

## **PLANNING COMMITTEE**

**6 DECEMBER 2017**

Present: Councillor M Handley, Chair

Councillors:	D Bagshaw	W J Longdon (substitute)
	J S Briggs	R D MacRae
	T P Brindley	G Marshall
	M Brown	J K Marsters
	E Cubley (substitute)	P J Owen
	R I Jackson	M Radulovic MBE

Apologies for absence were received from Councillors L A Ball BEM, A Harper and R S Robinson.

### 35. **DECLARATIONS OF INTEREST**

Councillor R D MacRae declared a non-pecuniary interest in agenda item 5.1 due to having attended a public meeting on the application, minute no. 38.1 refers. Councillor P J Owen declared a non-pecuniary interest in agenda item 5.3 due to his membership of Nuthall Parish Council, minute no. 38.3 refers. Councillor R I Jackson declared a non-pecuniary interest in agenda item 5.1 due to having attended a public meeting on the application and having discussed the Council's reasons for conditions but confirmed that he remained open minded as regards the application, minute no. 38.1 refers.

### 36. **MINUTES**

The minutes of the meeting held on 8 November 2017 were confirmed and signed.

### 37. **NOTIFICATION OF LOBBYING**

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

### 38. **DEVELOPMENT CONTROL**

#### 38.1 **17/00731/ROC**

Removal of Condition 3 of planning permission 15/00285/FUL to allow for the retail store to be open to customers prior to practical completion of all dwellings on the site

17/00732/ROC

Variation of Condition 2 (the development shall be carried out in accordance with the approved plans) of planning permission 15/00285/FUL (construct retail store and dwellings) to enable revisions to the design of the retail store, car park layout, landscaping and boundary treatments  
Pinfold trading estate & Nags Head, Nottingham Road, Stapleford NG9 8AD

Councillor R D MacRae had called the applications in to Committee and both related to the conditions attached to planning permission reference 15/00285/FUL. Application reference 17/00731/ROC proposed to remove condition 3 which required the practical completion of the residential dwellings prior to the retail store being open to customers. Application reference 17/00732/ROC proposed to vary condition 2 which required the development to be carried out in accordance with the approved drawings.

The Committee was referred to the summary of late items. In respect of application reference 17/00731/ROC, Stapleford Town Council had submitted comments regarding the closure of the Co-op supermarket, the reduction to the number 18 bus service to Beeston and concerns over the need for the ten housing units amongst other things. Eleven letters of support had been received, together with a petition with 399 signatures in support of the application to remove condition 3, together with an email from Councillor J W McGrath supporting the application. A letter from the planning agent had been received containing key points.

In respect of application 17/00732/ROC, Stapleford Town Council had no objection and supported the application and letters of support had been received.

Mrs Vanessa Bloor (supporting/objecting) and Rebecca Rutter (applicant) addressed the Committee prior to the general debate.

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

- When the application was first put forward it was for 45 houses on the site. There had always been concerns about a probable change of use, resulting in the permission being conditioned to ensure that the whole site was developed.
- Aldi's points related to the difficulties in securing a residential development.
- The Committee had the opportunity to demonstrate to the people of Stapleford that the Council listens to the views of local residents.
- There was a strength of public feeling that people wanted the site built out.
- There was frustration at the decline in Stapleford and Aldi's request, should it be granted, provided an opportunity for the people of Stapleford to have faith in a Planning Committee which listens to residents.
- If a relaxation of condition was granted and the store was built, the houses may not be built.

- The hybrid application for the store and ten houses had been a compromise and it was not accepted that Aldi could not find someone to build the houses.

Councillor M Radulovic MBE proposed the removal of the housing condition for a period of two years. The proposal was seconded by Councillor G Marshall and, on being put to the meeting, was lost.

A recorded vote on the amendment was requested by Councillor Radulovic and was seconded by Councillor G Marshall. The voting was as follows:

<u>For</u>	<u>Against</u>	<u>Abstention</u>
D Bagshaw	J S Briggs	
R D MacRae	T P Brindley	
G Marshall	M Brown	
J K Marsters	E Cubley	
M Radulovic MBE	M Handley	
	R I Jackson	
	W J Longdon	
	P J Owen	

A recorded vote was requested on the second part of the recommendation by Councillor R D MacRae and seconded by Councillor J K Marsters. The voting was as follows:

<u>For</u>	<u>Against</u>	<u>Abstention</u>
D Bagshaw		
J S Briggs		
T P Brindley		
M Brown		
E Cubley		
M Handley		
R I Jackson		
W J Longdon		
R D MacRae		
G Marshall		
J K Marsters		
P J Owen		
M Radulovic MBE		

### **17/00731/ROC**

**RESOLVED** that planning permission be refused for the following reasons:

**Insufficient justification has been submitted to warrant the removal of the condition. There is a need for housing in sustainable locations in the borough and if the condition is removed, it renders uncertain the provision of the ten dwellings. Accordingly, the proposal is contrary to Policy 2 of the Aligned Core Strategy, Policy H7 of the Broxtowe Local**

**Plan and paragraph 47 of the NPPF and there are no other considerations that outweigh this harm, such as would justify treating this proposal as an exception.**

**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 communicating with the agent throughout the course of the application.**

**17/00732/ROC**

**RESOLVED that:**

**The Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission subject to:**

**(i) the prior completion of a Planning Obligation to secure the provision of contributions towards the installation of real-time bus information and the community bus initiative, 30% affordable housing if 25 dwellings or more are proposed on the outline residential site and a requirement for the store to only be operated by a discount retailer, and**

**(ii) the following conditions:**

**FULL PLANNING APPLICATION**

- 1. The development hereby permitted shall be commenced before 26 February 2019.**
- 2. The development hereby permitted shall be carried out in accordance with drawing numbers V09A93-P001 'Site Location Plan'; 2138-101 'Proposed GA'; 2138-103 'Proposed Site Sections', and 2138-104 'Proposed Roof' received by the Local Planning Authority on 9 October 2017; 2138-102 'Proposed Elevations' received by the Local Planning Authority on 11 October 2017; V2138 L01 Rev A 'Landscape Plan' received by the Local Planning Authority on 23 November 2017 and 2138-100 Rev B 'Proposed Site layout' received by the Local Planning Authority on 27 November 2017.**
- 3. The retail store hereby approved shall not be open to customers unless the residential element of this permission is implemented and until the practical completion of all dwellings on the site, within the area annotated as 'residential site', as shown on drawing reference V09A93-P001, received by the Local Planning Authority on 9 October 2017.**

- 4. No development shall take place until details of any retaining walls have been submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.**
- 5. (a) No part of the development hereby approved shall be commenced 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 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, unless an alternative has first been approved in writing by the Local Planning Authority.**
- 6. The retail store hereby approved shall not be opened to customers until a vehicle access onto Nottingham Road, (shown for indicative purposes only on drawing number 14037-SK150914.1 - 'Proposed Road Widths' received by the Local Planning Authority on 14 September 2015) has been constructed in accordance with further details, which shall have first been submitted to and approved by the Local Planning Authority.**
- 7. The retail store hereby permitted shall not be brought into use until the parking, turning and servicing areas have been provided in accordance with drawing number 2138-100 'Proposed site layout', or such other drawing as may first be agreed in writing by the Local Planning Authority. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.**
- 8. The retail store shall not be first occupied until cycle parking facilities have been provided in accordance with details that shall have first been submitted to and agreed in writing by the Local**

**Planning Authority. The facilities shall be retained for the life of the development.**

- 9. No deliveries to or from the premises by commercial vehicles shall take place between 23.30 and 06.00 hours.**
- 10. The retail store shall not be open to customers other than between the hours of 07.30 - 23.30 on any day.**
- 11. 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 Friday, 08.30-13.00 on Saturdays and at no time on Sundays or Bank Holidays without prior agreements in writing with the Local Planning Authority.**
- 12. All plant/machinery installed pursuant to this permission shall be operated and/or attenuated in accordance with Section 6 of the NSL Noise report ref BS33713/NIA Rev 6 submitted by the applicant.**
- 13. The approved landscaping, as shown on drawing number V2138 L01 'Landscape Plan', shall be carried out not later than the first planting season following the substantial completion of the retail store 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.**

#### **OUTLINE PLANNING APPLICATION**

- 14. Application for approval of the reserved matters shall be made to the Local Planning Authority before 26 February 2019.**
- 15. 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.**
- 16. The development hereby permitted shall be carried out in accordance with the drawing numbers V09A93-P001 'Site Location Plan' and 2138-100 'Proposed Site layout' received by the Local Planning Authority on 9 October 2017.**
- 17. Before any development is commenced detailed drawings and particulars showing the following shall be submitted to and approved by the Local Planning Authority:**
  - a) the scale, layout and external appearance (including the external facing and roofing materials) of all buildings;**
  - b) the landscaping treatment of the site;**



- c) **cross sections through the site showing the finished floor levels of the new dwellings in relation to adjoining land and buildings. These details shall relate to a known datum point.**

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

- 18. No development shall take place until details of the site boundary treatments and individual curtilage boundary treatments have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until its own boundary treatment and site boundary treatments have been erected in accordance with the agreed details.**
- 19. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:**
  - (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development**
  - (b) numbers, types, sizes and positions of proposed trees and shrubs**
  - (c) proposed hard surfacing treatment**
  - (d) planting, seeding/turfing of other soft landscape areas**
  - (e) proposed retaining walls or similar structures.**
- 20. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development and 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, unless written consent has been obtained from the Local Planning Authority for a variation.**
- 21.(a) No part of the development hereby approved shall be commenced 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 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, unless an alternative has first been approved in writing by the Local Planning Authority.
22. No single dwelling shall be occupied until the access driveway or associated parking spaces have been provided.
  23. All access driveways/private drives/parking areas shall be surfaced in a suitably bound material (not loose gravel) for a minimum distance of 5.0m behind the highway boundary. The private drives and parking areas shall be maintained in such bound material for the life of the development.
  24. All access driveways/private drives/parking areas shall be constructed with provision to prevent the unregulated discharge of surface water from the private drive/parking areas to the public highway.

**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 that the residential scheme is brought forward and to assist in meeting the housing needs of the borough in a timely fashion.
4. No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of the development commencing to ensure that the details are satisfactory in the interest of local amenity and in accordance with Policy 10 of the Aligned Core Strategy.
5. No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of the development commencing to ensure that the details are satisfactory in the interests of public health and safety.
6. In the interests of highway safety to ensure safe access is provided in accordance with the aims of Policy T11 of the Broxtowe Local Plan.



- 7. In the interests of highway safety and to ensure sufficient parking, turning and servicing areas are provided and retained in accordance with the aims of Policy T11 of the Broxtowe Local Plan.**
- 8. In the interests of supporting sustainable modes of transport and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).**
- 9. To protect the amenity of the occupiers of neighbouring properties in accordance with Policy 10 of the Aligned Core Strategy.**
- 10. To protect the amenity of the occupiers of neighbouring properties in accordance with Policy 10 of the Aligned Core Strategy.**
- 11. To protect local residents from excessive construction/demolition noise, in accordance with the aims of Policy 10 of the Aligned Core Strategy 2014.**
- 12. To protect local residents from excessive noise, in accordance with the aims of Policy 10 of the Aligned Core Strategy 2014.**
- 13. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 10 of the Aligned Core Strategy.**
- 14. To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 15. To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 16. For the avoidance of doubt.**
- 17. The application was submitted in outline only and no such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of the development commencing to ensure that the details are satisfactory in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004).**
- 18. No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of the development commencing to ensure that the details are satisfactory in the interest of residential amenity and the appearance of the area and in accordance with Policy H7 of the Broxtowe Local Plan (2004).**

19. No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of the development commencing to ensure that the details are satisfactory in the interest of residential amenity and the appearance of the area and in accordance with Policy H7 of the Broxtowe Local Plan (2004).
20. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy H7 of the Broxtowe Local Plan (2004).
21. No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of the development commencing to ensure that the details are satisfactory in the interests of public health and safety.
22. In the interest of highway safety.
23. To prevent deleterious material from being discharged onto the public highway.
24. To prevent surface water being discharged onto the public highway.

**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 communicating with the agent throughout the course of the application.
2. 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.
3. The applicant is reminded of the advice contained with the Ecology Report and to ensure where necessary updated reports are provided before works commence on site.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.
5. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

6. **The applicant 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.**
7. **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.**
8. **In order to carry out the off-site works associated with the retail store, 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.**
9. **The applicant shall have regard for the submitted Travel Plan dated January 2015 submitted by Connect Consultants and have regard for the advice provided by Nottinghamshire County Council as the Highways Authority with regard to the monitoring and implementation of the Travel Plan.**

**38.2** 17/00608/FUL – Site A – Dagfa House

Convert Dagfa House and construct student accommodation (to provide 91 bed spaces) following demolition of school buildings. Construct bin store and cycle stores

17/00607/FUL – Site B – Salthouse Lane

Construct student accommodation providing 136 bed spaces, bin store and cycle stores

Dagfa House School Ltd, 57 Broadgate, Beeston NG9 2FU

Councillor S J Carr had called the applications in to Committee. The two applications related to the former Dagfa House School site and sought to redevelop the two parts of the site, at Broadgate and Salthouse Lane, for student accommodation.

The Committee was referred to the summary of late items which referred to a response from the Environmental Health Technical Officer; a correction to the report at paragraph 6.5.3; an amendment to condition 11 of 17/00607/FUL; an amendment to condition 14 of 17/00608/FUL; amendments to respective reasons 11 and 14 and comments from the Lead Local Flood Authority.

Mr Reid (objecting) and Councillor S J Carr (ward member) addressed the Committee prior to the general debate.

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

- The proposals would contribute significantly to the housing requirements of the borough.
- The proposals had the potential to provide a 'buffer' by creating accommodation which would reduce the need for multi-occupancy dwellings in a residential area.
- There was concern that the cheap and profitable parts of the development would be built out quickly with the risk that the listed building development may not happen.
- Scepticism was expressed that the development would contribute to the housing requirements in the borough, despite seductive arguments suggesting that it would.
- The development would not result in a diminishing of multiple occupancy properties in Beeston since more students would come to the university.
- Concern was expressed over lack of parking provision and subsequent loss of amenity for local residents.

Councillor R I Jackson proposed an amendment to the recommendation that a condition be included to ensure that occupation or completion of each site was dependent upon the other and that delegated authority be granted to secure the timing of the re-use of the listed building. The proposal was seconded by Councillor M Radulovic MBE and, on being put to the meeting, was carried. A recorded vote was requested and the voting was as follows:

For

D Bagshaw  
J S Briggs  
T P Brindley  
M Brown  
E Cubley  
M Handley  
R I Jackson  
W J Longdon  
G Marshall  
M Radulovic MBE

Against

R D MacRae  
J K Marsters  
P J Owen

Abstention

**RESOLVED** that permission be granted for the following applications, subject to the signing of a relevant Section 106 Agreement (defining the use and the occupiers, and requiring the establishment of a student management scheme) and subject to the following conditions including the aforementioned amendment:

**17/00607/FUL - Site B - Salthouse Lane - Construct student accommodation providing 136 bed spaces, bin store and cycle stores**

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 plans and documents:

Site Location Plan – ref: P0001; Ground floor plan- ref: P0111; First Floor plan – ref: P0112; Second Floor Plan - ref: P0113; Third floor plans – ref: P0114; Fourth floor plan – ref: P0115; Roof Plan – ref: P0116; Sections – ref: P0161; NE/SE Courtyard Elevations – ref: P0193; NE/SE Elevations – ref: P0191; NW/SW Courtyard Elevations – ref: P0194; and NW/SW Elevations – ref: P0192, received by the Local Planning Authority on 18/8/2017; Site Plan – ref: P0011 rev A, received by the Local Planning Authority on 7/9/2017 and Butterfly Window details, received by the Local Planning Authority on 10 October 2017.

3. No development above slab level shall be carried out until details of the manufacturer, type and colour of the materials to be used in the facing walls have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.
4. No development above slab level shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:
  - (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) proposed retaining walls or similar structures and boundary treatments,
  - (e) a timetable for implementation.

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

5. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development and 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, unless written consent has been obtained from the Local Planning Authority for a variation.



- 6. No development hereby permitted shall commence until wheel washing facilities have been installed on the site, in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.**
- 7. No part of the development hereby permitted shall be brought into use until the cycle parking areas/stands/sheds/hoops have been provided, constructed and are available for use and those areas shall not thereafter be used for any purpose other than the parking of cycles.**
- 8. a) No part of the development hereby approved shall be commenced 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 building to be erected pursuant to this permission shall be occupied or brought into use until:**
  - (i) All necessary remedial measures as included in the Sirius Geoenvironmental Appraisal (dated April 2017) have been completed 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.**
- 9. No deliveries, demolition or construction work in connection with the permission shall be carried out except between the hours of 07.30-18.00 hours Monday to Friday, 08.30-13.30 hours Saturdays and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.**



10. During the construction works, no materials, equipment, machinery, temporary buildings or surplus soil shall be placed or stored beneath the branches of the trees protected by a Tree Preservation Order, and no oil, bitumen, cement or other materials likely to be injurious to a tree shall be discharged within 10 metres of the trunk. If any trenches for services are required within the canopy areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 25mm (1 inch) or more shall be left unsevered.
11. The erection of fencing for the protection of the retained and preserved trees shall be undertaken in accordance with details to be submitted to and approved by the Local Planning Authority 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 written consent of the Local Planning Authority.

**Reasons:**

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. Full details were not submitted, in the interests of the appearance of the development and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
4. No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
5. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
6. In the interests of highway safety to minimise the amount of mud/debris carried onto the highway and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
7. To ensure that cycle facilities are available for students, in the interests of supporting sustainable modes of transport and in accordance with the aims of Policy T11 of the Broxtowe Local Plan

(2004) and in accordance with the aims of Policy 14 of the Aligned Core Strategy (2014).

8. In the interests of public health and safety and in accordance with the aims of Policy E29 of the Broxtowe Local Plan (2004).
9. To protect the local residents from excessive delivery, demolition and construction noise and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
- 10 & 11. To ensure the retained trees and those protected by a Tree Preservation Order are not adversely affected and in accordance with the aims of Policy E24 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 by communicating with the agent throughout 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/development-in-former-coal-mining-areas/>
3. Many buildings still contain asbestos. In order to comply with the Control of Asbestos Regulations 2012, an assessment is required to determine whether the building has asbestos containing materials (ACMs). A 'Refurbishment / Demolition Survey' is required. Copies of reports relating to asbestos identification and management should be sent to Environmental Health, Broxtowe Borough Council.
4. The Council's Environmental Health team will need to be notified of the arrival on site of any Mobile Crushing plant, for them to carry out an inspection of the crushing equipment, in line with the operational permit issued under the Pollution Prevention and Control Act 1999 Environmental Permitting (England and Wales) Regulations 2010 (as amended).
5. No work on any trees should take place during the bird nesting season, between March and August inclusive. If work affecting the trees on site has to be carried out during these months, then the trees should be surveyed for active bird nests by a suitably qualified ecologist before the work is carried out. If active bird nests are present, then work within the area supporting the nests would need to be delayed until nesting activity has ceased.

**17/00608/FUL - Site A – Dagfa House - Convert Dagfa House and construct student accommodation (to provide 91 bed spaces) following demolition of school buildings. Construct bin store and cycle stores**

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 plans and documents: Site Location Plan – ref: P0002; Ground floor plan - ref: P0101; First floor plan – ref: P0102; Second floor plan- ref: P0103; Third floor plan – ref: P0104; Roof Plan – ref: P0105; Sections – ref: P0151; NE/SE Elevations – ref: P0182; NW/SW Elevations – ref: P0183 and Dagfa House Elevations – ref: P0181, received by the Local Planning Authority on 18/8/2017; and Site Plan – ref: P0012 rev A, received by the Local Planning Authority on 7/9/2017.
3. No development above slab level shall be carried out until details of the manufacturer, type and colour of the materials to be used in the facing walls have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.
4. No development above slab level shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:
  - (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) proposed retaining walls or similar structures and boundary treatments,
  - (e) a timetable for implementation.

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

5. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development and 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, unless written consent has been obtained from the Local Planning Authority for a variation.
6. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing, constructed in

accordance with the Highway Authority specification, is available for use.

7. No part of the development hereby permitted shall be brought into use until the redundant crossings are reinstated as footway.
8. No development hereby permitted shall commence until wheel washing facilities have been installed on the site, in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.
9. No part of the development hereby permitted shall be brought into use until the cycle parking areas/stands/sheds/hoops have been provided, constructed and are available for use and those areas shall not thereafter be used for any purpose other than the parking of cycles.
10. a) No part of the development hereby approved shall be commenced 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 building to be erected pursuant to this permission shall be occupied or brought into use until:
  - (i) All necessary remedial measures as included in the Sirius Geoenvironmental Appraisal (dated April 2017) 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.
11. No deliveries, demolition or construction work in connection with the permission shall be carried out except between the hours of 07.30-18.00 hours Monday to Friday, 08.30-13.30 hours Saturdays and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.

- 12. Before any conversion works commence, a scheme for limiting the transmission of noise between each residential unit of accommodation and/or any other part of the building which is not exclusively used as a unit of accommodation shall be submitted to the Local Planning Authority. Formal written approval of the scheme shall be obtained from the Local Planning Authority and all works must be completed and tested by the developer to the satisfaction of the Local Planning Authority before any of accommodation is occupied.**
- 13. During the construction works, no materials, equipment, machinery, temporary buildings or surplus soil shall be placed or stored beneath the branches of the trees protected by a Tree Preservation Order, and no oil, bitumen, cement or other materials likely to be injurious to a tree shall be discharged within 10 metres of the trunk. If any trenches for services are required within the canopy areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 25mm (1 inch) or more shall be left unsevered.**
- 14. The erection of fencing for the protection of the retained and preserved trees shall be undertaken in accordance with details to be submitted to and approved by the Local Planning Authority 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 written consent of the Local Planning Authority.**

**Reasons:**

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. Full details were not submitted, in the interests of the appearance of the development and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy.**
- 4. No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).**



5. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the 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).
7. In the interests of highway safety to ensure the footway is reinstated.
8. In the interests of highway safety to minimise the amount of mud/debris carried onto the highway and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
9. To ensure that cycle facilities are available for students, in the interests of supporting sustainable modes of transport and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004) and in accordance with the aims of Policy 14 of the Aligned Core Strategy (2014).
10. In the interests of public health and safety and in accordance with the aims of Policy E29 of the Broxtowe Local Plan (2004).
11. To protect the local residents from excessive delivery, demolition and construction noise and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
12. To protect occupiers from excessive noise transmission between properties and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
13. To ensure the retained trees protected by a Tree Preservation Order are not adversely affected and in accordance with the aims of Policy E24 of the Broxtowe Local Plan (2004).
14. The requirement is to be satisfied before any equipment etc is brought onto site to ensure the retained trees and those protected by a Tree Preservation Order are not adversely affected and in accordance with the aims of Policy E24 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 by negotiating amendments with the applicant to address neighbouring amenity concerns.



- 2. The proposal makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works to be carried out, Tel: 0300 500 80 80.**
- 3. In order to carry out the off-site works required 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 Daniel Sullivan (Highways South, Nottinghamshire County Council) on 0115 9773991 for details.**
- 4. 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/development-in-former-coal-mining-areas/>**
- 5. Many buildings still contain asbestos. In order to comply with the Control of Asbestos Regulations 2012, an assessment is required to determine whether the building has asbestos containing materials (ACMs). For properties or parts of properties needing upgrading, refurbishment or demolition, then a 'Refurbishment / Demolition Survey' is required. Copies of reports relating to asbestos identification and management should be sent to Environmental Health, Broxtowe Borough Council.**
- 6. The Council's Environmental Health team will need to be notified of the arrival on site of any Mobile Crushing plant, for them to carry out an inspection of the crushing equipment, in line with the operational permit issued under the Pollution Prevention and Control Act 1999 Environmental Permitting (England and Wales) Regulations 2010 (as amended).**
- 7. No work on any trees shall take place during the bird nesting season, between March and August inclusive. If work affecting the trees on site has to be carried out during these months, then the trees should be surveyed for active bird nests by a suitably qualified ecologist before the work is carried out. If active bird nests are present, then work within the area supporting the nests would need to be delayed until nesting activity has ceased.**
- 8. Prior to any development commencing and prior to the removal of Tree 17, a pre-construction/pre-demolition protected species inspection should be carried out, in accordance with the recommendations of the submitted BSG Ecology Report.**

38.3 17/00649/FUL

Proposed dwelling (revised scheme)  
Land to the rear of 51a and 51b Mill Road, Newthorpe

The matter had been referred to Committee by the Head of Neighbourhoods and Prosperity since there had been three previous refusals and an appeal. The current proposal contained further revisions in that it reverted to the size and position of the first application, being positioned towards the rear of the existing gardens in proximity to 11 Kirby Close.

There were no late items in respect of the application.

Mrs Bamford (on behalf of the objectors) and Ms S Stack (on behalf of the applicant) addressed the Committee prior to the general debate.

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

- Reference was made to the Planning Inspector's report that the development would have a detrimental impact of the neighbours' outlook, notwithstanding that the current proposed scheme was at variance with the scheme the appeal Inspector had determined.
- There did not seem to be much difference between this and previous applications.
- If approved, there should be screening to protect the neighbours' privacy.

**RESOLVED** that permission be refused since the proposed development, by virtue of its massing, scale, proportions and siting would have an unacceptable impact on neighbouring amenity, through loss of privacy and an overbearing impact, contrary to Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).

(Councillor P J Owen, having declared an interest in the item, left the chamber and did not speak or vote thereon.)

38.4 17/00658/FUL

Construct two detached dwellings and outbuildings following demolition of bungalow  
9 Hope Street, Beeston NG9 1DJ

Councillor J C Patrick had called the application in to Committee which sought consent to construct two detached dwellings on the site of the existing bungalow. The proposal included the demolition of the existing bungalow and redundant outbuildings, general clearance of the site and the construction of two five-bedroom two and a half storey dwellings.

The Committee was referred to the summary of late items which referred to an email from the Council's Tree Officer; an email from a neighbour

concerned with the demolition process; an email from the applicant's agent containing Protected Species Report; information from the owner of 11 Hope Street and an email from the agent concerning plans.

Mr Steve Race (objecting), Mr Mervin Cooper (on behalf of the applicant) and Councillor J C Patrick (ward member) addressed the Committee prior to the general debate.

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

- The site was too small for two five bedroomed detached houses.
- Some aspects of the ward member's statement were supported and the good intentions of the applicant to try and mitigate some of the residents' concerns had been commended by the Civic Society.
- The report was out of date since the site had been completely cleared.
- There were concerns that the proposed workshop which would extend the whole of the width at the back of the properties was too high and would be overbearing to the rear neighbour.
- There were concerns over parking since the erection of two five-bedroom homes was likely to generate parking requirements for more than two cars.

Councillor G Marshall proposed deferral of consideration of the application pending encouragement of dialogue between the applicant and residents to further mitigate residents' concerns. The proposal was seconded by Councillor D Bagshaw and, on being put to the meeting, was carried.

**RESOLVED that consideration of the matter be deferred to allow the applicant to further address residents' various concerns and allow an acceptable solution to be reached by compromise and conciliation between the parties.**

38.5 17/00724/FUL  
Construct single storey side extension  
56 Marshall Drive, Bramcote NG9 3LD

Councillor J C Goold had called the application in to Committee which sought to construct a single storey side extension.

The Committee was referred to the confidential summary of late items.

There were no public speakers on this item.

Councillor R D MacRae proposed deferral of the item and the proposal was seconded by Councillor G Marshall which, on being put to the meeting, was carried.

## 39. INFORMATION ITEMS

### 39.1 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.

### 39.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 11 October and 10 November 2017.

## 40. 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.**

### 41. 17/00598/FUL

Construct rear extension and detached garage  
46 Coronation Road, Nuthall NG16 1EP

The application had been deferred at the 8 November 2017 Planning Committee since members were concerned with the impact of the proposal on the occupants of a neighbouring property. The reason for the deferral had been to allow the applicant to consider amending the proposal to reduce the impact on the neighbouring property.

The Committee was referred to the confidential summary of late items.

The objecting neighbour and Councillor J M Owen (ward member) addressed the Committee prior to the general debate.

Councillor P J Owen proposed that the item be deferred to give the applicant the opportunity to enter into meaningful discussions with the objector (as suggested by the Committee at its previous meeting). The proposal was seconded by Councillor R D MacRae and, on being put to the meeting, was carried.

The Head of Neighbourhoods and Prosperity confirmed that an extension of time would be requested to see if further discussions could take place between the parties. However, it was advised that if the applicant did not agree to an extension of time, the applicant could appeal against non-determination of the scheme.

**RESOLVED that the matter be deferred to allow the opportunity for discussions to take place between the applicant and objectors.**

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Chair