

PLANNING COMMITTEE

WEDNESDAY, 5 JANUARY 2022

Present: Councillor D K Watts, Chair

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

Apologies for absence were received from Councillors D Grindell and M Handley.

44 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

45 **MINUTES**

The minutes of the meeting on 1 December 2021 were confirmed and signed as a correct record.

46 **NOTIFICATION OF LOBBYING**

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

47 **DEVELOPMENT CONTROL**

47.1 **21/00810/ROC**

Variation of condition 37 of planning reference 20/00116/FUL (hybrid application comprising: full application for 132 dwellings, associated infrastructure, flood attenuation works, play area and open space. Outline application for up to 200 dwellings, local centre (retail and professional services, restaurants/cafes, drinking establishments, hot food takeaways- classes a1-a5), associated infrastructure, open space and flood attenuation works with means of access included (all other matters reserved) to vary house types and layout
Field Farm, Ilkeston Road, Stapleford, Nottinghamshire, NG9 8JJ

Councillor R D MacRae had requested this application be determined by Planning Committee.

The Committee noted that there had been a number of changes to conditions as documented in the late items.

Councillor R D MacRae, Ward Member, addressed the Committee prior to the general debate.

Debate was focused on concerns regarding the lack of dispersal of social housing through the development and the proposed planting of trees on the site. There was also concern about the design of the properties, the playground and flooding.

It was proposed by Councillor R I Jackson and seconded by Councillor D K Watts that the application be deferred to allow the developer to address the Committee's concerns. On being put to the meeting the motion was carried.

RESOLVED that the application be deferred.

Reason

Consideration should be given to the distribution of the social housing on the site and the proposed landscaping, in particular the positioning of trees.

47.2 21/00575/FUL

Construct four storey building to accommodate retirement apartments including communal facilities, access, car parking and landscaping
Land Between Ellis Grove and Wilmot Lane, Ellis Grove, Beeston, Nottinghamshire

The application was brought to the Committee because proposed developer section 106 (S106) contributions would not be policy compliant.

There were no late items pertaining to the application.

Stuart Goodwill, applicant, addressed the Committee prior to the general debate.

There were a number of concerns regarding the reduced amount of s106 monies that had been proposed by the developer, but it was noted that these had been agreed by an independent consultant through a viability assessment. The debate progressed on to whether or not the number of car parking spaces proposed as part of the development was sufficient.

The Committee discussed how the £230,000 S106 monies should be allocated. There was general agreement that more information was required to make this part of the decision. It was proposed by Councillor D K Watts and seconded by Councillor J W McGrath that the allocation of the £230,000 section 106 monies be deferred to a future meeting of the Committee for further consideration. On being put to the Committee the motion was passed.

RESOLVED that the allocation RESOLVED that the application be granted subject to the following conditions:

RESOLVED that the allocation of the £230,000 section 106 monies be deferred to a future meeting of the Committee for further consideration.

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

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

- 2. The development hereby permitted shall be carried out in accordance with the Site Location Plan and drawings numbered JBA 21-164 SK02, 30047BS PL003 and 30047BS PL012 received by the Local Planning Authority on 01.07.21, and drawings numbered 30047BS PL002, PL004 rev A, PL005 rev A, PL006 rev A, PL007 rev A, PL008 rev A, PL009 rev A, PL010 rev A, PL011 rev A, PL016 and PL017, received by the Local Planning Authority on 27.07.21.**

Reason: For the avoidance of doubt.

- 3. No development hereby approved shall take place until a Construction / Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include:
The means of access for construction traffic;
Parking provision for site operatives and visitors;
The loading and unloading of plant and materials;
The storage of plant and materials used in construction / demolition of the development;
A scheme for the recycling / disposal of waste resulting from construction / demolition works; and
Details of dust and noise suppression to be used during the construction phase.**

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

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

- 4. No development hereby approved shall take place until details of any necessary piling or other penetrative foundation design have been submitted to and approved in writing by the Local Planning Authority, and shall include details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be implemented in accordance with the approved details.**

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

5. No development hereby approved shall take place until a detailed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposals of the preferred options, and a timetable of works and site management procedures. The agreed remediation scheme shall be implemented in accordance with the approved timetable of works.

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

6. No (part of the building hereby approved shall be first occupied or otherwise brought into use) ~~above ground works shall take place~~ until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:
- (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development
 - (b) numbers, types, sizes and positions of proposed trees and shrubs
 - (c) proposed boundary treatments
 - (d) proposed hard surfacing treatment
 - (e) proposed lighting details
 - (f) planting, seeding/turfing of other soft landscape areas

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

Reason: 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).

7. No part of the building hereby approved shall be first occupied or otherwise brought into use until:
All necessary remedial measures have been completed in accordance with details approved in writing by the Local Planning Authority; and
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.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

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

8. No part of the building hereby approved shall be first occupied or

otherwise brought into use until the mobility scooter store has been provided in accordance with the approved 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).

9. No part of the development hereby permitted shall be brought into use until parking and turning areas as shown for indicative purposes on drawing 30047BS - PL 002 have been provided. The parking and turning areas shall be maintained in accordance with the approved details and shall not be used for any purpose other than the parking and turning of vehicles.

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

10. 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).

11. No construction or site preparation work in association with the development hereby approved shall be undertaken outside the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 13.00 Saturdays and at no time on Sundays or Bank / Public holidays.

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

NOTES TO APPLICANT

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2. 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.
3. The development makes it necessary to undertake vehicular access works

within Wilmot Lane which is unadopted highway. As suggested the access to the development should be a dropped and tapered kerb arrangement measuring 5 metres wide and the existing pedestrian crossing is to be removed in this location.

4. **Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.**

47.3 21/00871/FUL

Construct 3 storey building comprising 9 student apartments (Use Class C4) (Revised scheme)

The Raven Group, Ellis Grove, Beeston, NG9 1EP

The application was brought to the Committee because it was a revised from a similar scheme that the Committee refused permission for on 1 September 2021.

The Committee noted that a late item in the form of an additional objection regarding the number of parking spaces had been received.

There were no public speakers on the application.

It was noted that any windows that overlooked existing properties were to be obscurely glazed as per the conditions.

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 drawing number 456 002 rev L and drawing number 456 004 rev G received by the Local Planning Authority on 15.10.21, and drawing number 456 003 rev F (includes site location plan) received by the Local Planning Authority on 10.12.21.**

Reason: For the avoidance of doubt.

3. **Prior to the commencement of development, an investigative survey of the site shall first have been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and / or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.**

b) No building to be erected pursuant to this permission shall be first occupied or brought into use until:

i) all the necessary remedial measures have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and

ii) it has been certified to the satisfaction of the Local Planning Authority that the 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, unless an alternative has first been approved in writing by the Local Planning Authority.

The approved measures shall be retained for the lifetime of the development.

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

- 4. Prior to the commencement of development, details of a report, prepared in accordance with the provisions of the current BS4142 shall first have been submitted to and approved in writing by the Local Planning Authority. Predictions shall be contained in the report which sets out: a large scale plan of the proposed development; noise sources and measurement/prediction points marked on a plan; a list of noise sources; a list of assumed noise emission levels; details of noise mitigation measures; description of noise calculation procedures; noise levels at a representative sample of noise sensitive locations; a comparison of noise level with appropriate criteria. Where criteria are exceeded at any location the applicant should explain why that excess is immaterial or what further mitigation will be undertaken to ensure that criteria will be met. The development shall thereafter be constructed in accordance with the approved details and retained for the lifetime of the development.**

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

- 5. Prior to the commencement of development, details of a Construction / Demolition Method Statement shall first have been submitted to and approved in writing by the Local Planning Authority. The statement shall include:**

The means of access for construction traffic;

Parking provision for site operatives and visitors;

The loading and unloading of plant and materials;

The storage of plant and materials used in construction / demolition of the development;

A scheme for the recycling/disposal of waste resulting from construction / demolition works; and

Details of dust and noise suppression to be used during the construction phase.

The details as approved shall be adhered to throughout the construction / demolition period.

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

6. No above ground works shall be carried out until details of the manufacturer, type and colour of the bricks, cladding, window and door frames and external guttering to be used in facing elevations 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: Limited details were submitted and 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).

7. No above ground works shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:
 - (a) numbers, types, sizes and positions of any proposed trees and shrubs
 - (b) proposed boundary treatments
 - (c) proposed hard surfacing treatment
 - (d) planting, seeding/turfing of other soft landscape areas

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

8. Prior to the installation of any external lighting associated with the development, details, which need to include and Artificial Lighting Assessment (including design, size and illuminance) in line with the current guidance from the Institute of Lighting Professionals Lighting Guide reference 01/20 guidance note for the reduction of intrusive light, shall first have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details.

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

9. No part of the development hereby permitted shall be brought into first use until the parking and turning areas as approved have been provided. These areas shall thereafter not be used for any other purpose and shall be retained for the lifetime of the development.

Reason: In the interests of highway safety in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core

Strategy (2014).

10. No part of the development hereby permitted shall be brought into first use until the areas to the frontage have been surfaced in a suitable hard bound material (not loose aggregate) and constructed with provision to prevent the discharge of third party surface water to the public highway, and retained as such for the lifetime of the development.

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

11. No part of the development hereby permitted shall be brought into first use until a 2m wide footway as shown indicatively on drawing 002 revision L has been provided along the site frontage.

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

12. No construction or site preparation works in association with this permission shall be undertaken outside the hours of 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Bank Holidays.

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

13. 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, 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).

14. The windows on the south west elevation at first and second floor level shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and non-opening unless the parts of the windows that can be opened are more than 1.7m above the floor of the room in which it is installed and retained in this form for the lifetime of the development.

Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

47.4 21/00775/FUL

Construct new dwelling
The Forge, Trowell, Nottinghamshire

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

There were no late items to be considered with regards to the application.

Daniel Hayes, applicant, addressed the Committee prior to the general debate.

The debate focussed on the impact of the proposed development on the openness and amenity of the Green Belt. There was also a discussion about very special circumstances.

RESOLVED that the application 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.

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

2. The development hereby permitted shall be carried out in accordance with the site location plan and proposed block plan CF/DH/21/36/01 Rev C and proposed ground floor plan and elevations CF/DH/21/6/02 Rev C received by the Local Planning Authority 11 October 2021.

Reasons: For the avoidance of doubt.

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

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

4. (a) 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.

(b) No building to be erected pursuant to this permission shall be first occupied or brought into use until:

- i) all the necessary remedial measures have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and**
- ii) it has been certified to the satisfaction of the Local Planning Authority that the 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, unless an alternative has first been approved in writing by the Local Planning Authority.**

Reasons: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Local Plan (2019).

- 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting this order, no extensions, enlargements, roof alterations or outbuildings shall be carried out to the new dwelling hereby approved which come within Class A, B, C, D or E of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority by way of a formal planning permission.**

Reasons: To retain a sense of spaciousness in the area to ensure future occupiers have a satisfactory degree of amenity, in accordance with the aims of Policies 17 and 23 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 11 of the Aligned Core Strategy (2014).

- 6. Prior to the commencement of development, details of a report, prepared in accordance with the provisions of the current BS4142 shall first have been submitted to and approved in writing by the Local Planning Authority. Predictions shall be contained in the report which sets out: a large scale plan of the proposed development; noise sources and measurement/prediction points marked on a plan; a list of noise sources; a list of assumed noise emission levels; details of noise mitigation measures; description of noise calculation procedures; noise levels at a representative sample of noise sensitive locations; a comparison of noise level with appropriate criteria. Where criteria are exceeded at any location the applicant should explain why that excess is immaterial or what further mitigation will be undertaken to ensure that criteria will be met. The development shall thereafter be constructed in accordance with the approved details and retained for the lifetime of the development.**

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

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

- (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development
- (b) numbers, types, sizes and positions of proposed trees and shrubs
- (c) proposed boundary treatments
- (d) proposed hard surfacing treatment
- (e) proposed lighting details
- (f) planting, seeding/turfing of other soft landscape areas

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

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

8. 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.

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

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. Contractors should limit noise works between 08.00 and 18.00 hours Monday to Friday and 13.00 hours on Saturdays and no noisy works on Sunday/Bank Holidays
3. 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.

48 INFORMATION ITEMS

48.1 APPEAL DECISIONS

The Committee noted the report.

48.2 DELEGATED DECISIONS

The Committee noted the Delegated Decisions.

49 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 involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act.

50 19/00755/HIGH

RESOLVED that the remedial works be undertaken by the Council's contractors at the Council's cost.