

PLANNING COMMITTEE

24 MAY 2017

Present: Councillor M Handley, Chair

Councillors:	L A Ball BEM	J S Briggs
	T P Brindley	M Brown
	E Cubley (substitute)	D A Elliott (substitute)
	R I Jackson	W J Longdon (substitute)
	R D MacRae	J K Marsters
	M Radulovic MBE	

Apologies for absence were received from Councillors D Bagshaw, A Harper, G Marshall, P J Owen and R S Robinson.

The meeting was preceded by a minute's silence as a mark of respect for the recent tragic events in Manchester.

1. **DECLARATIONS OF INTEREST**

Councillor R I Jackson declared a personal interest in agenda item 5.1 due to renting an office on the Barton's site in relation to his duties as election agent for Anna Soubry MP. Minute no. 4.1 refers. Councillor M Radulovic MBE requested advice from the Director of Legal and Planning Services in relation to his validity to take part in the debate and vote on agenda item 5.1 due to negotiations he had undertaken in relation to the Barton's site during his role as former Leader of the Council. Councillor Radulovic was advised that this was a non-pecuniary interest and, provided he had an open mind, he was able to take part in the debate and vote thereon. Minute no. 4.1 refers.

2. **MINUTES**

The minutes of the meeting held on 19 April 2017 were confirmed and signed.

3. **NOTIFICATION OF LOBBYING**

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

4. **DEVELOPMENT CONTROL**

4.1 **16/00859/FUL**

Hybrid planning application comprising: full application to construct 29 dwellings, including access, associated road infrastructure, car parking

and landscaping.

Outline application (including access) with some matters reserved to construct up to 221 dwellings and units with flexible uses (Classes D1, D2, A1, A2, A3, A4 and A5) following demolition of buildings
Bartons – Land between High Road and Queens Road West,
High Road, Chilwell NG9 4AJ

The proposals, as outlined above, sought full permission for the construction of 29 dwellings referred to as Phase 1 with outline permission being sought for the remainder of the site for a mixed use development including permission to construct up to 221 dwellings including affordable housing provision.

The Committee was referred to the summary of late items which stated that Natural England had stated no objection to the application.

Mr Ben Bolgar (applicant), Dr Robert Mason and Bettina Lange addressed the Committee prior to the general debate.

Members debated the item and the following comments were noted:

The application was welcomed and it was stated that the Borough should be proud of the involvement of the Prince's Foundation in the flag ship scheme. It was noted that the late Michael Bruce (Broxtowe planning officer) had been central to the work which the planners had carried out and which would deliver a quality legacy. Housing was supported on the site which had been an eyesore for a while. However, concern was raised about the percentage reduction in affordable homes from 30% to 20% and in respect of the 50% reduction in education contribution under an outline application. Good public consultation had taken place and the cycle friendly aspect of the site was pleasing to note.

RESOLVED that the Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission subject to:

- (i) prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and the conditions set out below.**
- (ii) the following conditions:**

CONDITIONS IN RESPECT OF THE DETAILED (FULL) ELEMENT (PHASE 1)

- 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):**
 - L-100 Rev B 'Location Plan' (28.3.2017)**
 - L-101 Rev C 'Site Plan' (28.3.2017)**
 - A-100 Rev D 'Proposed Masterplan' (28.3.2017)**

- A-105 Rev B ‘Proposed Masterplan Boundary/ Surrounding Buildings Offset Dimensions’ (31.3.2017)
 - A-107 Rev B ‘Parking Plan’ (28.3.2017)
 - 987.2 100 ‘Site Wide Masterplan’ (28.3.2017)
 - 987.2 101 Rev A ‘General Arrangement Plan’ (28.3.2017)
 - 987.2 200 Rev A ‘Detailed Planting Plan’ (28.3.2017)
 - A-219.1 ‘Block 1 – Street Elevat. A & B Garage 9-10’ (28.3.2017)
 - A-210 Rev A ‘Houses 1-6, Block 1 Elevations’ (22.12.2016)
 - A-211 ‘Houses 1-6, Block 1 Plans’ (22.12.2016)
 - A-212 Rev A ‘Houses 7-12, Block 1 Elevations’ (22.12.2016)
 - A-213 Rev A ‘Houses 7-12, Block 1 Plans’ (22.12.2016)
 - A-214 Rev A ‘Coach House 13, Block 1 Elevations & Plans’ (22.12.2016)
 - A-215 Rev A ‘Coach House 14, Block 1 Elevations & Plans’ (22.12.2016)
 - A-216 Rev A ‘House 15, Block 1 Elevations & Plans’ (22.12.2016)
 - A-217 Rev A ‘House 16, Block 1 Elevations & Plans’ (22.12.2016)
 - A-218 Rev A ‘House 17, Block 1 Elevations & Plans’ (22.12.2016)
 - A-219 Rev A ‘Coach House 18, Block 1 Elevations & Plans’ (22.12.2016)
 - A-220 Rev A ‘Houses 19-23, Block 2 Elevations’ (22.12.2016)
 - A-221 Rev A ‘Houses 19-23, Block 2 Plans’ (22.12.2016)
 - A-222 Rev A ‘Houses 24-27, Block 2 Elevations’ (22.12.2016)
 - A-223 Rev A ‘Houses 24-27, Block 2 Plans’ (22.12.2016)
 - A-224 Rev A ‘Coach House 28, Block 2 Elevations and Plans’ (22.12.2016)
 - A-225 Rev A ‘Coach House 29, Block 2 Elevations and Plans’ (22.12.2016)
3. The landscaping scheme, as shown on drawings 987.2 100 ‘Site Wide Masterplan’; 987.2 101 Rev A ‘General Arrangement Plan’; and 987.2 200 Rev A ‘Detailed Planting Plan’, shall be carried out not later than the first planting season following the substantial completion of Phase 1 or first occupation of the building(s) within Phase 1, whichever is the sooner, and 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, unless written consent has been obtained from the Local Planning Authority for a variation.
4. No development shall be commenced, including site clearance works, until existing trees are protected in accordance with the measures as detailed within the Arboricultural Impact Assessment (March 2017) and as shown on drawing P.628.15.02 REV: A. 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.

5. No above ground works shall commence until details (including the manufacturer, type and colour) of all materials to be used on any exterior surface of the dwellings hereby approved, including render, brickwork, roof materials, rainwater goods and 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.
6. No dwelling shall be occupied until the junction improvement works, crossing facilities and provision of footways (as stated in the Transport Assessment dated December 2016) have been completed at the junction of Queens Road West and Barton Way (drawing 16168.topo.108.03) and at the junction of High Road and Bridge Avenue (drawing 16168.topo.108.01 and 16168.topo.108.02).

CONDITIONS IN RESPECT OF THE OUTLINE ELEMENT (PHASES 2, 3 AND 4)

7. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
8. The development 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.
9. The development hereby permitted shall be carried out in accordance with drawings: L-100 Rev B 'Location Plan' and A-104 Rev B 'Proposed Phasing Plan' received by the Local Planning Authority on 28 March 2017.
10. No development shall be commenced in respect of Phases 2, 3 and 4 until detailed drawings and particulars for that respective phase, showing the following, have been submitted to and approved in writing by the Local Planning Authority:
 - (a) the layout, scale, and external appearance of all buildings;
 - (b) the particulars of the materials to be used in the facing of the external surfaces of all buildings;
 - (c) cross sections through the site showing the finished floor levels of the new dwellings in relation to adjacent land and buildings. These details shall be related to a known datum point;

The development shall be carried out strictly in accordance with the approved details.

- 11. No development shall be commenced in respect of Phases 2, 3 or 4 until a landscaping scheme for that respective phase 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) details of any street lighting and street furniture;**
 - (c) proposed hard surfacing treatment;**
 - (d) planting, seeding/ turfing of other soft landscape areas;**
 - (e) details of the site boundary treatments and curtilage boundary treatments; and**
 - (f) a timetable for implementation of the scheme.**

The landscaping schemes shall be carried out in accordance with the approved timetables. 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.

- 12. No development shall be commenced in respect of Phases 2, 3 or 4 until detailed drawings and particulars showing parking and turning facilities (including measures to prevent the unregulated discharge of surface water therefrom onto the public highway), site road layout and visibility splays for that respective phase have been submitted to and agreed in writing by the Local Planning Authority. For Phases 3 and 4, this will include detailed drawings of the proposed access onto Holly Lane. No dwelling shall be first occupied until its associated parking and turning facilities and the road serving it have been constructed in accordance with the agreed details. No dwelling within Phases 3 and 4 shall be occupied until the access onto Holly Lane has been provided in accordance with the approved details.**
- 13. No development shall be commenced in respect of Phases 2, 3 or 4 until details of measures for the protection of the existing trees within the respective phase have been submitted to and agreed in writing by the Local Planning Authority. The agreed 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.**

CONDITIONS IN RESPECT OF THE ENTIRE SCHEME (DETAILED (FULL) ELEMENT AND OUTLINE ELEMENT)

- 14. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy 'Barton Quarter Nottingham Flood Risk Assessment and Drainage Strategy, Version 4' (WYG, December 2016). The finished floor level of each dwelling shall be set no lower than 27.4m AOD.**
- 15. (a) No phase of development shall be commenced, including site clearance works, until a further investigative survey for that respective phase, as recommended within the Desk Study Report and Factual and Interpretative Report (WYG, June 2016) 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 and shall include a verification plan to state how it will be demonstrated that the remediation works have been carried out.**
 - (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 for that respective building 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, through the submission of a verification report which accords with the verification plan, that the necessary remedial measures for that respective building have been implemented in full.**
- 16. No phase of development shall be commenced, including site clearance works, until a Biodiversity Management Plan for that respective phase, which includes updated bat, reptile and badger surveys, appropriate mitigation measures and a timetable for implementation of any mitigation (as recommended in the Extended Phase 1 Habitat Survey Report dated August 2016), has been submitted to and agreed in writing by the Local Planning Authority. Any necessary mitigation shall be undertaken in accordance with the agreed details and timescale.**
- 17. No phase of development shall be commenced, including site clearance works, until a scheme to treat and remove suspended solids from surface water run-off during construction works for that respective phase has been submitted to and approved in writing by**

the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

- 18. No phase of development shall be commenced until a scheme which incorporates noise mitigation measures for that respective phase and a timescale for their completion (as recommended in the Peter Lloyd & Associates Environmental Noise Impact Assessment) has been submitted to and agreed in writing by the Local Planning Authority. Any necessary mitigation shall be undertaken in accordance with the agreed details and timescale.**
- 19. If contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Once the Local Planning Authority has identified the part of the site affected by the contamination, works must be halted on that part of the site until an assessment and remediation scheme, including a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. Any remediation shall be carried out in accordance with the agreed details prior to first occupation of any affected house plot.**
- 20. No piling or other foundation designs using penetrative methods shall be used except where it has been demonstrated through the submission of a foundation risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.**
- 21. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays.**

REASONS IN RESPECT OF THE DETAILED (FULL) ELEMENT (PHASE 1)

- 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 the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).**
- 4. To ensure the existing trees are not adversely affected and in accordance with the aims of Policy E24 of the Broxtowe Local Plan (2004).**
- 5. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of the appearance**

of the area and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

6. In the interests of highway safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).

REASONS IN RESPECT OF THE OUTLINE ELEMENT (PHASES 2, 3 AND 4)

7 & 8. To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

9. To secure an orderly form of development.

10. The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

11. To ensure the development presents a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

12. No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory in the interests of highway safety to ensure appropriate access and parking arrangements are provided on the site and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Saved Policy T11 of the Broxtowe Local Plan (2004).

13. To ensure the existing trees are not adversely affected and in accordance with the aims of Policy E24 of the Broxtowe Local Plan (2004).

REASONS IN RESPECT OF THE ENTIRE SCHEME (DETAILED (FULL) ELEMENT AND OUTLINE ELEMENT)

14. To prevent an increase in flood risk and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Section 10 of the NPPF.

15. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of public health and safety, to improve and protect water quality and in accordance with the aims of the NPPF, Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy E29 of the Broxtowe Local Plan (2004).

16. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, to safeguard protected species and valued habitat, including the Attenborough Gravel Pits SSSI, during the construction phase and in accordance with the aims of Policy 17 of the Broxtowe Aligned Core Strategy (2014).
17. No details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing, to reduce the risk of surface water pollution and in accordance with the aims of Policy E26 of the Broxtowe Local Plan (2004).
18. To protect prospective residents from excessive noise, in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy E34 of the Broxtowe Local Plan (2004).
19. In the interests of public health and safety and in accordance with Policy E29 of the Broxtowe Local Plan (2004).
20. In the interests of protecting the environment as there is residual contamination present at the site which could potentially be mobilised as a result of certain piling techniques and in accordance with the aims of Saved Policy E29 of the Broxtowe Local Plan (2004).
21. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

NOTES TO APPLICANT

1. Existing Traffic Regulations will require to be amended as a result of the development and prior to commencement of any works, the developer will need to contact Via East Midlands Ltd, Traffic Management section to allow for any orders and works to be processed and implemented. All costs associated with order changes and installation of lining and signing is at the developers cost. Contact details are: tmconsultation@viaem.co.uk
2. In order to carry out off-site works, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact the Nottinghamshire County Council Highways team for details on Tel: 0115 9772210 or hdc.south@nottscc.gov.uk
3. 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 Highway Authority hdc.south@nottscc.gov.uk with regard to compliance with

the Code. The applicant should note that notwithstanding any planning permission, a Maintenance and Management Plan is required as the internal roads within the development are to remain private, therefore the Highway Authority will require the assurance that they are maintained and managed satisfactorily.

4. It is not permitted for any vehicles to obstruct the tramway at any time. Please contact the Nottingham Express Transit (NET) Project Office for further information (0115 876 4095).
5. This permission has been granted contemporaneously with a planning obligation(s), and reference should be made thereto.
6. Beeston public footpath No. 54 runs adjacent and through the site and it should remain open and free from obstruction at all times.
7. Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.
8. In respect of condition 10, the Parameter Plans, the Design & Access Statement and the Beauty-In-My-Back-Yard (BIMBY) Housing Manual will be taken into account.
9. In respect of conditions 15, 16 and 18, the reports previously submitted will be taken into account.

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.

- 4.2 17/00206/REG4 and 17/00284/LBC
Proposed toilet building
Kimberley Cemetery, Knowle Hill, Kimberley

The applications had been brought to Committee since they involved a proposal on Council-owned land.

The Committee was referred to the summary of late items which stated that Listed Building Consent was not required for this development and that condition 3 should read 'The building' and not 'The extension.'

There were no public speakers on this application.

RESOLVED that Regulation 4 Planning Permission is 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.

2. The development hereby approved shall be carried out only in accordance with the following documents: Location Plan, Block Plan, Proposed Floorplans, Proposed Elevations, 3D image and photographs, and details of materials, received by the local planning authority on 27 March 2017.
3. The building shall be constructed using cedar cladding with a black rubber-finish roof, as set out in the submitted documents.

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 the development presents a satisfactory standard of external appearance, in accordance with the aims of Policies 10 and 11 of the Aligned Core Strategy (2014).

Notes to applicant:

1. The Council has tried to act 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, through an early visit to the site, which has enabled the application to be reported to the earliest possible Planning Committee.
2. 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: <https://www.broxtowe.gov.uk/for-you/planning-building/coal-authority/>

4.3 17/00256/REG3

Construct single storey side and rear extension and ramp
66 Central Avenue, Beeston NG9 2QP

The above-named application had been brought before the Committee since it was an application for development by the Council.

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

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.

2. The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250), Site Plan, Detail Plan (1:50) and Proposed Ground Floor Plan (1:100) received by the Local Planning Authority on 7 April 2017 and Proposed Elevations received by the Local Planning Authority on 10 April 2017.

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.

Notes to applicant:

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 by working to determine this application within the eight week determination timescale.
2. 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>

4.4 17/00166/FUL
Proposed detached double garage
3 Broad Lane, Brinsley NG16 5BX

Councillor J W Handley had requested that the above-named application be determined by Committee.

The Committee was referred to the summary of late items which advised of minor amendments to paragraphs 4.2.1 and 7.1 and an amendment to Condition 3.

Councillor J W Handley addressed the Committee in his capacity as ward member prior to the general debate.

RESOLVED that planning permission is approved, 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.

2. The development hereby permitted shall be carried out in accordance with the following drawings: Site Location Plan received by the Local Planning Authority on 13 March 2017; Amended Block Plan and Proposed Layout and Elevations received by the Local Planning Authority on 12 April 2017.
3. No above ground construction works shall be carried out until details and samples of the manufacturer, type and colour of the external materials to be used in the facing walls and roofs have been submitted to and approved in writing by the LPA. The development shall be constructed only in accordance with these details.

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. No such details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy H11 of the Broxtowe Local Plan (2004).

Notes to Applicant:

1. The Council has tried to act 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, through an early visit to the site and negotiations to achieve satisfactory amendments.
2. 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: <https://www.broxtowe.gov.uk/for-you/planning-building/coal-authority/>

4.5 17/00078/FUL

Change of use from dwellinghouse (Class C3) to house in multiple occupation and construct two storey side and single storey rear extension
34 Sidney Road, Beeston NG9 1AN

Councillor J C Patrick had requested that the application be determined by Committee.

The Committee was referred to the summary of late items which advised of an amendment to Section 3.1 of the report.

Donna Fearon (objecting), Peter Rowan (applicant) and Councillor J C Patrick (ward member) addressed the Committee prior to the general debate.

The Committee debated the application and the following comments were noted:

The applicant had given assurances that the occupants of the HMO, should permission be granted, would be professional persons. Until the Council had a HMO policy in place it would be difficult to turn the application down on planning grounds and it was stated that a HMO policy was needed urgently. The proposals for the extension were out of keeping and character with the original building. There was some sympathy with the concerns of the neighbours although the property, which had structural problems, was currently an eyesore.

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

- 1. The development hereby permitted shall be carried out in accordance with drawings: 225-16-10 Revision P2 and Proposed Elevations (Rev P2) received by the Local Planning Authority on 6 March 2017; Proposed Ground Floor Plan and Proposed First Floor Plan received by the Local Planning Authority on 14 February 2017; and Proposed Parking and Roof Layout (Rev P4) received by the Local Planning Authority on 4 April 2017.**
- 2. The extensions shall be constructed using render and roof tiles of a type, texture and colour so as to match those of the existing building.**
- 3. The building shall not be occupied as a House in Multiple Occupation (HMO) until:**
 - (i) The dropped vehicular footway crossing has been widened to provide three parking spaces in accordance with drawing Proposed Parking and Roof Layout (Rev P4) received by the Local Planning Authority on 4 April 2017.**
 - (ii) The three parking spaces are available for use, surfaced in a suitable hard bound material (not loose aggregate) and are appropriately drained within the site such that surface water does not drain onto the public highway. These areas shall be maintained accordingly for the life of the development.**

Reasons:

- 1. For the avoidance of doubt.**

2. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
3. In the interests of highway safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).

Notes to Applicant:

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 through requesting additional information during the course of the application.
2. 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: <https://www.broxtowe.gov.uk/for-you/planning-building/coal-authority/>
3. A House in Multiple Occupation must comply with the relevant licensing, fire safety and fitness for occupation standards under current legislation. The applicant is advised to contact the Council's Private Sector Housing Team for further information (0115 917 7777).
4. The development makes it necessary to widen the dropped vehicular footway which is land subject to the provisions of the Highway Act 1980 (as amended) and therefore land over which you have no control. Any works within the public highway need to be carried out by the Highways Authority (Nottinghamshire County Council), or persons appointed, and by entering into an agreement under Section 278 of the Highways Act. The County Council's Highways Area Officer can be contacted on 0300 500 80 80.

- 4.6 16/00061/ENF
Untidy condition of land
Land adjacent 2 Little Lane, Kimberley

There were no late items in respect of this item.

Members commented that action in respect of the site was long overdue and it was requested that member training be arranged to acquaint members with the process.

RESOLVED that direct action be taken by the Council to remove debris, tidy and fence the land and all reasonable steps be made to recoup the costs in consultation with legal services.

- 4.7 14/00189/ENF
Untidy condition of front and side gardens
1 Crowborough Avenue, Beeston NG8 2RN

There were no late items in respect of this item.

RESOLVED that direct action be taken to undertake the works required by the Section 215 Notice issued by the Council on 3 March 2015 and delegated authority be given to the Head of Planning and Legal Services to consider placing a charging order on the property if such action is required.

5. INFORMATION ITEMS

50.1 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.

50.2 Delegated decisions

The Committee noted the decisions determined under delegated powers between 25 March and 28 April 2017. A member requested that that planning staff investigate activities on the site in relation to application 17/00002/FUL due to the volume of vehicles present.

6. EXCLUSION OF PUBLIC AND PRESS

RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act.

7. 17/00080/FUL
Construct single storey side extension
Highlands, Robinettes Lane, Cossall NG16 2RX

There were no late items in respect of this application.

The applicant addressed the Committee prior to the general debate.

RESOLVED that planning permission is 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.**
- 2. The development hereby permitted shall be carried out in accordance with the following drawings: Site Location Plan; Existing Layout and Elevations (drawing ref: CD16/26/01); and Proposed Layout, Elevations and Block Plan (drawing ref: CD16/26/02a), received by the Local Planning Authority on 13 February 2017.**
- 3. The extension shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing building.**

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. No such details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004).**

Note to Applicant:

The Council has tried to act 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, through an early visit to the site to appreciate whether any amendments need to be sought and thus afford sufficient time to negotiate these should it have been the case.