

PLANNING COMMITTEE

WEDNESDAY, 2 FEBRUARY 2022

Present: Councillor D K Watts, Chair

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

Apologies for absence were received from Councillors D Grindell and R S Robinson.

51 **DECLARATIONS OF INTEREST**

Councillor G Marshall and Councillor J W McGrath declared a non pecuniary interest in item 5.3 as they were both acquainted with the applicant. Minute number 54.3 refers.

Councillor D K Watts declared a non pecuniary interest in item number 5.5 as he was a friend of the applicant. Minute number 54.5 refers.

52 **MINUTES**

The minutes of the meeting on 5 January 2022 were confirmed and signed as a correct record.

53 **NOTIFICATION OF LOBBYING**

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

54 DEVELOPMENT CONTROL

54.1 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

This application was brought before Committee because it was a major application. A decision on the application was deferred on 5 January 2022 to allow the developer an opportunity to reconsider the distribution of social housing on the site and proposed landscaping.

There was a late item pertaining to amendments to conditions 21 and 22.

Tom Broster, on behalf of the applicant, addressed the Committee prior to the general debate.

It was noted that the Committee's concerns had been addressed, though there were still some comments regarding the style of the housing.

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

(i) the prior completion of an agreement under section 106A of the Town & Country Planning Act 1990

(ii) the following conditions:

1.	<u>Conditions in respect of outline element</u> The development hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved. <i>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.</i>
2.	No development shall commence until a phasing plan for the whole outline site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan. <i>Reason: To secure an orderly form of development.</i>

<p>3.</p>	<p>No phase of development, including site clearance, shall be commenced until detailed drawings and particulars showing the following for that respective phase have been submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> (a) the layout, scale, and external appearance of all buildings; (b) the means of access and parking provision within the site; (c) cross sections through the site showing the finished floor levels of the new buildings in relation to adjacent land and buildings (notwithstanding the levels shown for part of the site on 17031-PL15C Finish floor level site layout of application 20/00116/FUL). These details shall be related to a known datum point; (d) landscaping. <p>The development shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF, Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>4.</p>	<p>No development, including site clearance, shall be commenced in respect of any phase until a landscaping scheme for that respective phase of development has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall include the following details:</p> <ul style="list-style-type: none"> (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development. No development in the respective phase of development shall commence until the agreed protection measures are in place; (b) numbers, types, sizes and positions of proposed trees and shrubs; (c) proposed hard surfacing treatment including the public rights of way crossing the site and the proposed path through the TPO woodland; (d) planting, seeding/turfing of other soft landscape areas; (e) lighting details and (f) a timetable for implementation of the scheme. <p>The approved schemes shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of ecology and railway safety and in accordance with the aims of the NPPF, Policy 17 of the Broxtowe</i></p>

	<i>Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
5.	<p>No development, including site clearance, in respect of any individual phase shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall be adhered to throughout the construction period. The CMS shall provide for:</p> <ul style="list-style-type: none"> (a) site access for construction vehicles (b) the parking of vehicles of site operatives and visitors (c) loading and unloading of plant and materials (d) storage of plant and materials used in constructing the development (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate (f) wheel washing facilities (g) measures to control the emission of dust and dirt during construction. <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory in the interests of highway safety, to minimise disturbance to neighbour amenity 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).</i></p>
6.	<p>No development, including site clearance, in respect of any individual phase shall commence until bat and breeding bird surveys, including any proposed mitigation measures, have been completed and submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures shall be carried out in accordance with the agreed details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory in the interests of safeguarding bats and breeding birds, in accordance with the aims of the NPPF and Policy 31 of the Broxtowe Part 2 Local Plan (2019).</i></p>
7.	<p>No development shall be commenced in respect of any individual phase until detailed drawings and particulars in relation to the respective phase showing parking and turning facilities, site road layout including access widths, gradients, surfacing, street lighting,</p>

	<p>visibility splays, drainage, any bridge over Boundary Brook, and a timetable for their provision have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences in the interests of highway safety to ensure satisfactory access and parking arrangements are provided on the site 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).</i></p>
8.	<p>No development shall commence until a scheme for protecting the proposed dwellings from noise and vibration from the railway lines adjacent to the site has been submitted to and agreed in writing by the Local Planning Authority. Any works which form part of the scheme approved by the Authority shall be completed before any affected dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, to protect residents from excessive transport noise and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
9.	<p>No development shall be commenced in respect of any individual phase until details of appropriate gas prevention measures have been submitted to and approved in writing by the Local Planning Authority.</p> <p>No building to be completed pursuant to this permission shall be occupied or brought into use until:</p> <ul style="list-style-type: none"> i) all appropriate measures for that building 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 for that building have been implemented in full. <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>

10.	<p>No development above slab level shall be commenced in respect of any individual phase until a surface water drainage scheme for the respective phase, based on the Flood Risk Assessment and Drainage Strategy (dated 31 January 2020 and submitted with application ref: 20/00116/FUL), has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage schemes should include the following:</p> <p>(a) detailed design (plans, network details, calculations) in support of any surface water drainage scheme, including details of any attenuation system, the outfall arrangements, pipe diameters and any flow rate limiters;</p> <p>(b) 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;</p> <p>(c) horizontal and longitudinal cross sections through any proposed swales/attenuation ponds;</p> <p>(d) a timetable for implementation; and</p> <p>(e) details of the responsibility for the future maintenance and management of the surface water drainage systems. The respective schemes shall be implemented in accordance with the details to be agreed under</p> <p>(f) and thereafter maintained in accordance with the agreed details for the lifetime of the development.</p> <p><i>Reason: To prevent an increase in flood risk, to improve and protect water quality, to improve habitat and amenity and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and the NPPF.</i></p>
11.	<p>No development shall take place within 100m of the railway until a Construction Method Statement (CMS) for works in this area has been submitted to and agreed in writing by the Local Planning Authority. The CMS shall be implemented in accordance with the agreed details.</p> <p><i>Reason: To safeguard the operations of the railway and in accordance with the aims of the NPPF.</i></p>
12.	<p>No dwelling shall be occupied until details of the site boundary treatments and curtilage boundary treatments, including Armco or similar barriers adjacent the railway, for that respective phase of development have been submitted to and approved in writing by the Local Planning Authority: no dwelling shall be occupied until its own boundary treatment has been erected in accordance with the agreed details. No development on a subsequent phase shall commence until the approved site boundary treatment for the preceding phase has been completed in accordance with the agreed details.</p>

	<p><i>Reason: In the interests of residential amenity, railway safety and 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 Broxtowe Aligned Core Strategy (2014).</i></p>
13.	<p>Nothing shall be stored or placed in any area fenced in accordance with condition 5 (a) and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.</p> <p><i>Reason: To ensure the retained trees, including the TPO woodland, are not adversely affected and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
14.	<p>The local centre shall not be open to customers except between the hours of 07:00-22:00 on any day.</p> <p><i>Reason: 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).</i></p>
15.	<p>No deliveries or collections by commercial vehicles (excluding the delivery of newspapers, milk and sandwiches) shall be made to/from the local centre except between the hours of 07:00 - 22:00 on any day.</p> <p><i>Reason: 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).</i></p>
16.	<p>No fixed plant, machinery or equipment shall be installed within the site of the local centre 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.</p> <p>The rating level resulting from the use of any plant, machinery or equipment at the local centre shall not exceed the existing background level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest residential dwelling.</p> <p><i>Reason: 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).</i></p>
17.	<p>No ventilation and filtration equipment shall be installed at the local centre unless details have first been submitted to and approved in writing by the Local Planning Authority. Any equipment shall be in</p>

	<p>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.</p> <p><i>Reason: To suppress and disperse odour created from food preparation operations, in order to protect nearby residents from excessive odour, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
18.	<p>The hereby permitted local centre shall have a total floorspace not exceeding 500 square metres.</p> <p><i>Reason: In accordance with the terms of the application and to ensure it does not harm the vitality and viability of nearby centres, in accordance with the aims of Policy 13 of the Broxtowe Part 2 Local Plan (2019).</i></p>
19.	<p>No single user shall occupy the local centre unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety, to restrict the possibility of articulated vehicles using the residential roads 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).</i></p>
20.	<p><u>Conditions in respect of full element</u></p> <p>The approved development shall be undertaken in accordance with the requirements of conditions 21, 22, 23, 24, 25, 28, 32, 38, 39, 40, 42 and 44 of permission ref: 20/00116/FUL and in accordance with the details approved pursuant to them unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
21.	<p>No works, including site clearance, shall take place on Boundary Brook unless and until water vole and reptile surveys have been carried out, submitted to and agreed in writing by the Local Planning Authority. Any works to the brook shall be in accordance with any recommended mitigation measures identified in the surveys.</p> <p><i>Reason: In the interests of ensuring due regard is given to the potential presence of water vole and reptiles in the brook and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
22.	<p>No development above slab level shall commence until the surface water drainage scheme has been undertaken in accordance with the following drainage details received by the Local Planning Authority</p>

	<p>on 18.8.20:</p> <ul style="list-style-type: none"> • Technical specifications for Hydro-Brake flow control FFSN-BSP-ZZ-X-DR-C (dated 7.8.20 and 8.7.20) • Phase 2 on site drainage layout (FFSN-BSP-ZZ-XX-DR-C0140 Rev P01) • Microdrainage calculations (dated 6.8.20) • SUDS maintenance data sheet (reference 20156/SUDS/POND). The scheme shall be maintained and managed in accordance with the maintenance data sheet for the lifetime of the development. <p><i>Reason: To prevent an increase in flood risk, to improve and protect water quality, to improve habitat and amenity, to protect the brook from pollution and in accordance with the aims of the NPPF, Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of the Part 2 Local Plan (2019).</i></p>
23.	<p>No retaining wall on any plot shall be installed until details, including section drawings where necessary, have first been submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be first occupied until the boundary treatment for the respective plot has been installed in accordance with the approved Boundary Treatment plan and any agreed retaining wall details. No development on the outline phase shall commence until the retaining wall beside the brook, site perimeter and open space/play area boundary treatments have been installed in accordance with the approved plans.</p> <p><i>Reason: In the interests of residential amenity and 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 Broxtowe Aligned Core Strategy (2014).</i></p>
24.	<p>No building to be completed pursuant to this permission shall be occupied or brought into use until:</p> <ul style="list-style-type: none"> i) all appropriate measures for that building have been completed in accordance with details in the Geodyne report 'Remediation Method Statement' (ref D29176 V1.1, dated June 2017); and ii) it has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures for that building have been implemented in full. <p><i>Reason: In the interests of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
25.	<p>The glazing and ventilation for the dwellings adjacent to Ilkeston Road shall be installed in accordance with the specification details in the Environmental Noise Assessment report (ref. FFSN-BSP-ZZXX-RP-C-001-P01), dated February 2020 (aligned with application ref: 20/00116/FUL) and thereafter maintained in accordance with the agreed details.</p>

	<p><i>Reason: To protect future occupiers from excessive road traffic noise and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
26.	<p>Electric vehicle charging points shall be installed on the dwellings as indicated on the approved plans prior to the first occupation of such dwellings and thereafter retained and maintained for the lifetime of the development.</p> <p><i>Reason: To ensure environmental measures are incorporated within the scheme, in accordance with the aims of Policy 1 of the Aligned Core Strategy (2014).</i></p>
27.	<p>Prior to the first occupation of the 32nd dwelling constructed on the site:</p> <p>i) the eastern site access on Ilkeston Road and associated back-to-back ghost island right turn lanes and pedestrian crossing points shall be completed in accordance with the approved plans;</p> <p><i>Reason: In the interests of highway safety to ensure satisfactory access for the proposed residents, to mitigate the impact of the development on the highway network and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policies 10 and 14 of the Broxtowe Aligned Core Strategy (2014).</i></p>
28.	<p>No dwelling shall be first occupied until its respective driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary, and drained to prevent the discharge of surface water from the driveway 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.</p> <p><i>Reason: In the interests of highway safety to ensure satisfactory parking for the proposed residents 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).</i></p>
29.	<p><u>Conditions in respect of whole scheme</u></p> <p>The development hereby permitted shall be carried out in accordance with drawings numbered:</p> <p>Received by the Local Planning Authority on 14 April 2021:</p> <ul style="list-style-type: none"> • 1905/19/21B <p>Received by the Local Planning Authority on 19 April 2021:</p>

- 1905/19/26

Received by the Local Planning Authority on 28 September 2021:

- P104 Rev C
- P106
- BL-01-EL
- BL-01-PL
- BL-02-EL
- BL-02-PL
- BL-03-EL
- GT-01-PL
- GT-02-PL
- GT-03-PL
- GT-04-PL
- GT-05-PL
- HT-Aa-EL Rev A
- HT-Aa-PL Rev A
- HT-A-EL Rev A
- HT-A-PL Rev A
- HT-C-EL
- HT-C-PL
- HT-D-EL
- HT-D-PL
- HT-E-EL Rev A
- HT-E-PL Rev A
- HT-F-PL
- HT-H-EL Rev A
- HT-H-PL Rev A
- HT-I-EL
- HT-I-PL
- HT-K-EL Rev A
- HT-K-PL Rev A
- HT-L-EL
- HT-L-PL
- HT-O-EL Rev A
- HT-O-PL Rev A
- HT-P-PL
- HT-Q-EL
- HT-Q-PL
- HT-R-PL
- HT-S-PL Rev A
- HT-S-PL
- HT-T-EL
- HT-T-PL
- HT-U-EL Rev A
- HT-U-PL Rev A
- HT-V-EL Rev A
- HT-V-PL Rev A
- HT-W-EL

- HT-W-PL
- HT-X-EL
- HT-X-PL
- HT-Y-PL
- HT-Z-EL
- HT-Z-PL
- FFSN-BSP-ZZ-XX-DR-C-0300 Rev P01
- P300
- P102

Received by the Local Planning Authority on 12 November 2021:

- HT-B-EL Rev B
- HT-B-PL Rev B

Received by the Local Planning Authority on 16 November 2021:

- BL-03-PL Rev A
- HT-S-EL Rev B
- HT-R-EL Rev A
- HT-P-EL Rev A

Received by the Local Planning Authority on 18 November 2021:

- HT-F-EL Rev A
- HT-Y-EL Rev A

Received by the Local Planning Authority on 16 December 2021:

- P103 Rev D
- P104 Rev D
- P105 Rev E
- FFSN-BSP-ZZ-XX-DR-C-0215 Rev P02

Received by the Local Planning Authority on 12 January 2022:

- P100 Rev M
- 01 Rev E

Reason: for the avoidance of doubt.

30. No above ground works shall be commenced in respect of any phase until a landscaping scheme for that respective phase of development has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall include the following details:

(a) trees, hedges and shrubs to be retained and measures for their protection during the course of development. No development in the respective phase of development shall commence until the agreed protection measures are in place;

	<p>(b) numbers, types, sizes and positions of proposed trees and shrubs;</p> <p>(c) proposed hard surfacing treatment including the public rights of way crossing the site and the proposed path through the TPO woodland;</p> <p>(d) planting, seeding/turfing of other soft landscape areas;</p> <p>(e) lighting details and</p> <p>(f) a timetable for implementation of the scheme.</p> <p>The approved schemes shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory, in the interests of ecology and railway safety and in accordance with the aims of the NPPF, Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
31.	<p>No works on any phase of development shall take place on any path proposed by Boundary Brook unless and until a management plan for the trees/vegetation beside the brook has been submitted to and agreed in writing by the Local Planning Authority. Any works to the vegetation shall be in accordance with the approved details.</p> <p><i>Reason: In the interests of ensuring the trees beside the brook are appropriately managed in the interests of safeguarding habitat and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.</i></p>
32.	<p>The development hereby permitted shall be carried out in accordance with the recommendations of the Flood Risk Assessment & Drainage Strategy dated 31 January 2020 and the finished floor levels of any dwellings located in the area at risk from surface water flooding, as shown on Figure 2.1 (page 5), shall be raised 150mm above existing ground levels.</p> <p><i>Reason: To ensure mitigation takes place to reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of the Broxtowe Local Plan (2019).</i></p>
33.	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and vibration, in accordance with the aims of Policy 19 of the</i></p>

	<i>Broxtowe Part 2 Local Plan (2019).</i>
34.	<p>The approved landscaping for each phase of development shall be carried out not later than the first planting season following the substantial completion of each respective phase or first occupation of the building(s) within the respective phase, 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.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality, to ensure the landscaping takes place in a timely fashion 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).</i></p>
35.	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall take place until a remediation strategy detailing how this unsuspected contamination is to be dealt with has been submitted to and agreed in writing by the Local Planning Authority. Any required remediation shall be undertaken in accordance with the agreed details and it shall be certified to the satisfaction of the local planning authority that the additional remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p><i>Reason: To ensure any unknown contamination encountered during development is appropriately dealt with to prevent pollution of the environment and to render the site free from risk to human health and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
	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.	In order to carry out off-site works, 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. The applicant is advised to contact the County Council Highways team for details

	on hdc.south@nottscc.gov.uk
4.	<p>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.</p> <p>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.</p> <p>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 in writing before any work commences on site.</p>
5.	<p>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.</p>
6.	<p>The Highway Authority considers it prudent that as part of the proposed off-site highway works, a Traffic Regulation Order is undertaken to provide a safer highway environment. The Order can be made on behalf of the developer by Via East Midlands at the expense of the developer. This is a separate legal process and the Applicant should contact the Highway Improvements Team on 0115 804 2100 for details.</p>
7.	<p>Any highway trees damaged/removed as a consequence of the offsite works along Ilkeston Road will need to be replaced. You are therefore required to contact Via East Midlands Forestry Officer on 0115 804 2100 to establish where the replacement trees should be located, and to determine their species.</p>
8.	<p>Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.</p>
9.	<p>In relation to Condition 5, the local planning authority expects</p>

	landscape buffers to be detailed beside Boundary Brook and Stapleford Hill Woodland and additional scrub planting beside the railway.
10.	The 'no build zone' associated with the high wall should be taken into account with reserved matters layouts.
11.	Severn Trent Water advise that there may be sewers on site that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals.
12.	The applicant is advised to contact Network Rail prior to commencing any works on land adjacent to the railway line, email: assetprotectionline@networkrail.co.uk
13.	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.
14.	Whilst the description of the application refers to the local centre being for uses within Classes A1-A5, due to changes to the Town and Country Planning (Use Classes Order), which came into effect on 1 September 2020, the use of the centre will be for those within Class E, drinking establishments and hot food takeaways (sui generis) and will thereafter be limited to the permitted changes within these Classes.

54.2 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

This application was brought back to the Committee for a decision regarding the allocation of section 106 monies.

The Committee noted a late item confirming the support of the Nottingham and Nottinghamshire Clinical Commissioning Group.

There were no public speakers.

There was a discussion regarding projects and organisations in the area that might benefit from public open space contributions, specifically services provided at West End Community Centre.

It was proposed by Councillor D K Watts and seconded by Councillor J W McGrath that the monies be allocated as per the recommendation on page 83 of the agenda, specifically Nottingham and Nottinghamshire Clinical Commissioning Group - £28,719.38, Public Open Space - £79,612.89 including West End Community Centre and Affordable Housing (off site provision) - £121,667.73. On being put to the meeting the motion was carried.

RESOLVED that the allocation of S106 monies be as follows:

- **Nottingham and Nottinghamshire Clinical Commissioning Group £28,719.39**
- **Public Open Space, with particular reference to projects at West End Community Centre, Beeston £79,612.89**
- **Affordable housing off site provision £121,667.73.**

54.3 21/00758/FUL

Change of use to 84 bed student accommodation (Class C4 HMO including an additional floor)

Broadgate House, Broadgate, Beeston NG9 2HF

The application was brought to the Committee at request of Councillor P Lally and Councillor L A Lally.

The Committee gave consideration to the late items comprised of a re-consultation in relation to the amended Proposed Lower Ground Floor Plan No. A-20082-20-001_P2. It was noted that 17 objections were received.

Mrs Fiona Carter, objecting, Councillor L A Lally, Ward Member and Councillor P Lally, Ward Member, addressed the Committee prior to the general debate.

The debate focussed on whether the provision of accommodation specifically for students would reduce the pressure on the housing stock in Beeston, in the vicinity of Nottingham University.

There was concern about antisocial behaviour, impact on neighbouring properties, overdevelopment of the site, the impact on the character of the area and the lack of car parking for the proposed development. The debate progressed, with the Committee considering the positive impact of students on the vibrancy and diversity of Beeston.

To address the concerns of the Committee it was requested that additional conditions be placed on the development to ensure that car parking was specifically for residents, that there was no smoking on fire escapes and a tenancy management agreement.

RESOLVED that planning permission be granted subject to the following conditions and with additional conditions relating to fire doors, a tenant agreement and that car parking be for occupant's only.

	Conditions:
1.	The development hereby approved shall be begun before the expiration of 3

	years from the date of this permission.
2.	<p>This permission shall be read in accordance with the following plans:</p> <p>Site location plan No. A-20082-70-001_P1 Existing lower ground floor plan A-20082-02-001_P1 Existing ground floor plan No. A-20082-02-002_P1 Existing first floor plan No. A-20082-02-003_P1 Existing second floor plan No. A-20082-02-004_P1 Existing roof plan No. A-20082-02-005_P1 Existing NE/NW elevations No. A-20082-21-001_P1 Existing SW/SE elevations No. A-20082-21-002_P1</p> <p>Proposed ground floor plan No. A-20082-20-002_P1 Proposed first floor plan No. A-20082-20-003_P1 Proposed second floor plan No. A-20082-20-004_P1 Proposed third floor plan No. A-20082-20-005_P1 Proposed roof plan No. A-20082-20-006_P1 Proposed SW/SE elevations No. A-20082-21-003_P1 Proposed NE/NW elevations No. A-20082-21-004_P1 (All received by the Local Planning Authority 05.10.21)</p> <p>Proposed lower ground floor plan No. A-20082-20-001_P2 (Received by the Local Planning Authority 21.12.21)</p> <p>The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.</p>
3.	<p>No development shall take place until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation.</p>
4.	<p>Prior to occupation of the development hereby permitted details of the fenestration glazing specifications shall be submitted to and approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved plans and shall be thereafter retained unless otherwise agreed by the Local Planning Authority.</p>
5.	<p>No development shall take place until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:</p> <ul style="list-style-type: none"> a) The means of access for construction traffic; b) parking provision for site operatives and visitors; c) the loading and unloading of plant and materials; d) the storage of plant and materials used in constructing the development; e) a scheme for the recycling/disposal of waste resulting from construction works; and

	<p>f) details of dust and noise suppression to be used during the construction phase.</p> <p>g) site preparation, construction and delivery hours.</p> <p>The approved statement shall be adhered to throughout the construction period.</p>
6.	The roller shutter doors at the access point to the car park shall be positioned in accordance with plan entitled 'Proposed lower GF Plan', drawing no. A-20082-20-001_P2. The approved Roller shutter doors shall then be retained in this position for the life of the development.
7.	No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing A-20082-20-001_P2 has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.
8.	No part of the development hereby permitted shall be brought into use until the hard surfaced parking bays are clearly delineated in accordance with drawing number A-20082-20-001_P2. The parking 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, turning and loading and unloading of vehicles.
9.	The development hereby permitted shall not be occupied until a scheme detailing the developments adherence to Secured by Design principles has been submitted to and approved in writing by the Local Planning Authority. All measures detailed in the scheme shall thereafter be implemented and within an agreed timeframe which shall be set out in the submitted details.
10.	The development hereby permitted shall be carried out in accordance with the submitted Student Traffic Management Plan contained within Section 7.2 of the Transport Statement 9 July 2021 complied by Hexa Consulting.
	Parking
	Tenant agreement
	Fire doors
	Reasons:
1.	To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2.	To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3.	To ensure the satisfactory appearance of the development in accordance with Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019
4.	To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise

5.	To protect the amenities of neighbouring residents.
6.	In the interests of highway safety in accordance with Part 9 – Promoting Sustainable Transport of the NPPF 2019.
7.	To ensure cycle parking is available for use.
8.	In the interests of highway safety in accordance with Part 9 – Promoting Sustainable Transport of the NPPF 2019.
9.	To reduce the potential for crime.
10.	In the interests of highway safety in accordance with Part 9 – Promoting Sustainable Transport of the NPPF 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.	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.
3.	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

54.4 21/00371/FUL

Construct two storey with balcony, single storey extensions, extension to existing annex and garden room

Gilt Hill Farm Gilt Hill Kimberley Nottingham NG16 2GZ

Councillor S Easom had requested this application be determined by Committee. As an appeal for non-determination had already been lodged, the Committee was unable to determine the application, but instead gave an indication of the decision that it would have made had it been able to.

There were no late items.

A statement was read on behalf of Kari Viitanen, the applicant, and Councillor S Easom, Ward Member, addressed the Committee prior to the general debate.

The Committee received legal advice.

Consideration was given the untidy nature the site and the visual impact on the Green Belt. Some Members considered the proposal to represent an improvement, however, there was concern that when approaching the Ikea Island, the increased volume of the farm house would have a material impact on the openness and amenity of the Green Belt.

It was requested that a reason be provided to Councillor P Owen in writing regarding the non-determination of the application.

Councillor S Easom exercised his right to sum up after the debate.

RESOLVED that the Committee agreed with the recommendation of the Officer's report so that accurate representations can be made to the Planning Inspectorate in the anticipated appeal of this matter.

1.	The proposal constitutes inappropriate development within the Green Belt as the proposed extensions, in conjunction with the existing extension, represent a disproportionate addition to the size of the original building. There are insufficient very special circumstances demonstrated to clearly outweigh the harm resulting from the inappropriateness of the proposed development and the significant harm upon openness. Accordingly, the proposal is contrary to Policy 8 of the Part 2 Local Plan (2019) and Section 13: Protecting Green Belt Land of the National Planning Policy Framework (NPPF) 2021 and there are no other material considerations that justify treating this proposal as an exception.
	NOTES TO APPLICANT
1.	The Council has tried to act positively and proactively in the determination of this application, however it was not considered that there were any minor alterations which could be made to the scheme to make the proposal acceptable.

54.5 21/00895/FUL

Construct first floor rear extension and front and rear dormer windows (revised scheme)

42 Sandy Lane, Bramcote, Nottinghamshire, NG9 3GS

Councillor D K Watts requested that this application be determined by Planning Committee.

There were no late items.

Mark Knowles, objecting, addressed the Committee prior to the general debate.

It was noted that this application had been refused at the meeting of the Committee on 2 June 2021 and that no material changes to the proposed development had been made.

RESOLVED, unanimously, that planning permission be refused for the reasons given at the meeting of 2 June 2021.

Reason

Due to the loss of neighbour amenity and size of the development.

(Councillor D K Watts having declared a personal and prejudicial interest in this item, left the Council Chamber prior to the debate. Councillor J W McGrath was Vice Chair in the Chair for the duration of the item.)

54.6 21/00704/FUL

Construction of two storey and first floor rear extension
12 Rochester Court, Nuthall, Nottinghamshire, NG6 8WL

The application had been called before Committee by Councillor P J Owen.

There were no late items to be considered by the Committee.

Mrs Sheppards, objecting, addressed the Committee prior to the general debate.

There was concern regarding the scale of the proposed development and that it was an over intensification of the site. It was proposed by Councillor P J Owen and seconded that by Councillor D K Watts that the application be deferred to allow the applicant an opportunity to consider reducing the size and scale of the development so as not to negatively impact on neighbour amenity.

RESOLVED that the application be deferred.

Reason

To allow the applicant an opportunity to consider reducing the size and scale of the proposed development so as not to negatively impact on neighbour amenity.

54.7 21/00807/FUL

Retain raised patio and fencing and erect canopy
48 Wadsworth Road, Stapleford, Nottinghamshire, NG9 8BD

Councillor T Hallam requested that this application be considered by Committee.

There were no late items and no public speakers.

It was noted that there was a disparity in ground levels between number 48 and the neighbouring property. This had meant that the fence, when erected, had an unacceptable impact on the light and amenity of the neighbour, particularly on their conservatory.

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

Significant impact on neighbour amenity.

It was proposed by D K Watts and seconded by J W McGrath that enforcement action be taken if no appeal was lodged or no revised scheme was proposed. On being put to the meeting the motion was passed.

RESOLVED that enforcement action be taken if no appeal was lodged or no revised scheme was proposed.

55 INFORMATION ITEMS

55.1 DELEGATED DECISIONS

The delegated decisions were noted.