

PLANNING COMMITTEE

WEDNESDAY, 5 JULY 2023

Present: Councillor D Bagshaw, Chair

Councillors: P J Bales
L A Ball BEM
R E Bofinger
G Bunn
S J Carr
G S Hills
G Marshall
H E Skinner
P A Smith
D K Watts
R Bullock (Substitute)
D D Pringle (Substitute)

Apologies for absence were received from Councillors R S Falvey and H G Khaled MBE.

Councillor J M Owen was also present.

The Officers present were R Dawson, S Heron, B Norman, D Otterwell and K Newton.

6 **DECLARATIONS OF INTEREST**

Councillor D Bagshaw declared a disclosable pecuniary interest in item 5.1. as he was in consultation with the agent. Minute number 9.1 refers.

Councillor R Bullock declared a non-registerable interest in item 5.1, as he was pre-determined. Minute number 9.1 refers.

7 **MINUTES**

The minutes of the meeting on 7 June 2023 were confirmed and signed as a correct record.

8 **NOTIFICATION OF LOBBYING**

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

9 DEVELOPMENT CONTROL

9.1 22/00894/REM

Construct 104 dwellings (reserved matters access, appearance, landscaping, layout and scale, Planning reference 20/00844/OUT)

Former site of Lynncroft Primary School, Lynncroft, Eastwood, Nottinghamshire

This application was brought to the Committee as it was a reserved matters application for a major residential development.

There was a late item comprise of a correction, which clarified the number of units was 104.

Katy Falls, on behalf of the applicant, Steve Willgoose, objecting and Councillor R Bullock, Ward Member, gave representation to the Committee prior to the general debate.

During the debate, the Committee gave due consideration to all of the information that had been presented to it, with particular reference to the impact on privacy the proposed houses would have on existing residents, who would be overlooked. There was also concern about un-adopted roads, traffic, access and the mix of affordable housing on the site. It was noted that the affordable housing should not be differentiated by look or style from the other housing on the site.

It was proposed by Councillor S J Carr and seconded by Councillor G Marshall that the item be deferred to allow the developer to give consideration to the configuration of the proposed development in order to address concerns about privacy and overlooking and to improve the mix of affordable housing. On being put to the meeting the motion was carried.

RESOLVED that the item be deferred.

Reasons

To allow the developer to give consideration to the configuration of the proposed development in order to address concerns about privacy and overlooking and to improve the mix of affordable housing.

(Having declared a pecuniary interest in the item, Councillor D Bagshaw vacated the Chair for the duration of the item, did not participate in the debate and did not vote thereon. In the absence of the Vice Chair it was proposed by Councillor P A Smith and seconded by Councillor G Marshall that Councillor P Bales take the Chair for this item. On being put to the meeting the motion was carried.

RESOLVED that Councillor P Bales take the Chair for the duration of the item.

Having declared himself pre-determined, Councillor R Bullock made representation to the Committee as a Ward Member and left the meeting for the duration of the debate on the item and did not vote thereon.)

9.2 23/00118/FUL

Construct one single storey dwelling, following demolition of existing equestrian structures

Site of Former Stables and Land North West of 22 Westby Lane, Babbington Village

The application was brought to the Committee at request of former Councillor M J Crow. The request was made prior to the 4 May 2023 Elections.

The Committee noted the late item, which was a comment about highway safety.

There were no public speakers.

Having duly noted all of the submissions made to it, the Committee debated the item, specifically the volume of the proposal and whether permitted development rights could mean the property could be increased in size in future. The Committee also discussed the style of the proposal.

It was proposed by Councillor P Bales and seconded by Councillor G Bunn that there be a condition on the planning permission, should it be passed, to remove permitted development rights. On being put to the Committee the motion was carried.

RESOLVED that there be a condition on the planning permission, should it be passed, to remove permitted development rights.

RESOLVED that planning permission, with the amendment to include a condition removing permitted development rights, 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. **This permission shall be read in accordance with the following plans: 221162_001_Existing Site and Location Plan A, 221162_002_Existing Floor Plan and Elevations A, 221162_003_Proposed Site and Location Plan A, 221162_005_Proposed Elevations A (Received by the Local Planning Authority 07/03/23), 221162_004_Proposed Ground Floor Plan (Received by the Local Planning Authority 10/02/23).**

Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

3. **No development above slab level shall commence until samples/details of the proposed external facing materials have been submitted to and agreed in writing by the Local Planning**

Authority and the development shall be constructed only in accordance with those details.

Reason: To ensure the satisfactory appearance of the development in accordance with Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.

4. No development shall commence (excluding the demolition of existing structures and site clearance) until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interest of public health and safety in accordance with Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.

5. No development within the full planning permission phase hereby approved shall take place until a Construction / Demolition Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:
 - 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 construction / demolition the development;
 - e) a scheme for the recycling/disposal of waste resulting from construction / demolition works; and
 - f) details of dust and noise suppression to be used during the construction phase.
 - h) details for the identification and safe removal of any Asbestos containing materials.

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

Reason: To protect the amenity of neighbouring residents and in accordance with Policy 17 - Place-making, Design and Amenity of the Broxtowe Local Plan Part 2.

6. Prior to the commencement of the development, a detailed

Landscape and Ecological Management Plan shall be submitted to and approved and by the Local Planning Authority. The Landscape and Ecological Management Plan shall include ecological enhancement measures to support wildlife as detailed within the submitted Preliminary Ecological Appraisal (dated 14/04/23). The development shall be implemented in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of securing an environmental net gain in accordance with Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.

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 proposed trees and shrubs
- (b) proposed boundary treatments
- (c) proposed hard surfacing treatment
- (d) proposed lighting details
- (e) 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 occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interest of public health and safety in accordance with Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.

9. 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 satisfactory appearance of the development in accordance with Policy 10 - Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.

10. Prior to the commencement of development, an Arboricultural Method Statement and tree protection measures, to BS5837, shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing boundary trees and hedgerows to be retained will be protected during the construction period. The development shall thereafter be carried out only in accordance with the approved details.

Reason: To ensure protection during construction works of trees and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired, in order to comply with Policy 17 – Biodiversity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.

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

Reason: In the interests of protecting any wildlife during the construction period in accordance with Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 31 - Biodiversity Assets of the Broxtowe Part 2 Local Plan 2019.

12. 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 Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect nearby occupants from excessive construction noise and vibration in accordance with Policy 17 - Place-making, Design and Amenity of the Broxtowe Local Plan Part 2.

13. 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, roof additions or buildings shall be carried out to the hereby permitted dwelling or within the application site which come within Class A, B, and 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.

Reason: In the interests of preserving the openness of the Green Belt in accordance with the aims of Policy 3 - The Green Belt of the Broxtowe Aligned Core Strategy Part 1 Local Plan 2014 and Policy 8 - Development in the Green Belt 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.

9.3 23/00201/FUL

Retain agricultural barn and alteration of land levels (revised scheme)
Land Off Westby Lane Babbington Village Nottingham

The application is brought to the Committee at request of former Councillor S Easom. The request was made prior to the Election of 4 May 2023.

There were no late items for the Committee to consider.

Michael Fravolini, the applicant made representation to the Committee prior to the general debate. A statement was read out on behalf of Joanna Shaw, objecting.

Having given due regard to the submissions made to it, the Committee debated the item, noting in particular, the appearance and size of the barn, which was considered to be detrimental to the openness and amenity of the green belt. The untidy nature of the site and the appearance of the gates were also discussed.

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

1. The development hereby permitted shall be commenced within one month of the date of this permission with works to the barn shall be completed within three months of the date of the 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. **Within one month of the completed development the site shall be cleared of any material not associated with the permitted use as an agricultural barn, and the metal gate shall be removed and replaced with traditional farm gate, the details of which shall be agreed in accordance with condition 3.**

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.

3. **Before the installation of the replacement farm gate, details shall be submitted to the Local Planning Authority and approved in writing. The gate shall be installed within one month of the completion of the barn.**

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

4. **The development hereby permitted shall be carried out in accordance with drawing PG/MF/2022/002/02 Rev B and site location plan received by the Local Planning Authority on 11 July 2022 and the supporting Agricultural Statement received by the Local Planning Authority on 9 March 2023**

Reason: For the avoidance of doubt.

5. **No part of the development hereby approved shall be brought into use 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.

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

(i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and

(ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free

from risk to human health from the contaminants identified.

Reason: In the interests of public health and safety and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of Broxtowe Aligned Core Strategy (2014).

NOTES TO APPLICANT

1. The Council has acted positively and proactively in the determination of this application by working to determine it in line with adopted policies.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

3. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions.

Prior to carrying out works, including the construction of access points, please register on www.lineearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

9.4 23/00141/FUL

Retention of two storey side/rear, single storey front and rear extensions, boundary fence and loft conversion with rear dormer. Change of use of resulting building to 5 bed HMO and 1 bed apartment

2 Gwenbrook Road, Chilwell, Nottinghamshire NG9 4AZ

Former Councillor E Kerry has requested this application be determined by Committee on behalf of former Councillor P Roberts-Thompson. The request was made prior to the Elections of 4 May 2023, when both were in office.

There were no late items and no public speakers.

The Committee considered all of the information before it. There was concern about the lack of car parking spaces and that this would cause an amenity issue for local residents. There was also concern about the large expanse of driveway and the problems for drainage that this could present.

It was proposed by Councillor G Bunn and seconded by Councillor D K Watts that should planning permission be granted, a condition be added requiring that the driveway be constructed from permeable material to ensure that there was sufficient drainage. On being put to the meeting the motion was carried.

RESOLVED that should planning permission be granted, a condition be added requiring that the driveway be constructed from permeable material to ensure that there was sufficient drainage.

Recommendation

RESOLVED that planning permission, as amended to include a condition be added requiring that the driveway be constructed from permeable material, be granted subject to the following conditions.

- 1. The development hereby permitted shall be retained in accordance with drawing numbers 21/532/04 received by the Local Planning Authority on 17 February 2023, 22/532/03 and 22/532/06 received by the Local Planning Authority on 3 April 2023 and 22/532/07 received by the Local Planning Authority on 12 April 2023, and 22/532/02G received by the Local Planning Authority on 7 June 2023.**

Reason: For the avoidance of doubt.

- 2. Prior to the occupation of the development the frontage parking area shall be constructed with drainage provision to prevent the unregulated discharge of surface water to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.**

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

- 3. Prior to first occupation the parking area to the front shall be removed and replaced with a permeable surface and a system of surface water drainage, the details of which shall first be submitted to, and approved in writing by, the Local Planning Authority. The parking area, as approved, shall be installed prior to the occupation of the development and be retained in accordance with the approved details**

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.**

9.5 23/00228/FUL

Construct single storey rear extension
85 Nottingham Road, Nuthall, Nottinghamshire, NG16 1DN

Councillor P J Owen had asked that this application be considered by the Committee.

There were no late items.

Mr R Terry, the applicant, made representation to the Committee prior to the general debate.

Having considered all representations made to it, the Committee debated the application with particular reference to the limited impact the proposed development would have on the openness and amenity of the green belt.

RESOLVED that the application be granted, with the specific wording of the approval and conditions, including those on plans, time and materials, be delegated to the Chair of the Planning Committee in agreement with the Head of Planning and Economic Development.

Conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Block Plan, Proposed Floor Plan (Drawing Number 23/1097/01), Proposed Elevations and Roof Plan (Drawing Number 23/1097/03), Existing Elevations and Location Plan (Drawing Number: 23/1097/102) received by the Local Planning Authority on 30 March 2023.**
- 3. The single storey rear extension shall be constructed using materials to match the existing house and as specified in the application form received by the Local Planning Authority on 30 March 2023, unless otherwise agreed in writing by the Local Planning Authority.**

Reasons:

- 1. 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. For the avoidance of doubt.**
- 3. 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).**

9.6 23/00080/FUL

Construct two storey and single storey side extensions
6 Ilkeston Road, Stapleford, Nottinghamshire, NG9 8JL

The application was brought to the Committee at request of Councillor J W McGrath.

There were no late items.

Shane Humphries, the applicant, addressed the Committee prior to the general debate.

The Committee, having considered all the information before it, debated the item including the size and scale of the proposed extension, the impact of this of neighbouring properties, that there were no objections from neighbours and that the proposed boundary wall of the development was no closer to neighbours than the existing wall.

RESOLVED that the application be granted, with the specific wording of the approval and conditions, including those on plans, time and materials, be delegated to the Chair of the Planning Committee in agreement with the Head of Planning and Economic Development.

Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the site location plan, proposed block plan and roof plan SC1222/512, proposed elevations and floor plan SC1222/512 and proposed and existing elevations SC1222/512 received by the Local Planning Authority 7 March 2023.
3. The extensions hereby approved shall be constructed using white render and tiles of a type, texture and colour so as to match those of the existing dwelling.
4. The first floor window in the western 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 retained in this form for the lifetime of the development.

Reasons:

1. 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. For the avoidance of doubt.
3. 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).
4. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) Policy 10 of the Broxtowe Aligned Core Strategy (2014).

Note to Applicant

1. 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

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

10 INFORMATION ITEMS

10.1 APPEAL DECISION 22/00030/FUL

The Committee noted the report regarding land between 10 – 12, Chetwynd Road, Toton.

10.2 APPEAL DECISION 22/00125/FUL

The Committee noted the report regarding land between Styring Street and Station Road, Station Road, Beeston.

It was asked that it be placed on record that the Committee was displeased with the decision of the Inspector.

10.3 DELEGATED DECISIONS

The Committee noted the report.

11 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 3 of Schedule 12A of the Act.

12 PLANNING ENFORCEMENT SERVICE UPDATE

The Committee noted the report.