

PLANNING COMMITTEE

WEDNESDAY, 1 DECEMBER 2021

Present: Councillor D K Watts, Chair

Councillors: J W McGrath (Vice-Chair)
D Bagshaw
S J Carr (Substitute)
T Hallam (Substitute)
R I Jackson
J M Owen (Substitute)
P J Owen
S Paterson
D D Pringle
H E Skinner (Substitute)
R D Willimott

Apologies for absence were received from Councillors L A Ball BEM, D Grindell, M Handley, G Marshall and R S Robinson.

37 **DECLARATIONS OF INTEREST**

Councillors D K Watts, S J Carr and T Hallam declared a non pecuniary interest in item 5.7 as they were acquainted with the brother of the applicant, the brother being in the same political party. Minute number 40.7 refers.

Councillor P J Owen declared a non pecuniary interest in item 5.7 and stated that he was neither prejudiced nor pre-determined. Minute number 40.7 refers.

Councillor D Bagshaw declared similarly that he was neither prejudiced nor pre-determined, but that he had worked with the applicant, local business and neighbours to the proposed development to try and achieve a compromise. Minute number 40.7 refers.

Councillor J W McGrath declared a non pecuniary interest in item 5.4 as he was acquainted with the applicant and had displayed election campaign material on his land. It was further noted that Councillor S Paterson was also on this campaign material. Minute number 40.4 refers.

38 **MINUTES**

The minutes of the meeting on the 3 November 2021 were confirmed and signed as a correct record.

39 NOTIFICATION OF LOBBYING

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

40 DEVELOPMENT CONTROL

40.1 21/00133FUL

Construct three storey apartment block of 13 flats and dropped kerb (revised scheme)
Land to the rear of Clayton Court, Queens Road, Nottinghamshire

Councillor T A Cullen had requested that the application be determined by Planning Committee.

The Committee noted the late item pertaining to the application comprised of a submission from the agent for the application regarding section 106 contributions.

Martin Stott, objecting, addressed the Committee prior to the general debate.

The debate took in the history of the application, the height of the buildings and the contemporary design of the proposed development.

RESOLVED that the 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 landscape contributions and affordable units

(ii) 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:

Received by the Local Planning Authority on 22 February 2021:

**005 Rev H
009 Rev C**

Received by the Local Planning Authority on 8 November 2021:

**003 Rev J
002 Rev K
004 Rev J**

007 Rev K

Received by the Local Planning Authority on 12 November 2021:

006 Rev N

008 Rev M

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 Flood Risk Assessment (prepared by Swish Architecture) and 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:

- 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
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area
- Demonstrate the provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- 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.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.

Reason: To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).

4. 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: No such details were submitted with the application and in the interests of the appearance of the development and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

5. No above ground works shall take place until a landscaping scheme 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) proposed hard surfacing treatment;
- d) planting, seeding/turfing of other soft landscape areas; and
- e) timetable for implementation of the scheme.

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 and to ensure the development presents a satisfactory standard of external appearance to the area 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).

6. Prior to the first occupation of the apartments hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment titled ‘Proposed new build apartment block to the land rear of Clayton Court...’ prepared by Swish Architecture dated February 2021. Flood resilient measures and resilience measures shall be used as detailed on page 10 and the finished floor levels shall be set no lower than 28.15m AOD. These mitigation measures shall be maintained and retained for the lifetime of the development.

Reason: To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).

7. The apartments hereby approved, shall not be first occupied until:
 - all driveways and parking areas have been surfaced in a hard, bound material (not loose aggregate) and designed to prevent the unregulated discharge of surface water onto the public highway;
 - each car parking space has been clearly delineated as shown on drawing 008 Rev M;
 - visibility splays are provided in accordance with drawing 008 Rev L and retained for the lifetime of the development;
 - dropped vehicular footway crossings on Grove Street and Queens Road are constructed and available for use;
 - the existing dropped vehicular footway crossing on Grove Street is extended and made available for use and the cycle store and bin/cycle store as shown on drawing 008 Rev M are constructed and available for use.

The surfaced drives, parking areas, delineated spaces and dropped

vehicular crossings shall then be maintained in such form for the lifetime of the development.

Reason: In the interests of highway safety to mitigate the impact of the development on the highway network, to ensure the bin and cycle store are available for use 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).

8. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.

Reason: To minimise disturbance to neighbours and in accordance with the aims of Policy 17 of the Broxtowe 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. This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
3. Burning waste on site is prohibited.
4. The future owners/occupiers of the proposed dwelling should sign up to the Environment Agency's Flood Warning Direct Service.
5. As this permission relates to the creation of a new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure an 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.
6. It is an offence under Sections 148 and 151 of the Highways Act 1980 to deposit mud onto the public highway and appropriate measures should be in place to avoid this. You are advised to contact the Nottinghamshire County Council as Highways Authority on telephone number: 0300 500 80 80.
7. The proposal makes it necessary to construct vehicular crossings on Queens Road and Grove Street over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's

Customer Services to arrange for these works on telephone 0300 500 80 80 to arrange for these works to be carried out.

40.2 21/00364/FUL

Construct two flats following demolition of garages
Pair of garages, Cyprus Avenue, Beeston, Nottinghamshire

This application had been called before Committee by Councillor S J Carr.

There were no late items for this application.

Jacob Brown, the applicant and Anthony Simpson, objecting, addressed the Committee prior to the general debate.

The Committee considered all matters pertaining to the application and it was considered that the proposed development was too big, that it represented overcrowding, that it was not close to public transport links and that parking was a major issue in that part of Beeston.

The design of the proposed development was complimented, but it was considered to be out of keeping with the surrounding area, which had a definite style.

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

Reason

The development is of contemporary design which is out of character with the surrounding area which constitutes traditional design. Furthermore, no parking has been provided on site which would result in parking problems in the immediate area. Accordingly, the proposal is contrary to the aims of Policy 17 of the Part 2 Local Plan (2019), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and the NPPF (2021).

40.3 21/00525/FUL

Change of use of existing dwelling and loft space over to form 4 flats at number 296 with rear dormer and loft space over number 294 Nottingham Road
294 and 296 Nottingham Road, Eastwood, Nottinghamshire, NG18 2AQ

This application had been called to Committee by Councillor M Radulovic MBE.

There were no late items to consider in relation to this application.

Ian McAuley, applicant and Shaun Williams, objecting, addressed the Committee prior to the general debate.

In considering the application, the Committee noted that Victorian terraced streets always presented problems with parking, however, the proposed development sought to improve that situation by providing four off-street parking spaces.

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

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

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

2. The development hereby permitted shall be carried out in accordance with Site Location Plan 1: 1250 and Block Plan 1: 200, KJ3260/03A AND Proposed Elevations/Floor Plans, KJ3260/02C received by the Local Planning Authority on 14 July 2021.

Reason: For the avoidance of doubt.

3. No part of the development hereby permitted shall be brought into use until the parking and turning areas are available for use and surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number KJ3260/03 Rev A. The parking and turning 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 and turning 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.

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

40.4 21/00222/FUL

Change of use of land to car/van sales (sui generis), siting of storage containers (not exceeding 70 units) (B8), change of use of land to open storage, change of use of buildings to car repairs and tyre sales, erection of 2 metre high security fencing, extension to existing single storey building and new storage/car repair building (revised scheme)

Land off Gin Close Way, Awsworth, Nottinghamshire, NG16 2TA

Councillor D D Pringle had asked that this application be brought before the Committee for consideration.

There were no late items and no public speakers.

During the debate it was noted that there was no requirement for a section 106 agreement.

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 retained in accordance with approved drawings Site Location Plan 1: 1250, Extension External Elevations, GD/TS/20/010/03 received by the Local Planning Authority 16 March 2021, Storage Building Elevations, CF/IJTS/20/10/06 received by the Local Planning Authority on 10 August 2021 and Proposed Site Block Plan 1: 500, Fence Elevations and Storage Unit Elevations received by the Local Planning Authority on 12 August 2021.

Reason: For the avoidance of doubt.

3. The site shall not be used except between 07.00 - 21.00 hours Monday to 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.

4. The storage containers hereby permitted shall be removed and the land restored to its former condition on or before 31 December 2031.

Reason: As the containers are of a temporary nature and their appearance is likely to deteriorate with time effecting the visual amenities of the area, it is considered that a time limited consent is necessary to ensure the development complies with 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 agreed determination timescale.
2. Burning/storage of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.
3. The applicant is hereby advised that the erection of lighting on the site would require a separate planning application.

40.5 21/00694/FUL

Change of use from C3 to C2 to accommodate up to two residents
5 Highbury Close Nuthall Nottinghamshire

This application had been called to Committee by Councillor P J Owen.

There were no late items for the Committee to consider.

Neil Turner, applicant and Peter Johnson, objecting addressed the Committee prior to the general debate.

The Committee considered all representations with relation to the application and the debate divided into two main arguments. There was concern for the amenity of neighbours and whether the care provider was going to adequately supervise the residents. There was also concern for the young people who were to be placed in the accommodation and that there had to be quality provision for care leavers in small scale settings.

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 proposed floor plan received 16 August 2021 and application form received 1 October 2021.

Reason: For the avoidance of doubt.

NOTES TO APPLICANT

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

40.6 21/00734/FUL

Construct single storey rear extension
70 Awsworth Lane, Cossall, Nottinghamshire

The application was brought to Committee by Councillor L A Ball BEM.

There were no late items to be noted, though it was clarified that on some paperwork the application number had been wrongly quoted as 21/0074/FUL.

Mrs Woodward, applicant, addressed the Committee prior to the general debate.

The Committee considered the application and noted that the proposed scheme updated the property to make it suitable for a family without having an impact on the openness or amenity of the Green Belt.

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

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

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

2. **The development hereby permitted shall be carried out in accordance with the proposed elevations 004 JW Rev A; proposed floor plan and block plan 003 JW Rev B received by the Local Planning Authority 28 September 2021.**

Reason: For the avoidance of doubt.

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

Reason: To ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

Information 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

40.7 21/00688/FUL

Retention of Marquee

20 Nottingham Road, Eastwood, Nottinghamshire, NG16 3NQ

Councillor M Radulovic MBE requested that this application be considered by Committee.

There were four late items that were noted by the Committee comprised of three letters of support and a submission from a sound engineer commissioned by the applicant.

Cain Oliver, applicant and Mr Ward, objecting, made representation to the Committee prior to the general debate.

The Committee noted a letter from a neighbour to the proposed development and all of the other representations that were made. There was debate about the marquee blocking access to other businesses, concern about noise from neighbours, the loss of car parking, the provision of 15 jobs at the establishment, and there was a call for compromise. It was considered that the application for the marquee to be used Monday to Saturday between the hours of 10am and 2:30am was unreasonable because of the impact that the noise would have on neighbours.

It was proposed by Councillor D K Watts and seconded by Councillor J W McGrath that a temporary permission be granted for a period of twelve months until 11pm, for 32 days in that period, with the precise wording of the approval and conditions to be delegated to the Chair of Planning Committee in agreement with the Head of Planning and Economic Development. On being put to the meeting the motion passed.

RESOLVED that planning permission be granted for a period of twelve months until 11pm, for 32 days in that period, with the precise wording of the approval and conditions to be delegated to the Chair of Planning Committee in agreement with the Head of Planning and Economic Development.

The development be carried out in accordance with the application, subject to compliance with the Conditions imposed, and the subsequent approval of all matters referred to in the conditions, for the reasons set out below.

Conditions:

- 1. This permission shall be for a limited period of one year expiring on the 10.12.22 when the building works carried out under this permission shall be removed and the land reinstated to the satisfaction of the Local Planning Authority unless prior permission has been obtained in writing from the Local Planning Authority for its retention.**
- 2. The development hereby permitted shall be carried out in accordance with drawings numbered TO/GKO/16/036/05 received on 12 August 2021**

3. The use of the marquee shall be limited to a maximum of 32 sessions per annum. Such sessions shall only take place between 12.00 noon - 23.00 hours on any given day.

Reasons:

1. To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).
2. For the avoidance of doubt
3. To protect immediate residents from excessive operational noise, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).

NOTE TO APPLICANT

Whilst it has not been possible to achieve a positive outcome, due to the fundamental concern regarding the use, appearance and siting of the marquee, the Council has acted positively and proactively in the determination of this application and a decision was issued within the agreed determination period.

41 INFORMATION ITEMS

41.1 DELEGATED DECISIONS

The delegated decisions were noted.

42 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that under section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Schedule 12A of the Act.

43 20/00113/ENF

RESOLVED that it is expedient and in the public interest for a Community Protection Notice to be served on the property owners and that the direct action should be carried out in default at the Council's cost, without pursuing prosecution.