

PLANNING COMMITTEE

WEDNESDAY, 11 JANUARY 2023

Present: Councillor M Handley, Vice Chair in the Chair

Councillors: D Bagshaw
L A Ball BEM
S J Carr
R I Jackson
G Marshall
P J Owen
S Paterson
D D Pringle
H E Skinner
E Williamson
R D Willimott
H Land (Substitute) (Substitute for D K Watts)

Apologies for absence were received from Councillors D K Watts.

45 DECLARATIONS OF INTEREST

There were no declarations of interest.

46 MINUTES

The minutes of the meeting on 7 December 2022 were confirmed and signed as a correct record.

47 NOTIFICATION OF LOBBYING

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

48 DEVELOPMENT CONTROL

48.1 22/00721/REG3

Demolition of garages to south of 84 Chilton Drive and construction of 2 x two bedroom semi-detached dwellings and private amenity space. Creation of parking area with landscaping

Garages at Chilton Drive, Watnall, Nottinghamshire

This application was brought before Planning Committee as the Council is the landowner and applicant.

There were late items comprised of comments on contamination and a resulting condition for the Committee to consider.

Peter Goodrick, on behalf of the applicant, addressed the Committee prior to the general debate.

Discussions included a comment that the proper address was Kimberley, that construction vehicles could cause disruption at the site and that the car parking for the development would need to be carefully considered.

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 drawings daylight and skylight analysis 2766 (03) E01, geo environmental assessment, design and access statement, car park study, arboricultural report received by the Local Planning Authority 7 September 2022 and proposed block plan 2766 (08) E01 Rev A, proposed site plan 2766 (08) E02 Rev C, proposed plans, elevation and floor plans 2766 (08) E03 Rev C and proposed elevation 2766 (08) E04 Rev A received 25 November 2022.**

Reason: For the avoidance of doubt.

- 3. No above ground works shall commence until samples of external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details.**

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

- 4. No above ground works shall take place until a landscaping scheme showing a minimum 10% biodiversity net gain has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following details:**
 - a. numbers, types, sizes and positions of proposed trees and shrubs;**
 - b. details of boundary treatments;**
 - c. planting, seeding/turfing of other soft landscape areas and**
 - d. timetable for implementation.**

The approved scheme shall be carried out strictly in accordance

with the approved details and shall be carried out not later than the first planting season following the substantial completion of the development 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 with the application, to ensure the development presents a satisfactory standard of external appearance to the area, to ensure a sufficient standard of neighbour amenity and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 the Broxtowe Aligned Core Strategy (2014).

5. No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

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 Borough Council. The statement shall include:

- a) The means of access for construction traffic;
- b) Parking provision for site operatives and visitors;
- c) The loading and unloading of plant and materials;
- d) The storage of plant and materials used in construction/demolition of the development;
- e) A scheme for the recycling/disposal of waste resulting from construction/demolition works;
- f) Details of dust and noise suppression to be used during the construction phase and;
- g) A report identifying any asbestos and documenting its safe removal

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

Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

7. No part of the development hereby permitted shall be brought into use until the parking bays/ areas are surfaced in a bound

material with the parking bays clearly delineated in accordance with drawing number 2766(08) E02 Rev C. The parking bays/ areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) Policy 10 of the Broxtowe Aligned Core Strategy (2014).

8. Occupation of the hereby approved dwellings shall not take place until the site access has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the access 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 in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) Policy 10 of the Broxtowe Aligned Core Strategy (2014).

9. No air source heat pump shall be installed unless a noise assessment for the air source heat pumps has been submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

- 10 a) No part of the development hereby approved shall be commenced, with the exception of demolition and site clearance, 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 interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe 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 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
3. As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses 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.
4. 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.
5. Developer to purchase the first time provision of bins. Notice served in due course.

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2. Each property would be allocated the following:

- 1 x 240 litre bin for residual waste
- 1 x 240 litre bin for recycling waste
- 1 x 37 litre bag for glass

3. Bins need to be presented at the edge of adopted highway for emptying. The operatives or vehicle will not enter the private road to collect and return the bins from the properties

4. The size of a 240 litre bins is 1074mm (h) x 580mm (w) x 734mm (d)

48.2 22/00707/FUL

Construct single storey front extension
12 Chapel Street, Kimberley, Nottinghamshire, NG16 2NP

Councillor M J Crow had requested that this application be determined by Committee.

There were no late items for consideration.

Peter Saunders, objecting, Councillor M J Crow, Ward Member, and Councillor S Easom, Ward Member, made representation to the Committee prior to the general debate.

The Committee debated the application and there were comments on the small size of the properties and the need to modernise versus the impact of the proposed development on the street scene. There was concern that the application proposed a major alteration to the front of the property, which would have a negative impact on the Conservation Area.

RESOLVED that planning permission be refused with the precise wording of the refusal to be delegated to the Vice Chair of Planning Committee in conjunction with the Head of Planning and Economic Development.

Reasons

The development would have a detrimental impact on the visual amenity of the street scene and would fail to enhance the character of the Kimberley Conservation Area, contrary to the aims of Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 23 of the Broxtowe Part 2 Local Plan (2019).

48.3 22/00442/FUL

Retain change of use from four separate dwellinghouses (C3) (two flats at 194, numbers 196 and 198) to a residential institution (C2)
194, 196 and 198 Station Road Beeston NG9 2AY

This application had been called before Committee by Councillor L A Lally and Councillor P Lally.

There were no late items and no public speakers.

It was noted that any noise would be controlled as part of a resident's management plan and that similar properties in the Borough had not given any cause for concern.

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

1. **The development hereby permitted shall be retained in accordance with drawing 3588/01B received by the Local Planning Authority on 17 November 2022.**

Reason: For the avoidance of doubt.

2. **Within 6 months of this decision, a Resident Management Plan (RMP) shall be submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall thereafter be carried out in accordance with the approved RMP, for the lifetime of the use. For the avoidance of doubt, the RMP shall include the following:**

i) **Details of on-site staffing, including a dedicated property manager during normal office hours supported by designated wardens who will stay at the premises and will deal with any emergencies or incidents outside office hours including night time supervision;**

ii) **Details of how the property manager and wardens will liaise with local residents (primarily but not exclusively in Station Road, and Waverley Avenue) throughout the year and how residents can make contact in the event of any disturbance, emergencies or any other management issues;**

iii) **The proposed management of servicing and deliveries;**

iv) **Details of noise management including measures to ensure that noise disturbance to neighbouring residential properties is minimised.**

Reason: To protect the amenities of neighbouring residents and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and 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 applicant should ensure that sound insulation to limit the transmission of noise between properties is installed and achieves the minimum requirements as contained in the current version of British Standard Approved Document E.**

48.4 22/00758/FUL

Construct two storey front and side extensions and balcony to rear
107 Babbington Lane, Kimberley, Nottinghamshire, NG16 2PT

Councillor P J Owen had requested that this application be determined by Committee.

There were no late items and no public speakers.

It was noted that the property was situated on a large plot of land and that the proposed development would not have a negative impact on the openness and amenity of the Green Belt.

RESOLVED that Planning Permission be granted with the precise wording of the approval and conditions delegated to the Vice Chair of Planning Committee in conjunction with the Head of Planning and Economic Development.

Conditions:

1. **The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
2. **The development hereby permitted shall be carried out in accordance with the drawing numbers NG16-KS-A-0800 Rev P1, NG16-KS-A-0801 Rev P1, NG16-KS-DR-A-0820 Rev P1 and NG16-KS-DR-A-0821 Rev P1 received by the Local Planning Authority on 23 September 2022.**
3. **The development shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing building.**

Reasons:

1. **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. **For the avoidance of doubt.**
3. **To ensure a satisfactory standard of external appearance 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 the 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 an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.**

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

- 3. There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.**

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.

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. licences@viaem.co.uk

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@nottscc.gov.uk

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-andpermits/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.

48.5 22/00649/FUL

Construct two storey side extension
25 Mansfield Road, Nether Green, Eastwood, Nottinghamshire, NG16 3DW

This application was brought before Committee for determination by Councillor J P T Parker.

There were no late items for the Committee to consider.

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

There were no concerns regarding the proposed development and its impact on the openness and amenity of the Green Belt.

RESOLVED that Planning Permission be granted with the precise wording of the approval and conditions delegated to the Vice Chair of Planning Committee and the Head of Planning and Economic Development.

Conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the site location and application form received by the Local Planning Authority 9 August 2022, proposed principal elevation plan, rear elevation plan, side elevation plan, ground floor plan, first floor plan and roof plan received by the Local Planning Authority 24 November 2022/**
- 3. 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 enlargement improvement or alterations to the dwelling falling within Class A shall be undertaken.**

Reasons:

- 1. 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. For the avoidance of doubt.**
- 3. 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).**

Note to Applicant

- 1. 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

- 2. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.**

48.6 22/00651/FUL

Retain the change of use to car wash and car valeting business (revised scheme)
Manor Garage, 92 Church Street, Stapleford, Nottinghamshire, NG9 8DJ

Councillor J W McGrath had requested that this item be brought before the Committee.

There were no late items.

Amir Ali, applicant, and Mark Donegan, objecting, addressed the Committee prior to the general debate.

A statement was read out on behalf of Councillor J W McGrath.

There was concern about the noise that would be created by the vacuuming and valeting of cars. It was noted that the acoustic fences would not cancel out all noise to neighbouring properties. There was also concern that because the valeting was to happen outside, the noise would carry further, causing more harm to neighbour amenity.

RESOLVED that Planning Permission be refused with the precise working of the reasons and refusal to be delegated to the Vice Chair of Planning Committee in conjunction with the Head of Planning and Economic Development.

Reasons

The submitted scheme, by virtue of its design is out of keeping with the prevailing character of properties in this location to the detriment of the visual amenity of the locality. The proposed car wash facility will have a significant impact on the living conditions of nearby residents by virtue of additional noise and disturbance emanating from the premises, above what can reasonably be expected in a predominantly residential area. The proposed development is therefore contrary to Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).

49 INFORMATION ITEMS

49.1 APPEAL STATISTICS

The appeal statistics were noted.

49.2 APPEAL DECISION 21/00704/FUL

The appeal decision was noted.

There was a minor disturbance. Councillor M Handley proposed and Councillor S J Carr seconded that there be a brief adjournment to address the situation. The meeting resumed thereafter.

49.3 DELEGATED DECISIONS

The delegated decisions were noted.