

PLANNING COMMITTEE

WEDNESDAY, 7 FEBRUARY 2024

Present: Councillor D Bagshaw, Chair

Councillors: 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
R Bullock (Substitute)
J M Owen (Substitute)

Apologies for absence were received from Councillors R S Falvey and L A Ball BEM.

Councillor P J Owen was present as ex-officio.

The Officers present were R Dawson, S Heron, S Khosa and K Newton.

44 **DECLARATIONS OF INTEREST**

Councillor P Bales declared a non registrable, non pecuniary interest in item 5.1 as he was acquainted with a neighbour of the proposed development. Minute number 47.1 refers.

Councillor D Bagshaw declared a registrable interest, pecuniary in item 5.2 as he had been in consultation with the developer in his capacity as an Eastwood Town Councillor. Minute number 47.1 refers.

Councillor P J Owen declared a non registrable, non pecuniary interest in item 5.1 as he had called the application in to be considered by Committee. Minute number 47.1 refers.

Councillor R Bullock declared a non registrable, prejudicial interest in item 5.2 as he was pre-determined and the Committee as Ward Member. Minute number 47.2 refers.

Councillor D K Watts declared a non registrable, non pecuniary interest in item 5.2 as he was acquainted with the objector, who was a member of his political party. Minute number 47.2.

Councillor D K Watts also declared a non registrable, non pecuniary interest in item 5.3 as he had called the application in to be considered by Committee and was in the same political party as the applicant. Minute number 47.3 refers.

Councillor S J Carr declared a non pecuniary, non registrable interest in item 5.4 as he had called the application in to be considered by Committee.

45 MINUTES

The minutes of the meeting of 6 December 2023 were confirmed and signed as a correct record.

46 NOTIFICATION OF LOBBYING

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

47 DEVELOPMENT CONTROL

47.1 23/00627/FUL

Construct a single storey side/rear extension
181 Nottingham Road, Nuthall

A decision on this proposal had been deferred by the Committee at the meeting on 8 November 2024.

There were no late items and no public speakers.

Having considered the evidence before it the Committee debated the application. It was noted that the applicant had reduced the scale of the proposed extension and removed a window, thus reducing the impact on neighbour amenity.

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 12 September 2023, Proposed Block Plan Revision A and Proposed Floor Plans and Elevations Revision A received by the Local Planning Authority on 20 November 2023.**

Reason: For the avoidance of doubt.

- 3. The extension shall be faced using off-white render finish, in accordance with the approved plans.**

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

Having declared a non registrable, personal and prejudicial interest, Councillor P Bales left the meeting for the duration of the item and did not vote thereon.

47.2 23/00787/REM

Construct 29 dwellings Phase 1 – Reserved Matters relating to reference 20/00844/OUT

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

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

There were no late items.

A statement was read out on behalf of Katy Falls, the applicant. Bob Charlesworth, objecting, and Councillor R Bullock, Ward Member, made representation to the Committee prior to the general debate.

Having given due regard to the representations before it, the Committee considered the application. There were concerns about the behaviour of the developer and their contractors. It was agreed that the site should be developed, but there were concerns about phasing development, building housing that met the climate change challenge and drainage. It was noted that the Committee wanted to consider the layout of the site holistically, to ensure previous concerns about overlooking and the impact on neighbour amenity were addressed. Debate progressed on to how water was to be dealt with on the site, it was noted that the outline permission had been granted prior to the unprecedented flooding that occurred in the Borough during storm Babet.

It was proposed by Councillor S J Carr and seconded by Councillor D K Watts that there be a recorded vote that the vote be recorded. The votes were cast as follows:

For	Against	Abstention
	P J Bales	
	R E Bofinger	
	G Bunn	
	S J Carr	
	G S Hills	
	G Marshall	
	J M Owen	
	D D Pringle	
	H E Skinner	
	P A Smith	
	D K Watts	

RESOLVED that planning permission be refused.

RESOLVED that the reasons for refusal, to include the need for the Committee to see the layout of the entire site, the need for a holistic approach and flooding, 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

The proposal, by virtue of the piecemeal phasing of development, would fail to take an holistic approach to the wider development of the allocation site parameters and the wider area. The development would fail to address wider issues affecting the site such as neighbour amenity (through restricted layout) and surface water flooding, contrary to Policies 1 and 10 of the Aligned Core Strategy and Policies 1, 2 and 17 of the Part 2 Local Plan 2019.

(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 G Bunn 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.

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.)

47.3 23/00792/FUL

Construct single storey equestrian storage building with roller shutter access
Land north of Home Farm Cottage and Park View Cottage, Main Street, Strelley, Nottinghamshire

The item was brought to Committee at the request of the Head of Service.

There were no late items.

Reece Oliver, the applicant, made representation to the Committee prior to the general debate.

The Committee considered all representations made to it and debated the item. Those in support of the application considered that the proposed development for equestrian use was appropriate in the Green Belt. Those against felt the development was inappropriate because of its size, appearance, impact on neighbour amenity and negative impact on the openness and amenity of the Green Belt.

RESOLVED that planning permission be refused subject for the following reasons.

- 1. Reason: The proposal by virtue of its location within the Green Belt, within which there is a strong presumption against inappropriate development except in very special circumstances, none of which, on the basis of the information provided, apply here, would represent inappropriate development in the Green Belt due to the size of the building and would harm the openness of the Green Belt. Accordingly, the proposal is contrary to the aims of the National Planning Policy**

Framework (2023), Policy 3 of the Broxtowe Aligned Core Strategy (2014) and Policy 8 of the Part 2 Local Plan (2019) and there are no material considerations of compelling weight that would justify treating the proposal as an exception to these policies.

2. Reason: The proposal by virtue of its close proximity to the neighbouring properties is considered to have an unacceptable negative impact on neighbour amenity in terms of noise and the intensified use of the area of land. As such the proposal is contrary to the aims of the National Planning Policy Framework (2023), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019) and there are no material considerations of compelling weight that would justify treating the proposal as an exception to these policies.

NOTES TO APPLICANT

1. The Council has tried to act positively and proactively in the determination of this application, however there were no changes considered available to the scheme to make the proposal acceptable.

47.4 23/00783/FUL

Partial demolition and construct single storey extension to rear to extend retail space. Extension within roof void to create new dwelling; alterations and external works
101 - 103 Central Avenue, Beeston, Nottinghamshire, NG9 2QS

Councillor S J Carr had requested that this proposal come before Committee for consideration.

There were no late items and no public speakers.

The Committee gave consideration to the application and the debate ensued.

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 following plans received by the Local Planning Authority on 30 October 2023:
 - Site Location Plan (Drawing Number: MD 2212 (EX)00 A),
 - and the following plans received by the Local Planning Authority on 28 November 2023:
 - Proposed Site Plan (Drawing Number: MD 2212 (EX)02 A),
 - Proposed Elevation and Floor Plans (Drawing Reference MD 2212 (EX)01 A),

Reason: For the avoidance of doubt.

3. The proposed extension and external stairs shall be constructed using bricks on the walls to match the existing property and profiled metal sheeting to the roof as specified in the application form received by the Local Planning Authority on 14 June 2023, unless otherwise agreed in writing by the Local Planning Authority.

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 retail premises shall not be used except between 07.00- 23.00 hours Monday to Saturday and 08.00-22.00 hours on Sundays, Bank Holidays and other public holidays without the prior agreement in writing of the Local Planning Authority.

Reason: To protect nearby residents from excessive operational noise 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).

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. 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).
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.

47.5 23/00814/REG3

Install external wall insulation to front, rear and side elevations of properties, including enabling and facilitating works. Numbers 1-27, 29-30, 32-52, 83A, 83-92 Princes Street and 1-22 Wellington Street
1-27, 29-30, 32-52, 83A, 83-92 Princes Street and 1-22 Wellington Street, Eastwood, Nottinghamshire

The proposal was brought before Committee as the Council is the applicant.

There were no late items.

Luke Mellors, on behalf of the applicant, made representation to the Committee prior to the general debate.

Having considered all of the representations made to the Committee the debate ensued. There was discussion regarding the importance of making the houses as energy efficient as possible, reducing damp and mould and the duty of care the Council had, as a landlord, for tenants.

RESOLVED that planning permission be granted.

RESOLVED that the precise wording of the approval and conditions 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 following plan received by the Local Planning Authority on 04 December 2023:**
 - Site Location Plan**

And also the following plans received by the Local Planning Authority on 16 January 2024:

 - Proposed Elevations (Drawing Number CW24-010-006 REV B),**
 - Proposed Elevations (Drawing Number CW24-010-004 REV B),**
 - Proposed Elevations (Drawing Number CW24-010-003 REV B),**
 - Proposed Elevations (Drawing Number CW24-010-011 REV B),**
 - Proposed Elevations (Drawing Number CW24-010-012 REV B),**
 - Proposed Elevations (Drawing Number CW24-010-013 REV B),**
 - Proposed Elevations (Drawing Number: CW24-010-002 REV B)**
- 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 04 December 2023, unless otherwise agreed in writing by the Local Planning Authority.**
- 4. Prior to commencement of development hereby approved a further inspection of properties 2, 3, 7, 9, 10, 15, 17, 20, 29, 30, 32, 38, 39, 40, 41, 43, 45, 48, 49, 50, 52 and 89 Princes Street as well as 12, 13, 14, 15, 20 and 21 Wellington 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.**
6. **Prior to commencement of development hereby approved, a plan showing the locations and types of twelve universal swift boxes which are to be fitted to the northern elevations of Princes Street, shall be submitted to and approved in writing to the Planning Authority. Thereafter, works shall commence in accordance with these approved details and the bird boxes installed prior to the completion of the approved works.**

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)**
6. **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).**

48 INFORMATION ITEMS

48.1 APPEAL DECISIONS

The appeal decisions were noted.

There was particular concern about the appeal that had been allowed at the car park, Kelham Road, Eastwood. It was noted that the Leader of the Council was to the Secretary of State to express disappointment at the decision.

48.2 DELEGATED DECISIONS

The delegated decisions were noted.