

PLANNING COMMITTEE

WEDNESDAY, 6 SEPTEMBER 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
D D Pringle
H E Skinner
P A Smith
H Land (Substitute)
S Webb (Substitute)

Apologies for absence were received from Councillors R S Falvey and D K Watts.

Councillor J M Owen and Councillor M Brown were also present. Councillor R Bullock attended for item 5.1.

The officers present were R Dawson, B Norman, C Hallas, D Otterwell and K Newton.

18 **DECLARATIONS OF INTEREST**

Councillor D Bagshaw declared a disclosable pecuniary interest in item 5.1. as he had been in consultation with the agent. He added that he felt he was predetermined. Minute number 21.1 refers.

19 **MINUTES**

The minutes of the meeting on 26 July 2023 were confirmed and signed as a correct record.

20 **NOTIFICATION OF LOBBYING**

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

21 DEVELOPMENT CONTROL

21.1 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

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

The late items included 36 letters of objection that had been received after an amendment to plans and a letter on behalf of the developer regarding a site review.

Simon Atha, the applicant, Mr Willgoose, objecting, Basil Pynegar, objecting and Councillor Bob Bullock, Ward Member, made representation to the Committee prior to the general debate.

Having given due consideration to all evidence before it, the Committee debated the application. There was concern that the revisions to the plans from the developer did not address issues of overlooking and impact on neighbour amenity that had led the application to be deferred at the meeting on 5 July 2023. Discussions were had about flooding, the topography of the site and the local housing need.

It was proposed by Councillor S J Carr and seconded by Councillor Hannah Land that the vote be recorded. The votes were cast as follows:

For	Against	Abstention
	L A Ball BEM	
	P J Bales	
	R E Bofinger	
	G Bunn	
	S J Carr	
	G S Hills	
	H Land	
	G Marshall	
	D D Pringle	
	H E Skinner	
	P A Smith	
	S Webb	

RESOLVED that planning permission be refused due to the detrimental impact on neighbour amenity, with the precise wording of the refusal to be delegated to Chair for the item in agreement with the Head of Planning and Economic Development.

Reasons

By virtue of the land levels within the site, the proposal would lead to overbearing, overshadowing and overlooking issues upon the immediate neighbouring properties, to the detriment of their residential amenity. Accordingly, the proposal is contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of

the Part 2 Local Plan (2019), and there are no other material considerations that justify treating this proposal as an exception to these policies.

(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 D Bagshaw and seconded by Councillor P A Smith that Councillor G Marshall take the Chair for this item. On being put to the meeting the motion was passed.

RESOLVED that Councillor G Marshall take the Chair for the duration of the item.)

21.2 21/00998/FUL

Subdivision of the farmhouse to create tea rooms on ground floor with separate living accommodation above. Repair works to farmhouse roof. Repair and conversion of the traditional barns to create a museum, function rooms and craft workshops. Demolition of existing barn to create parking and servicing areas in association with the development.

Greasley Castle Farm, 120 Church Road, Greasley, Nottinghamshire, NG16 2AB

Councillor M Handley had requested that this proposal come before Committee. This request was made prior to the election on 4 May 2023.

There were no late items for the Committee to consider.

James Borley, the agent, made representation to the Committee prior to the general debate.

The Committee considered the representations made to it and debated the application with specific reference to the restoration of the Grade II listed house on the site, the large amount of space and the benefits to heritage in the area.

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

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

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

- 2. The development hereby permitted shall be carried out in accordance with Site Location Plan 1:1250, Proposed Outbuilding Plans, 121627/008C, Proposed Outbuilding Elevations, 121627/008C, Proposed Bike and Bin Store Plans and Elevations, 121627/0011A, Toilet Block, 126223/BR/012A received by the Local Planning Authority 06. 12.2021, Proposed House Elevations, Proposed Block Plan, 126223 PL/104B and Floor Plans, 121627/007F and Proposed internal**

arrangement and Swept Path Analysis, 20000570-003 received by the Local Planning Authority 21.03.2022.

Reason: For the avoidance of doubt.

3. No building operations shall be carried out until details of the following:
- Methodology for intrusive investigations to above ground building fabric;
 - All repair works to existing building fabric, including proposed materials to be used;
 - Methodology for identifying any below ground remains that may be impacted by the proposals;
 - Final drainage and landscaping proposals;
 - Detailed window and door designs;
 - Written and Photographic Historic Building record is made of the site prior to conversion, with the same deposited within an archive, and to Level agreed with the Local Planning Authority.

have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.

Reason: No such details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014), Policy 11 and Policy 17 of the Part 2 Local Plan (2019).

4. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within or directly adjacent to Greasley Cemetery LWS. Furthermore, no fires should be lit within 5m of the LWS, and the lighting strategy must be designed so that it does not spill over onto the LWS.

Reason: To ensure that the development contributes positively to the Borough's ecological network and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.

5. 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: To ensure that the development contributes positively to the Borough's ecological network and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.

6. No stripping, demolition works, or vegetation clearance shall

take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by an experienced ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason: To ensure that the development contributes positively to the Borough's ecological network and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.

7. Prior to works commencing a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full and maintained thereafter with photographs of the measures in situ submitted to the Local Planning Authority for confirmation. Measures shall include, but are not limited to:
- Native wildlife planting (trees, berry rich shrubs, wildflower/grasslands,
 - Future management of retained trees and hedges,
 - Maintenance of 'dark habitat' areas and sympathetic lighting,
 - Details of integrated bat boxes will be clearly shown on a plan (positions/specification/numbers),
 - Details of bird boxes (including swift boxes) will be clearly shown on a plan (positions/specification/numbers),
 - Measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130mm x 130mm and/or railings and/or hedgerows.

Reason: To ensure that the development contributes positively to the Borough's ecological network and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and the NPPF.

8. a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.
- b) No building to be erected pursuant to this permission shall be 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 interest of public health and safety, in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014), and Policy 17 of the Part 2 Local Plan (2019).

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.
- g) a scheme for the identification and safe removal of asbestos containing material.

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

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

- 10. Suitable ventilation and filtration equipment shall be installed to suppress and disperse odour created from food preparation operations on the premises. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues. Details of the equipment shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. Equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

Reason: To protect nearby occupiers from excessive odour, in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014), and Policy 17 of the Part 2 Local Plan (2019).

- 11. The proposed development shall not be brought into use until the visibility splays shown on drawing 2000570-002 Rev A have been provided. The area within the south-eastern splay shall

thereafter be kept clear of all obstructions, structures or erections exceeding 0.26 metres in height.

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

12. The proposed development shall not be brought into use until the parking, turning, and servicing areas as shown on drawing 2000570-003 Rev D have been provided. The parking, turning and servicing areas shall be maintained in accordance with the approved details, and shall not be used for any purpose other than the parking, turning, and loading/unloading of vehicles.

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

13. The proposed development shall not be brought into use until the footway improvement works as shown indicatively on drawing 2000570-003 Rev D have been provided.

Reason: To promote sustainable travel, in the interest of highway safety, in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014), and Policy 17 of the Part 2 Local Plan (2019).

14. The proposed development shall not be brought into use until the site access has been surfaced in a bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the access 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.

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

15. The premises shall not be used except between 08.30 – 22.00 hours Sunday to Thursday and 08.30-23.00 hours Friday to Saturday without the prior agreement in writing of the Local Planning Authority.

Reason: To protect nearby residents from excessive operational noise, in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014), and Policy 17 of the 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 determination timescale.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

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

3. Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.
4. The applicant is advised to contact the Environmental Health department on 0115 9173485 to ensure the internal Kitchen layout and toilet provisions comply with current guidance for

Food and Health and Safety regulations for the proposed activities. You can register your food business 28 days prior to opening at <https://register.food.gov.uk/new/broxtowe>

5. The applicant is advised to contact the Licensing department on 0115 9173485 to ensure the activity complies with current guidance for Licensing regulations for the proposed activities.
6. 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.
7. In order to carry out the off-site works required 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. Please contact hdc.south@nottsc.gov.uk for details.

It was proposed by Councillor D Bagshaw and seconded by Councillor G Marshall that there be a brief recess to deal with a minor disturbance. On being put to the meeting the motion was carried and there was a brief adjournment. The meeting resumed thereafter.

21.3 21/00999/LBC

Subdivision of the farmhouse to create tea rooms on ground floor with separate living accommodation above. Repair works to farmhouse roof. Repair and conversion of the traditional barns to create a museum, function rooms and craft workshops. Demolition of existing barn to create parking and servicing areas in association with the development

Greasley Castle Farm, 120 Church Road, Greasley, Nottinghamshire, NG16 2AB

The application was brought to the Committee at request of former Councillor M Handley. This request was made prior to the 4 May 2023 election, whilst she was still a member of the Council.

There were no late items and no public speakers.

Having given due weigh to the representations before it the Committee discussed the application.

RESOLVED that listed building be granted subject to the following conditions.

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

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

2. The development hereby permitted shall be carried out in accordance with Proposed Outbuilding Plans, 121627/008C, Proposed Outbuilding Elevations, 121627/008C, Proposed Bike and Bin Store Plans and Elevations, 121627/0011A, Toilet Block, 126223/BR/012A received by the Local Planning Authority 06.12.2021, Proposed House Elevations, Proposed Block Plan, 126223 PL/104B and Floor Plans, 121627/007F and Proposed internal arrangement and Swept Path Analysis, 20000570-003 received by the Local Planning Authority 21.03.2022.

Reason: For the avoidance of doubt.

3. No building operations shall be carried out until details of the following:
 - Methodology for intrusive investigations to above ground building fabric;
 - All repair works to existing building fabric, including proposed materials to be used;
 - Methodology for identifying any below ground remains that may be impacted by the proposals;
 - Final drainage and landscaping proposals;
 - Detailed window and door designs;
 - Written and Photographic Historic Building record is made of the site prior to conversion, with the same deposited within an archive, and to Level agreed with the Local Planning Authority

have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.

Reason: No such details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014), Policy 11 and Policy 17 of the 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 determination timescale.

21.4 23/00293/FUL

Change of use from Use Class C3 to an HMO within Use Class C4
3 Willoughby Street, Beeston, NG9 2LT

Councillor V C Smith requested that this proposal come before Committee.

There were no late items and no public speakers.

After considering the evidence before it, the Committee discussed the proposal with regards to their disappointment over losing a family home to a house in multiple occupation (HMO), the balancing of the need for student accommodation with homes for local people, the impact on the character of the areas and the information required to enforce the Special Planning Document.

It was proposed by Councillor G Bunn and seconded by Councillor G Marshall that should the planning permission be granted, a condition be added to remove permitted development rights. On being put to the meeting the motion was carried.

RESOLVED that should planning permission be granted, permitted development rights be removed.

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

Reason

The proposal, by virtue of the change of use into a house in multiple occupancy (C4 Use) would be unacceptable due to the significant direct and cumulative impact on the amenity of the immediate adjoining neighbouring property. The proposed change of use would have a harmful impact on the character of the area resulting in the loss of a family home. Therefore, the application would be contrary to Policies 8 and 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Section 12 of the NPPF (2021).

21.5 23/00126/FUL

Retain addition of hardstanding to an agricultural track, access and gate
Beauvale Manor Farm, New Road, Greasley, Nottinghamshire, NG16 2AA

The application is brought to the Committee at request of Councillor M Brown.

There were no late items for the Committee to consider.

James Borley, the agent, and Pat Morton, objecting, made representation to the Committee prior to the general debate.

Having noted all of the evidence before it, the Committee debated the application. There was concern that the track could be used for purposes other than agriculture. It

was noted that the proposal before the Committee was for an agricultural track and if it were used for another purpose, that would be an enforcement issue.

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

1. The development hereby permitted shall be carried out in accordance with Site Location Plan 1: 1250, LP01A received by the Local Planning Authority 11 August 2023, Metal Gate Elevations, LP01, Gate Location, BP01, Section of track, FT01 received by the Local Planning Authority on 27 March 2023 and Block Plan, LP01A received by the Local Planning Authority on 14 August 2023.

Reason: For the avoidance of doubt.

2. Within 3 months from the date of this decision, the access will be required to be surfaced in a hard-bound material (not loose gravel) for a minimum of 8.0 metres behind the Highway boundary. The surfaced access shall then be maintained in such hard-bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.), in accordance with policy 10 of Aligned Core Strategy (2014) and Policy 17 of the 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 determination timescale.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

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

3. The development makes it necessary to construct/improve the verge crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at:
<http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

22 INFORMATION ITEMS

22.1 APPEAL DECISION 22/00236/CLUP

The Committee noted the appeal decision regarding 17 Templar Road.

22.2 DELEGATED DECISIONS

The Committee noted the delegated decisions.

23 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 paragraph 3 of Schedule 12A of the Act.

24 23/00008/ENF

RESOLVED that works to secure the building through the boarding up of the doors and windows be approved.