

**MINUTES
PLANNING COMMITTEE**

Wednesday 27 November 2024

Councillor Roy Allan (Chair)

In Attendance:	Councillor Paul Wilkinson	Councillor Julie Najuk
	Councillor Sandra Barnes	Councillor Lynda Pearson
	Councillor Stuart Bestwick	Councillor Sam Smith
	Councillor David Ellis	Councillor Ruth Strong
	Councillor Rachael Ellis	Councillor Jane Walker
	Councillor Andrew Ellwood	Councillor Henry Wheeler
	Councillor Helen Greensmith	

Absent: Councillor Catherine Pope, Councillor Grahame Pope and Councillor Russell Whiting

Officers in Attendance: C Goodall, M Avery, N Bryan, J Krawczyk, N Osei, H Stylianou and C Turton

36 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Catherine Pope, Grahame Pope and Whiting. Councillor Rachael Ellis attended as substitute.

37 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 26 SEPTEMBER 2024.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

38 DECLARATION OF INTERESTS

None.

39 APPLICATION NO. 2024/0404 - BAPTIST CHURCH, CROSS STREET, ARNOLD

Conversion of church building to 9 no. residential apartments and erection of 14 apartments, including ancillary bin stores, cycle stores and landscaping.

Taj Ubi, the applicant, spoke in support of the application.

The Principal Planning Officer introduced the report.

Councillor Smith joined the meeting.

RESOLVED:

TO GRANT PLANNING PERMISSION: Subject to the owner(s) entering into a planning obligation secured through a s106 legal agreement with the Borough Council as the Local Planning Authority and the County Council to secure an affordable housing financial contribution; the provision of build to rent flat units in perpetuity; bus stop infrastructure; monitoring and a local labour agreement; and subject to the conditions listed for the reasons set out in the report.

Conditions

1 The development must be begun not later than three years beginning with the date of this permission.

2 The development hereby permitted shall be completed in accordance with the submitted documents;-

Drawing no. 0164 S2 Rev P04, Conversion Proposed Elevations, received 7th October 2024

Drawing no. 0121 S2 Rev P03, Conversion Proposed Floorplans, received 7th October 2024

Drawing no. 01 S2 Rev P05, Conversion New Apartments Floorplans, received 7th October 2024

Drawing no. 0165 S2 Rev P04, New Build Proposed Elevations received 7th October 2024

Drawing no. 0170 S2 Rev P03, Proposed Site Street Elevations, received 24th September 2024

Drawing no. 0102 S2 Rev P05, Proposed Site Plan, received 11th June 2024

Drawing no. 0161 S2 P03, Conversion Demolition Elevations, received 11th June 2024

Drawing no. 0168 S2 P03, Cycle Store Details – Church Conversion, received 11th June 2024

Drawing no. 0169 S2 P03, Cycle Store Details – New Apartments, received 11th June 2024

Drawing no. 0120 S2 P04, Conversion – Existing + Demolition Floor Plans, received 11th June 2024

Drawing no. 0101 S2 P04 Existing Site Plan, received 11th June 2024

Drawing no. 0100, Site Location Plan, received 11th June 2024

Application forms, received 11th June 2024

- 3 No above ground construction works shall commence until samples of the proposed external facing materials to be used in the construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
- 4 No unit shall be occupied as a C3 residential use until a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries, cycle storage area and bin storage area, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the buildings is first occupied as a C3 residential use.
- 5 No development shall be commenced until full details of hard landscape works have been submitted to and approved in writing by the local planning authority. The scheme as approved shall be carried prior to the first occupation of the development.
- 6 No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy CSBC-DCE-XX-XX-RP-C-0001, April 2024, Dice., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
 - Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
 - Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
 - Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

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 30 year and 1 in 100 year plus climate change return periods.

- No surcharge shown in a 1 in 1 year.
 - No flooding shown in a 1 in 30 year.
 - For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
 - Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
 - Evidence of approval for drainage infrastructure crossing third party land where applicable.
 - Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
 - Evidence 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 effectiveness.
- 7 Construction works shall only take place within the following hours;-
- 0800-1800 Monday-Friday, 0800-1300 Saturdays, No Sunday or Bank Holiday working.
- 8 No part of the development hereby permitted shall be brought into use until the cycle parking stores as indicated on drawing AR-AL-002, has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.
- 9 Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

- 10 Development may not be begun unless:
- (a) a biodiversity gain plan has been submitted to the planning authority; and
 - (b) The planning authority has approved the plan.

Development shall thereafter be carried out in accordance with the approved biodiversity gain plan, in accordance with the timings agreed by the biodiversity gain plan.

- 11 The Biodiversity Gain Plan shall be prepared in accordance with the Proposed Landscape Plan, received by the Local Planning Authority 11th June 2024, the Baseline and Proposed Habitat Plans, received 11th June 2024, and the BNG Metric, received by the Local Planning Authority 12th July 2024.

- 12 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

- 13 Notice in writing shall be given to the Council when the:

- (a) HMM] has been implemented; and
 - (b) habitat creation and enhancement works as set out in the HMMP have been completed.
- 14 Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.
- 15 1. Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with:

Site Characterisation

An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments.

Submission of Remediation Scheme

Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

- 2. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
- 3. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

- 16 No development or demolition shall take place until an Archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The mitigation strategy will include appropriate Written Schemes of Investigation for archaeological mitigation. This scheme shall include the following:
1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording
 3. Provision for site analysis
 4. Provision for publication and dissemination of analysis and records
 5. Provision for archive deposition
 6. Nomination of a competent person/organisation to undertake the work
- The scheme of archaeological investigation must only be undertaken in accordance with the approved details.
- 17 The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in Condition 16. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.
- 18 A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.
- 19 No development shall be commenced in respect of the features identified below on the church conversion building, until details of the design, specification, fixing and finish in the form of drawings

and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details

New and replacement windows, including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

20 No development shall be commenced in respect of the “look alike insulated panels” on the church conversion building where the new internal floor crosses the tall lancet windows.

21 Development shall not commence until the following has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details;-

An ecological construction method statement including reasonable avoidance measures in relation to protected species, such as bats and nesting birds should be provided, including reasonable avoidance measures (RAMS) provided below.

A wildlife sensitive lighting scheme should be employed, both during and post-construction, in compliance with the following guidance: Bats and Artificial Lighting in the UK (Bat Conservation Trust and Institute of Lighting Professionals, 2018), to avoid impacts to foraging and commuting bats and other nocturnal and crepuscular species.

Works to the church, and scrub and tree clearance should be conducted outside bird nesting season (beginning of March to end of August inclusive) or be preceded by a nesting bird check within the 24 hours period before the works commence. If an active nest is identified, works should be halted until a suitably qualified ecologist has been consulted.

A toolbox talk should be delivered to workers prior to the commencement of works to inform them of the potential for protected species and what to do if protected species are found during works. This should include halting work until a suitably qualified ecologist has been consulted.

Any roof liner used should conform to bat conservation trust guidelines regarding Non-Bitumen Coated Roofing Membranes: Non-Bitumen Coated Roofing Membranes - Buildings, planning and development - Bat Conservation Trust (bats.org.uk)

Pollution prevention best practice should be followed.

- Appropriate RAMS should be followed to prevent entrapment of animals in pipes or trenches, such as provision of egress boards for any trenches left open overnight and capping of pipes over 200 mm in diameter.
- 22 No building on site shall be occupied until details of bat, bird and swift boxes have been submitted to and approved in writing by the local planning authority. The nest boxes shall then be installed, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development.
- 23 As identified in the submitted Bat Building Assessment Report, trees T3 and T4 should be subject to soft felling under the supervision of a bat licenced ecologist, preferably over winter months when bats are considered less likely to be utilising any potential features opportunistically.

Reasons

- 1 Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Reason: For the avoidance of doubt.
- 3 Reason: In the interests of visual amenity.
- 4 Reason: In the interests of visual amenity.
- 5 Reason: In the interests of visual amenity.
- 6 Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
- 7 Reason: In the interests of residential amenity.
- 8 Reason: To ensure that adequate cycle provision has been provided.
- 9 Reason: To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 10 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net

Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 11 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).
- 12 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).
- 13 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).
- 14 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).
- 15 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 16 To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.
- 17 In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.
- 18 In order to ensure that satisfactory arrangements are made for the reporting, archiving and dissemination of the results of the investigation in accordance with the National Planning Policy Framework.
- 19 In the interests of visual amenity and to conserve the architectural and historical interest of the building.
- 20 In the interests of visual amenity and to conserve the architectural and historical interest of the building.
- 21 In the interests of biodiversity and in order to comply with Policies ACS17 LPD18.

- 22 In the interests of biodiversity and in order to comply with Policies ACS17 LPD18.
- 23 In the interests of biodiversity and in order to comply with Policies ACS17 LPD18.

Informatives

- 1 The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website.

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

- 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.
- 3 The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2023). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.
- 4 With regards to condition 10, the biodiversity gain plan must include :
 - (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
 - (b) the pre-development biodiversity value of the onsite habitat;
 - (c) the post-development biodiversity value of the onsite habitat;

- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
 - (e) any biodiversity credits purchased for the development; and
 - (f) any such other matters as the Secretary of State may by regulations specify.
 - (g) timings for implementation
- 5 The applicant is advised that there is evidence that human remains and gravestones may be buried at the site. The applicant will need to explore what licences are required to legally remove these, if this is an option that they wish to pursue.
- 6 With respect to the attached archaeological conditions, please contact the Archaeology Planning Advice Team at Nottinghamshire County Council, County Hall, West Bridgford, Nottingham, NG2 7QP, email planning.archaeology@nottscc.gov.uk to discuss the requirements. It is recommended the resulting Archaeological Mitigation Strategy and written schemes of investigation are approved by the NCC Planning Archaeologist prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.
- 7 The site has caused a number of issues in the past with regards to people accessing and vandalising the site. As such, the developer will need to put measures in place to reduce the likelihood of trespassing during the construction phase.
- 8 New trees and shrubs should be native, locally sourced and include fruit bearing species, where possible. Planting should include night flowering plant species to encourage bats (as recommended within the BNG metric comments).

40 APPLICATION NO. 2023/0831 - 6 LACEWOOD CLOSE, BESTWOOD

Change of use of property from a residential dwelling house (C3) into a Residential Children's Home (C2) looking after children and young people with emotional and behavioural disorders (EBD) between the ages of 8 and 17 years.

Moses Musaka, the applicant, spoke in support of the application.

The Development Manager informed members that since the publication of the report, an additional representation had been received from

Bestwood Village Parish Council on 6 Lacewood Close, expressing similar concerns to those contained within the report around how the home would be operated. He added that as the applicant had confirmed, the operation of the home would be controlled by OFSTED.

He went on to inform members that as the next three applications on the agenda were linked, he would briefly outline the broad policy considerations relating to LPD 39 which applied to all three, before looking at the applications in turn as they were all very similar.

He then went on to introduce the report.

The recommendation to grant planning permission was not carried and therefore the Chair proposed an adjournment so that a revised recommendation could be drafted by officers.

The meeting was adjourned at 6.47pm

The meeting resumed at 6.52pm

The Director of Place proposed the following reason for refusal, contrary to officer recommendation:

Reason

1. The proposed change of use, if approved, would lead to an over-concentration of similar C2 uses within one cul-de-sac. This is likely to result in a significant adverse impact on the character of the area. The proposed change of use would therefore be contrary to Policy 39 of the Local Planning Document (2018).

The revised recommendation was carried and it was

RESOLVED:

TO REFUSE PLANNING PERMISSION for the following reason:

Reason

1. The proposed change of use, if approved, would lead to an over-concentration of similar C2 uses within one cul-de-sac. This is likely to result in a significant adverse impact on the character of the area. The proposed change of use would therefore be contrary to Policy 39 of the Local Planning Document (2018).

APPLICATION NO. 2024/0408 - 18 LACEWOOD CLOSE, BESTWOOD

The property will be used as a residential children's home for up to 3 young people.

The Development Manager advised members that the key policy considerations for this application were those outlined previously, relating to LPD 39.

He went on to introduce the report.

He added that the recommendation was to refuse the application as outlined within the report and that based on previous decisions it would be for members of the committee to determine where that over concentration would lie.

He concluded that should members of the committee resolve to refuse the application, that in terms of the wording, the recommendation should align with that of the previous application as follows:

Reason

1. The proposed change of use, if approved, would lead to an over-concentration of similar C2 uses within one cul-de-sac. This is likely to result in a significant adverse impact on the character of the area. The proposed change of use would therefore be contrary to Policy 39 of the Local Planning Document (2018).

The Chair proposed an adjournment, which was carried.

The meeting was adjourned at 7.00pm.

The meeting resumed at 7:03pm.

RESOLVED:

TO REFUSE PLANNING PERMISSION for the following reason:

Reason

1. The proposed change of use, if approved, would lead to an over-concentration of similar C2 uses within one cul-de-sac. This is likely to result in a significant adverse impact on the character of the area. The proposed change of use would therefore be contrary to Policy 39 of the Local Planning Document (2018).

42 APPLICATION NO. 2024/0703 - 10 LACEWOOD CLOSE, BESTWOOD

Change of use from a residential dwelling house (C3) into a Residential Children's Home (C2)

The Development Manager advised members that the key policy considerations for this application were those outlined previously, relating to LPD 39.

He went on to introduce the report.

He concluded that the recommendation in the report was to refuse the application, but was subject to the amended wording for the reason for refusal.

The Director of Development added for clarity, that the recommendation had been updated in accordance with the decision that was made on items 5 and 6 on the agenda as follows:

Reason

1. The proposed change of use, if approved, would lead to an over-concentration of similar C2 uses within one cul-de-sac. This is likely to result in a significant adverse impact on the character of the area. The proposed change of use would therefore be contrary to Policy 39 of the Local Planning Document (2018).

RESOLVED:

To REFUSE PLANNING PERMISSION for the following reason:

Reason

1. The proposed change of use, if approved, would lead to an over-concentration of similar C2 uses within one cul-de-sac. This is likely to result in a significant adverse impact on the character of the area. The proposed change of use would therefore be contrary to Policy 39 of the Local Planning Document (2018).

43 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

44 ACTION SHEETS - PLANNING DELEGATION PANEL

RESOLVED:

To note the information.

45 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 7.09 pm

Signed by Chair:

Date: