

PLANNING COMMITTEE

WEDNESDAY, 9 JANUARY 2019

Present: Councillor L A Ball BEM, Vice Chair in the Chair

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

Apologies for absence were received from Councillors M Handley and R S Robinson

37 **DECLARATIONS OF INTEREST**

Councillor G Marshall declared a non – pecuniary interest in item 6.1 as his partner had recently taken out a lease on a commercial property on Chilwell Road. Minute number 41.1 refers.

Councillor P D Simpson declared a non-pecuniary interest in item 6.4 as he was distantly related to a neighbour. Minute number 41.4 refers.

38 **MINUTES**

The minutes of the meeting on 5 December 2018 were confirmed and signed as a correct record.

39 **NOTIFICATION OF LOBBYING**

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

40 **LOCAL PLAN PART 2 UPDATE**

The Head of Neighbourhoods and Prosperity informed the meeting that good progress was being made on the Local Plan Part 2. The Committee was reminded that when sites were not delivered on previously developed sites, it could lead to an increase in development on the Green Belt.

41 DEVELOPMENT CONTROL

41.1 18/00268/FUL

Construct 75 bed care facility; 30 supported living apartments (Class C2); bistro; gym/spa; hairdressers; bin, cycle and scooter stores; emergency generator; substation, car parking and landscaping

Myford Ltd, Wilmot Lane, Beeston

The late items for this item were noted, including an email from a resident neighbouring the site, an amendment to the notes and a communication from Beeston and District Civic Society requesting that nest bricks for swifts be included in the design.

Ms Margaret Metcalfe, objecting and Councillor J C Patrick, Ward Member, addressed the Committee prior to the general debate.

The Committee noted that the applicant had included two additional parking spaces and had identified a point of contact for residents, as requested. There was a discussion about the impact on light to neighbouring properties. It was noted that the solar studies had been submitted with the application and these were considered.

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 P4693_111 Planning – Proposed Façade Details received by the Local Planning Authority on 18 April 2018; P4693_001 Location Plan, P4693_121 Rev A Planning – External Bin and Generator Store, P4693_122 Rev A Planning – External Cycle and Buggy Store and P4693_123 Planning – Substation Drawing received by the Local Planning Authority on 18 May 2018; P4693_106 Planning – Proposed GA Elevations – Sheet 1, P4693_108 Planning – Proposed GA Elevations – Sheet 3, P4693_109 Planning – Proposed GA Elevations – Sheet 4, 1072_003 Rev A Landscape Strategy and P4693_112 Planning – Proposed Household Façade Details received by the Local Planning Authority on 21 May 2018; M2715(69)001 Rev P1 received by the Local Planning Authority on 2 July 2018; P4693_SK112 Barrydale Avenue Boundary Sections received by the Local Planning Authority on 25 July 2018; P4693_110 Rev A Planning – Proposed GA Elevations – Sheet 5 and P4693_124 Rev A Planning – Car Park Sections received by the Local Planning Authority on 3 August 2018; P4693_113 Rev B Planning – GA Sections received by the Local Planning Authority on 13 November 2018; P4693_102 Rev B Planning – Proposed First Floor, P4693_103 Rev B Planning – Proposed Second Floor, P4693_104 Rev A Planning – Proposed Third**

Floor, P4693_105 Rev A Planning – Proposed Roof Plan, P4693_114 Rev C Planning – Proposed Street Elevations and P4693_107 Rev A Planning – Proposed GA Elevations – Sheet 2 received by the Local Planning Authority on 4 December 2018 and P4693_101 Rev B Planning – Proposed Ground Floor and P4693_100 Rev D Planning – Proposed Site Plan received by the Local Planning Authority on 11 December 2018.

- 3. No development shall commence until:
 - (i) All necessary groundwater remedial measures have been completed in accordance with Remediation Method Statement (Ref 12292A June 2018) and;**
 - (ii) It has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.****

- 4. No development shall commence until a plan to show the location of protective fencing for the trees shown to be retained on drawing number P4693_100 Rev B has been submitted to and agreed in writing by the Local Planning Authority. The erection of fencing for the protection of these retained trees shall be undertaken in accordance with the agreed details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.**

- 5. No development shall commence until details of the construction site access and parking arrangements for construction vehicles have been submitted to and approved in writing by the Local Planning Authority. Construction access and parking shall take place in accordance with the agreed details.**

- 6. No development above slab level shall be carried out until samples of the materials to be used in the facing walls (including windows and doors) and rainwater goods have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.**

- 7. No development above slab level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following details:**

- (a) numbers, types, sizes and positions of proposed trees and shrubs,**
- (b) proposed hard surfacing treatment,**
- (c) planting, seeding/turfing of other soft landscape areas,**
- (d) proposed boundary treatments including details of the gate access to the British Legion social club**
- (e) a timetable for implementation.**

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

- 8. The approved landscaping shall be carried out not later than the first planting season following the practical completion of the development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.**
- 9. No building to be erected pursuant to this permission shall be occupied or brought into use until:**
 - (i) All necessary gas and vapour barrier and clean cover remediation measures have been completed in accordance with Remediation Method Statement (Ref 12292A June 2018) and;**
 - (ii) It has been certified to the satisfaction of the Local Planning Authority that the remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.**
- 10. No deliveries or collections by commercial vehicles (excluding the delivery of urgent medical supplies) shall be made to/from the site except between the hours of 07:00 - 22:00 on any day.**
- 11. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. For areas where penetrative foundations are permitted, a methodology for reducing noise and vibration impact on neighbouring buildings and residents shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the piling activity. The activity shall be carried out in accordance with the approved details.**
- 12. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays.**

Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.

- 13. The total rating level resulting from the use of any plant, machinery or equipment hereby installed pursuant to this permission, shall not exceed the existing background sound level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive premises.**
- 14. The building shall be constructed and the glazing and ventilation installed in accordance with the specification details in the Azymuth Acoustics UK report Ref AA0050, dated February 2018.**
- 15. No part of the development hereby permitted shall be brought into use until an application for a Traffic Regulation Order to remove on-street parking along Ellis Grove has been made.**
- 16. The development shall not be occupied until the redundant vehicular crossings on Ellis Grove have been removed and replaced with full kerbs and the footpath reinstated to the Highway Authority specification.**
- 17. The building shall not be first occupied until the parking, turning and servicing facilities have been provided in accordance with the approved plans and constructed so as to prevent the unregulated discharge of surface water therefrom onto the public highway. These facilities shall thereafter be retained in the agreed form for the lifetime of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.**
- 18. The building shall not be first occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority.**
- 19. The Automatic Opening Vents in the north east elevation of the apartments shall only be opened in the event of a fire and 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) and retained in this form for the lifetime of the development.**
- 20. The hereby approved apartments shall not be occupied other than by persons who have attained the age of 55 years, together with the spouse or partner of such persons, including a widow or widower who may be under 55 years of age.**
- 21. The building hereby approved shall be first occupied by Belong Limited.**

22. The site access shall be provided in accordance with the approved drawings before the development is first occupied.

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. The development cannot proceed satisfactorily without the remedial measures being undertaken in advance of development commencing, in the interests of protecting groundwater and in accordance with the aims of Policy E27 of the Broxtowe Local Plan (2004).
4. No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of retaining the trees on the site boundary with Barrydale Avenue and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
5. No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of highway safety, to avoid conflict with the tram and to protect residential amenity and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
6. Full details were not submitted, in the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy.
7. No such/insufficient details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area, to ensure a satisfactory standard of amenity and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
8. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).

9. In the interests of public health and safety and in accordance with the aims of Policy E29 of the Broxtowe Local Plan (2004).
10. To protect nearby residents from excessive noise and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
11. To protect groundwater from contamination and nearby buildings and residents from noise and vibration in accordance with the aims of Policies E29 and H7 of the Broxtowe Local Plan (2004).
12. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
13. To protect residents from excessive plant noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
14. To protect future occupiers from excessive environmental, commercial and industrial noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
15. In the interests of highway safety to ensure access and egress to and from the site by larger vehicles is not hindered by parked vehicles beside the access.
16. In the interest of pedestrian safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
17. In the interests of highway safety to ensure satisfactory access, servicing and parking arrangements are provided and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
18. To promote sustainable travel and in accordance with the aims of Policy 14 of the Broxtowe Aligned Core Strategy (2014).
19. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
20. In accordance with the terms of the application and in relation to S106 contribution requirements.
21. In accordance with the terms of the application and in relation to S106 contribution requirements.

22. In the interests of highway safety to ensure a satisfactory access is provided and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).

Notes to Applicant:

1. The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.
2. It is not permitted for any vehicles to obstruct the tramway at any time and consideration should be given to erecting a warning sign at the construction site exit point to warn of overhead lines. Please contact the Nottingham Express Transit (NET) Project Office for further information (0115 876 4095).
3. In order to carry out the off-site works required, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under section 278 of the Act. Please contact hdc.south@nottsc.gov.uk for details.
4. The proposed off-site works require a Traffic Regulation Order. The developer should note the Order can be made on behalf of the developer by Via (in partnership with Nottinghamshire County Council) at the expense of the developer. This is a separate legal process and the applicant should contact the Highway Improvements Team on 0300 500 8080 for details.
5. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

In relation to condition 15, you are advised that the Traffic Regulation Order process cannot commence until payment of the TRO fees are received.

41.2 18/00607/FUL

Change of use of 28 flats (Class C3) to student accommodation (17 cluster flats) and construction of 3 cluster flats (providing 83 bed spaces in total)
Neville Sadler Court, Beeston, Nottinghamshire, NG9 2EW

Councillor P Lally had requested this application be determined by Planning Committee.

There were late items pertaining to the application which were considered, including a correction to the report and a letter from a neighbour outlining their concerns.

Councillor L A Lally, Ward Member, addressed the Committee prior to the general debate.

The debate covered concerns regarding the changing character of the parts of Beeston neighbouring the University, the need for the Local Plan to address student accommodation, the size of the development and the number of car parking spaces that had been proposed.

There followed a discussion about the need for starter homes in Beeston.

It was proposed by Councillor P J Owen and seconded by Councillor R I Jackson that the item be deferred to allow the developer an opportunity to provide additional parking on site. On being put to the meeting the motion was carried.

RESOLVED that the application be deferred.

Reason

To allow discussions with the applicants regarding increasing parking provision within the site.

41.3 18/00729/FUL

Construct two dwellings

Land to The Rear of 53 Kimberley Road, Nuthall, Nottinghamshire, NG16 1DA

This application was withdrawn prior to the meeting.

41.4 18/00695/FUL

Construct new detached masonry double garage

Temple Lake House, 53a Kimberley Road, Nuthall, Nottinghamshire, NG16 1DA

Councillor J M Owen had asked that this application be determined by the Committee.

There were no late items for the Committee to take note of.

Mr Paul Singh, the applicant and Councillor J M Owen, Ward Member, made representations to the Committee prior to the general debate.

The debate included consideration of the proximity of the proposed garage to the neighbour and the adverse effect of the garage on the character of the area, which was considered contrary to the Nuthall Neighbourhood Plan. There was an acceptance of the need for the garage, but it was noted that there were a number of potential locations that would be more appropriate, as they would not impact on neighbour amenity.

RESOLVED that planning permission be refused, with the precise wording of the refusal to be delegated to the Chair of the Planning Committee and the Head of Neighbourhoods and Prosperity.

Reasons

1. The proposed development by virtue of its scale and siting close to the west boundary of the site will have a detrimental impact on the neighbouring property at The Old Orchard, 7b Edward Road, resulting in an unacceptable loss of amenity for the neighbouring property, contrary to Policy H11 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy and Policy 17 of the Draft Broxtowe Part 2 Local Plan (2018).
2. The proposed development will be out of keeping with the character of the area, contrary to Policy H11 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy, Policy 17 of the Draft Broxtowe Part 2 Local Plan (2018) and Policy 5 of the Nuthall Neighbourhood Plan.

41.5 18/00709/FUL

Change of use from shop (Class A1) to a ballet school (Class D2)
96 Derby Road, Stapleford, Nottinghamshire, NG9 7AD

Councillor J W McGrath had requested that this application be determined by Planning Committee.

There were no late items for the Committee to take into consideration when determining this decision.

Ms Gemma Haigh, the applicant and Councillor J W McGrath, Ward Member, made representation to the Committee prior to the general debate.

Support was noted for the business and it was considered to be a positive addition to Stapleford Town Centre. Although concerns about parking were noted, it was also noted that the premises had planning permission for a shop, which could generate similar levels of parking demand.

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 (1:1250) and Proposed Block Plan (1:500) received by the Local Planning Authority on 16 October 2018 and proposed ground, first and second floor plans received by the Local Planning Authority on 23 October 2018.**
3. **The use hereby permitted shall not be open to customers outside the hours of 08:00 – 21:00 Monday to Friday and 08:00 – 17:00 Saturdays, Sundays, Bank Holidays and any other public holidays.**

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 protect immediate residential properties from excessive operational noise and in accordance with the aims of Policy E34 of the Broxtowe Local Plan (2004).**

Notes to Applicant:

- 1. The Council has acted positively and proactively by working to determine this application within the agreed determination date.**
- 2. You are advised to ensure the number of sanitary facilities complies with current British Standard 6465 and that the internal layout, design and construction of the premises meets with current Fire Safety Regulations. You should contact the Nottingham Fire and Rescue Service on telephone number: 0115 9670800 before works start.**
- 2. The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250) and Proposed Block Plan (1:500) received by the Local Planning Authority on 16 October 2018 and proposed ground, first and second floor plans received by the Local Planning Authority on 23 October 2018.**
- 3. The use hereby permitted shall not be open to customers outside the hours of 08:00 – 21:00 Monday to Friday and 08:00 – 17:00 Saturdays, Sundays, Bank Holidays and any other public holidays.**

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 protect immediate residential properties from excessive operational noise and in accordance with the aims of Policy E34 of the Broxtowe Local Plan (2004).**

Notes to Applicant:

- 1. The Council has acted positively and proactively by working to determine this application within the agreed determination date.**
- 2. You are advised to ensure the number of sanitary facilities complies with current British Standard 6465 and that the internal layout, design and**

construction of the premises meets with current Fire Safety Regulations. You should contact the Nottingham Fire and Rescue Service on telephone number: 0115 9670800 before works start.

41.6 18/00516/FUL

Erect 10 one bedroom apartments

147 - 151 Queens Road, Beeston, Nottinghamshire, NG9 2FE

Councillor P Lally had requested this application be determined by Planning Committee.

A number of late items were brought to the attention of the Committee for consideration with regard to this item, including confirmation from the Lead Local Flood Authority that they had no objections to the scheme, alongside the requisite changes to condition 7 and a communication outlining concerns from a neighbour.

Ms Heather Blackwell, objecting and Councillor L A Lally, Ward Member, addressed the Committee prior to the general debate.

The debate focused on the number of flats that were proposed for the size of the plot being over intensive, the quality of life for future occupants and the lack of any car parking spaces specifically for the development. There was concern about the impact on neighbouring properties and the character of the area.

It was proposed by Councillor P J Owen and seconded by Councillor R I Jackson that the item be deferred to a future meeting to allow time for the applicant to consider providing car parking spaces and reducing the size of the development from three to two storeys. On being put to the meeting the motion was carried.

RESOLVED that the application be deferred.

Reason

To allow for discussion with applicant about provision of parking on site and reduction in size of development from three to two storeys.

42 INFORMATION ITEMS

42.1 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.

42.2 DELEGATED DECISIONS

The Committee noted the decisions determined under delegated powers between 17 November 2018 to 21 December 2018.

43 VARIATION TO SECTION 106 AGREEMENT KIMBERLEY BREWERY, KIMBERLEY

Variations to the Section 106 Agreement were proposed which deviated from the decision taken by members of Planning Committee and therefore required the approval of the Members.

Mr Steven Midgley, the applicant, made representation to the Committee prior to the general debate.

44 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Schedule 12A of the Act.

45 VARIATION TO SECTION 106 AGREEMENT KIMBERLEY BREWERY, KIMBERLEY

RESOLVED that the section 106 agreement be amended as follows:

- **Removal of the need to undertake repair works to the tower prior to the practical completion of 10 or more dwellings within Area 3, instead proposing to undertake the initial repair works within two years and all the repair works within five years.**
- **Removal of the need to fit out for conversion the tower building.**