

PLANNING COMMITTEE

WEDNESDAY, 6 DECEMBER 2023

Present: Councillor D Bagshaw, Chair

Councillors: R S Falvey (Vice-Chair)
P J Bales
R E Bofinger
G Bunn
S J Carr
G S Hills
G Marshall
D D Pringle
H E Skinner
P A Smith
D K Watts
J M Owen (Substitute)

An apology for absence was received from Councillor L A Ball BEM.

Also present was Councillor P J Owen as ex officio, Councillor Andy Cooper, Ward Member and Councillor H Faccio, Ward Member.

The officers present were R Dawson, R Ayoub, S Heron, C Hallas, M Keay and K Newton.

36 DECLARATIONS OF INTEREST

There were no declarations of interest.

37 MINUTES

The minutes of the meeting on 8 November 2023 were confirmed and signed as a correct record.

38 NOTIFICATION OF LOBBYING

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

39 DEVELOPMENT CONTROL

39.1 23/00606/REG3

Install external wall insulation to the front, side and rear of 68-82 Princes Street
68-82 Princes Street, Eastwood, Nottinghamshire

The application was brought to the Committee because it was application submitted by the Council.

There were no late items.

Stephen Grimes, on behalf of the applicant, made representation to the Committee prior to the general debate.

The Committee considered the application with reference to all of the representations before it. The debate centred on the tension between preserving the street scene and historic look of the area and the amenity of residents. There was concern regarding reports of severe damp and mould in some of the houses and the general disrepair of the brickwork was noted. Although there was concern about the impact the cladding would have on an historic asset, it was further noted that the cladding that has been chosen was a good match for the brickwork and preserving the detailing around the windows provided a compromise which would preserve some of the Victorian look of the houses.

RESOLVED that planning permission be granted.

RESOLVED that the precise wording of the approval and conditions, including specifics on time, plans and materials be delegated to the Chair of 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 (Drawing Number: CW24.0.10.01), Proposed Elevation Plan 75-82 (Drawing Number CW24.010.010), Proposed Elevation Plan 68-74 (Drawing Number: CW24.010.009) received by the Local Planning Authority on 02 October 2023 and the Proposed Finish Details received by the Local Planning Authority on 11 October 2023**
- 3. For the avoidance of doubt the external render shall be applied using materials coloured to match the existing brickwork, a shallow mortar recess and with all finishing details such as cills, lintels and dog tooth detailing completed as specified in the finished detailing drawings received by the Local Planning Authority on 11 October 2023, unless otherwise agreed in writing by the Local Planning Authority.**
- 4. Prior to commencement of development hereby approved a further inspection of properties 70, 72, 77, 78, 79 and 80 Princes Street shall be**

carried out by a licensed ecologist from scaffolding to check for the presence of roosting bats. The results of which must be submitted in writing to the Planning Authority. Should evidence of bats be recorded during the pre-works inspection, works will need to be delayed on that property until further surveys have been carried out and recommendations made.

5. Should statutorily protected species be found within the application site at any time during the construction stage, then all work shall cease immediately and written notification shall be sent by the developer to the Planning Authority. Development shall only recommence once written approval for recommencement has been issued in writing by the 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 11 of the Broxtowe Part 2 Local Plan (2019) and Policy 23 of the Aligned Core Strategy (2014).
4. In the interests of protected species and in accordance with the aims of Policy 17 of the Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Part 2 Local Plan (2019)
5. In the interests of protected species and in accordance with the aims of Policy 17 of the Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Part 2 Local Plan (2019)

Note 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. You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

39.2 23/00689/FUL

Construct two storey side and rear extensions
74 Moorgreen, Newthorpe, Nottinghamshire, NG16 2FB

Councillor D Bagshaw requested that this proposal come before Committee.

There were no late items.

Tim Niblett, the applicant, made representation to the Committee prior to the general debate.

Having had due regard for all the representations before it, the Committee debated the item, noting that there were no amenity issues and that this was a case of an old house being upgraded to contemporary standards.

RESOLVED that planning permission be granted.

RESOLVED that the precise wording of the approval and conditions, to include specifics on time, plans and materials, be delegated to the Chair of the Planning Committee and 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 received by the Local Planning Authority on 19 September 2023 and the Proposed Elevation Plan 75-82 (Drawing Number PG/TN/2023/006/02 received by the Local Planning Authority on 02 October 2023**
- 3. The two storey side and rear extensions shall be finished in brick and render to match the existing house and as specified in the application form received by the Local Planning Authority on 19 September 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).**

Note 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. You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other**

machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

39.3 23/00681/FUL

Construct Juliet balcony to rear and insertion of roof lights and wall and gates to front 70 Beeston Fields Drive, Bramcote, Nottinghamshire, NG9 3TD

This application was brought to Committee at the request of the Head of Planning and Economic Development.

There were no late items.

Aimee Labbate, on behalf of the applicant and Susan Price, objecting, made representation to the Committee prior to the general debate.

Having given due regard to the representations before it, the Committee considered the application. It was noted that permission had been granted for a window in the position that the Juliet balcony was proposed. It was noted that the Juliet balcony would overlook neighbouring properties and, that although these properties were some distance away, the size of the house meant that the proposed balcony would have more impact on amenity. There was a discussion regarding the removal of hedges and their replacement with new planting.

RESOLVED that planning permission be refused.

RESOLVED that the precise wording of the refusal, including references to overbearing impact, overlooking from windows, the size of the property and impact on neighbour amenity at the rear, be delegated to the Chair of Planning Committee in agreement with the Head of Planning and Economic Development.

Reason

The juliet balcony and associated large windows, by virtue of the overlooking issues created, would cause a detrimental impact on the amenity of the properties on Troutbeck Crescent. The development is therefore contrary to policies 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).

39.4 23/00750FUL

Construct two storey side extension, two storey front extension including canopy over, additions to roof including half hipped roofs to facilitate increase in height of overall building, single storey rear extension, rear dormer, installation of external wall insulation, installation of PV panels to the resulting roof front and rear, changes to glazed openings and external finishes, new front boundary wall and driveway.
(Revised scheme)

5 Audon Avenue, Chilwell

The application was brought to the Committee at request of Councillor H Faccio.

The Committee noted the late item, in which the applicant asked that the Committee note the proposed roof plan.

Eldar Naghiyev, the applicant and Councillor H Faccio, Ward Member, made representation to the Committee prior to the general debate.

The Committee, having noted all the evidence before it, began the debate with particular reference to the design of the house, it's commendable energy efficiency and support from neighbours. It was noted that the house could become an example of good design and contribute to achieving carbon net zero. There was some concern about the appearance of the proposed development. It was argued that concerns about the appearance of the property was subservient to the environmental impact of the development.

RESOLVED that planning permission be granted.

RESOLVED that with the precise wording of the approval and conditions, including specifics on time, materials and plans, be delegated to the Chair of 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 Existing and Proposed Plan (drawing no. 2103/201), Proposed Site Plan (drawing no. 2103/200), Existing and Proposed Front Wall, Proposed Elevations (drawings nos. 2103/205, 2103/206, 2103/208, 2103/207), Proposed Roof Plan and Proposed Floor Plans received by the Local Planning Authority on 17 October 2023.**
- 3. No building operations above ground level shall be carried out until full details of the colour, type and texture of external facing materials (including the front boundary wall) 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.**

4. 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 of the development;
 - e) a scheme for the recycling/disposal of waste resulting from construction / demolition works / site clearance; and
 - f) details of dust and noise suppression to be used during the construction phase

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

5. 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.

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. Insufficient details were included with the application 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).
4. To protect nearby residents from excessive disturbance and loss of amenity and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).
5. To protect nearby occupants from excessive construction noise and vibration and in accordance with Policy 17 and 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

Note to Applicant

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the eight week 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.**

40 INFORMATION ITEMS

40.1 DELEGATED DECISIONS

The Committee noted the delegated decisions.

41 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Schedule 12A of the act.

42 KIMBERLEY BREWERY SITE UPDATE

RESOLVED that the Committee is supportive of the Planning Department in their approach.

43 23/00035/ENF

RESOLVED that enforcement action be taken.