

PLANNING COMMITTEE

14 FEBRUARY 2018

Present: Councillor M Handley, Chair

Councillors:	D Bagshaw	R D MacRae
	J S Briggs	G Marshall
	M Brown	J K Marsters
	E Cubley (substitute)	M Radulovic MBE
	J W Handley (substitute)	P D Simpson
	R I Jackson	A W G A Stockwell (substitute)

Apologies for absence were received from Councillors L A Ball BEM, T P Brindley, P J Owen and R S Robinson.

51. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

52. **MINUTES**

The minutes of the meeting held on 10 January 2018 were confirmed and signed.

53. **NOTIFICATION OF LOBBYING**

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

54. **DEVELOPMENT CONTROL**

54.1 **17/00499/REM**

Construct 282 dwellings, including highway and drainage infrastructure and public open space (reserved matters relating to Phase 1 of 17/00131/ROC)

Land to the west of Toton Lane, Stapleford

The application was considered by the Committee given the importance of the proposed development to housing provision in the borough.

The Committee was referred to the summary of late items which referred to an email from the consultants working on behalf of the NET Partnership, a letter from the agent and comments from the Highways Authority.

There were no public speakers on this item.

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

- Officer clarification was requested in respect of the County Council's objection to the reduction in the amount of land available for a new school/for education purposes (paragraph 5.9 of the report). The officer response was that provision would be addressed in the section 106 agreement.
- Officer advice was requested in respect of paragraphs 5.18 and 5.19 of the report which referenced, amongst other things, issues critical to the success of the HS2 Hub Station, together with the long term economic future for the East Midlands and the objections of Nottingham City Council. The officer response stated that the concerns expressed related to the relatively recently published HS2 Growth Strategy on which specific advice had been sought which indicated that, should permission be refused, the inevitable appeal by the developers would be successful and the Council would be liable for costs. The correct decision was to grant permission for this reserved matters proposal if the desire was to secure a more precise implementation of the Growth Strategy that needed to be done outside the reserved matters application. Outline permission had been issued and it was not open to the Committee to introduce new requirements which were not in place at the time outline planning permission was granted.
- A member stated that objections were being made because Phase 2 may form part of the overall Growth Strategy and that approval of Phase 1 did not necessarily guarantee development of the site as a whole which could potentially inhibit HS2 and Phase 2 of the tram. The officer response was that advice regarding the tram was clear: the tram could be successfully incorporated into the scheme as proposed at the current time. There was space to accommodate the tram and highways infrastructure necessary to access the station further west and there was substantial time to incorporate any proposals into development of the area.
- Frustration was expressed at the perceived lack of joined up thinking and the administration had been pro-active in its attempts to establish a delivery body.
- A member queried the lack of mention of community facilities within the proposals and it was stated that the proposals included provision of a small local centre.
- Scepticism was expressed that the developer would build out the scheme as proposed and a more comprehensive plan including provision of community benefits would have been reassuring.

RESOLVED that reserved matters approval be granted subject to the following conditions:

- 1. The development hereby permitted shall be carried out in accordance with the following drawings:**

- Site Location Plan (N1134–100)
- Presentation Layout (N1134 – 101-01A)
- Boundaries as shown on Presentation Layout (N1134 101-01A)
- Presentation Layout – Master Plan (N1134 – 102A)
- NET Corridor (N1134 – 103A)
- Boundary Treatments (N1134 – 104A)
- Affordable Housing Plan (N1134 – 106A)
- Materials Schedule
- Refuse Vehicle Tracking (PJS 17-07-103B)
- Horizontal Geometry (PJS 17-07-104D)
- Preliminary Drainage (PJS 17-07-105A)
- Removal Vehicle Tracking (PJS 17-07-108)
- Landscape Drawing Sheet 1 (GL0851 – 01B)
- Landscape Drawing Sheet 2 (GL0851 – 02B)
- Landscape Drawing Sheet 3 (GL0851 – 03B)
- Landscape Drawing Sheet 4 (GL0851 – 04B)
- Landscape Drawing Sheet 5 (GL0851 – 05B)
- Landscape Drawing Sheet 6 (GL0851 – 06B)
- Landscape Drawing Sheet 7 (GL0851 – 07B)
- Landscape Drawing Sheet 8 (GL0851 – 08B)
- Tree Pit Details (GL0851 – 10)
- Footpath Detail (GL0851 – 11)
- House Type A Elevation (AO 99278 HT – A – EL Rev E)
- House Type A Plan (AO 99278 HT – A – PL Rev E)
- House Type B Elevation (AO 99278 HT – B – EL Rev E)
- House Type B Plan (AO 99278 HT – B – PL Rev E)
- House Type C Elevation (AO 99278 HT – C – EL Rev D)
- House Type C Plan (AO 99278 HT – C – PL Rev D)
- House Type D Elevation (AO 99278 HT – D – EL Rev D)
- House Type D Plan (AO 99278 HT – D – PL Rev D)
- House Type E Elevation (AO 99278 HT – E – EL Rev D)
- House Type E Plan (AO 99278 HT – E – PL Rev D)
- House Type F Elevation (AO 99278 HT – F – EL Rev E)
- House Type F Plan (AO 99278 HT – F – PL Rev E)
- House Type G Elevation (AO 99278 HT – G – EL Rev D)
- House Type G Plan (AO 99278 HT – G – PL Rev D)
- House Type H Elevation (AO 99278 HT – H – EL Rev C)
- House Type H Plan (AO 99278 HT – H – PL Rev C)
- House Type J Elevation (AO 99278 HT – J– EL Rev E)
- House Type J Plan (AO 99278 HT – J – PL Rev E)
- House Type K Elevation (AO 99278 HT – K – EL Rev F)
- House Type K Plan (AO 99278 HT – K– PL Rev F)
- House Type L Elevation (AO 99278 HT – L – EL Rev D)
- House Type L Plan (AO 99278 HT – L – PL Rev D)
- House Type M Elevation (AO 99278 HT – M – EL Rev D)
- House Type M Plan (AO 99278 HT – M– PL Rev D)
- House Type N Elevation (AO 99278 HT – N – EL Rev F)

- House Type N Plan (AO 99278 HT – N – PL Rev F)
- House Type O Elevation (AO 99278 HT – O – EL Rev E)
- House Type O Plan (AO 99278 HT – O – PL Rev E)
- House Type Q Elevation (AO 99278 HT – Q – EL Rev F)
- House Type Q Plan (AO 99278 HT – Q – PL Rev F)
- House Type R Elevation (AO 99278 HT – R – EL Rev E)
- House Type R Plan (AO 99278 HT – R – PL Rev E)
- House Type S Elevation (AO 99278 HT – S – EL Rev F)
- House Type S Plan (AO 99278 HT – S – PL Rev F)
- House Type T Elevation (AO 99278 HT – T – EL Rev F)
- House Type T Plan (AO 99278 HT – T – PL Rev F)
- House Type U Elevation (AO 99278 HT – U – EL Rev D)
- House Type U Plan (AO 99278 HT – U – PL Rev D)
- House Type V Elevation (AO 99278 HT – V – EL Rev C)
- House Type V Plan (AO 99278 HT – V – PL Rev C)
- House Type W Elevation (AO 99278 HT – W – EL Rev E)
- House Type W Plan (AO 99278 HT – W – PL Rev E)
- House Type X Elevation (AO 99278 HT – X – EL Rev A)
- House Type X Plan (AO 99278 HT – X – PL Rev A)
- House Type Y Elevation (AO 99278 HT – Y – EL Rev A)
- House Type Y Plan AO 99278 HT – Y – PL Rev A)
- Apartment Block 3D (AO 99278 AP-01-3D)
- Apartment Block Elevations & 3D (AO 99278 AP-01-EL)
- Apartment Block Plans(AO 99278 AP-01-PL)
- Block HCH – Elevations AO 99278 BP- HCH EL)
- Block HCH – Plans (AO 99278 BP- HCH PL)
- Block AAA – Elevations & 3D AO 99278 BP – AAA – EL Rev A)
- Block AAA – Plans (AO 99278 BP – AAA – PL Rev A)
- Block EEE – Elevations & 3D (AO 99278 BP – EEE – EL)
- Block EEE – Plans (AO 99278 BP – EEE – EL Rev C)
- Garage Type 1 Rev A (AO-99278 GT-01-PL Rev A)
- Garage Type 2 Rev A (AO-99278 GT-02-PL Rev A)
- Garage Type 3 Rev A (AO-99278 GT-03-PL Rev A)
- Garage Type 4 Rev A (AO-99278 GT-04-PL Rev A)
- Garage Type 5 Rev A (AO-99278 GT-05-PL Rev A)

2. The development hereby approved shall be constructed in accordance with the materials stated within the Materials Schedule, unless alternative materials are first submitted to and approved by the Local Planning Authority.
3. Notwithstanding the information shown on the landscape drawings, no works shall commence on the equipped play space or kickabout space until details and drawings showing the layout, design and specification of the respective spaces have been submitted to and approved by the Local Planning Authority.

4. **Notwithstanding the information shown on the landscape drawings, no works shall commence on the formal sports pitch provision (the open space within the north west corner of the site) until details and drawings showing the layout, design and specification of this space has been submitted to and approved by the Local Planning Authority.**

Reasons:

1. **For the avoidance of doubt.**
2. **In the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).**
3. & 4. **Insufficient detail was provided within the application and to ensure the areas of open space are of an appropriate type and quality to serve the development and in accordance with Policy 16 of the Broxtowe Aligned Core Strategy (2014).**

Notes to Applicant:

1. **The reserved matters approval relates to conditions 7 and 10 of planning permission reference 17/00131/ROC. You are reminded of the need to comply with and discharge the outstanding conditions.**
2. **The applicant should note that, 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 Nottinghamshire County Council's current highway design guidance and specification for roadworks.**

The Council has acted positively and proactively by liaising with the applicant throughout the process, in accordance with paragraphs 186-187 of the National Planning Policy Framework.

54.2 17/00723/FUL

Construct 47 dwellings, retail unit (Class A1), car parking and highway infrastructure

Myford Ltd, Wilmot Lane, Beeston NG9 4AF

The application had been submitted to Committee for determination as it did not accord with Local Plan policy in relation to S106 contributions.

The Committee was referred to the summary of late items which referred to an email from a local cyclist stating that the plans for the proposed scheme needed to be integrated with the plans for the Barton's development to create

a safe, alternative route for cyclists to the High Road away from the tram lines and a comment on the supporting documentation.

Mr I Collier (objecting) addressed the Committee prior to the general debate.

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

- The objector's concerns about residents whose properties backed onto the site were noted with regard to the height of the proposed flats and the potential for the generation of noise.
- The perceived dramatic reduction in section 106 contributions were noted, particularly in respect of affordable housing since it was stated that other developers had been required to pay full section 106 contributions.
- The need for houses was recognised.
- It was considered there was an opportunity to achieve more contributions for Beeston residents, e.g. financial contribution to 'The Shed'.
- If the site was sold on, there would be merit in including a condition that no reduction in section 106 contributions be afforded to developers in respect of further applications.

RESOLVED that:

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

- (i) the prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990; and**
- (ii) 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 drawing numbers 17027 (08) 01 Rev A 'Site Location Plan as Existing', 17027 (08) 07 'General Sections as Proposed', 17027 (08) 15 Rev A 'Retail & Apartments building section A-A as proposed', 17027 (08) 12 'Retail & Apartments Roof Plan as Proposed', 17027 (08) 09 'Retail & Apartments Building First Floor Plan as Proposed', 17027 (08) 11 'Retail & Apartments Building Third Floor Plan as Proposed', 17027 (08) 20 'Houses Type C and D Floor Plans as Proposed' received by the Local Planning Authority on 2 October 2017; 17027 (08) 18 Rev A 'House Type B Floor Plans as Proposed' and 17027 (08) 16 Rev A 'House Type A Floor Plans as Proposed' received by the Local Planning Authority on 9 October 2017; 17027 (08) 13 Rev B 'Retail & Apartments Building Elevations 1 as Proposed', 17027 (08) 14 Rev B 'Retail & Apartments Building Elevations 2 as Proposed', 17027 (08) 21 Rev B 'Houses Type C and D Elevations as Proposed' and 17027 (08) 17**

Rev B 'House Type A Elevations as Proposed' received by the Local Planning Authority on 11 October 2017; 17027 (08) 19 Rev C 'House Type B Elevations as Proposed' received by the Local Planning Authority on 7 November 2017; 17027 (08) 10 Rev A 'Retail & Apartments Building Second Floor Plan as Proposed' received by the Local Planning Authority on 12 December 2017; 17027 (08) 03 Rev B 'Master Plan as Proposed', 17027 (08) 04 Rev D 'Materials Master Plan as Proposed', 17027 (08) 05 Rev D 'Surfaces Master Plan as Proposed', 17027 (08) 06 Rev E 'Boundary Treatment Master Plan as Proposed' and 17027 (08) 08 Rev B 'Retail & Apartments Building Ground Floor Plan as Proposed' received by the Local Planning Authority on 18 December 2017 and 17027 (08) 23 'Bin Store Type 01 as Proposed' and 17027 (08) 24 'Bin Store Type 02 as Proposed' received by the Local Planning Authority on 18 January 2018.

- 3. 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 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.**
- 4. No development shall commence until a plan to show the location of protective fencing for the trees shown to be retained on drawing number 17027 (08) 03 Rev B 'Master Plan as Proposed' has been submitted to and agreed in writing by the Local Planning Authority. The erection of fencing for the protection of these retained trees shall be undertaken in accordance with the agreed details 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.**

5. The following information regarding external lighting for the retail unit shall be submitted to, and agreed in writing by the Local Planning Authority, before installation:
- 1) A site plan and elevations showing the proposed locations and the height of the luminaires;
 - 2) Full details, including pictures, of the luminaires to be installed;
 - 3) A site plan plotting the predicted illuminance levels (Lux) across the site and both horizontal and vertical overspill between the site boundary and the facades of the nearest light sensitive dwellings;
 - 4) Details of the measures to be taken for the avoidance of glare;
 - 5) Details of the power source; i.e. mains or generator;
 - 6) Operating times.

All works shall be implemented in accordance with the approved details before the retail use commences and shall be operated and maintained as such for the lifetime of the development.

6. No development above slab level on the dwellings or the retail and apartment building shall be carried out until details of the manufacturer, type and colour of the materials to be used in the facing walls and roofs of the respective buildings 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.
7. No development above slab level shall take place until a landscaping scheme has been submitted to and approved in writing 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 boundary treatments,
 - (e) a timetable for implementation.

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

8. The approved landscaping shall be carried out not later than the first planting season following the practical 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.

- 9. The dwellings on plots 15, 20, 21, 22 and 23 shall not be occupied until an acoustic barrier has been constructed in accordance with paragraphs 4.6-4.7 of the Noise Assess Ltd Report, ref 11906.03.v3, dated September 2017. The acoustic barrier shall be retained thereafter for the lifetime of the development.**
- 10. The dwellings shall be constructed and their glazing and ventilation installed in accordance with the specification detailed in the Noise Assess Ltd Report, ref 11906.03.v3, dated September 2017.**
- 11. The rating level resulting from the use of any plant, machinery or equipment associated with the retail use shall not exceed the existing background level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive premises.**
- 12. The retail unit shall not be open to customers except between the hours of 07:00-22:00 on any day.**
- 13. No deliveries or collections by commercial vehicles (excluding the delivery of newspapers and sandwiches) shall be made to/from the retail unit except between the hours of 07:00 - 22:00 on any day.**
- 14. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. For areas where penetrative foundations are permitted, a methodology for reducing noise and vibration impact on neighbouring buildings and residents shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the piling activity. The activity shall be carried out in accordance with the approved details.**
- 15. 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. 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.**
- 16. Prior to first occupation of the retail and apartment building, a knee rail shall be provided in the location shown on drawing number 17027 (08) 06 Rev E 'Boundary Treatment Master Plan as Proposed' and in accordance with details which shall first have been submitted to and agreed in writing by the Local Planning Authority. The knee rail shall be retained in accordance with the agreed details for the lifetime of the development.**

- 17. The retail unit and apartments shall not be first occupied until their associated parking, turning and servicing facilities have been provided in accordance with the approved plans and constructed so as to prevent the unregulated discharge of surface water therefrom onto the public highway. These facilities shall thereafter be retained in the agreed form for the lifetime of the development.**
- 18. No dwelling shall be first occupied until its associated parking facilities have been provided in accordance with the approved plans and constructed so as to prevent the unregulated discharge of surface water therefrom onto the public highway. These facilities shall thereafter be retained in the agreed form for the lifetime of the development.**
- 19. 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.**

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. 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 and in accordance with the aims of Policy E29 of the Broxtowe Local Plan (2004).**
- 4. 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 retaining the trees on the site boundary with Barrydale Avenue and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).**
- 5. To protect residential amenity, in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy.**

6. 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.
7. No such/insufficient details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area, to ensure a satisfactory standard of amenity and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
8. 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).
9. & 10. To protect future occupiers from excessive environmental, commercial and industrial noise.
11. To protect future residential occupiers from excessive commercial noise.
12. To protect nearby residents from excessive operational noise.
13. To protect nearby residents from excessive noise.
14. To protect groundwater from contamination and nearby buildings and residents from noise and vibration in accordance with the aims of Policies E29 and H7 of the Broxtowe Local Plan (2004).
15. 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).
16. In the interests of highway safety and residential amenity to prevent a through route for vehicular traffic being created.
17. In the interests of highway safety to ensure satisfactory access, servicing and parking arrangements are provided and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
18. In the interests of highway safety, to ensure appropriate parking arrangements are provided and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
19. To ensure any unknown contamination encountered during development is appropriately dealt with to prevent pollution of the environment and to render the site free from risk to human health,

in accordance with the aims of Policy E29 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. This permission has been granted contemporaneously with a planning obligation(s), and reference should be made thereto.**
- 3. The development will require the diversion of Beeston public footpath No. 55. The grant of permission for this development does not authorise the obstruction or diversion of this public right of way and an unlawful obstruction to this right of way/highway is a criminal offence and may result in the obstructing development being required to be removed. A separate application for an Order to divert the public right of way/highway will be required under Town and Country Planning Act 1990 legislation. This is a separate legal process and the applicant will need to contact Broxtowe Borough Council.**
- 4. The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highway Authority, the new roads and any highway drainage will be required to comply with Nottinghamshire County Council's current highway design guidance and specification for roadworks.**
- 5. 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 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 Highway Authority as early as possible. The developer should contact the Highway Authority at an early stage to clarify the codes etc with which compliance will be required in the particular circumstances, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to hdc.south@nottsc.gov.uk**

6. In respect of condition 3, the reports previously submitted will be taken into account.
7. It is not permitted for any vehicles to obstruct the tramway at any time and consideration should be given to erecting a warning sign at the construction site exit point to warn of overhead lines. Please contact the Nottingham Express Transit (NET) Project Office for further information (0115 876 4095).
8. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
 - excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
 - treated materials can be transferred between sites as part of a hub and cluster project
 - some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

9. Any decommissioning of infrastructure or remediation of impacted ground must be carried out in a strictly controlled manner to ensure that contaminants are not exposed and releases allowed to air, land or controlled waters, which could cause pollution, harm or nuisance. Clearing areas, particularly removing hardcover, must be done in a manner not likely to expose contaminants to flushing by incipient rainfall or surface water run-off on the site. Temporary surface water controls and management of any materials movement on site is critical to ensure protection of controlled waters near the site.

54.3 17/00658/FUL

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

The application had originally been considered by Committee on 6 December 2017 when it had been deferred due to concerns regarding the use of the site for two dwellings.

The Committee was referred to the summary of late items which contained corrections to conditions 4 and 6 of the report.

There were no public speakers in respect of the application.

RESOLVED unanimously 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, received by the Local Planning Authority on 8 September 2017, the Block Plan, Site plan, outline roof plan and streetscene TC/1710/1 Rev B and Proposed outbuildings TC/1710/4 Rev B received by the Local Planning Authority on 12 January 2018 and Proposed floor plans and elevations TC/1710/3 Rev D, received by the Local Planning Authority on 15 January 2018.**
- 3. During the construction works, no materials, equipment, machinery, temporary buildings or surplus soil shall be placed or stored beneath the branches of the three trees shown on the approved plans to be retained. No oil, bitumen, cement or other materials likely to be injurious to these trees 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.**
- 4. The development hereby approved shall not be occupied until the respective parking areas have been provided in accordance with the approved plans and surfaced in bound material with provision to prevent the discharge of surface water to the public highway and maintained as such for the life of the development.**
- 5. The dwelling shall not be occupied until the dropped vehicular footway crossing has been extended and is available for use and constructed in accordance with the Highway Authority specification.**
- 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting this Order, no extensions or enlargements shall be carried out to the dwellings hereby approved, which fall within Classes A or B of Schedule 2 Part 1 of the Order, without the prior written permission of the Local Planning Authority by way of a formal planning permission.**

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 trees to be retained are not adversely affected and in accordance with Policy E24 of the Adopted Broxtowe Local Plan (2004).**
- 4. To ensure that the maximum amount of off-street parking is available to reduce the potential for on-street parking in the area as a result of the development and to reduce the possibility of deleterious material and surface water being deposited on the public highway causing danger to road users.**
- 5. In the interests of highway safety.**
- 6. In the interests of retaining a sufficiently spacious plot, where occupiers have a satisfactory degree of amenity, and to protect the privacy of immediate neighbouring properties. This condition accords with the aims of saved Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).**

Notes to Applicant:

- 1. The Council has acted positively and proactively in the determination of this application 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 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/development-in-former-coal-mining-areas/>**
- 3. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and you should undertake every effort to prevent it occurring.**
- 4. The development makes it necessary to amend vehicular crossings over the footway on Hope Street which is public highway. These shall be constructed to the satisfaction of the Highway Authority. You are therefore required to contact Viaem (who are responsible for works on the County's highways) on 0300 500 8080 to ensure the necessary licenses and permissions are in place.**

54.4 17/00486/FUL

Construct workshop following demolition of garages and workshop
54A Carrfield Avenue, Toton NG9 6FB

The application had been considered by Committee on 10 January 2018 when members had deferred making a decision due to concerns regarding the height of the proposed building, the proposed material of the building (pre-fabricated metal) and potential noise and disturbance which may arise from the use within such a building.

The Committee was referred to the summary of late items which contained a reference to further information having been provided by the applicant.

Mrs S Creasey (objecting), Mr S Wheatley (applicant) and Councillor L Fletcher (ward member) addressed the Committee prior to the general debate.

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

- There was sympathy with the objecting speaker's comments and concurrence with the ward member's comments. It was considered that the material proposed to be used for the building was inappropriate, there would be an impact of amenity and increase in traffic on surrounding roads.
- Were it not for the established use rights, such an application would not be granted permission now.
- Ramshackle buildings need to be replaced in an economic way.
- Rejection of the application in its current form would allow for a compromise to be reached between the applicant's aspirations and the residents' concerns.
- The site housed a well-used local business.

RESOLVED unanimously that permission be refused, the precise wording to be delegated to the Head of Neighbourhoods and Prosperity in conjunction with the Chair.

Reason

The scale and materials of the proposed building would result in an adverse impact on the amenity of occupiers of neighbouring properties, contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy E34 of the Broxtowe Local Plan (2004).

54.5 17/00769/FUL

Construct 4 units (Class A1-5), car wash, tyre service area and retail pod
Morrisons, Kelham Way, Eastwood NG16 3SG

The report related to a planning application which had been deferred at the Planning Committee on 10 January 2018. Members had been concerned with

the impact of the proposal on the vitality and viability of Eastwood town centre and were concerned about the level of parking provision on the site.

The Committee was referred to the summary of late items which made a correction to the reference on the agenda page.

There were no public speakers in respect of the application.

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

- The loss of in excess of 60 parking spaces would be detrimental and cause danger to pedestrians and road users.
- There was a lack of definition on the site and the application had not been thought out.
- The proposals would impact detrimentally on Eastwood town centre and affect the viability of shops.
- Members were advised they would need clear evidence to support reasons for refusal otherwise the Council would risk a costs award being made against it.

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 PL_01 Rev B, received by the Local Planning Authority on 31 October and drawings numbered PL_06 Rev A, PL_05 Rev A, PL_04 Rev A, PL_07 Rev A and PL_03 Rev E, received by the Local Planning Authority on 3 November 2017.**
- 3. No above ground construction works on the structures hereby approved shall commence until samples and full details of all external facing materials 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 part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas have been surfaced in a hard bound material and individual parking spaces have been clearly marked out in accordance with the drawing numbered PL_03 Rev E. The parking, turning and servicing areas shall be maintained in the hard bound material for the life of the development and shall not be used for any purpose other than for parking, turning and loading and unloading of vehicles.**

5. No part of the development hereby approved shall be commenced until an investigative survey of the site has been undertaken to confirm coal mining conditions and a report has been submitted to and approved by the Local Planning Authority. The report shall include details of any necessary remedial measures to be undertaken to address any areas of shallow mine workings or other problems identified through this survey and these measures shall be implemented prior to the commencement of the development.

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, in the interests of the appearance of the development and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Draft Aligned Core Strategy. The requirement is to be satisfied before new construction begins in order that potentially abortive works are avoided, if unacceptable materials are used.
4. In the interests of highway safety.
5. No such details have been submitted and in the interests of public health and safety. The requirement is to be satisfied before new construction begins in order that any land stability issues are identified and any necessary remedial measures are put in place.

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 developer at the earliest opportunity to request further information to help understand the design rationale and layout of the scheme.
2. 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. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

54.6 17/00761/FUL
Construct dwelling
5 Dormy Close, Bramcote

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

The Committee was referred to the summary of late items which referred to emails from Bramcote Conservation Society and from a neighbour.

Mr C Kerry (objecting) and Councillor M E Plackett (ward member) addressed the Committee prior to the general debate.

Councillor R D MacRae proposed that the item be deferred to allow time to seek amendments relating to a reduction in height of the building. The amendment was seconded by Councillor G Marshall and, on being put to the meeting, was carried.

RESOLVED that consideration of the application be deferred to allow time to seek amendments relating to a reduction in height of the building.

54.7 17/00849/FUL
Construct single/two storey side extension following demolition of garage
419 High Road, Chilwell NG9 5EA

Councillor J S Briggs had called the application in to Committee.

There were no late items in respect of the application.

Mr D Johnson (objecting) addressed the Committee prior to the general debate.

Councillor R I Jackson proposed that the item be deferred to allow time to seek amendments relating to creating a gap the width of a wheelie bin (approximately 0.6m) between the extension and the side wall of the neighbour. The proposal was seconded by Councillor A W G A Stockwell and, on being put to the meeting, was carried.

RESOLVED that consideration of the item be deferred to allow time to seek amendments as referred to above.

54.8 17/00736/FUL
Construct dwelling
Rear of 1 Briar Road, Newthorpe

Councillor M Brown had called the application in to Committee.

The Committee was referred to the summary of late items which referred to comments made by the Highway Authority which necessitated the inclusion of

an additional condition and note to applicant within the recommendation, should permission be granted.

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

The Committee acknowledged the speaker's concerns on behalf of local residents.

RESOLVED unanimously that permission be refused, the precise wording for refusal to be delegated to the Head of Neighbourhoods and Prosperity in conjunction with the Chair of the Committee. The proposed wording to be circulated to Group Leaders.

Reason

The proposed dwelling by reason of its siting would be out of keeping with the predominant open character and appearance of the area. Accordingly, the proposed development would be contrary to the aims of Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Draft Part 2 Local Plan (2017).

54.9 17/00808/REG3

Retain 3 and install 1 air conditioning units
33-34 The Square, Beeston NG9 2JH

The application had been brought before Committee as the Council was the landowner and applicant.

The Committee was referred to the summary of late items which advised of an incorrect reference number.

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

The total rating level resulting from the use of the air conditioning units hereby approved, shall not exceed the existing background noise level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive premises.

Reason:

To protect nearby residents from excessive operational noise and in accordance with Policy E34 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 working to determine this application within the agreed determination timescale.

- 2. The applicant should be aware that if a nuisance does occur, action can be taken under the statutory nuisance provisions under the Environmental Health Protection Act 1990.**
- 3. The applicant should be aware that all works must be carried out in accordance with the instructions contained within the 'Working Near NET' leaflet.**

55. INFORMATION ITEMS

55.1 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.

55.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 9 December 2017 and 9 January 2018.