

PLANNING COMMITTEE

12 JULY 2017

Present: Councillor M Handley, Chair

Councillors: D Bagshaw	L A Ball BEM
J S Briggs	M Brown
E Cubley (substitute)	D A Elliott (substitute)
R I Jackson	R D MacRae
G Marshall	J K Marsters
J M Owen (substitute)	P J Owen
M Radulovic MBE	

Apologies for absence were received from Councillors T P Brindley, A Harper and R S Robinson.

The meeting was preceded by a minute's silence as a mark of respect at the recent sad loss of twelve year old Owen Jenkins, a student at Chilwell School and resident of Beeston Rylands.

13. **DECLARATIONS OF INTEREST**

Councillor R I Jackson declared a non-pecuniary interest in agenda item 5.2 since he knew the applicant, minute no. 16.2 refers.

14. **MINUTES**

The minutes of the meeting held on 21 June 2017 were confirmed and signed.

15. **NOTIFICATION OF LOBBYING**

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

16. **DEVELOPMENT CONTROL**

16.1 **17/00134/FUL**

Construct 6 dwellings and provision of open space following demolition of existing garages
Garage Block, Redwood Crescent, Beeston NG9 1JF

The application was initially considered by Committee on 21 June 2017 when members resolved deferral of a decision due to concerns regarding the number of dwellings and the resultant loss of the central area of open space.

The Committee was referred to the summary of late items which stated that following the submission of the amended plans, neighbours and those who had previously provided comments in respect of the application were re-consulted. Twenty-three letters of objection and one observation letter had been received in respect of the amended plans. Additional correspondence had also been received from residents of Redwood Crescent providing plans showing how four bungalows (which could be dementia friendly bungalows) and a larger area of central community space could be provided on the site. The objections and comments were categorised and summarised in the summary of late items.

Dr Kristopher Poole (objecting) and Councillor Dawn Elliott (ward member) addressed the Committee prior to the general debate.

The Committee debated the item and the following comments were amongst those made:

Disappointment was shared with the speakers that the amended plans submitted by the applicant were not considered to be in the spirit of the discussions which took place at the previous meeting. Debate at the previous meeting had called for consultation between the developers and the residents and the residents had welcomed some form of development although the revised proposals could, it was considered, be improved.

A proposal was put to the meeting by Councillor R I Jackson that the matter be deferred until meaningful consultation and dialogue had taken place between the residents and the developers to achieve agreement on a quality open space area and a viable development in keeping with the local area. The proposal was seconded by Councillors G Marshall and P J Owen and, on being put to the meeting, was carried unanimously

RESOLVED that consideration of the application be deferred to allow for the developers to engage in dialogue and consultation with the local community to achieve agreement on a quality open space area and a viable development in keeping with the local area.

16.2 17/00214/FUL

Retain single storey side extension, side dormer and raising of ridge height and render dwelling (revised scheme)
11 Rivergreen Crescent, Bramcote NG9 3EQ

Councillor M E Plackett had called the application in to Committee.

There were no late items in respect of the application.

Mr John Storer (on behalf of an objector), Mr David Singh (applicant) and Councillor M E Plackett (ward member) addressed the Committee prior to the general debate.

Members debated the item and the following comments were amongst those made:

Clarification was requested on a window the subject of discussion since the focus at the site visit had been on the sky lights.

Consideration should be given to attaching a condition requiring either obscure glazing of the bedroom window or plant screening to address concerns of neighbouring residents of properties on Denewood Avenue to prevent overlooking.

A proposal was put to the meeting by Councillor P J Owen, seconded by Councillor J M Owen, that, should permission be granted, such permission be conditioned to include a requirement that the bedroom window be replaced with obscure glazing. The proposal, on being put to the meeting, was not carried.

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

- 1. The development hereby permitted shall be retained and carried out in accordance with the Location Plan (1:1250) received by the Local Planning Authority on 27 March 2017, Proposed Ground Floor, Roof Plan and Elevations received by the Local Planning Authority on 24 June 2017 and Proposed Block Plan received by the Local Planning Authority on 27 June 2017.**
- 2. A 1.8m high fence shall be erected on the south east boundary where it adjoins 4, 6 and 8 Denewood Avenue prior to the first occupation of the single storey side extension and thereafter retained for the life of the development.**
- 3. The glazing in the first first floor en-suite bathroom window in the dormer shall be retained as obscure glass (Pilkington Level 4 or 5 or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) for the lifetime of the development.**

Reasons:

- 1. For the avoidance of doubt.**
- 2 & 3. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004).**

Note to Applicant:

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 by working to determine this application before the agreed determination date.

(Councillor R I Jackson, having declared a non-pecuniary interest in the item, left the chamber during debate and voting and accordingly did not speak or vote thereon.)

16.3 17/00302/FUL

Erect 1.8m high fence, pedestrian gate and vehicular gates
(amended design includes widening of existing drive and
retention of wall along Maple Drive frontage)

77 Maple Drive, Nuthall

Councillor J M Owen had referred the application to Committee for determination.

There were no late items in respect of the application.

There were no public speakers on this item.

The Committee debated the item and the following comments were amongst those made:

The property was in a pleasant, residential area and the fence which had been erected gave an appearance of 'fortification' due to its height and spoilt the street scene. It was considered that an alternative, more aesthetically pleasing fence design which afforded security would be preferable.

Residents had complained about a mature tree having been cut down. If trees were 'sound' they should be preserved because they enhanced the street scene.

It was stated that a Tree Preservation Order (TPO) would ensure protection of the remaining mature tree on the boundary of the property and there would be merit in amending the rules and regulations to ensure that, if members made a request for a temporary TPO, such a request could be considered at the next appropriate Committee meeting. It was stated that a report should be brought to a Committee to address the issue of members requesting temporary TPOs and the Director of Legal and Planning Services confirmed that such a report would be drafted to reflect members' wishes.

A proposal was put to the meeting by Councillor R I Jackson, and seconded by Councillor L A Ball BEM, that a decision on the application be deferred to give the opportunity for further exploration of the issues raised during debate. The proposal, on being put to the meeting, was carried.

RESOLVED that consideration of the application be deferred to allow further exploration of the issues raised during debate.

16.4 17/00183/FUL

Proposed extension to residential care home to provide 9 bedrooms, with ancillary store, staffroom and laundry
Eastwood House, 24 Church Street, Eastwood

The application had been deferred by the Committee on 21 June 2017 since members wished to seek and consider further information about staffing numbers and related parking arrangements.

There were no late items in respect of the application.

Mrs Joanne Birch (objecting) addressed the Committee prior to the general debate.

Members debated the item and the following comments were amongst those made:

A member had observed that the car park to the premises had been full and a car had been parked on the road at 6.15pm and wished to point out that the reason for deferral at the previous meeting had been to elicit further information on staffing and its impact on parking requirements and the site's ability to sustain the level of development proposed. It was suggested that the proposals would place an intolerable burden on the road and traffic structure.

It was queried whether the staffing levels proposed for the number of extra bedrooms proposed would be adequate.

There were already major parking problems on Church Street and it was considered that these would be exacerbated should the current application be approved.

Councillor P J Owen proposed that the Committee reject the application due to the Committee's concerns regarding parking capacity due to the additional traffic which would be generated by the proposals. The proposal was seconded by Councillor R I Jackson and, on being put to the meeting, was carried unanimously.

RESOLVED that permission be refused.

Reason

The local planning authority is of the view that the residential care home, as extended, would have insufficient parking capacity to accommodate the additional traffic generated by the increased number of residents, staff, visitors and deliveries, which would be contrary to saved Policy

T11 and Appendix 4 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).

16.5 17/00237/OUT

Hybrid planning application seeking outline permission for up to 46 new dwellings with all matters reserved except access and full permission for change of use from former ski slope/ colliery tip to formation of a country park
Former dry ski slope, Cossall Industrial Estate, Soloman Road Cossall, Notts DE7 5UD

The application had been brought to Committee for determination since it constituted a major scheme where contributions were also required under a Section 106 agreement.

The Committee was referred to the summary of late items which included details of a letter received from Nottinghamshire County Council relating to secondary school provision and advising that technical advice had also been received from the County Council's Environmental Management and Design section regarding the commissioning of Project Engineer input on any slope stability concerns. In light of the technical advice received, an additional condition was proposed which should be attached to any grant of planning permission, together with a reason and an additional Note to Applicant as set out in the summary of late items.

Mr Richard Bowden, on behalf of the applicant, addressed the Committee prior to the general debate.

The Committee debated the item and the following comments were amongst those noted:

The proposals represented an exciting development which would provide a welcome facility in the north of the Borough.

There was concern about the proposals to manage the country park by an organisation which would manage on behalf of the community. It was suggested that the Council could take the initiative and manage the country park as a public asset.

It was considered that the entrance to the site was not ideal and would benefit from being separate from the access to the industrial park. It would be better for the housing development to have its own access and egress by way of a separate entrance and the site would benefit from containing affordable homes and/or retirement bungalows and should, in any event, contain a social mixture of housing which recognised the needs of Cossall.

In response to access issues raised by members, officers responded that a contribution was proposed in respect of transport mitigation measures. It was

stated that, regarding access, no alternative was available if the viability of the scheme was to be maintained.

A member responded that the application was a compromise on a challenging site which had remained undeveloped for decades and could not attract investment. The current proposals were a pragmatic approach.

There was a need to recognise the benefits of the proposals although members were keen to receive further information before committing to the country park in relation to management board issues.

RESOLVED that, subject to the prior completion of an Agreement under Section 106 of the Town & Country Planning Act 1990 to secure contributions for highways & transport infrastructure, education, affordable housing and towards delivery of a fully managed country park including initial capital costs, planning permission be granted for the hybrid scheme subject to the following conditions:

- 1. Application for approval of the reserved matters in relation to the housing scheme shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**
- 2. The housing scheme hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.**
- 3. This outline permission for housing relates to the Illustrative Masterplan Drawing No: 7067-L-03 Rev D received by the Local Planning Authority on 31 March 2017.**
- 4. For the outline housing scheme details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority before any part of the housing development is commenced:**
 - a. Appearance**
 - b. Landscaping**
 - c. Layout**
 - d. Scale**

The development shall be carried out strictly in accordance with the approved details to the satisfaction of the Local Planning Authority.

- 5. Prior to the commencement of the development, details of the children's play area shall be submitted to and approved in writing by the Local Planning Authority. The play area shall be completed in accordance with the approved details, and made available for use prior to occupation of any dwelling on the site.**

6. The country park hereby approved shall be completed and available for general public use, including the associated path network, park furniture and surfaced car park, to the satisfaction of the Local Planning Authority:
 - a) prior to the first occupation of twenty dwellings; or
 - b) within 24 months of the commencement of the development, whichever is the sooner.
7. No development shall commence on any part of the site until full details and specification of the path network, park furniture and surfaced car park are submitted and approved in writing by the Local Planning Authority.
8. No construction works shall take place for the housing scheme hereby permitted until details of the new internal road layout have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority in consultation with the County Highways Authority.
9. No dwelling shall be first occupied until an appropriate scheme for footway/pedestrian crossing improvements linking through the industrial site to the public transport provision on Coronation Road have been implemented, in accordance with details to be first submitted and approved in writing by the Local Planning Authority in consultation with the County Highways Authority.
10. The new dwellings hereby approved shall not be first occupied unless associated driveways and parking areas have been provided and are surfaced in a hard bound material (not loose gravel). The driveways and parking areas shall thereafter be drained to prevent the unregulated discharge of surface water onto the public highway.
11. No dwelling shall be first occupied until the enhancements/installation and/or relocation of the bus stops on Coronation Road (BR0475 and BR0491) have been made which shall include bus stop poles and raised boarding kerbs to the satisfaction of the Local Planning Authority in consultation with County Transport & Travel Services.
12. No development shall commence on any part of the site until further intrusive site investigation works are undertaken in order to establish the exact situation regarding shallow mineworkings. This will include:

- The submission of a scheme for intrusive site investigations for areas of shallow mine workings for approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works.

These details shall be first submitted and approved in writing by the Local Planning Authority in consultation with The Coal Authority.

13. No development shall commence on any part of the site until a mitigation strategy for mine entries 447342-001 and 447342-002 is submitted and approved in writing by the Local Planning Authority in consultation with The Coal Authority. The agreed mitigation strategy shall thereafter be fully implemented before development works commence.

14. No dwelling shall be first occupied until the proposed surface water drainage system, drainage layout and on-site attenuation is implemented in accordance with the Flood Risk Assessment and Drainage Strategy ref: w10080-170329-FRA received by the Local Planning Authority on 31 March 2017. 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 in consultation with the County Lead Local Flood Authority (LLFA).

15. a) No development shall commence on any part of the site 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 operations on site pursuant to this permission shall be 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.

- 16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.**
- 17. No construction works shall take place for the housing scheme hereby permitted until a noise report is submitted to and approved in writing by the Local Planning Authority. The report shall be prepared in accordance with the provisions of BS4142-2014, DoT Calculation of Road Traffic Noise, to predict noise levels at nearest proposed noise sensitive locations. Predictions shall be contained in the report which sets out: a large scale plan of the proposed housing layout; noise sources and measurement/prediction points marked on plan; a list of noise sources; a list of assumed noise emission levels; details of noise mitigation measures; description of noise calculation procedures; noise levels at a representative sample of noise sensitive locations; a comparison of noise level with appropriate criteria.**

Where criteria are exceeded at any location the applicant should explain why that excess is immaterial or what further mitigation will be undertaken to ensure that criteria will be met.

- 18. No development shall take place within the application site until a written scheme for archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.**
- 19. No development shall commence until additional survey work including a reptile translocation methodology/mitigation strategy in accordance with recommendations 1 & 2 of the Reptile Survey Project No: 15-1093.02 has been submitted to and approved in writing by the Local Planning Authority.**
- 20. Prior to commencement of any works, the developer shall submit a Dust Management Plan to mitigate the effects of dust on the local air quality and sensitive premises from the proposed development. Such a scheme shall be agreed in writing with the Local Planning Authority prior to the commencement of any development.**

Reasons:

- 1. To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 3. For the avoidance of doubt.**
- 4. The housing part of the application was submitted in outline only and to ensure that the details of the scheme are acceptable to the Local Planning Authority.**
- 5. To ensure the community facility is delivered to a high standard of design and is available for use by new residents.**
- 6. As per the terms of the hybrid permission where the houses on their own would be unattractive however the formation of a fully managed country park would give the residential element an identity and setting whilst also increasing leisure and recreational opportunities. This condition accords with the aims of Saved Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Aligned Core Strategies (2014) and Core Planning Principles paragraph 17 & Section 7 of the National Planning Policy Framework (2012).**
- 7. No such details were submitted and to ensure the country park is delivered to a high standard of appearance and design for public benefit.**
- 8. In the interests of highway safety.**
- 9. To improve walkability and in the interests of pedestrian safety.**
- 10. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and in the interests of highway safety.**
- 11. To promote opportunities for sustainable travel.**
- 12. In the interests of public safety and to ensure that the site is suitable for its new use taking into account ground conditions and land instability including from former activities such as mining. This condition accords with paragraph 121 of the National Planning Policy Framework (2012).**
- 13. In the interests of public safety and to ensure that the site is suitable for its new use taking into account ground conditions and land**

instability including from former activities such as mining. This condition accords with paragraph 121 of the National Planning Policy Framework (2012).

14. To mitigate flooding as a result of surface water run-off and in accordance with the aims of Policy 1 of the Aligned Core Strategies (2014) and Section 10 of National Planning Policy Framework (2012).
15. In the interests of public health and safety and to prevent pollution to groundwater. This condition accords with the criteria of Saved Policies E26, E27 & E29 of the Broxtowe Local Plan (2004).
16. In the interests of public health and safety and to prevent pollution to groundwater. This condition accords with the criteria of Saved Policies E26, E27 & E29 of the Broxtowe Local Plan (2004).
17. To protect new residents from excessive operational noise and in accordance with Saved Policy E34 of the Broxtowe Local Plan (2004).
18. To record archaeological features affected by the development in line with the requirements of paragraph 141 of the National Planning Policy Framework (2012).
19. To protect reptile species within the site and in the interests of preserving biodiversity.
20. To protect the air quality of the immediate area from excessive operational dust and in accordance with Saved Policy E26 of the Broxtowe Local Plan (2004).
21. No development shall commence on any part of the site until extensive Ground Investigation including slope stability assessment for the residential scheme and the country park has been carried out and reports submitted to and approved in writing by the Local Planning Authority in consultation with County Environmental Management and Design. The reports shall include:
 - Details on how the potential acid mine run off will be isolated from residential drainage;
 - Development of a conceptual site model to identify environmental risks;
 - How slope stability will be maintained by controlling surface water infiltration;
 - Consideration for whether the tip slope is stable and suitable for dwellings after proposed re-profiling;
 - Provide assessment of risks for the country park in relation to land stability, drainage and environmental conditions of the ground; and
 - Outline necessary remediation and validation reports.

The development shall only be completed in accordance with the approved remediation strategy.

Reason

Insufficient information has been provided and it is essential to carry out extensive investigation to understand how the slope would behave structurally when excavating during construction and post construction. Without this condition the proposed development could pose risk to human health and/or the environment. This condition accords with the criteria of Saved Policy E29 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategies (2014).

Notes to Applicant:

- 1. 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 engage directly with the agent at the earliest opportunity to find solutions and request further information which has helped to satisfy any concerns.**
- 2. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and the developer should make every effort to prevent it occurring.**
- 3. This development will require approval under Section 19 of the Nottinghamshire County Council Act 1985 and where the new streets are to be adopted an Agreement pursuant to Section 38 of the Highways Act 1980 will be required. Please contact Nottinghamshire County Council to ensure that approvals and agreements are secured before commencement of works.**

The developer should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highways Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete.

Therefore, it is recommended that the developer contact the Highways Authority as early as possible.

It is strongly recommended that the developer contact the Highways Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

4. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
 - Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2010
 - The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste – Sampling of Waste Materials – Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.

5. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>
6. Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant

risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

7. Please note that his 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.

17. INFORMATION ITEMS

17.1 Appeal Statistics

The Committee noted that the position remained unchanged from that reported to it on 22 March 2017 and that the Council was not therefore at risk of special measures based on the figures reported to it on that date.

17.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 27 May and 19 June 2017.