

PLANNING COMMITTEE

WEDNESDAY, 8 MARCH 2023

Present: Councillor D K Watts, Chair

Councillors: D Bagshaw
L A Ball BEM
R I Jackson
G Marshall
P J Owen
D D Pringle
H E Skinner
E Williamson
R D Willimott
H Land (Substitute)
J W McGrath (Substitute)

Apologies for absence were received from Councillors M Handley, S J Carr and S Paterson.

The officers present were Steve Sims, Sue Heron, Bryony Norman and Kat Newton.

Also present was Councillor J M Owen.

56 **DECLARATIONS OF INTEREST**

Councillor P J Owen declared a non-registrable, prejudicial, interest in item 5.1 as the proposed development was to impact directly on a close relative. Minute number 59.1 refers.

Councillor L A Ball BEM declared a non-registrable interest in item 5.1 as the proposed development was to impact directly on a close relative. Minute number 59.1 refers.

Councillor R I Jackson declared a registrable interest in item 5.6 as he was a member of the Stapleford Towns Deal Board. Minute number 59.6 refers.

Councillor J W McGrath also declared a registrable interest in item 5.6 as he was a member of the Stapleford Towns Deal Board. Minute number 59.6 refers.

57 **MINUTES**

The minutes of the meeting on 1 February 2023 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.

58.1 22/00346/REM

Construct 250 Dwellings (Reserved Matters in Relation to Reference 20/00056/OUT - Appearance, Landscaping, Layout and Scale)
Land West of Awsworth, (inside the A6096) Including Land at Whitehouse Farm, Shilo Way, Awsworth, Nottinghamshire

The application is brought to the Committee as it is a reserved matters application for a large major residential development. It was deferred at the meeting of the Committee on 1 February 2023.

The late items were comprised of further comments from Nottinghamshire County Council Highways Officer in respect of the updated Construction Management Plan (CMP) submitted by the applicant.

Katy Falls, on behalf of the applicant, Phil Brennan, objecting and Greg Stackhouse, objecting, made representation to the Committee prior to the general debate.

The Committee noted all of the representations that had been made to them and the debate followed focusing on the potential problems with the access to the site, nuisance to neighbours from building work and impact on resident's amenity. There was a discussion about the outline planning permission, which had been granted by the Committee in 2021. There were concerns about the CMP, though it was noted that this related to the outline permission that had already been granted and was not before the Committee for consideration.

The Committee received legal advice.

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

- 1. The development to which this approval relates shall be begun no later than the expiration of 2 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.**

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.

- 2. This permission shall be read in accordance with the following plans:**

Site Location Plan 1: 2000, n1794 001

Received by the Local Planning Authority on 20.04.2022

A2 – End Floorplan drawing no:- AV22/A2/0-001 Rev A

A2 – End Elevations drawing no:- AV22/A2/0-002 Rev A

B3 – End Floorplan drawing no: AV22/B3/0-001 Rev A
B3 – End Elevations drawing no: AV22/B3/0-002 Rev A

F2 - End Floorplan drawing no: AV22/F2/0-001 Rev A
F2 - End Elevations drawing no: AV22/F2/0-002 Rev A

H3 – End Floorplans drawing no: AV22/H3/0-001 Rev A
H3 – End Elevations drawing no: AV22/H3/0-002 Rev A

R3 – End Floorplans drawing no: AV22/R3/0-001 Rev A
R3 – End Elevations drawing no: AV22/R3/0-002 Rev A

T2 – End Floorplans drawing no: AV22/T2/0-001 Rev A
T2 – End Elevations drawing no: AV22/T2/0-002 Rev A

Askern – End Floorplan drawing no. AV22/ASK/0-001 Rev B
Askern – End Elevations drawing no. AV22/ASK/0-002 Rev B

Baildon – End Floorplan drawing no. AV22/BAI/0-001 Rev C
Baildon – End Elevations drawing no. AV22/BAI/0-002 Rev C

Cadeby – Floorplan drawing no. AV22/CAD/0-001 Rev B
Cadeby – Elevations drawing no. AV22/CAD/0-002 Rev B

Cookridge – Floorplan drawing no. AV22/COO/0-001 Rev D
Cookridge – Elevations drawing no. AV22/COO/0-002 Rev C

Dalton – Floorplan drawing no. AV22/DAL/0-001 Rev C
Dalton – Elevations drawing no. AV22/DAL/0-002 Rev C

Fernlee – End Floorplan drawing no. AV22/FER/0-001 Rev B
Fernlee – End Elevations drawing no. AV22/FER/0-002 Rev B

Horbury – Floorplan drawing no. AV22/HOR/0-001 Rev D
Horbury – Elevations drawing no. AV22/HOR/0-002 Rev C

Howarth – End Floorplan drawing no. AV22/HOW/0-001 Rev C
Howarth – End Elevations drawing no. AV22/HOW/0-002 Rev C

Leyburn – Floorplan drawing no. AV22/LEY/0-001 Rev C
Leyburn – Elevations drawing no. AV22/LEY/0-002 Rev B

Oakwood – Semi Floorplan drawing no. AV22/OAK/0-001 Rev B
Oakwood – Semi Elevations drawing no. AV22/OAK/0-002 Rev B

Ripon – End Floorplan drawing no. AV22/RIP/0-001 Rev B
Ripon – End Elevations drawing no. AV22/RIP/0-002 Rev B

Saltaire – End Floorplan drawing no. AV22/SAL/0-001 Rev C
Saltaire – End Elevations drawing no. AV22/SAL/0-002 Rev C

Thirsk – End Floorplan drawing no. AV22/THI/0-001 Rev B

Thirsk – End Elevations drawing no. AV22/THI/0-002 Rev B

Thornton – Floorplan drawing no. AV22/THO/0-001 Rev D
Thornton – Elevations drawing no. AV22/THO/0-002 Rev D

Wentbridge – Floorplan drawing no. AV22/WEN/0-001 Rev C
Wentbridge – Elevations drawing no. AV22/WEN/0-002 Rev C

Single Garage – Gable Front - drawing no.500/005 Rev A
Double Garage – Hipped - drawing no.503/006 Rev A
Garage Twin – Hipped Roof - drawing no.505/006 Rev A

Received by the Local Planning Authority on 09.02.2022

Site Sections – The View – drawing no. 6180-230

Planning Layout – drawing no. n1794_008 Rev L

Colour Presentation Layout, n1794_009F

Materials Layout - drawing no. n1794_600 Rev I

Landscape Master Plan, R/2576 1E

Reason: For the avoidance of doubt

- 3. The temporary turning facility for buses shall be returned to grass and the vehicular crossings reinstated to footway with full height kerbs once the spine road has been provided to an adoptable standard.**

Reason: In the interest of highway safety, 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. Prior to the occupation of any dwelling, a scheme to protect key locations from indiscriminate parking will need to be provided and agreed in writing with the Local Planning Authority.**

Reason: In the interest of highway safety, 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. All dwellings shall be provided with a dedicated socket fixed to the house or garage in an appropriate location, with sufficient capacity to allow for the future conversion to an EV charging point.**

Reason: To ensure charging cables do not become a trip hazard when laid across the footway in the interest of highway safety, 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
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. The associated S106 Agreement and all relevant conditions on the outline permission (20/00056/OUT) must be complied with.
5. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.
 - a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
 - b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to hdc.south@nottsc.gov.uk

Having declared a non-registrable prejudicial interest Councillor P J Owen and Councillor L A Ball BEM left the meeting for the duration of the item and did not vote thereon.

58.2 22/00094/FUL

Retain change of use of garage, including removal of garage door and insertion of window, to use as a dog grooming salon
7 Wharton Crescent, Beeston, Nottinghamshire, NG9 1RJ

Councillor S Dannheimer had requested this application be determined by Committee.

There were no late items.

Matt Suggars, the applicant, and Samuel Williams, objecting, made representation to the Committee prior to the general debate.

The Committee debated the application with regard to the representations made, the hours of operation that had been proposed and balancing the impact on neighbour amenity with supporting local businesses.

RESOLVED that planning permission be granted, with minor amendments, subject to the following conditions.

- 1. The development hereby permitted shall be retained in accordance with the Site Location Plan received by the Local Planning Authority on 1 November 2023 and the proposed layout and proposed front elevation received by the Local Planning Authority on 9 February 2023.**

Reason: For the avoidance of doubt.

- 2. The premises shall not be used except between Tuesday and Friday 9:00am to 5:00pm and on Saturdays from 9:00am to 1:00pm, and at no time on Sundays, Bank Holidays and other public holidays without the prior agreement in writing of the Local Planning Authority.**

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

- 3. The operation of the business hereby approved shall be undertaken on an appointment system only. Only one client shall be present at the premises for the purposes of the permitted use at any time.**

Reason: To protect nearby residents from excessive operational noise and to minimise demand for on-street parking, in accordance with the aims of Policy 17 and 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

- 4. All customer appointments in connection with the use hereby permitted must be pre-arranged allowing a minimum of 15 minutes between the end of one and the start of the next consecutive appointment. A record of all appointments and times must be kept by the operator of the business hereby permitted and shall be made available at all reasonable times for inspection by officers of the Local Planning Authority.**

Reason: To safeguard the amenities of residents living in dwellings located in the vicinity of the application site 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**
- 3. You are advised that the proposed activities may require licensing. You are advised contact the Licensing and Environmental Health departments on 0115 9173485 to ensure the internal layout and facilities comply with guidance for the proposed activities.**
- 4. Installation of an air conditioning unit to the building is likely to require planning permission and a noise assessment, you are advised to contact the planning department in advance of installation.**

58.3 22/00767/FUL

Construct 20 dwellings
Land South Of 50 Pinfold Road, Newthorpe, Nottinghamshire, NG16 2FT

Councillor M Brown had requested this application be determined by Committee.

There were no late items.

A statement was read out on behalf of Paul Gaughan, the applicant. Keith Baker, objecting, made representation to the Committee prior to the general debate.

After considering all of the representations put before the Committee, the debate focused on whether the highways were to be adopted, concern that the drains were not to be adopted and the density of the proposed development.

Discussions progressed on to the risk of the site flooding, with further concerns that the proposed development would also contribute to flooding in the general area. It was noted that there was a discrepancy in the report regarding comments from the Local Lead Flood Authority.

It was proposed by Councillor D K Watts and seconded by Councillor G Marshall that there be a brief recess to establish precisely what comments from the Local Lead Flood Authority had been received. On being put to the meeting the motion was carried and there was a brief adjournment. The meeting resumed thereafter.

It was proposed by Councillor D K Watts and seconded by Councillor G Marshall that the item be deferred in order that there be certainty on the drainage scheme, in particular that the Local Lead Flood Authority had approved it.

RESOLVED that the planning application be deferred.

Reasons

In order that there be certainty on the drainage scheme, in particular that the Local Lead Flood Authority had approved it.

58.4 22/00100/FUL

Construct serviced apartments comprising of 16 units and associated infrastructure
Land Off Kelham Way, Eastwood, Nottinghamshire

The application was brought to the Committee at request of Councillor D Bagshaw.

There were no late items.

Jamie Foot, applicant and Roy Perkins, objecting, made representation to the Committee prior to the general debate.

With due regard for all representations put before it, the Committee debated the proposed development, with specific reference to concerns about the appearance and character of the building. It was considered that because the site was in a prominent position at the gateway to Eastwood, that the proposed development was out of character with the surrounding Victorian buildings.

The discussion progressed on to the limited parking space and biodiversity net gain. There was also concern about the amenity of the Youth Centre that neighboured the site and the proposed development represented overdevelopment and an over intensification of the site.

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

Reasons

The submitted scheme, by virtue of its siting, scale and design is out of keeping with the area that creates a development at odds with its surroundings, to the detriment of the character and appearance of the 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).

58.5 22/00301/FUL

Change of use from hot food takeaway and self-contained flat to larger house in multiple occupation (sui generis). Construction of single storey extensions to front and rear and external alterations to ground floor front, side and rear elevations.

31 Humber Road Beeston Nottingham NG9 2EJ

Councillor L A Lally had requested that this proposal come before Committee.

There were no late items.

Councillor L A Lally, Ward Member, made representation to the Committee prior to the general debate.

Having given due weight to all representations made to it, the Committee considered the application. There was concern that the conversion of the site to student accommodation would adversely affect the character of the area.

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

Reasons

The proposal, by virtue of the cumulative impact of the significant intensification of residential use, would have a detrimental impact on the character of the area and housing mix, contrary to Policies 8 and 10 of the Broxtowe Aligned Core Strategy (2014) and of Policies 15 and 17 of the Part 2 Local Plan (2019).

58.6 23/00046/REG3

Creation of public car park with 46 parking spaces and cycle stand.
Land at 131 - 133 Derby Road, Stapleford, Nottingham NG9 7AS

The application is brought to the Committee it was made on behalf of the Council and proposed development on Council land.

There was a late item concerning the relocation of a landscape strip from behind the telephone exchange on the western side of the site to alongside the apartments on the eastern side.

There were no public speakers.

The Committee considered the application, with due regard for all representations before it.

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 Layout Plan drawing number 2250769-VIA-O-EX-00001 received**

by the Local Planning Authority on 19 January 2023.

Reason: For the avoidance of doubt.

3. Development shall not commence until an assessment of ground contamination been submitted to and approved in writing by the Local Planning Authority with details of:

- a desktop survey of potential sources
- a site investigation and test results
- a remediation strategy for contamination
- a validation strategy for certification

Reason: To ensure that the risk to site users from contamination, is minimised in accordance with Broxtowe Part 2 Local Plan (2019) Policy 19.

4. Development shall not commence until a drainage strategy has been submitted to and approved in writing by the Local Planning Authority with details of:

- the results of percolation testing
- sustainable methods possible
- the methods and layout proposed

Reason: To ensure a net reduction in surface water run-off, in accordance with Broxtowe Aligned Core Strategy (2014) Policy 1 and with Broxtowe Part 2 Local Plan (2019) Policy 1.

5. Development shall not commence until a landscape plan has been submitted to and approved in writing by the Local Planning Authority with details of:

- hard surface materials across the site
- EVCPs and pay and display machines
- cycle stands and boundary treatments
- a planting schedule of native species
- an assessment of biodiversity net gain
- a future landscape management plan

Reason: To ensure that the need to use fossil fuels is minimised in accordance with Broxtowe Aligned Core Strategy (2014) Policy 1 and Broxtowe Part 2 Local Plan (2019) Policy 19, and to ensure the site is attractive, legible, safe, inclusive, protects neighbour amenity and effects a net gain in biodiversity and surface water run-off, in accordance with Broxtowe Aligned Core Strategy (2014) Policies 10 and 17 and with Broxtowe Part 2 Local Plan (2019) Policies 1, 17 and 31.

6. Development shall not commence until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority with details of:

- heights, locations and specifications of luminaires
- an assessment of on and off-site illumination levels

Reason: To ensure that the site is attractive, legible, safe, inclusive and protects neighbour amenity, in accordance with Broxtowe Aligned Core Strategy (2014) Policies 10 and 17 and with Broxtowe Part 2 Local Plan (2019) Policies 17 and 19.

7. Development shall not commence until a CCTV scheme has been submitted to and approved in writing by the Local Planning Authority with details of:

- heights, locations and specifications of cameras
- an assessment of areas surveilled

Reason: To ensure that site is safe, inclusive, and protects the safety of neighbours, in accordance with Broxtowe Aligned Core Strategy (2014) Policy 10 and with Broxtowe Part 2 Local Plan (2019) Policy 17.

8. The car park shall not be first brought into use until the existing car park at Victoria Street has been closed or reduced in capacity by at least as many spaces as hereby provide and the four EVCPs are provided in locations convenient to spaces marked on site for the purposes of their use.

Reason: To ensure that the need to travel by car or use fossil fuels is minimised in accordance with Broxtowe Aligned Core Strategy (2014) Policy 1 and Broxtowe Part 2 Local Plan (2019) Policy 19.

9. The car park shall not be first brought into use until the following have been implemented in accordance with approved details:

- the remediation strategy
- the drainage strategy
- the landscape plan
- the lighting scheme
- the CCTV scheme

Reason: To ensure that the risk to site users from contamination is minimised in accordance with Broxtowe Part 2 Local Plan (2019) Policy 19, and to ensure the site is attractive, legible, safe, inclusive, protects neighbour amenity and effects a net gain in biodiversity and a net reduction in surface water run-off, in accordance with Broxtowe Aligned Core Strategy (2014) Policies 10 and 17 and with Broxtowe Part 2 Local Plan (2019) Policies 1, 17, 19 and 31.

10. The car park shall not be brought into use until the visibility splays shown on the submitted drawing are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures, or erections.

Reason: To ensure that the development provides safe access in accordance with Broxtowe Part 2 Local Plan (2019) Policy 17.

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 a registrable interest Councillor R I Jackson and Councillor J W McGrath left the meeting for the duration of the item and did not vote thereon.

59 INFORMATION ITEMS

59.1 APPEAL DECISION - 21/00101/FUL

The appeal decision was noted.

59.2 DELEGATED DECISIONS

The delegated decisions were noted.

59.3 CLIMATE CHANGE SUPPLEMENTARY PLANNING DOCUMENT

The Climate Change Supplementary Document was noted.