

PLANNING COMMITTEE

WEDNESDAY, 10 MARCH 2021

Present: Councillor D K Watts, Chair

Councillors: D Bagshaw
L A Ball BEM
T A Cullen
D Grindell
M Handley
T Hallam (Substitute)
R I Jackson
G Marshall
J W McGrath (Vice-Chair)
P J Owen
D D Pringle
R D Willimott

An apology for absence was received from Councillor R D MacRae.

59 **DECLARATIONS OF INTEREST**

Councillor P J Owen declared a non – pecuniary interest in item 5.1 as he was acquainted with a member of the organisation who owned the ransom strip. Minute number 62.1 refers.

Councillor J W McGrath declared a non – pecuniary interest in item 5.1 as he was acquainted with the developer. Minute number 62.1 refers.

Councillors R I Jackson, G Marshall and S J Carr declared a non – pecuniary interest in item 5.4 as they were members of the Beeston Town Centre Board. Minute number 62.4 refers.

60 **MINUTES**

The minutes of the meeting held on 10 February 2021 were approved as a correct record.

61 **NOTIFICATION OF LOBBYING**

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

62 DEVELOPMENT CONTROL

62.1 APPLICATION NUMBER 19/00668/FUL

Construct 62 dwellings
Beeston Maltings, Dovecote Lane, Beeston, NG9 1JG

The application had been brought before Committee as it was a major application and there were issues in respect of viability.

There were a substantial number of late items that the Committee considered, including a letter from the agent, emails from Nottinghamshire County Council regarding education, Section 106 monies, flooding and highways, amended plans, a number of changes to conditions, 28 emails objecting to the development and five further emails from residents.

Ian Jowitt, applicant and Nuala Hampson, objecting, made representation to the Committee prior to the general debate.

The Committee noted that following the deferral of the application the density of the site had been reduced and the highways on the site had been redesigned so that they could be adopted. There was a discussion regarding a ransom strip that prevented access from the Hetley Pearson site. The debate then progressed on to concerns regarding the lack of Section 106 monies for education, the problematic access to the site through Dovecote Lane and the size of the proposed properties.

RESOLVED that planning permission be granted subject to the following conditions and to the prior signing of a Section 106 Agreement.

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 numbered 766 004, 766 005 rev D, 766 006 rev B, 766 008 rev C, 766009 rev D, 766 010 rev A, 766 016, 766 017, 766 018, 766 019 and F18003/19 received by the Local Planning Authority on 01.12.20, 766 020 received by the Local Planning Authority on 11.01.21, 766 002 rev G and 766 003 rev F received by the Local Planning Authority on 17.02.21, 766 001 rev C1, 600312-HEX-00-00-DR-C-0101 rev P01, 600312-HEX-00-00-DR-C-0102 rev P01, 600312-HEX-00-00-DR-C-0103 rev P01 and 600312-HEX-00-00-DR-C-0104 rev P01 received by the Local Planning Authority on 08.03.21.**

Reason: For the avoidance of doubt.

3. **No above ground works shall be carried out until details of the materials to be used in facing external walls and roofs 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 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).

- 4. The development shall not 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.**

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

- 5. The development shall not be commenced until details of piling or any other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority. A method statement should set out measures for reducing noise and vibration impact on neighbouring buildings and on the rail network. The development shall thereafter be carried out in accordance with the details as approved.**

Reason: To protect groundwater from contamination and nearby buildings/rail network and residents from noise and vibration in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).

- 6. The development shall not be commenced until details of a surface water drainage scheme based on the principles set forward by the approved FRA, and a drainage strategy have been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
 - a) Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.**
 - b) Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.**
 - c) Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term****

The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the development does not increase the risk of flooding in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).

- 7. The development shall not be commenced until a Traffic Regulation Order as shown indicatively on approved drawing 766 001 rev C1 has been entered into with the Highway Authority. The approved TRO shall thereafter be implemented prior to the occupation of any part of the site.**

Reason: In the interests of Highway Safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).

8. The development (including demolition) shall not be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:
- a) The parking of vehicles of site operatives and visitors
 - b) Loading and unloading of plant and materials
 - c) Storage of plant and materials used in the construction of the development
 - d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - e) Wheel washing facilities
 - f) Measures to control the emission of dust and dirt during construction
 - g) A scheme for recycling/disposal of waste resulting from demolition and construction works
 - h) A risk assessment in relation to the railway

Reason: In the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).

9. The development shall not be commenced until the results of further surveys in regard to Great Crested Newts have been submitted to and approved in writing by the Local Planning Authority. The survey should include details of any mitigation measures that may be required to protect, or measures proposed for the relocation of, any Great Crested Newts found on the site.

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

10. The development shall not be commenced until a Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP should include details of ecological enhancements, wildlife boxes, maintenance schedule, bat roost and bird nest boxes, and external lighting.

In the interests of ensuring that a biodiversity gain can be achieved, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).

11. The development shall not be commenced until a Reasonable Avoidance Measures Statement (RAMS) has been submitted to and approved in writing by the Local Planning Authority. The RAMS should detail a precautionary method of working during site clearance, ground disturbance and other development activities which have the potential to harm, kill or trap species of amphibians or mammals and should be in accordance with BS 42020:2013 Biodiversity – Code of Practice for Planning and Development and should also set out when an Ecological Clerk of Works (ECoW) is needed to be present on site, and timings for all species potentially present on site, including nesting birds. The works shall be carried out in accordance with the approved statement.

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

- 12. The development shall not be commenced until a method statement setting out a programme of archaeological investigation and recording has been submitted to and approved in writing by the Local Planning Authority. The findings of the statement shall be implemented prior to works commencing or to a timetable set out in the statement as approved.**

Reason: In the interests of safeguarding designated and non-designated heritage assets in accordance with the aims of Policy 23 of the Broxtowe Part 2 Local Plan (2019) and Policy 11 of the Broxtowe Aligned Core Strategy (2014).

- 13. No above ground works shall be carried out until details of a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:**

- a) Numbers, types, sizes and positions of proposed trees and shrubs**
- b) Proposed boundary treatments including the attenuation fence and details of Armco barriers**
- c) Proposed hard surfacing treatment**
- d) Planting, seeding/turfing of other soft landscaping areas**
- e) Management and maintenance of any area not falling within the curtilage of a dwelling**

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

Reason: Limited 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 Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

- 14. No dwelling hereby approved shall be occupied or otherwise be brought into use until the glazing and ventilation relating to that unit has been installed in accordance with the specification details set out in the Noise Assessment report 12419 v2, dated May 2019.**

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

- 15. No dwelling hereby approved shall be occupied or otherwise be brought into use until it has been certified that all necessary remedial measures have been implemented in full so as to render the site free from risk to human health from any contaminants identified.**

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

- 16. No dwelling hereby approved shall be occupied or otherwise be brought into use until the parking area associated with their respective plot has been**

surfaced in a bound material (not loose gravel) for a minimum distance of 5m beyond the highway boundary, and shall have been constructed so as to prevent to the discharge of surface water from the parking areas onto the public highway. The bound material and provision to prevent discharge of surface water shall thereafter be maintained for the lifetime of the development.

Reason: In the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).

17. No dwelling hereby approved shall be occupied or otherwise be brought into use until the off-site highway works as shown for indicative purposes on approved drawing reference 600312-HEX-00-00-DR-C-0104 rev P01 have been provided to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).

18. No dwelling fronting an unadopted (private) road hereby approved shall be occupied or otherwise be brought into use until the bin collection points as shown on the approved site layout plan have been provided.

Reason: In the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).

19. The development shall be carried out in accordance with the submitted flood risk assessment (ref; Flood Risk Assessment and Drainage Strategy Report, Armstrong Stoke & Clayton Limited, April 2020, WMD105/FRA Rev E and Flood Risk - Technical Note 1, Armstrong Stokes and Clayton Limited, November 2020, WMD105/TN1) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 27.58 metres Above Ordnance Datum (AOD) as stated within the Flood Risk Technical Note, section 14 (November 2020).
- Flood resilience shall be implemented as stated within the Flood Risk Technical Note, section 14 (November 2020).
- Undercroft voids shall be provided to a minimum height of 27.28 metres Above Ordnance Datum (AOD) as stated within the Flood Risk Technical Note, section 14 (November 2020).
- Site levels will be carried out in accordance with the drawing; Proposed Site Plan, Site Block Plan & OS Plan, swish architecture & planning, 766, 001, Revision T, Mar 2019 (Uploaded to the LPA website on 07/12/2020).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure that the development does not increase the risk of flooding in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).

- 20. 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: To ensure the development presents a more pleasant appearance in the locality and in accordance with 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. Given the proximity of residential properties, it is advised 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. There should also be no bonfires on site at any time.**
- 3. The Highways Authority advise:**

Reference in any condition contained in this permission/refusal of permission to any Statute, Statutory Instrument, Order, Regulation, Design Guide or other document shall be taken to include any amendment, replacement consolidation or variation that shall from time to time be in force and any reference to any body or organisation (public or private) shall be taken to include any successor-body or organisation exercising relevant functions in place of or alongside the body named.

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 for which there is a fee.

- 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@nottscc.gov.uk

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 for which there is a fee. Please contact: hdc.south@nottscc.gov.uk

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.]

The proposed access/off-site highway works referred to in condition 7 requires a Traffic Regulation Order before the development commences to provide safe access/off-site mitigating works. The developer should note that the Order can be made on behalf of the developer by Via Est Midlands in partnership with Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact the Improvements Team on 0300 500 8080 for details.

4. The developer is advised to contact Network Rail in respect of the need to submit a method statement, which should be agreed prior to commencement of works on the site.

Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 3B
George Stephenson House
Toft Green
York
Y01 6JT

Email: assetprotectionneem@networkrail.co.uk

62.2 APPLICATION NUMBER 19/00524/OUT

Hybrid planning application comprising: Outline application to construct 64 dwellings including access with some matters reserved. Full application to change use to create a country park and associated works

Former Dry Ski Slope, Cossall Industrial Estate, Soloman Road, Cossall, Nottinghamshire

This application had been brought to Planning Committee as it was a major application where contributions were required under a Section 106 Agreement.

There were no late items and no representations from members of the public.

The Committee acknowledged the difficulties in developing the site. The application had been deferred from the meeting on 6 January 2021 to allow further consideration to be given to improving pedestrian access to the site and improve contributions towards education.

The debate covered the Section 106 contributions, the Country Park and the benefit of access to open space that would be gained from the development, including the improvement of the derelict land.

There was concern that even with the proposed improvements to pedestrian access, there could still be issues with members of the public walking through the industrial estate.

RESOLVED that the Interim Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:

(i) prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of a fully managed and publically accessible country park, and a review of the viability of the proposed scheme should alterations to the layout and housing mix be made at reserved matters stage;

(ii) the following conditions:

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

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

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

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

3. The development hereby permitted shall be carried out in accordance with drawings numbered 7067-L-01, PB103 B-03c, 7067-L-06-B; received by the Local Planning Authority on 13 September 2019.

This outline permission for housing relates to Indicative Layout Drawing 7067-L-07 (1:1250); received by the Local Planning Authority on 13 September 2019.

Reason: For the avoidance of doubt.

4. For the outline housing scheme details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority before any part of the housing development is commenced:

Appearance
Landscaping
Layout
Scale

The development shall be carried out strictly in accordance with the approved details to the satisfaction of the Local Planning Authority.

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

5. Prior to the commencement of the development, details of the children's play area, footpaths, benches, access point control measures, shall be submitted to and approved in writing by the Local Planning Authority. These features shall be completed in accordance with the approved details, and made available for use prior to occupation of any dwelling on site.

Reason: To ensure the community facility is delivered to a high standard of design in accordance with the Broxtowe Part 2 Local Plan (2019) Policy 17.

6. The country park hereby approved shall be completed and available for general public use, including the associated park network, park furniture and surfaced car park, to the satisfaction of the Local Planning Authority:

- a) Prior to the first occupation of the twentieth dwelling; or
b) Within 24 months of the commencement of development,

Whichever is the sooner.

Reason: As per the terms of the hybrid permission where the country

park is essential to giving the residential element an identity and setting whilst also increasing leisure and recreational opportunities. This condition is in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).

7. No dwelling shall be first occupied until the off-site footway improvement works along Soloman Road have been carried out in accordance with the works shown indicatively on the drawing number C3274-HSP-00-XX-DR-C-0001 Rev P01; received by the Local Planning Authority on 2 February 2021, in consultation with the County Highways Authority.

Reason: To improve pedestrian connectivity, in the general interest of highway safety.

8. The formal written approval of the Local Planning Authority is required prior to commencement of any housing development with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters). All details submitted to the Local Planning Authority for approval shall comply with the County Council's current Highway Design and Parking Guides and shall be implemented as approved.

Reason: In the interest of highway safety.

9. Occupation of the proposed dwellings shall not take place until their respective driveways have 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 constructed with provision to prevent the discharge of surface water from the driveways 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.

10. Occupation of the proposed dwellings shall not take place until the site access as shown for indicative purposes only on drawing ADC1340-DR-004 Revision P1 has been provided.

Reason: In the interest of highway safety.

11. Occupation of the proposed dwellings shall not take place until a footway improvement scheme has been provided along Solomon Road in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

12. No part of the country park hereby permitted shall be brought into use until the site access on Solomon Road has been constructed to base

course level unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the future users of the country park have an appropriate means of access by vehicle.

13. No part of the development hereby permitted shall take place until the country park access has been surfaced in a bound material 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 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.

14. No part of the development hereby permitted shall be brought into use until the parking and turning areas as shown for indicative purposes only on drawing 7067-L-05 have been provided. The parking and turning areas shall be maintained in accordance with the approved plan and shall not be used for any purpose other than the parking and turning of vehicles.

Reason: In the interest of highway safety.

15. No part of the development hereby permitted shall be brought into use until the country park access has been constructed in accordance with the details as shown on drawing Highway Profile 7067-L-05.

Reason: In the interest of highway safety

16. 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.

a) 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.

17. Prior to works commencing on any phase of the housing development, a detailed environmental noise assessment, based on submitted reserved matters details, must be submitted to, and approved in writing by, the Local Planning Authority, specifying the measures to be taken to ensure that all noise-sensitive premises are protected from road and industrial noise, such that the following noise levels are not exceeded:

- An LAeq, 16-hour of 55dB (free field) in outdoor living areas between 07:00 and 23:00 hours (daytime);
- An LAeq, 16-hour of 35dB inside living rooms between 07:00 and 23:00 hours (daytime);
- An LAeq, 8-hour of 30dB inside bedrooms between 23:00 and 07:00 hours (night time);
- An LMax, fast of 45dB inside bedrooms between 23:00 and 07:00 hours (night time).

Those premises requiring the incorporation of noise mitigation measures to achieve the above levels, as well as the nature of these measures, shall be identified and agreed with the Local Planning Authority prior to construction commencing. In premises where windows must be closed to achieve the above levels, adequate acoustically treated ventilation must be provided.

Should the proposals for the site layout, levels or building design/construction alter from that on which the agreed assessment is based, a further audit of the noise assessment and proposed mitigation measures shall be submitted to, and approved in writing by, the Local Planning Authority before construction of amended buildings commences.

All noise mitigation measures shall be designed and installed in accordance with the approved mitigation scheme and completed under the supervision of an acoustic engineer. All works shall be completed before any permitted dwelling is occupied unless an alternative period for completion is agreed in writing by the Local Planning Authority.

Reason: To protect future occupiers from excessive environmental noise.

18. 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 (NPPF).

19. Prior to any part of the development hereby permitted being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy 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 from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

21. No part of the development hereby approved shall commence until a

detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy re: w10933-190725-FRA & Drainage Strategy, 03/10/2019, Waterco, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. In addition to aforementioned document the scheme to be submitted shall:

- Provide justification for the use or not of infiltration, including the results of soakaway testing, in accordance with BRE 365.
- Demonstrate that the development will use above ground SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Show that all exceedance is to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Provide details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Show consideration has been given to potential surface water run-off from the steep area adjacent the site. To the south on the provided plans.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

22. No development shall commence until additional survey work including a reptile translocation methodology/mitigation strategy in accordance with recommendations 1 and 2 of the Reptile Survey Project No. 15-1093.02 has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect reptile species within the site and in the interests of preserving biodiversity in accordance with Policy 31 of the Broxtowe Part 2 Local Plan (2019).

23. No development shall commence on any part of the site until further intrusive site investigation works are undertaken in order to establish the exact situation regarding shallow mineworkings. This will include:

The submission of a scheme for intrusive site investigations for areas of shallow mine workings for approval;

The undertaking of that scheme of intrusive site investigations;
The submission of a report of findings arising from the intrusive site investigations;
The submission of a scheme of remedial works for approval; and
Implementation of those remedial works.

These details shall be first submitted and approved in writing by the Local Planning Authority in consultation with The Coal Authority.

Reason: In the interest of public health and safety.

24. No development shall commence on any part of the site until a management plan for the maintenance and upkeep of the country park has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the country park is maintained in a manner that is safe and acceptable for use by members of the public.

25. No development shall take place within the application site until a written scheme for archaeological investigation has been submitted to and approved in writing by the Local Planning authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.

Reason: To record archaeological features affected by development in accordance with the requirements of paragraph 189 of the NPPF.

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. Coal
3. 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@nottscc.gov.uk

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.

Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be considered by the Highway Authority until technical approval of the Section 38/278 Agreement is issued.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

4. The Regulated Industry team have decided it is highly probable that this will require a waste permit and consultation with the EA.

The colliery spoil must be fit for purpose, in that measures are taken to avoid the risk of pollution such as treatment, containment.

Further details on applying for a waste permit can be found by visiting <https://www.gov.uk/guidance/waste-environmental-permits>

62.3 APPLICATION NUMBER 21/00023/FUL

Construct stable extension, lion's den and erect 3m high internal fencing to extend wildcat enclosure.

Land North of Home Farm Cottage and Park View Cottage, Main Street, Strelley, Nottinghamshire

This item was deferred to the meeting on 17 March 2021.

62.4 APPLICATION NUMBER 21/00027/REG3

Construct mezzanines within Units 1 and 2/3
2 Station Road, Beeston, NG9 2WJ

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

There were no late items and no public representations.

Discussion centred on the success of the development, which was considered to be a good example of cross party working.

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 numbered BTC-LDA-XX-ZZ-M3-A-08 004 Rev A (Proposed Site Plan) and BTC-LDA-XX-ZZ-M3-A-08 001 Rev A (Red Line – Detailed Site) received by the local planning authority on 13.1.21 and 0576-LDA-XX-00M-DR-A-2010M Rev B (Phase 1 proposed ground mezzanine floor plan) and BTC-LDA-XX-ZZ-M3-A-08 200 Rev C (Proposed sections) received by the local planning authority on 20.1.21.**

Reason: For the avoidance of doubt.

- 3. No ventilation and/or filtration equipment shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. Any equipment shall be in full working order prior to the commencement of the respective use. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues.**

Reason: To suppress and disperse odour created from food preparation operations in order to protect nearby residents from excessive odour and in accordance with the aims of Policy 19 of the Part 2 Broxtowe Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

- 4. Outdoor seating areas directly associated with the commercial uses shall not be used by customers except between the hours of 08:00-23:30 and outside these hours, chairs, tables and other furniture for the purpose of or associated with facilitating outdoor seating, shall be removed from the seating areas.**

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

- 5. No amplification equipment shall be used externally and no live music shall be played externally at the site between 23.00 and 08.00 hours on any day.**

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

6. **No fixed plant, machinery or equipment shall be installed within the site until a noise report, including details of the acoustic specification of such fixed plant, machinery or equipment has been submitted to and agreed in writing by the Local Planning Authority. The plant/machinery/equipment shall be installed in accordance with the agreed details and thereafter maintained in the agreed form for the lifetime of the development.**

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

7. **The rating level resulting from the cumulative use of any plant, machinery or equipment shall not exceed the existing background level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive receptor.**

Reason: To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 19 of the Part 2 Broxtowe 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 eight-week determination timescale.**
2. **Ventilation and filtration equipment may require planning permission.**

62.5 APPLICATION NUMBER 20/00667/FUL

Construct pair of semi-detached dwellings following demolition of existing bungalow
28 Park Road Chilwell NG9 4DA

The application was brought to the Committee at the request of Councillor G Marshall.

There was a late item comprised of an amended plan.

Simon Jude, applicant and Steven Zaleski, objecting, made representation to the Committee prior to the general debate.

There were concerns about the impact on the amenity of neighbouring properties because of the size and overbearing nature of the development.

It was proposed by Councillor R I Jackson and seconded by Councillor L A Ball BEM that the item be deferred until such time as a site visit could take place, or a video of the site could allow the Committee to make a more considered assessment of neighbour amenity. On being put to the meeting the motion was passed.

RESOLVED that the application be deferred.

62.6 APPLICATION NUMBER 20/00541/FUL

Construct 28 dwellings

42 – 44 Brookhill Leys Road, Eastwood, Nottingham, NG16 3HZ

This item was brought to the Committee as it was a major application and there were issues in respect of viability.

There were no late items and no representations from members of the public.

There was concern that the application was being brought before the Committee with the developer was asking for huge reductions to Section 106 contributions. Debate focused on striking the appropriate balance between allowing developments to progress and funding the services that would be needed for the new residents.

RESOLVED that planning permission be granted subject to the following conditions and to the prior signing of a Section 106 Agreement.

- 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 drawing(s) numbered Site Location Plan, 1: 1250, Plots 1 – 5 Elevations/Floor Plans, DB/RB/20/21/03, Plots 6 – 9 Elevations/Floor Plans, DB/RB/20/21/04 and Plots 12 – 14 Elevations/Floor Plans, DB/RB/20/21/06 received by the Local Planning Authority on 13 August 2020, External Materials Specification received by the Local Planning Authority on 08 December 2020, Site Block Plan 1: 500, DB/RB/20/21/02D, Plots 19 – 21 and 26 – 28 Elevations/Floor Plans, DB/RB/20/21/08 and Plots 22 – 25 Elevations and Floor Plans, DB/RB/20/21/05A received by the Local Planning Authority on 17 November 2020.**

Reason: For the avoidance of doubt.

- 3. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall include:**

- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA,**
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term.**

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

- 4. No part of the development hereby permitted shall be brought into use until the off-site footway works as shown for indicative purposes only on the drawing entitled 'Proposed Site Block Plan', drawing no. DB/RB/20/21/02 D have been provided.**

Reason: In the interest of highway safety.

- 5. The approved landscaping identified on drawing number DB/RB/20/21/02D received 30 September 2020 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: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Part 2 Local Plan (2019).

- 6. No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.**

Reason: In the interest of highway safety.

- 7. No part of the development hereby permitted shall not be brought into use until the drive and parking area has been surfaced in a hard bound material (not loose gravel), so has to prevent the discharge of surface water and materials therefrom onto the public highway and shall be retained thereafter.**

Reason: To ensure deleterious material/surface water from the site is not deposited on the public highway causing dangers to road users.

- 8. No part of the development hereby permitted shall be brought into use until the dropped kerb accesses on Newmanlays Road that have been made redundant as a consequence of this permission are permanently closed and reinstated to footway.**

Reason: In the interests of Highway safety.

- 9. No part of the development hereby approved shall be commenced until:
 - a) A Remedial Method Statement has been submitted to and approved in writing by the Local Planning Authority. 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.

NOTES TO APPLICANT

1. The Council has acted positively and proactively in the determination of this application, through an early visit to the site to appreciate whether any amendments needed to be sought and thus afford sufficient time to negotiate these should it have been the case.
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. 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.

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.

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 and S278 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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 before any work commences on site. Please contact hdc.south@nottsc.gov.uk for details.

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@nottsc.gov.uk for details.

4. Given the proximity of the site to other residential properties, it is advised 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. There should also be no bonfires on site at any time.
5. Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.
6. There is an associated S106 legal agreement with this development dated, and this decision should be read contemporaneously with such.

62.7 APPLICATION NUMBER 20/00714/FUL

Construct link extension and change use from residential (Class C3) to residential care home (Class C2)
259 High Road Chilwell NG9 5DD

The application had been called before Committee by Councillor T A Cullen.

There was a late item comprised of an email from a resident opposing the proposed development due to concerns regarding parking.

Ros Heath, applicant, and Victor Chidlaw, opposing, made representation to the Committee prior to the general debate.

Debate centred on whether the parking situation would improve in practice if there were to be more residents as a result of this application. There was also concern that

that passage would create a very long frontage that could be inappropriate in a conservation area.

It was proposed by Councillor R I Jacskon and seconded by Councillor T A Cullen that the item be deferred to allow the applicant to elaborate on how many residents there would be in the home once the extension was granted and what impact this might have on parking. On being put to the meeting the proposal was carried.

RESOLVED that the application be deferred.

63 INFORMATION ITEMS

63.1 APPEAL DECISIONS

An appeal decision was noted.

63.2 DELEGATED DECISIONS

The delegated decisions were noted.