

PLANNING COMMITTEE

8 FEBRUARY 2017

Present: Councillor M Handley, Chair

Councillors: D Bagshaw	J S Briggs
T P Brindley	M Brown
M J Crow (substitute)	E Cubley (substitute)
A Harper	G Marshall
J K Marsters	P J Owen
M Radulovic MBE	R S Robinson

Apologies for absence were received from Councillors L A Ball BEM, R I Jackson and R D MacRae.

44. **DECLARATIONS OF INTEREST**

Councillor T P Brindley declared a pecuniary interest in item 5.1 as he lives close to the site, minute no. 47.1 refers; Councillor G Marshall declared a non-pecuniary interest in item 6.1 as he knows someone renting a property on the site, minute no. 48.1 refers; Councillor J K Marsters was speaking as ward member on behalf of residents in relation to agenda item 6.2 and would not therefore vote on the item, minute no. 48.2 refers; Councillor M Radulovic MBE declared non-pecuniary interests in items 6.2 and 6.3 as he had respectively been involved in discussions with local people about the development of the site and had been involved in discussions as to restoration of the building, minute nos. 48.2 and 48.3 refer.

45. **MINUTES**

The minutes of the meeting held on 11 January 2017 were confirmed and signed.

46. **NOTIFICATION OF LOBBYING**

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

47. **TREE PRESERVATION ORDER**

47.1 **Tree Preservation Order** **Bramcote Hills Golf Course TPO/BRA/21**

Members considered an adjustment of the TPO/BRA/21 from an area TPO to individual TPOs.

RESOLVED that the area TPO is upgraded to individual TPOs keeping the same TPO title of Bramcote Hills Golf Course TPO/BRA/21 to only protect the better quality/amenity value trees on the site.

(Having declared a pecuniary interest in the item, Councillor T P Brindley did not speak or vote.)

48. DEVELOPMENT CONTROL

48.1 16/00467/FUL

Erection of 40 dwellings (following demolition of buildings and other associated structures) with associated vehicle access, car parking and landscaping

Change of use of St John's School of Mission from residential institution (Class C2) to non-residential institution (Class D1)

and

16/00468/LBC

Listed building consent to renovate and refurbish the academic block and demolish buildings and other associated structures

St John's College, Peache Way, Bramcote NG9 3DX

The applications, as outlined above, had been brought before Committee for determination due to objections received from Historic England and Sport England.

The Committee was referred to the summary of late items which advised of an amendment to Section 106 requirements.

Mr John Marriott (objecting), Revd Dr David Hilborn (applicant) and Councillor J A Doddy (ward member) addressed the Committee prior to the general debate.

Members debated the application and it was stated that the proposals would give benefit to the community with additional housing whilst preserving an historic building. The college would gain by being able to continue its operation in a revised form and the positives outweighed the negatives. A poorer looking building would be demolished which would enhance the setting of the historic building, although some residents considered they would be more closely overlooked. It was stated that the highways would need to be brought up to adoptable standards and officers were urged to discuss the issue of non-adoptability since roads should be built to an adoptable standard by the County Council to ensure there were no future maintenance difficulties.

The proposals would provide an exclusive development for people who could afford to live there. Communities needed to be sustainable and have a wide

diversity and there had been no commitment secured to ensure affordable housing, social housing or sheltered housing.

It was requested that the Head of Neighbourhoods and Prosperity advise Group Leaders of the Secretary of State's decision on call-in once this was known.

RESOLVED that:

- 1. The Head of Neighbourhoods and Prosperity be given delegated authority to grant Listed Building Consent for application 16/00468/LBC.**
- 2. In accordance with the Town and Country Planning (Consultation) (England) Direction 2009 the application for planning permission 16/00467/FUL be referred to the Secretary of State for Communities and Local Government, advising him that the Local Planning Authority is minded to approve the application, and that:**
- 3. Subject to the application for planning permission 16/00467/FUL not being called in for determination by the Secretary of State, the Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission subject to prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and the conditions set out below.**

CONDITIONS APPLICABLE TO LISTED BUILDING CONSENT APPLICATION 16/00468/LBC:

- 1. The works hereby permitted shall be commenced before the expiration of three years beginning with the date of this consent.**
- 2. The works hereby permitted shall be carried out in accordance with drawings (dates received by the Local Planning Authority are in brackets):**
 - 001 GA LOCATION PLAN 1 TO 1250 (04.08.16)**
 - 003 GA DEMOLITIONS PLAN REVISION P00 (04.08.16)**
 - 004 GA BUILDINGS RETAINED REVISION P00 (04.08.16)**
 - 005 GA PROPOSED SITE LAYOUT REVISION P01 (12.12.16)**
 - 0494-026 PROPOSED COLLEGE ELEVATIONS REVISION P03 (12.12.16)**
 - 0494 – 035 PROPOSED SITE SECTIONS REVISION P02 (12.12.16)**
 - 0494 – 056 HERITAGE SHEET 2 REVISION P01 (12.12.16)**
 - 0494 – 057 HERITAGE SHEET 3 REVISION P01 (12.12.16)**
- 3. No building works (including site clearance and demolition) shall commence until a written scheme for archaeological mitigation has been submitted to and approved in writing by the Local Planning**

Authority. The development shall be carried out in accordance with the approved scheme.

- 4. Notwithstanding the details shown on the Landscape Masterplan (SJC 11 Revision C), no building works, including demolition, shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:**
 - (a) numbers, types, sizes and positions of proposed trees and shrubs;**
 - (b) proposed hard surfacing treatment;**
 - (c) planting, seeding/ turfing of other soft landscape areas;**
 - (d) details of the site boundary treatments and curtilage boundary treatments;**
 - (e) details of any external lighting, including any lighting to buildings; and**
 - (f) a timetable for implementation of the scheme.**

The landscaping scheme shall be carried out in accordance with the approved timetable. If 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.

- 5. No building works (including demolition) shall commence until the existing trees are protected in accordance with the measures shown on the Tree Protection Plan (SJC 06 REVISION D). The fencing shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.**
- 6. Notwithstanding the detailed plans, no building works relating to The Grove (including the removal of the attached covered walkway), shall take place until a detailed specification of works, including details of the mortar mix, the render and details of the replacement doors, has been submitted to and agreed in writing by the Local Planning Authority. The works shall take place in accordance with the agreed specification.**
- 7. No building works or alterations (including demolition) relating to the Academic Block shall take place until details of the manufacturer, type, material, style and colour of any new materials to be used on any exterior surface, including cladding, roof**

materials, rainwater goods and details of any external windows and doors, have been submitted to and agreed in writing by the Local Planning Authority. The works shall take place in accordance with the approved details.

8. No building operations or alterations (including demolition) relating to the orangery and to the boundary wall attached to the north west of the orangery shall take place until a detailed specification of works, including details of the methods of repair and restoration and any proposed materials to be used, has been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASONS FOR CONDITIONS APPLICABLE TO LISTED BUILDING CONSENT 16/00468/LBC

1. To comply with S18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure any features of archaeological interest are identified and to identify mitigation measures if necessary and in accordance with the aims of the NPPF.
4. To ensure the development presents a more pleasant appearance in the locality, thereby protecting a designated heritage asset, and in accordance with the aims of Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014).
5. To ensure the existing trees are not adversely affected and in accordance with the aims of Policy E24 of the Broxtowe Local Plan.
6. Insufficient details were included with the application and to protect the historic fabric of the building, thereby protecting a designated heritage asset, in accordance with Section 12 of the NPPF and Policy 11 of the Broxtowe Aligned Core Strategy (2014).
7. To ensure the satisfactory appearance of the development and to protect the designated heritage asset, in accordance with Section 12 of the NPPF and Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014).
8. To ensure the satisfactory appearance of the development and to protect the designated heritage asset, in accordance with Section 12 of the NPPF and Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014).

**NOTES TO APPLICANT APPLICABLE TO LISTED BUILDING CONSENT
16/00468/LBC**

- 1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework. The applicant and the Council have worked together during the course of the application to find solutions to issues arising relating to design and preserving the designated heritage asset.**
- 2. The public right of way should remain unobstructed at all times. The County Council Rights of Way Officer for the Broxtowe area on 0115 9174898 should be contacted in advance of any works which may have an impact on the public right of way.**
- 3. All tree works or felling should be undertaken with caution by an arboriculturalist experienced in working on trees with bat roost potential. If any evidence of bat roosts is identified, all works should cease immediately as bat species are statutorily protected from reckless killing, injuring and disturbance, and roost sites from damage and obstruction. For further advice, the Bat Conservation Trust can be contacted on 0345 1300228.**
- 4. Vegetation clearance and other works which could disturb nesting birds should be avoided during the bird breeding season of March-August inclusive.**

**CONDITIONS APPLICABLE TO THE PLANNING APPLICATION
16/00467/FUL**

- 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 drawings (dates received by the Local Planning Authority are in brackets):**

- 001 GA LOCATION PLAN 1 TO 1250 (04.08.16)
 - 003 GA DEMOLITIONS PLAN (04.08.16)
 - 004 GA BUILDINGS RETAINED (04.08.16)
 - 005 GA PROPOSED SITE LAYOUT REVISION P01 (12.12.16)
 - 007 - DEVELOPMENT AREA REVISION P01 (12.12.16)
 - 0494 021 - PROPOSED GROUND FLOOR MASTERPLAN LVL00 REVISION P01 (12.12.16)
 - 0494 021 – PROPOSED FIRST FLOOR MASTERPLAN LVL01 REVISION P01 (12.12.16)
 - 0494 022 – PROPOSED SECOND FLOOR MASTERPLAN LVL02 REVISION P01 (12.12.16)
 - 0494 023 – PROPOSED ROOF MASTERPLAN REVISION P01 (12.12.16)
 - 0494 027 – PROPOSED APARTMENT GROUND FLOOR PLANS (04.08.16)
 - 0494 028 – PROPOSED APARTMENT FIRST FLOOR PLANS (04.08.16)
 - 0494 029 – PROPOSED APARTMENT SECOND FLOOR PLANS REVISION P00 (04.08.16)
 - 0494 030 – PROPOSED 3 BED DRAWINGS REVISION P03 (12.12.16)
 - 0494 031 – PROPOSED 4 BED DRAWINGS REVISION P01 (04.08.16)
 - 0494 032 – PROPOSED 5 BED DRAWINGS REVISION P01 (04.08.16)
 - 0494 035 - PROPOSED SITE SECTIONS REVISION P02 (12.12.16)
 - 0494 040 – PROPOSED APARTMENT ELEVATION SHEET 1 REVISION P00 (04.08.16)
 - 0494 041 – PROPOSED APARTMENT ELEVATION SHEET 2 REVISION P00 (04.08.16)
 - 0494 042 – PROPOSED ELEVATION SHEET 3 (04.08.16)
3. No development shall commence until a written scheme for archaeological mitigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
4. Notwithstanding the details shown on the Landscape Masterplan (SJC 11 Revision C), no building works, including site clearance, shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
- (a) numbers, types, sizes and positions of proposed trees and shrubs;
 - (b) proposed hard surfacing treatment;
 - (c) planting, seeding/ turfing of other soft landscape areas;

- (d) details of the site boundary treatments and curtilage boundary treatments**
- (e) details of any external lighting including street lighting; and**
- (f) a timetable for implementation of the scheme.**

The landscaping scheme shall be carried out in accordance with the approved timetable. If any trees or plants, which, within a period of 10 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.

- 5. No demolition in respect of buildings F and G (as identified in the Preliminary Bat Roost Assessment Revision B) shall take place until a bat survey has been submitted to and approved in writing by the Local Planning Authority. The survey shall comprise one dusk emergence or one dawn re-entry survey and shall include appropriate mitigation measures. Any necessary mitigation shall be undertaken in accordance with the agreed details.**
- 6. No above ground works shall commence until details of the manufacturer, type, material, style and colour of all materials to be used on any exterior surface of the apartment buildings and dwellings hereby approved, including render, cladding, roof materials, rainwater goods and details of any external windows and doors, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.**
- 7. No above ground works shall commence on plots relating to the three bedroom dwellings until details and specification of the balcony screen, as shown on drawing 0494 030 – PROPOSED 3 BED DRAWINGS REVISION P03, has been submitted to and approved in writing by the Local Planning Authority. The agreed balcony screens shall remain in place for the lifetime of the development.**
- 8. a) No part of the development hereby approved shall be commenced until a Phase II 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 first occupied or brought into use until:-

- i. All the necessary remedial measures have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and**
 - ii. It has been certified to the satisfaction of the Local Planning Authority that the 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.**

- 9. No building operations (including site clearance and demolition) shall commence until existing trees are protected in accordance with the measures shown on the Tree Protection Plan (SJC 06 REVISION D). The fencing shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.**

- 10. No apartment hereby approved shall be first occupied until the parking facilities have been provided in accordance with drawing 005 GA PROPOSED SITE LAYOUT REVISION P01 (12.12.16). The parking shall thereafter be retained in the agreed form for the lifetime of the development.**

- 11. No building hereby approved shall be first occupied until the drainage layout and SuDS features are implemented in accordance with the drawing 15579 - SK24 Proposed Drainage Strategy and the recommendations stated in section 4.0 of the Flood Risk Assessment and Drainage Strategy received by the Local Planning Authority on 4 August 2016. The drainage and attenuation system hereby approved shall be appropriately maintained throughout the life of the development to the satisfaction of the Local Planning Authority.**

- 12. No dwelling hereby approved shall be first occupied until the new access from Chilwell Lane and visibility splays have been provided in accordance with the Proposed Residential Site Access Layout F15165/01. The visibility splays shall thereafter be kept free of all obstructions above 0.6 metres in height for the lifetime of the development.**

- 13. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Classes A to E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification), no extensions, enlargements or alterations to the dwellings, nor the provision of any additional building within their curtilage, shall be constructed**

without the prior written permission of the Local Planning Authority by way of a formal planning permission.

14. Notwithstanding the provisions of Article 3 and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification), no new means of enclosure, including gates, fences and walls, shall be erected without the prior written permission of the Local Planning Authority by way of a formal planning permission.

**REASONS APPLICABLE TO THE PLANNING APPLICATION
16/00467/FUL**

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 any features of archaeological interest are identified and to identify mitigation measures if necessary and in accordance with the aims of the NPPF.
4. To ensure the development presents a more pleasant appearance in the locality, thereby protecting a designated heritage asset, and in accordance with the aims of Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014).
5. To minimise the impact of the development on bats and to provide opportunities for roosting bats and in accordance with the aims of the NPPF.
6. To ensure the satisfactory appearance of the development and to protect the designated heritage asset, in accordance with Section 12 of the NPPF and Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014).
7. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
8. In the interest of public health and safety in accordance with the aims of Policy E29 of the Broxtowe Local Plan (2004).
9. To ensure the existing trees are not adversely affected and in accordance with the aims of Policy E24 of the Broxtowe Local Plan (2004).

10. In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
11. To prevent an increase in flood risk, to ensure the future maintenance of sustainable drainage structures and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Section 10 of the NPPF.
12. In the interests of highway safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
13. &14. To retain the appearance and character of the development and to prevent development which may harm the designated heritage asset. This is in accordance with Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014).

**NOTES TO APPLICANT APPLICABLE TO THE PLANNING APPLICATION
16/00467/FUL**

1. This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
2. Any works to be undertaken in the public highway are subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. In order for these works to proceed, you are required to enter into agreements under S278 of the Act. As a private drive is proposed, the Highways Authority will require provisions to be put in place to secure the future maintenance of the road. Please contact hdcsouth@nottsc.gov.uk for further information.
3. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see: <http://www.broxtowe.gov.uk/index.aspx?articleid=16928>
4. The public bridleway should not be obscured at any time. If works to the bridleway are required or if the bridleway needs to be temporary closed, the County Council Rights of Way Officer for the Broxtowe area must be contacted on 0115 9174898. A temporary closure must be arranged at least six weeks prior to the proposed works.
5. All tree works or felling should be undertaken with caution by an arboriculturalist experienced in working on trees with bat roost potential. If any evidence of bat roosts is identified, all works should cease immediately as bat species are statutorily protected from reckless killing, injuring and disturbance, and roost sites from damage and obstruction. For further advice, the Bat Conservation Trust can be contacted on 0345 1300228.

6. **Vegetation clearance and other works which could disturb nesting birds should be avoided during the bird breeding season of March-August inclusive.**
7. **The decision has been reached taking into account the guidance in paragraphs 186-187 of the National Planning Policy Framework, with positive amendments having actively been sought during the consideration of the application.**

48.2 16/00646/FUL

Construct 17 dwellings, access road and associated landscaping including demolition of the Victory Club
Eastwood and District Victory Club, Walker Street, Eastwood NG16 3EN

The application, as outlined above, had been brought to Committee for determination due to the lower than policy compliant S106 contributions.

The Committee was referred to the summary of late items which advised of further letters of objection received from neighbours of the site; an administrative error by the applicant; viability information from the agent; emails from Nottinghamshire County Council; receipt of amended plans and, accordingly, revisions to conditions 2, 6, 8 and 9, deletion of condition and reason 11 and amendment to Note to Applicant 3.

Mr Lester Gregory (objecting) and Councillor J K Marsters (ward member for Eastwood St Mary's) addressed the Committee prior to the general debate.

Members debated the item and it was suggested that the late submission of amended plans and the consequential amendment to conditions associated therewith merited a new application. The site could not sustain a development of the intensity proposed and would be to the detriment of residents. The site was difficult to access and egress and the constant traffic movements on Walker Street would make it hazardous. Parking in the vicinity was already difficult and the design proposals were of poor quality. The overwhelming view of residents should not be disregarded. Although the site needed to be developed the scale and design of the proposals needed reconsideration.

A proposal was put to the meeting by Councillor P J Owen, and seconded by Councillor A Harper, that consideration of the item be deferred to allow the developer to submit revised plans. The proposal, on being put to the meeting, was carried.

RESOLVED that the application be deferred to allow the developer to submit revised plans.

48.3 16/00716/FUL
Change of use to offices (Class B1)
The Chapel, Cemetery Walk, Eastwood NG16 3JU

The application, as outlined above, had been brought to Committee for determination since the Council is the developer.

There were no late items in respect of this application and no public speakers.

Members discussed the retrospective application for the change of use of the former chapel building into office use. Councillor M Radulovic MBE requested that thanks be placed on record to the Council officers in Capital Works, Building Control and Housing, Leisure and Property Services for their work in bringing the former Chapel building back into use.

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

The development hereby approved shall remain in accordance with the Proposed Plan, Elevations and Sections Drawing No: CW15:006:002 Rev A received by the Local Planning Authority on 31 October 2016 and Amended Site Location Plan Drawing No: CW15:015:001 Rev A received by the Local Planning Authority on 03 January 2017.

Reason

For the avoidance of doubt.

Note to Applicant

The decision has been reached taking into account the guidance in paragraphs 186-187 of the National Planning Policy Framework (NPPF) 2012. The Council has worked proactively to request additional information which was reasonably required.

48.4 15/00104/ENF
Consideration of enforcement action for unauthorised erection of outbuilding
37 Edward Street, Stapleford NG9 8FH

Councillor R H Darby had requested that the above matter be considered by the Planning Committee.

There were no late items in respect of this application and no public speakers.

A proposal was put to the meeting by Councillor M Radulovic MBE, and seconded by Councillor M Brown, that the recommendation be amended to include the words 'at this time'. The proposal, on being put to the meeting, was carried.

RESOLVED that no enforcement action be taken at this time.

49. INFORMATION ITEM

49.1 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 7 December 2016 and 6 January 2017.