.03.22).**

Reason: For the avoidance of doubt.

3. **The intensity of illumination of the signs shall not exceed 50 candelas/square metre.**

Reason: To ensure that the development does not appear as an unduly prominent feature in the area in accordance with Policy 10 – Design and Enhancing Local Identity of the Broxtowe Aligned Core Strategy 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.

4. **The hereby permitted external lighting shall not be used outside of permitted opening hours.**

Reason: To ensure that the development does not appear as an unduly prominent feature in the area in accordance with Policy 10 – Design and Enhancing Local Identity of the Broxtowe Aligned Core Strategy 2014 and Policy 17 - Place-making, Design and Amenity 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.

Having declared that he was predetermined, Councillor R I Jackson did not participate in the debate or vote thereon.

5 INFORMATION ITEMS

5.1 Appeal Decisions

The appeal decisions were noted.

5.2 Delegated Decisions

The delegated decisions were noted.