

PLANNING COMMITTEE

WEDNESDAY, 7 SEPTEMBER 2022

Present: Councillor D K Watts, Chair

Councillors: M Handley
D Bagshaw
L A Ball BEM
S J Carr
R I Jackson
G Marshall
P J Owen
S Paterson
D D Pringle
H E Skinner
E Williamson
R D Willimott

There were no apologies for absence.

22 **DECLARATIONS OF INTEREST**

Councillor D D Pringle declared a non pecuniary interest in item 5.2 as he had been acquainted with the applicant.

Councillors D D Pringle and R I Jackson declared a non pecuniary interest in items 5.1 and 5.2 as they were members of the Campaign for Real Ale (CAMRA) and had been lobbied by the same.

23 **MINUTES**

The minutes of the meeting on 27 July 2022 were confirmed and signed as a correct record.

24 **NOTIFICATION OF LOBBYING**

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

25 DEVELOPMENT CONTROL

25.1 22/00355/REG3

Residential development of 15 dwellings (12 houses and 3 apartments) and associated parking, including incorporation of part rear gardens of 15, 17a, 17b, 17c and 17d Great Hoggett Drive, following demolition of Inham Nook public house and demolition of garage blocks to the north of the site. Creation of a pocket park to amenity land north of community centre / library.

Inham Nook Hotel, Land to North of Chilwell Community Centre, garages to north of hotel and part of gardens to the rear of 15, 17A, 17B, 17C and 17D Great Hoggett Drive, Inham Road, Chilwell, Nottinghamshire, NG9 4HX

The application was brought the Committees as it was an application made on behalf of the Council.

There were no late items for the Committee to consider.

Peter Goodrick, on behalf of the applicant, made representation to the Committee prior to the general debate.

The Committee considered the application with particular reference to the climate crisis and the chance it gave the Council as a developer to provide high quality housing that would employ green technologies to lessen its impact on the environment.

It was noted that for each tree that was removed from the site, two trees would be planted. The placement and type of tree would be agreed by the Council through the planting scheme.

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 the site location plan received by the Local Planning Authority on 22.04.22 and drawings numbered: 0203-S1-P02, 0204-S1-P02, 0205-S1-P02, 0206-S1-P02, 0207-S1-P01, 0208-S1-P01, 0209-S1-P01 and 0210-S1-P01 received by the Local Planning Authority on 17.05.22, drawing number 0008-S1-P03 received by the Local Planning Authority on 05.07.22 and drawing number 201 P1 received by the Local Planning Authority on 06.07.22.

Reason: For the avoidance of doubt.

3. The development hereby permitted shall not commence until details of a noise assessment have been submitted to and approved in writing by the Local Planning Authority. The report shall include details of noise attenuation measures required to meet the standard for internal noise levels defined in the current BS8233:2014 (including glazing and ventilation details) and BS4142 in relation to the operation of the proposed Air Source Heat Pumps. The dwellings hereby permitted shall not be occupied until the noise mitigation measures have been provided in accordance with the approved details and shall thereafter be retained for the lifetime of the development.

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

4. The development hereby permitted shall not commence until details of a Construction Method Statement have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out strictly 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. The development hereby permitted shall not commence until details of a surface water drainage scheme have 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.

- 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 years, 1 in 30 years, 1 in 100 years and 1 in 100 years plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of Severn Trent Water approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.

Reason: To ensure the development does not increase the risk of flooding on the site or elsewhere, in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014)

6. The development hereby permitted shall not commence until details of a Landscape Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall seek to achieve a minimum 10% biodiversity net gain, and shall include a detailed / annotated landscape plan with information on tree / plant and seed mixes, as well as the specification, height, aspect of the bird and bat boxes to ensure they are installed in suitable locations. Any hedgehog highways should also be mapped on plan.

The development shall thereafter be carried out strictly in accordance with the approved details.

Reason: In the interests of safeguarding and enhancing biodiversity in accordance with Policy 17 Of the Broxtowe Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Part 2 Local Plan (2019).

7. No above ground works shall be commenced until details of all external materials including bricks, tiles, external finishes, windows and doors have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved 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).

8. No above ground works shall be commenced until details of the appearance of the externally mounted air source heat pumps have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved 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).

9. No above ground works shall be commenced until details of a landscaping scheme have 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 including the pocket park area

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).

10. No above ground works shall be commenced until details of a scheme to provide Electric Vehicle Charging points have been submitted and approved in writing by the Local Planning Authority. The scheme shall include details of location of each EVC. The approved scheme shall be installed prior to the occupation of the dwelling to which the EVC is assigned.

Reason: To ensure that the development does not contribute to a reduction in air quality and to promote more sustainable means of transport, in accordance with Policy 20 of the Broxtowe Part 2 Local Plan (2019).

11. No above ground works shall be commenced until details, including sections, of the ramped accesses and steps leading from the public highway have been submitted to and approved in writing by the Local Planning Authority. The ramps and steps shall be installed in accordance with the approved details.

Reason: Limited details were submitted and to ensure the development presents a satisfactory standard of external appearance, and to ensure that safe and convenient access is provided, 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).

12. Prior to the occupation of any dwelling hereby permitted, the noise mitigation measures pertinent to that dwelling shall have first been installed and shall be retained thereafter for the lifetime of the development.

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

13. Prior to the occupation of any dwelling hereby permitted, the bin collection points, parking spaces and turning areas shall have first been provided and shall be retained thereafter for the lifetime of the development.

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

14. 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).

15. No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturday and at no time on Sundays or Bank / public holidays.

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).

16. All excavations shall be covered overnight or otherwise have an escape ramp to prevent entrapment of badgers, hedgehogs and other wildlife. All pipe work greater than 150mm should be capped off at the end of the day and chemicals should be stored securely.

Reason: In the interests of safeguarding wildlife in accordance with Policy 31 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. 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. As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.

4. **The Lead Local Flooding Authority (LLFA) ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. The LLFA will provide bespoke comments within 21 days of receiving a formal consultation on any amendments.**

25.2 22/00228/FUL

Demolish public house and construct five detached dwellings and associated parking
Gardeners Inn, Awsworth Lane, Cossall, Nottinghamshire NG16 2RZ

At the request of the Chair, the order of the agenda was varied to hear this item first.

Councillor L A Ball BEM had requested that the application be brought before Committee for consideration.

Three late items were noted by the Committee, specifically a statement from Councillor J W McGrath who was the Nottinghamshire County Councillor for the area, an objection from a resident and the Coal Mining Risk Assessment dated 2020, relating to land adjacent to Gardeners Inn public House.

Richard Hutchinson, applicant and Rob Bryant, objecting, made representation to the Committee prior to the general debate.

Having given due consideration to all representations the Committee commenced the debate with specific reference to concerns about the fabric of the building deteriorating as it was empty, whilst giving the community a fair amount of time to fund raise to purchase the public house. There was also concern at the lack of information from the developer and it was considered that a delay in determining the application would allow time for this to be gathered.

There was concern that there was not enough information about whether the community would be able to purchase and run the Gardeners Inn as a viable public house. Discussions progressed on to the Gardeners Inn's former status as an asset of community value (AVC) and legal advice was given to the Committee.

It was proposed by Councillor L A Ball BEM and seconded by Councillor R I Jackson that the item be deferred until the Committee on 7 December 2022 to give the community and the developer time to gather information. On being put to the meeting the motion was carried.

RESOLVED that the application be deferred until the Committee meeting on 7 December 2022.

Reason

To allow further information to be submitted to the Council regarding the application.

26 INFORMATION ITEMS

26.1 APPEAL DECISION 20/00891/FUL

The appeal decision was noted, with particular reference to the award of costs against the Council.

26.2 APPEAL DECISION 2100364/FUL

The appeal decision was noted.

26.3 APPEAL DECISION 2101005/FUL

The appeal decision was noted.

26.4 APPEAL DECISION 2100092/FUL

The appeal decision was noted.

26.5 APPEAL DECISION 2100400/FUL

The appeal decision was noted.

26.6 APPEAL DECISION 2000687/FUL

The appeal decision was noted.

26.7 APPEAL DECISION 21/00443/FUL

The appeal decision was noted.

27 CURRENT POLICY WORK

The Committee noted the summary of the scope content and progress of current planning policy work.

There was a discussion about the impact the Nottinghamshire and Derbyshire Combined Authority on local governance.

Consideration was given to the prioritisation of the Climate Change Special Planning Document (SPD) and that this should include green infrastructure and biodiversity. The involvement of Portfolio Holders in the preparation of policy was also discussed.

It was proposed by Councillor D K Watts and seconded by Councillor S J Carr that the Climate Change SPD be prioritised, in conjunction with the Policy Advisory Working

Group and the relevant Portfolio Holder. On being put to the meeting the motion was passed.

RESOLVED that the Climate Change SPD be prioritised, in conjunction with the Policy Advisory Working Group and the relevant Portfolio Holder.

28 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that there was no reason to exclude the public and press for the following item of business.

29 DEVELOPMENT CONTROL

29.1 20/00219/ENF

The Committee considered whether direct action should be taken and whether works should be carried out in default in order that the land be tidied to a reasonable standard.

RESOLVED that direct action be taken and that works be carried out in default in accordance with the requirements of the Community Protection Notice date 1 November 2021 and the Remedial Order granted by Nottingham Magistrates' Court on 6 June 2022.