

PLANNING COMMITTEE

23 MAY 2018

Present: Councillor M Handley, Chair

Councillors:	D Bagshaw	J W McGrath
	L A Ball BEM	J K Marsters
	T P Brindley	M Radulovic MBE
	M Brown	P D Simpson
	R I Jackson	A W G A Stockwell
	R D MacRae	

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

1. **DECLARATIONS OF INTEREST**

Councillor L A Ball BEM declared a pecuniary interest in agenda item 5.1 due to her employment and would withdraw from the meeting during debate and voting on that item in the interests of transparency, minute number 4.1 refers.

Councillor R D MacRae declared a non-pecuniary interest in agenda item 5.3 as he had attended a number of public meetings on this matter, minute number 4.3 refers.

Councillor J W McGrath declared a non-pecuniary interest in agenda item 5.3 as he had attended a number of public meetings on this matter, minute number 4.3 refers.

2. **MINUTES**

The minutes of the meeting held on 18 April 2018 were confirmed and signed.

3. **NOTIFICATION OF LOBBYING**

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

4. DEVELOPMENT CONTROL

4.1 15/00010/FUL

Construct 67 no. dwellings

Land off Acorn Avenue, Giltbrook, Nottingham, NG16 2UF

The application had been brought back to Committee following the undertaking by the Head of Neighbourhoods and Prosperity to update members on the progress made on flooding matters since the resolution to grant planning permission subject to a section 106 Agreement at the meeting of the Committee which took place on 11 November 2015. The monies from the section 106 agreement were intended to fund flood alleviation measures.

The Committee was referred to the summary of late items which noted that there had been eight emails from local residents largely relating to objections and concerns raised in respect of flooding and drainage in the area, alongside an email from another resident who was concerned about traffic, pollution, loss of amenity and overdevelopment.

Mr Davidson, objecting, and Councillor E Cubley (Ward Member) addressed the Committee prior to the general debate.

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

- It was noted that the resolution was subject to the section 106 agreement and that the conditions in place required extensive details of the flood mitigation plan, which would be for the whole local area.
- There was planning permission for 63 houses in place, without a section 106 agreement for the flood mitigation scheme. The scheme for 67 houses, if approved, would include £100,000 of funding towards flood mitigation across the whole area, with the design to be decided upon by Severn Trent in conjunction with Nottinghamshire County Council.
- There was reluctance to support the amendments to the site whilst the details of the flood mitigation plan were not in the public domain.
- There was concern about the site continuing to be derelict and subject to antisocial behaviour.

Councillor M Handley proposed that the recommendation be approved and Councillor T P Brindley seconded the motion. Councillor Radulovic proposed a recorded vote in respect of the aforementioned proposal and Councillor R I Jackson seconded the motion which, on being put to the meeting was carried. The voting was as follows:

For

J S Briggs
T P Brindley
M Brown
M Handley

Against

D Bagshaw
J W McGrath
M Radulovic MBE

Abstention

R I Jackson
R D MacRae
J K Marsters
A W G A Stockwell
P D Simpson

RESOLVED that the Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission for application 15/00010/FUL subject to prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and the conditions set out below.

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawings numbered AAGDR01-SLP Revision K received by the Local Planning Authority on 4 April 2018 and drawings numbered: KB1/2017 (OSG) Rev A, KB1/2017 (HSG) Rev A, N2/2017 (HSG) REV a, K7/2017 (OSG) Rev A, K7/2017 (HSG) Rev A, received by the Local Planning Authority on 26 February 2018 and drawings numbered: KA2/2017 (HSG), KA2/2017 (OSG), A1/2018 (OSG), A1/2018 (HSG), B6/2017 (OSG), C8/2016 (OSG), C9/2016 (OSG), C9/2017(HSG), S20/2018 (OSG), S20/2018 (HSG), T20/2017 (OSG), T20/2017 (HSG), Z4/2018 (OSG), Z4/2018 (HSG), DA3/2017 (O), DA3/2017 (H), E20/2016 (OSG), E20/2017 (SG), F5/2018 (HSG), plot 223 F5/2018 (OSG) and plot 224 F5/2018 (OSG) received by the Local Planning Authority on 2nd February and 27 March 2018 and drawing numbered: Garage/DG/2/88s/B Revision A, received by the Local Planning Authority on 12 January 2015.**
- 3. No building operations shall be carried out until details of the manufacturer, type and colour of the materials to be used in the facing walls and roofs, details of the colour of the rainwater goods, and the colour and location of the external meter cupboards 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 approved shall be commenced until the coal mining remedial works, as recommended in the Geoenvironmental Appraisal Report (March 2013) and the Interim Report on the Geological/ Mining Position of Giltbrook Farm Site, Eastwood, Nottingham (November 1979, K. Wardell and Partners) as annotated on the accompanying drawing (K. Wardell and Partners, Drawing No. 10/3176/1 have been implemented in full to the satisfaction of the Local Planning Authority.**
- 5. (a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and**

water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.

- (b) No building to be erected pursuant to this permission shall be first occupied or brought into use until:-
- i. All the necessary remedial measures have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and
 - ii. It has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified, unless an alternative has first been approved in writing by the Local Planning Authority.
6. No part of the development hereby approved shall commence until a detailed surface water drainage scheme and foul sewage scheme, including details of the attenuation feature subject to planning application 15/00018/REG or an alternative drainage strategy based on sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall demonstrate:
- Surface water drainage system(s) designed in accordance with CIRIA C697 and C687 of the National SUDS Standards, should the latter be in force when the detailed design of the surface water drainage system is undertaken.
 - Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm ideally to Greenfield rates for the site but as a minimum not to exceed the run-off from the undeveloped site and will not increase the risk of flooding off-site.
 - Provision of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SCO30219 Rainfall Management for Developments'.
 - Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
7. No part of the development hereby approved shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services and any proposed structural works. Pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicle access leading to parking spaces and/ or garages. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
 8. No dwelling shall be first occupied unless and until its associated access driveway and/or parking spaces have been constructed to prevent the unregulated discharge of surface water from the driveway and/or parking spaces onto the public highway.
 9. No part of the development hereby approved shall commence until wheel washing facilities have been installed on the site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no debris is discharged or carried onto the public highway. These facilities shall be retained on the site until the substantial completion of construction work.
 10. The erection of fencing for the protection of the protected trees shall be undertaken in accordance with details to be submitted to and approved by the Local Planning Authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.
 11. No part of the development hereby approved shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:
 - (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development
 - (b) numbers, types, sizes and positions of proposed trees and shrubs
 - (c) proposed hard surfacing treatment including detailing of the footpaths
 - (d) planting, seeding/turfing of other soft landscape areas

(e) proposed boundary treatments including along the external boundaries.

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

- 12. The approved landscaping shall be carried out not later than the first planting season following which 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.**
- 13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) within Schedule 2, Part 1, Classes A, B, or C shall be made to the following dwelling house(s) as shown on drawing number AAGDR01-SLP Revision K: Plots 223, 224 and 250 without the express permission in writing of the Local Planning Authority.**

Reasons

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. No such details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).**
- 4. In the interests of public health and safety.**
- 5. In the interests of public health and safety and in accordance with Policy E29 of the Broxtowe Local Plan (2004).**
- 6. To prevent the increased risk of flooding, to improve and protect water quality; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014) and the National Planning Policy Framework (2012).**
- 7. In the interests of highway safety.**
- 8. In the interests of highway safety to ensure surface water from the site is not deposited on the public highway causing danger to road users**
- 9. In the interests of highway safety.**
- 10. To ensure the existing trees protected by a Tree Preservation Order are not adversely affected and in accordance with Policy E24 of the Broxtowe Local Plan (2004)**
- 11. To ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).**
- 12. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).**

13. To protect the amenity of neighbouring occupiers and in accordance with Policy 10 of the Broxtowe 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 communicating with the agent during the course of the application.
2. Conditions 3,4,5,6,7,9 and 11 are required to be pre-commencement conditions as no/insufficient information on those matters was submitted with the application and as those parts of the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of those aspects, respectively, of the development commencing.
3. Any tree works should be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time then a suitably qualified ecologist should be on site to survey for nesting birds. Birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).
4. Greasley Footpaths Number 54 and 55 runs through the site. The footpath should remain open and unobstructed at all times. If a temporary closure of the footpath is required Nottinghamshire County Council's Countryside Access Team must be contacted at least 5 weeks before to allow for a Temporary Closure Order to be put in place. Nottinghamshire County Council can be contacted on 0300 500 8080.
5. 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. This may result in problems to occur in the future, particularly as a result of the development taking place. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.
The applicant should be aware that any intrusive activities and any subsequent treatment require the prior written permission of the Coal Authority. Failure to obtain permission will potentially result in court action. The Coal Authority can be contacted on 0845 762 6848 and further information is provided on <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

(Councillor L A Ball BEM, having declared a pecuniary interest, left the meeting before debate or voting thereon.)

4.2 17/000866/FUL

Construct 39 bedroom hotel (Class C1) with associated car parking and ancillary development

Land to the north of Old Moor Lodge, Mornington Crescent, Nuthall, NG16 1QE

The application, which sought permission to erect a 39 bedroom hotel next to the Old Moor Lodge public house, had been called in by Councillor P J Owen. The item had been deferred by the Committee at the meeting of 18 April 2018 to allow for further discussion with applicant and highways to enable members to fully understand current parking levels, proposed parking levels and whether there would be sufficient parking, specifically at peak times such as early evening.

The Committee was asked to note the late item comprised of an email from a resident documenting their concerns about car parking in the area.

Ms Tina Morhouse (on behalf of the applicant) and Mrs Meena Sahdev (objecting) addressed the Committee prior to the general debate.

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

- Planning permission had previously been granted for a 44 bedroom hotel, but this had lapsed.
- The scheme had been revised to provide 11 additional car parking spaces, including four disabled spaces.
- The hotel would bring in tourists and therefore create jobs in the area.

The motion was proposed by Councillor M Handley and seconded by Councillor L A Ball BEM. On being put to the meeting the motion was carried unanimously.

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 drawing numbers: Location Plan, 4366 A001, received by the Local Planning Authority 19th December 2017, Soft Landscape Details, MR17-057/101A, and Ground Investigation Report (J17152A February 2018) received by the Local Planning Authority 20th March 2018, Proposed Elevations and Roof Plan, 4366 A102E, Proposed Floor Plans, 4366 A101B received by the Local Planning Authority 23rd March 2018 and Proposed Compound Plan, 4366 A009B, Proposed Fence Details, 4366 A055C, Proposed Site Plan, 4366 AO22J and Proposed Hard Landscaping, 4366 AO44D received by the Local Planning Authority 2nd May 2018.**

3. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are provided in accordance with the approved plans. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall remain available as such for the life of the development.
4. The development hereby approved shall be undertaken and carried out in accordance with the details and mitigations measures outlined in the submitted Preliminary Ecological Appraisal (Torc Ecology, July 2017) and the Badger EclA Report (Torc Ecology, October 2017).
5. The 1.8 metre high close boarded timber fence shown on drawing no. 4366-A005 Rev B, received by the Local Planning Authority on 5th April 2018 shall be erected in its entirety prior to development (including site clearance) commencing and shall be retained for the life of the development.
6. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner 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.

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 Interest of highway safety.
4. To ensure the development does not have an adverse impact upon species specifically protected under the schedule of the Wildlife and Countryside Act 1981 in accordance with the aims of the NPPF.
5. In the interests of visual amenity.
- 6 To ensure the development presents a more pleasant appearance in the locality.

Note 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 seeking amended plans to address the issues identified on the officers site visit.

2. **Given the proximity of residential neighbours to the application site, contractors are advised to limit any noisy construction works to between 08.00 – 18.00 on Monday – Friday and between 08.00 – 13.00 on Saturdays, and not at all on Sundays or Public Holidays.**
3. **No clearance of vegetation shall be conducted during the bird breeding season (March to August inclusive), except under the guidance of a suitably qualified and experienced ecologist.**

4.3 17/00873/FUL

Change of use from retail (Class A1) to retail and residential (Class C3) to create 6 flats and external alterations including side dormer
54 Derby Road, Stapleford, Nottinghamshire, NG9 7AB

The application sought permission to retain the use of a ground floor vacant retail unit previously used as a carpet shop and convert the first and second floors in to six residential flats. Councillor J W McGrath had requested that this application be determined by the Committee and the application was deferred to allow for the collation of further information about car parking.

Members were asked to consider the late items which included a statement from the applicant's agent stating that their parking survey showed capacity within the immediate locality to provide sufficient parking for the proposed flats.

Mrs Hanger (objecting) addressed members prior to the general debate.

The item was debated with particular reference to the following:

- Concern about the lack of car parking facilities and that the flats would be more akin to bedsits than long term homes for people.
- That the parking surveys had been done during the day, rather than at weekends or in the evening.
- It was noted that Deacon House was a prominent building that was currently underutilised and at risk of dereliction. The proposal would bring the building back into use and provide homes.

A point of order was raised concerning the fact that the agent for the developer had at one time been an employee of the Council. Clarification was given that an interest would need to be declared in circumstances where members considered themselves to have a personal relationship with the applicant or agent.

The motion was proposed by Councillor M Handley and seconded by Councillor L A Ball BEM. On being put to the meeting the motion was carried.

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 the permission.
2. The development hereby permitted shall be carried out in accordance with the Site Location Plan received by the Local Planning Authority on 27 December 2017, Proposed Elevations and Roof Plans received by the Local Planning Authority on 20 March 2018 and Proposed Floor Plans received by the Local Planning Authority on 22 March 2018.
3. Any materials used in the external alterations of the building should be 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 10 of the Broxtowe Aligned Core Strategy (2014).

Note 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 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/>

- 4.4 18/00089/FUL
Retain 10 satellite dishes and 1 aerial
Hopkins Court, Scargill Walk, Eastwood. NG16 3AZ

The application proposed to retain ten satellite dishes and one aerial that had been erected on the three buildings that made up Hopkins Court. The application was brought before the Committee as it was a Council application.

There were no late items and no public speakers.

Members debated the application and it was noted that there were no objections from residents, neighbours or the Conservation Officer.

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

The development hereby permitted shall be retained in accordance with drawing numbers CW18:014:002 (1:100); received by the Local Planning Authority on 5 April 2018.

Reason

For the avoidance of doubt.

Note to applicant

The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by determining the application within the eight week determination timeframe.

4.5 17/00802/ADV

Retain 10 Flagpoles

Evans Halshaw, Nottingham Road, Attenborough, NG9 6DQ

The application sought consent to retain ten flagpoles and Councillor L Fletcher had requested that the application be determined by the Committee.

There were no late items pertaining to the application.

Mr Morley MBE (objecting) and Councillor L Fletcher (Ward Member) addressed members prior to the general debate.

The application was debated with the following points made:

- There was an existing planning condition which prohibited the use of flags, bunting or similar display material from being erected on the site without the prior permission of the Council to prevent visual clutter.
- There was a public safety issue with the possibility of the flags being a distraction to drivers. There was also concern that the flags were being moved around the site and secured in place with car wheels, and that this could be unsafe.
- Permission had been given for three large flag poles on site, though they did not have permission to display advertising.
- The residential area was a considerable distance away and the flags could not be seen from Ransom Road.
- There was a debate as to whether the area was predominantly a business or residential area.
- There was no necessity for more advertising material when the site was already extremely visible to passers-by on Nottingham Road.

RESOLVED that advertisement consent be refused.

Reason

The retention of the flags amounts to visual clutter which is harmful to the visual amenity of the area and would be a distraction to motorists which is harmful to highway safety. Accordingly, the proposal conflicts with paragraph 67 of the National Planning Policy Framework.

5. INFORMATION ITEMS

5.1 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.

5.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 4 March 2018 and 4 May 2018.