

PLANNING COMMITTEE

21 MARCH 2018

Present: Councillor M Handley, Chair

Councillors: D Bagshaw	R D MacRae
L A Ball BEM	G Marshall
J S Briggs	J K Marsters
T P Brindley	P J Owen
M Brown	R S Robinson
M J Crow	P D Simpson

An apology for absence was received from Councillor M Radulovic MBE.

56. DECLARATIONS OF INTEREST

Councillor R S Robinson declared a non-pecuniary interest in agenda item 6.1, minute no. 60.1 refers.

57. MINUTES

The minutes of the meeting held on 14 February 2018 were confirmed and signed.

58. NOTIFICATION OF LOBBYING

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

59. PUBLIC PATH DIVERSION ORDERS

59.1 Proposed diversion of Beeston Footpath Number 63 Boots Campus, Beeston, Nottinghamshire

An application had been received by the Council for a public path diversion order to stop up part of Beeston footpath number 63 and create an alternative highway.

RESOLVED unanimously that the public path diversion order be made.

59.2 Proposed diversion of Stapleford Footpath Number 11
Nottingham Road, Stapleford

An application had been received by the Council to make a Modification to the Diversion Order relating to Stapleford footpath no. 11 pursuant to s257 of the Town and Country Planning Act 1990.

RESOLVED unanimously that the public path diversion order be Modified in accordance with the plan submitted with the application.

60. DEVELOPMENT CONTROL

60.1 17/00771/FUL

Revisions to the design of plots 9 and 10 approved under reference 17/00022/MMA and the construction of an additional dwelling to form a terrace

17/00701/FUL

Construct 14 town houses

17/00825/FUL

Change of use from maltings building to 18 apartments with parking

17/00790/LBC

Listed building consent for internal and external alterations to maltings and conversion to residential

Kimberley Brewery, Hardy Street, Kimberley

Of the four above-named applications, two related to the same development with both a full planning application and listed building consent application submitted for works to convert Maltings 1 into apartments. The other two applications related to the construction of 14 town houses within the 'Brewery Yard' and revisions to the phase one development already under construction within the area known as the 'Warehouse Yard'.

The Committee was referred to the summary of late items which contained reference to various emails and correspondence received pursuant to publication of the agenda.

Mr Steve Midgley, speaking on behalf of the applicant, addressed the Committee prior to the general debate.

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

- A lot of thought and care had gone into the development of the site and Kimberley residents would be pleased to see this going forward. Some people had been against the cladding which was part of the design but it was preferable that all the dwellings did not look the same.
- Parts of the old Brewery had cladding and the incorporation of cladding into the new design was welcomed.

- Some reservations were expressed about what the cladding would look like in, say, ten to fifteen years' time and It was considered that the cladding would look too 'industrial' for the residential development.
- Concern was expressed about the incorporation of cladding into the design due to safety issues.
- The development would lift the area of Kimberley and was an exciting project which the community on the whole supported, with the exception of the cladding.
- It was interesting to hear the applicant say the developer would have preferred to use brick and it was stated that it was the Conservation Officer had recommended using cladding.

Councillor P J Owen proposed that the recommendation to the report be amended to include the use of brick rather than cladding and that delegated power be granted to the Chair and the Head of Neighbourhoods and Prosperity to come to an agreement on the type of brick to be used. The proposal was seconded by Councillor M J Crow and, on being put to the meeting, was carried.

RESOLVED unanimously that:

The Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission for applications 17/00825/FUL and 17/00701/FUL and Listed Building Consent for 17/00790/LBC subject to the prior completion of an addendum to the original Section 106 Agreement completed in conjunction with applications 13/00571/LBC and 13/00570/FUL and the conditions set out below, and subject also to the use of brick rather than cladding of a type to be decided by the Chair in consultation with the Head of Neighbourhoods and Prosperity:

17/00825/FUL

- 1. The development hereby permitted shall be begun before the expiration of three years beginning with the date of this consent.**
- 2. The development hereby permitted shall be carried out in accordance with PL/00/011, PL/304 Rev A, PL/303 Rev A, received by the Local Planning Authority on 24 November 2017.**
- 3. The development (including any demolition) shall be undertaken in accordance with the detail and mitigation measures outlined in 'Bat Survey of Kimberley Brewery Buildings' report dated July 2015.**
- 4. Notwithstanding the details shown on the 'proposed landscaping plan' PL/00/12 Rev A, details of the 'mixed shrubs' and materials to be used for the raised planting beds and hard surfacing within in the Brewery Yard shall first be submitted to and approved in writing by the Local Planning Authority. The hard surfacing shall be implemented prior to the occupation of any of the residential units**

hereby granted permission and shall then be retained for the life of the development. The approved planting shall be carried out no later than the first planting season following the substantial completion of the development. Any shrubs 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 a similar size and species to the satisfaction of the Local Planning Authority unless an alternative has first been agreed in writing.

5. No building works, including site clearance, shall commence until details of access to any individual phase of the site for construction traffic, including a timetable for its provision, have been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council as highway authority. The accesses shall be constructed in accordance with the agreed details and timetable.
6. No part of the development hereby permitted shall be brought into use until the site access has been constructed in accordance with the details shown on plan ref. C1534-202.
7. Details of how the existing gates to the access from Hardy Street shall be retained in such a way as to prevent them from being closed shall be submitted to and agreed in writing with the Local Planning Authority prior to occupation of any of the residential units hereby permitted.
8. Details of measures to prevent the deposit of debris upon the adjacent public highway for any individual phase of the site shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site and shall remain in place for the duration of site works.
9. Construction or the preparation of the site shall not occur except between 07:30 – 18:00 hours Monday to Friday and 08:30 and 13:00 hours Saturday and at no time on Sundays, Bank Holidays and other public holidays.
10. No building operations relating to Maltings 1 shall take place until drawings and cross sections of the proposed new and replacement external windows and doors and their surrounds and recess depths have been submitted to and agreed in writing by the Local Planning Authority.
11. No building operations shall take place until details and samples of any new rainwater goods, roofing materials and bricks used in the exterior of the building are submitted to and approved by the Local Planning Authority.
12. No works to the interior of the building shall commence until details, including plans where necessary, to show how the steel columns

will be retained and treated as the floor/ceiling levels of the building are altered have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

- 13. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number PL/00/011. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.**
- 14. No part of the development hereby permitted shall be brought into use until the access, parking and turning areas have been constructed so as to prevent the unregulated discharge of surface water from these areas to the public highway in accordance with details to be first submitted to and agreed by the Local Planning Authority. The agreed details shall be implemented and retained for the life of the development.**
- 15. Prior to the occupation of any of the apartments hereby granted permission details of the bin store, including plans, materials and manufacturer details shall be submitted to and agreed in writing by the Local Planning Authority. The development therefore shall be completed in accordance with this detail and retained for the life of the development.**
- 16. Before any works of conversion or development 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.**

17/00790/LBC

- 1. The development hereby permitted shall be begun 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 PL/00/011, PL/304 Rev A, PL/303 Rev A, received by the Local Planning Authority on 24 November 2017.**
- 3. The development (including any demolition) shall be undertaken in accordance with the detail and mitigation measures outlined in 'Bat Survey of Kimberley Brewery Buildings' report dated July 2015.**
- 4. The development shall be completed in accordance with the relevant sections of the report submitted by HSP Consulting titled 'A Structural Appraisal, the Method Statement for the Demolition of the Buildings Adjacent to the Brewery Tower & Maltings 1 and Layout Plans for the Basements Together with Specifications and Details for Backfilling the Basements' dated 5 July 2016, received by the Local Planning Authority on 15 July 2016, the submission of the addendum by HSP Consulting titled 'Comments and Confirmations on the Report Undertaken by Capstone Consulting Engineers dated 29 September 2016 in Relation to the Proposed Demolition Works to be Undertaken at the Former Kimberley Brewery, Nottingham' dated 12 October 2016, received by the Local Planning Authority on 19 October 2016 and the e-mail dated 7 December from Howard Pratt of HSP Consulting.**
- 5. No building works or alterations relating to the conversion of Maltings 1 shall take place until an illustrated schedule indicating which of the external jibs, hoists and other loading equipment currently attached to the external walls of the building are to be retained following conversion, and which are to be removed, is submitted to and agreed in writing by the Local Planning Authority.**
- 6. No alterations to Maltings 1 shall take place until details of the manufacturer, type, material, style and colour of any new or replacement rainwater goods, roofing, or bricks to be used on the exterior of the converted building shall be submitted to and agreed in writing by the Local Planning Authority.**
- 7. No alterations to Maltings 1 shall take place until details of the proposed mortar mix - which shall be lime based and which shall not contain cement - are submitted to and agreed in writing by the Local Planning Authority. The style and depth of pointing of the joints shall match that of the surrounding original pointing.**
- 8. No alterations to Maltings 1 should take place until plans and sections at a scale of 1:20 or larger are submitted to and agreed in writing by the Local Planning Authority showing materials, frame widths, frame depths, glazing type, opening mechanisms, recess**

depths, heads, cills, and surround treatments of any new external windows and doors.

9. No alterations to Maltings 1 should take place until plans and sections at a scale of 1:50 or larger are submitted to and agreed in writing by the Local Planning Authority showing precise details of all visible soil, vent and gas pipes to be added to the conversion.
10. No works to the interior of the building shall commence until details, including plans, where necessary, to show how the steel columns will be retained and treated as the floor/ceiling levels of the building are altered have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

17/00701/FUL

1. The development hereby permitted shall be begun before the expiration of three years beginning with the date of this consent.
2. The development hereby permitted shall be carried out in accordance with PL/TH/ 403 Rev C, PL/TH/402 Rev C and PL/TH/401 Rev A, received by the Local Planning Authority on 1 and 2 February 2018.
3. The development (including any demolition) shall be undertaken in accordance with the detail and mitigation measures outlined in 'Bat Survey of Kimberley Brewery Buildings' report dated July 2015.
4. Notwithstanding the details shown on the 'proposed landscaping plan' PL/00/12 Rev A, details of the 'mixed shrubs' and materials to be used for the raised planting beds and hard surfacing within in the Brewery Yard shall first be submitted to and approved in writing by the Local Planning Authority. The hard surfacing shall be implemented prior to the occupation of any of the residential units hereby granted permission and shall then be retained for the life of the development. The approved planting shall be carried out no later than the first planting season following the substantial completion of the development. Any shrubs 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 a similar size and species to the satisfaction of the Local Planning Authority unless an alternative has first been agreed in writing.
5. No building works, including site clearance, shall commence until details of access to any individual phase of the site for construction traffic, including a timetable for its provision, have been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council as highway authority. The accesses shall be constructed in accordance with the agreed details and timetable.

6. No part of the development hereby permitted shall be brought into use until the site access has been constructed in accordance with the details shown on plan ref. C1534-202.
7. Details of how the existing gates to the access from Hardy Street shall be retained in such a way as to prevent them from being closed shall be submitted to and agreed in writing with the Local Planning Authority prior to occupation of any of the residential units hereby permitted.
8. Details of measures to prevent the deposit of debris upon the adjacent public highway for any individual phase of the site shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site and shall remain in place for the duration of site works.
9. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - (i) A preliminary risk assessment which has identified:
 - a) all previous uses potential contaminants associated with those uses
 - b) a conceptual model of the site indicating sources, pathways and receptors
 - c) potentially unacceptable risks arising from contamination at the site.
 - (ii) A site investigation scheme, based on (i) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (iii) The results of the site investigation and detailed risk assessment referred to in (ii) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the prior written consent of the Local Planning Authority. The scheme shall be implemented as approved.

10. Construction or the preparation of the site shall not occur except between 07:30 – 18:00 hours Monday to Friday and 08:30 and 13:00 hours Saturday and at no time on Sundays, Bank Holidays and other public holidays.
11. Development (including any demolitions) affecting the brewery tower shall be undertaken in accordance with the HSP Consulting report titled 'A Structural Appraisal, the Method Statement for the Demolition of the Buildings Adjacent to the Brewery Tower & Maltings 1 and Layout Plans for the Basements Together with Specifications and Details for Backfilling the Basements' dated 5 July 2016, received by the Local Planning Authority on 15 July 2016, the submission of the addendum by HSP Consulting titled 'Comments and Confirmations on the Report Undertaken by Capstone Consulting Engineers dated 29 September 2016 in Relation to the Proposed Demolition Works to be Undertaken at the Former Kimberley Brewery, Nottingham' dated 12 October 2016, received by the Local Planning Authority on 19 October 2016 and the e-mail dated 7 December from Howard Pratt of HSP Consulting.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting this order, no additions to the property within Class C or D of Schedule 2 Part 1, or works within Class A, Part 2 of the Order, where these are to the front elevation of the building facing onto the Brewery Yard, without the prior written permission of the Local Planning Authority by way of a formal planning permission.
13. No part of the development hereby permitted shall be brought into use until the access, parking and turning areas have been constructed so as to prevent the unregulated discharge of surface water from these areas to the public highway in accordance with details to be first submitted to and agreed by the Local Planning Authority. The agreed details shall be implemented and retained for the life of the development.
14. No part of the development hereby permitted shall be brought into use until the parking and turning areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawings number PL/00/12 Rev A. The parking and turning areas shall be retained in the bound materials for the life of the development and shall not be used for any purpose other than the parking and turning of vehicles.
14. Prior to the occupation of any of the apartments hereby granted permission details of the bin store, including plans, materials and manufacturer details shall be submitted to and agreed in writing by the Local Planning Authority. The development therefore shall be completed in accordance with this detail and retained for the life of the development.

15. No dwelling unit shall first be occupied until details of each curtilage boundary treatment for that respective plot have been submitted to and approved in writing by the Local Planning Authority and constructed in accordance with this approved detail.

Reasons:

17/00825/FUL

1. To comply with S92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with the aims of the NPPF.
4. To ensure the details are satisfactory in the interests of the appearance of the area, and in accordance with the aims of the NPPF, Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
5. In the interests of highway safety to ensure satisfactory access for construction traffic and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
6. To ensure an adequate means of access to the site in the interests of highway safety.
7. To enable vehicles to clear the public highway in the interests of highway safety.
8. To ensure deleterious material is not deposited on the public highways.
9. To protect the surrounding residential properties from excessive operational noise in accordance with the aims of Policy E34 of the Broxtowe Local Plan (2004).
10. To ensure the satisfactory appearance of the development, thereby protecting the designated heritage asset in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).
11. To ensure the satisfactory appearance of the development, thereby protecting the designated heritage asset in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).
12. To ensure the satisfactory appearance of the development and to protect the historic fabric of the building, thereby protecting a designated heritage asset in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).

13. In the interests of highways safety.
14. In the interests of highways safety.
15. No such details were provided and to ensure that the development presents a satisfactory appearance within the conservation area, in accordance with the aims of the NPPF, policy H7 of the Broxtowe Local Plan (2004) and policies 10 and 11 of the Aligned Core Strategy (2014).
16. In the interests of public health and safety.

17/00790/LBC

1. To comply with Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with the aims of the NPPF.
4. To ensure that the remaining adjacent historic buildings are protected from harm during and after the demolitions hereby permitted with this development, in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).
5. To ensure that features of heritage value are preserved, in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).
6. To ensure the satisfactory appearance of the development in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).
7. To ensure the satisfactory appearance of the development and to protect the historic fabric of the building, thereby protecting a designated heritage asset in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).
8. To ensure the satisfactory appearance of the development, thereby protecting the designated heritage asset in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).
9. To ensure the satisfactory appearance of the development, thereby protecting the designated heritage asset in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).
10. To ensure the satisfactory appearance of the development and to protect the historic fabric of the building, thereby protecting a

designated heritage asset in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).

17/00701/FUL

1. To comply with S92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with the aims of the NPPF.
4. To ensure the details are satisfactory in the interests of the appearance of the area, and in accordance with the aims of Section 12 of the NPPF, Policy H7 of the Broxtowe Local Plan (2004) and Policies 10 and 11 of the Aligned Core Strategy (2014).
5. In the interests of highway safety to ensure satisfactory access for construction traffic and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
6. To ensure an adequate means of access to the site in the interests of highway safety.
7. To enable vehicles to clear the public highway in the interests of highway safety.
8. To ensure deleterious material is not deposited on the public highways.
9. In the interests of public health and safety.
10. To protect the surrounding residential properties from excessive operational noise in accordance with the aims of Policy E34 of the Broxtowe Local Plan (2004).
11. To protect the structural integrity of the building and to ensure the satisfactory appearance of the development, thereby preserving the setting of a designated heritage asset in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).
12. To ensure that the building continues to be of a satisfactory appearance within the setting of Kimberley Conservation Area and Listed Buildings within the Brewery Yard in accordance with Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).
13. In the interests of highways safety.
14. In the interests of highways safety.

15. No such details were provided and to ensure that the development presents a satisfactory appearance within the conservation area, in accordance with the aims of Section 12 of the NPPF and Policy 11 of the Aligned Core Strategy (2014).
16. No such details were provided and to ensure that the development presents a satisfactory appearance within the conservation area, in accordance with the aims of Section 12 of the NPPF, Policy H7 of the Broxtowe Local Plan (2004) and policies 10 and 11 of the Aligned Core Strategy (2014).

Planning permission be granted for application 17/00771/FUL subject to the following conditions:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years beginning with the date of this consent.
2. The development hereby permitted shall be carried out in accordance with PL/TH/403, PL/00/05 Rev C, PL/503 Rev A, PL/504 Rev A, PL/501 Rev A and PL/502 Rev A, received by the Local Planning Authority on 11 and 9 January 2018, 31 October and 2 November 2017 respectively.
3. The dwellings shall be constructed of Carlton Victorian Red and/or Hadley Red Smooth bricks and Cembrit Moorland slates unless an alternative is first agreed in writing with the Local Planning Authority.
4. No dwelling shall be first occupied until its own boundary has been erected in accordance with the details shown on plan PL/504 Rev A.
5. Construction or the preparation of the site shall not occur except between 07:30 – 18:00 hours Monday to Friday and 08:30 and 13:00 hours Saturday and at no time on Sundays, Bank Holidays and other public holidays.
6. No part of the development hereby permitted shall be bought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel). The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
7. No part of the development hereby permitted shall be bought into use until the access, parking and turning areas have been constructed so as to prevent the unregulated discharge of surface water from these areas to the public highway in accordance with details to be first submitted to and agreed by the Local Planning Authority. The agreed details shall be implemented and retained for the life of the development.

8. Prior to the occupation of any of the dwellings hereby permitted details of the bin store, including plans, materials and manufacturer details shall be submitted to and agreed in writing by the Local Planning Authority. The development therefore shall be completed in accordance with this detail and retained for the life of the development.

Reasons:

1. To comply with S92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure the satisfactory appearance of the development in accordance with Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
4. To assure the amenity of residents of the new properties and to protect the appearance of the locality in accordance with Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Aligned Core Strategy and the aims of the NPPF.
5. To protect the surrounding residential properties from excessive operational noise in accordance with the aims of Policy E34 of the Broxtowe Local Plan (2004).
6. To reduce the possibility of deleterious material being deposited on the public highway.
7. To ensure surface water from the site is not deposited on the highway causing dangers to road users.
8. No such details were provided and to ensure that the development presents a satisfactory appearance within the conservation area in accordance with the aims of Section 12 of the NPPF, Policy H7 of the Broxtowe Local Plan (2004) and policies 10 and 11 of the Aligned Core Strategy (2014).

Notes to Applicant:

For all applications

1. This permission/consent has been granted contemporaneously to a Section 106 Agreement and addendums thereto and reference should be made to these documents.
2. 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 with positive amendments being sought and made during the course of the application.

3. The developer will need to purchase bins for each property. Notice will be served in due course. Bins will need to be presented on collection day no more than 25 metres from the collection point (the highway).
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 01623 646 333.

Further information is also available on The Coal Authority website at www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service at www.groundstability.com

60.2 17/00455/FUL

Demolish existing servicing garage and bungalow and construct 12 dwellings
205A Bye Pass Road, Chilwell, Nottinghamshire NG9 5HR

The application sought permission to construct 12 semi-detached houses following the demolition of a servicing garage, currently used as a hand car wash, and a bungalow (205 Bye Pass Road).

There were no late items and no public speakers on this application.

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

- It was suggested that an education contribution should be conditioned since, if the developer did not pay for this, then the local authority may have to should more secondary school places be required as a result of the development.
- It was becoming increasingly common for developers not to include viability assessments.

Councillor G Marshall proposed an amendment to include a contribution for a Section 106 contribution to education unless the applicant submitted a viability assessment and that a further report be submitted to a future meeting. The amendment was seconded by Councillor P J Owen and, on being put to the meeting, was carried.

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

- (i) prior completion of either an agreement under Section 106 of the Town and Country Planning Act 1990 or a Unilateral Undertaking in respect of bus stop improvements; and**
- (ii) the following conditions, together with the inclusion of a S106 contribution to education referred to within the aforementioned proposal:**
 - 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of the permission.**
 - 2. The development hereby permitted shall be carried out in accordance with drawing numbers: The Site Location Plan and 16/295/04 'House Type B' received by the Local Planning Authority on 27 June 2017; 16/295/03 Rev A 'House Type A' and 16/295/05 Rev A 'Street Scene Proposed' received by the Local Planning Authority on 14 November 2017 and 16/295/02 Rev B 'Layout Plan' received by the Local Planning Authority on 21 November 2017.**
 - 3. No development above slab level shall commence until samples of the proposed external facing brickwork and roofing materials have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.**
 - 4. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (C1444/FRA/RH Revision B compiled by HSP Consulting in November 2016). This includes the provision of compensatory flood storage to at least 591m³ to maintain current flood storage of the site; access routes to be set no lower than 27.32m AOD; finished floor levels to be set no lower than 27.79m above AOD; and the occupants to sign up to the Environment Agency Flood Alerts. The mitigation measures shall be fully implemented prior to occupation and the physical measures shall be retained for the lifetime of the development.**
 - 5. (a) No development shall commence, including site clearance works, until a risk assessment and site investigation scheme have been carried out and a report submitted to and approved in writing by the Local Planning Authority. The assessment must have regard to all previous uses, potential contaminants, a conceptual model of the site indicating sources, pathways and receptors and potential unacceptable risks arising from contamination. The scheme, based on the above, 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 scheme shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems and shall include a verification plan to state how it will be demonstrated that the remediation works have been carried out.**

- (b) No building to be erected pursuant to this permission shall be first occupied or brought into use until:**
- (i) all the necessary remedial measures for that respective building have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and**
 - (ii) It has been certified to the satisfaction of the Local Planning Authority, through the submission of a verification report which accords with the verification plan, that the necessary remedial measures for that respective building have been implemented in full.**
- 6. No development, including site clearance, shall commence until details of retained trees and measures for their protection have been submitted to and agreed in writing by the Local Planning Authority. The agreed fencing shall be in place before any equipment, machinery or materials are brought onto 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.**
- 7. No development above slab level shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:**
- (a) details of any works to existing trees;**
 - (b) numbers, types, sizes and positions of proposed trees and shrubs;**
 - (c) planting, seeding/ turfing of other soft landscape areas;**
 - (d) details of the site boundary treatments and curtilage boundary treatments;**
 - (e) a timetable for implementation of the scheme.**

The landscaping scheme shall be carried out in accordance with the approved timetable. If any trees or plants, which, within a period of 5 years, die, are removed or have become seriously damaged or diseased they shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.

- 8. No dwelling accessed from the new access road shall be occupied until the road is constructed in accordance with the Highway Authority's specification.**
- 9. No dwelling shall be first occupied until:**
- i. Redundant accesses are permanently closed and reinstated as footway; and**

- ii. **Parking areas and driveways are surfaced in a suitable hard bound material (not loose aggregate) and drained to prevent the unregulated discharge of surface water onto the public highway.**
- 10. No development, including site clearance, shall commence until wheel washing facilities have been installed on 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.**
- 11. The first floor windows in the side elevations of the approved dwellings shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) before the respective plots are first occupied and thereafter retained in this form for the lifetime of the development.**
- 12. Notwithstanding the provisions of Article 3 and Schedule 2, Part 1 and Classes A and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification), no extensions and no additional buildings shall be constructed within the flood compensation area (as shown by the demarcation line on drawing 16/295/02 Rev B 'Layout Plan' received by the Local Planning Authority on 21 November 2017) 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. Insufficient details were included with the application and to ensure that the details are satisfactory, in accordance with the aims of the NPPF and Policy 10 of the Broxtowe Aligned Core Strategy (2014).**
- 4. To reduce the risk of flooding to the proposed development and future occupants, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to ensure safe access and egress from and to the site in the event of a flood and in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014).**

5. The development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of public health and safety, to improve and protect water quality and in accordance with the aims of the NPPF, Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy E29 of the Broxtowe Local Plan (2004).
6. Insufficient details were included with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the existing trees are not adversely affected and in accordance with the aims of Policy E24 of the Broxtowe Local Plan (2004).
7. To ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policies H7 and E24 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
- 8, 9 & 10. In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
11. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
12. To ensure that the compensatory flood storage area is maintained for the lifetime of the development, to reduce the risk of flooding to the proposed development and future occupants, to prevent flooding elsewhere and in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014).

Notes to Applicant:

1. Best practicable means should be used during construction to ensure that disturbance is kept to a minimum. It is advised that contractors limit noisy works to between 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays and no noisy works on Sundays and bank holidays. There should also be no bonfires on site at any time to prevent nuisance to neighbours.
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. An agreement under Section 38 of the Highways Act 1980 will be required. A Traffic Regulation Order will be required to amend the lining and a lighting column will need

to be relocated. It is also an offence under Sections 148 and 151 of the Highways Act 1980 to deposit mud onto the public highway. The applicant is advised to contact the Nottinghamshire County Council as Highways Authority at an early stage (Tel: 0300 500 8080).

3. The applicant is advised to contact the Council's Waste and Recycling Section (0115 9177777) to discuss waste and refuse collection requirements.

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.

60.3 17/00864/FUL

Convert building into 4 flats, insert first floor side window
134-136 Brookhill Street, Stapleford, Nottinghamshire NG9 7GN

The application, which sought permission to convert a detached house into four, one bed roomed flats and insert a first floor side window, had been called in by Councillor R D MacRae. The proposals sought to bring a vacant building back into use.

There were no late items in respect of the application. Mr Andrew Cox, applicant, addressed the Committee prior to the general debate.

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

- The property was in need of restoration and there was confidence that the applicant would do a good job.
- Parking at the premises would not cause an impediment since there was sufficient room.
- Local concerns had been assuaged by the applicant reducing the proposals from five flats to four.
- The building needed bringing into the 21st century.
- The ward member who had called in the application requested the developer to position skips at the rear of the premises, which the applicant confirmed would be the case.

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 the permission.
2. The development hereby permitted shall be carried out in accordance with drawings: Site Location Plan (1:1250) and Block Plan (1:500) received by the Local Planning Authority on 19 December 2017 and Proposed Roof/Floor Plan and Proposed Elevations received by the Local Planning Authority on 19 February 2018.

3. The parking spaces shown on the parking plan shall be provided prior to the first occupation of any flat, and thereafter retained as such for the lifetime 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. In the interests of highway safety to ensure the provision of on-site parking.

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. Best practicable means should be used during construction to ensure that disturbance is kept to a minimum. It is advised that contractors limit noisy works to between 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays and no noisy works on Sundays and bank holidays. The applicant should ensure that any works comply with current British standards for fire safety, fire separation and noise insulation. There should also be no bonfires on site at any time to prevent nuisance to neighbours and reasonable steps should be taken to damp down the site to minimise dust and litter emissions.

60.4 17/849/FUL

Construct single two storey side extension following demolition of garage
419 High Road, Chilwell, Nottinghamshire NG9 5EA

Members had deferred determination of the application at Planning Committee on 14 February 2018 to allow time for amendments to be sought to create a gap between the proposed extension and the side wall of the neighbouring property.

The Committee was referred to the summary of late items which comprised an objection from the neighbouring property.

Mr Johnson, objecting, addressed the Committee prior to the general debate.

RESOLVED that planning permission be refused.

Reason

The development is considered to be overbearing and represent overdevelopment of this part of the site, due to the proximity of the extension to the boundary. The close proximity to the boundary is considered to cause a loss of amenity to neighbours and to the occupants of the application property, due to reduced side access. Accordingly, the development is considered to be contrary to the aims of Policy H9 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the draft Broxtowe Part 2 Local Plan (Publication Version 2017).

60.5 17/00854/FUL

Construct Manège

Land to the rear of Holly Farm Bungalow, Main Street, Newthorpe NG16 2DL

The application proposed the construction of a horse exercise manège on the field situated to the north of Holly Farm Bungalow.

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

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

- It was stated that there were two public footpaths running across the field which had been blocked off resulting in limited access.
- Access for residents across the property would be welcomed and footpaths should be made clear so that people could access the countryside.
- Paragraph 6.4.1 to the report was deemed to be confusing, it suggesting there would be an obstruction to the public right of way. It was however stated that the proposed manège would not obstruct the right of way.
- The whole issue of footpaths was inter-related with the application.

Councillor P J Owen, seconded by Councillor M Brown, proposed that consideration of the application be deferred until members received clarity regarding the footpath and right of way situation. The proposal, on being put to the meeting, was carried.

RESOLVED that consideration of the application be deferred.

Reason

So that further information could be presented to members regarding footpath and rights of way issues.

60.6 17/00386/ADV

Display signage

The Old Rock, 1-3 Nottingham Road, Stapleford NG9 8AB

The application, which sought advertisement consent to retain and display a variety of signs, had been called in by Councillor R D MacRae.

The Committee was referred to the summary of late items which referred to a letter of objection.

Mr Baxter (objecting) and Mr Mohammed (on behalf of the applicant) addressed members prior to the general debate.

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

- The ward member expressed concern that no comments had been submitted by Stapleford Town Council although he was aware the matter had been debated at a recent Town Council meeting.
- The signs and the building were impressive and the only suggestion for improvement was that the building would benefit from a paint refresh to make it 'whiter'.

Councillor R D MacRae proposed deferral of consideration of the application to establish whether or not Stapleford Town Council's comments had been received and considered, since he suspected they had not been. The proposal was seconded by Councillors G Marshall and R S Robinson and, on being put to the meeting, was carried.

RESOLVED that consideration of the application be deferred.

Reason

To establish whether or not Stapleford Town Council's comments had been received and considered.

60.7 17/00871/FUL
Construct single storey side extension
7 Abbey Drive, Beeston, Nottingham NG9 2GQ

The application, which sought permission to construct a single storey side extension, had been called in by Councillor S J Carr.

The Committee was referred to the summary of late items which included objections from the neighbouring resident.

Ms Anna Danhall, objecting, addressed the Committee prior to the general debate.

The application was debated and the following comments were amongst those noted:

- Members has viewed the applicant and objector's gardens on the site visit and it was considered that the reduction in garage size was in keeping.

- The gardens were of a good size and it was not considered that the proposed development would have an overbearing impact.

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 Survey-Plans (17/060 S1-01 Rev A) at scale 1:100, 1:500 and 1:1250, received by the Local Planning Authority on 3 January 2018, the Location and Block Plan (17.060 S03.03 Rev B) at scale 1:500 and 1:200, the Proposed Elevations (17.060 S1-02 Rev D) at scale 1:100 and the Proposed Plan (17.050 S03.01 Rev C) at scale 1:100 and 1:500 received by the Local Planning Authority on 5 March 2018.**
- 3. The extension shall be constructed using materials of a type, texture and colour so as to match those of the existing building.**

Reasons:

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy H9 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.**

Notes to Applicant:

- 1. The decision has been reached taking into account the guidance in paragraphs 186-187 of the National Planning Policy Framework, with positive amendments having actively been sought during the consideration of the application.**
- 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/>**

60.8 18/00092/REG3

Change of use from offices (Class B1) to residential (Class C3)

Cavendish Lodge, Devonshire Avenue, Beeston NG9 1BS

The application, as detailed above, had been brought to Committee for determination since it was a Borough Council application.

There were no late items or 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 Location Plan received by the Local Planning Authority on 5 February 2018; Proposed Layout Ground Floor; Proposed Layout First Floor; and Proposed Layout Second Floor received by the Local Planning Authority on 7 February 2018.**
- 3. The dwelling shall not be occupied 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. trees, hedges and shrubs to be retained.**
 - b. numbers, types, sizes and positions of proposed trees and shrubs**
 - c. details of boundary treatments;**
 - d. proposed hard surfacing treatment; and**
 - e. planting, seeding/turfing of other soft landscape areas**

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

- 4. The dwelling shall not be occupied until a vehicular access has been constructed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained in accordance with the agreed details for the lifetime 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 with the application and to ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014).**

4. No such details were submitted, in the interests of highway safety and the appearance of the conservation area and to safeguard the trees beside the road frontages.

Notes to Applicant:

1. The decision has been reached taking into account the guidance in paragraphs 186-187 of the National Planning Policy Framework with a decision being reached within the 8 week determination period.
2. The development 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 for Highway Area Office on telephone 0300 500 80 80 to arrange for these works to be carried out.

This planning permission only relates to a change of use. Any external works to the building may require separate planning permissions.

61. INFORMATION ITEMS

61.1 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.

61.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 20 January and 23 February 2018. Councillor R D MacRae referred to an incident relating to application reference 17/00727/FUL and it was confirmed that Broxtowe's enforcement officer was liaising with Building Control colleagues.