

PLANNING COMMITTEE

WEDNESDAY, 13 FEBRUARY 2019

Present: Councillor M Handley, Chair

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

Apologies for absence were received from Councillors L A Ball BEM and R S Robinson

46 DECLARATIONS OF INTEREST

There were no declarations of interest.

47 MINUTES

The minutes of the meeting on 9 January 2019 were confirmed and signed as a correct record.

48 NOTIFICATION OF LOBBYING

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

49 PROPOSED DIVERSION OF BEESTON FOOTPATH NUMBER 55 - WILMOT LANE, BEESTON, NOTTINGHAM

The item was brought to Committee to make a Diversion Order under the Town and Country Planning Act 1990 following an application for a public path diversion order to stop up and divert Beeston footpath number 55 to allow for development to take place.

RESOLVED that the public path diversion order be made.

50 DEVELOPMENT CONTROL

50.1 18/00687/FUL

Enhanced drainage/biodiversity attenuation storage infrastructure works common to application reference 15/00010/FUL to ensure direct downstream discharge of surface water from the new proposed developments to the existing watercourse Land off Thorn Drive and West of the Pastures, Thorn Drive, Newthorpe

The application had been brought before Committee because of the history of the site and previous Councillor involvement with the linked application for 67 houses on land at Acorn Avenue.

The late items for this item were noted, including an amended note to the applicant and an additional response from a resident's spokesperson.

There were no public speakers.

The Committee considered the application, including the section 106 agreement which would see the land that the attenuation facility was on handed over to the Council and an additional £100,000 for flood mitigation measures. It was noted that the scheme was independent from the wider flood mitigation strategy, but that it would not be an impediment to any future flood mitigation measures.

Debate moved on to the length of time that it had taken to build the scheme and the safety of the attenuation pond.

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 drawings numbered AAGDR03-SLP Rev G received by the LPA on 28 January 2019 and 07282/100 Rev O, received by the Local Planning Authority on 9 January 2019, 07282/146 Rev I and AAGDR11-DSBP Rev A, received by the Local Planning Authority on 1st November 2018 and 078282/140 Rev N and 07282-125 Rev B received by the Local Planning Authority on 10th October 2018. The proposed turfed areas shall consist of a wetland mix and details of this and the proposed hedgerows shall first be submitted to and approved in writing by the LPA.**
- 3. The approved landscaping scheme shown on plan AAGDR03-SLP Rev G 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.**
- 4. Details of the proposed fencing and any access points surrounding the attenuation feature shall first be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented**

in full prior to the first planting season following the substantial completion of the development.

Reasons

- 1. In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. To ensure a satisfactory standard of external appearance which will enhance the visual amenity of the area and in accordance with the aims of Policy RC16 of the Broxtowe Local Plan (2004) and Policies 10 and 16 of the Broxtowe Aligned Core Strategy (2014).**
- 4. To ensure a satisfactory standard of external appearance and aid safety and maintenance of the attenuation feature in accordance with the aims of Policy RC16 of the Broxtowe Local Plan (2004) and Policies 10 and 16 of the Broxtowe Aligned Core Strategy (2014).**

Note to Applicant

The Council has acted positively and proactively in the determination of this application by communicating with the agent during the course of the application.

50.2 18/00873/FUL

**Change of use from retail (Class A1) to hot food takeaway (Class A5)
42 Derby Road, Stapleford, Nottinghamshire, NG9 7AA**

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

There was one late item, a written statement from Councillor J W McGrath, which was considered by the Committee.

There were no public speakers.

The Committee considered that the changing nature of the high street meant that there were fewer traditional businesses such as butchers and more restaurants and food service venues. The plan for Stapleford Town Centre was also noted, as it had looked in detail at bringing empty shop units back into use. There was a discussion about deliveries and it was noted that there was a no stopping area in front of the unit.

It was proposed by Councillor R D MacRae and seconded by Councillor G Marshall that the item be deferred to allow for Stapleford Town Council to have a meeting at which the proposal was discussed. It was noted that Stapleford Town Council had been consulted as part of the planning process. On being put to the meeting the motion fell.

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the 'Site Location Plan' (18902 01), the 'Site Plan' (18902 02) and the 'Existing and Proposed Plans and Elevations' (18902 101) received by the Local Planning Authority on 27 December 2018.**
- 3. No development shall commence until details of the storage of waste on the site have been submitted to and approved in writing by the Local Planning Authority. The storage of waste shall take place in accordance with the agreed details.**
- 4. No development shall commence until details of suitable ventilation and filtration equipment have been submitted to and approved in writing by the Local Planning Authority. The ventilation and filtration equipment shall be installed in accordance with the agreed details.**
- 5. The use hereby permitted shall not be open to customers, nor be open for takeaway deliveries, except between 10.00 – 00.30 hours.**

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 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 the amenities of nearby residents and in accordance with Policy E34 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 the amenities of nearby residents and in accordance with Policy E26 of the Broxtowe Local Plan (2004).**
- 5. In the interests of the amenities of nearby residents and in accordance with the aims of Policy E34 of the Broxtowe Local Plan (2004).**

Note to applicant

- 1. The Council has acted positively and proactively in the determination of this application by working to determine it within the eight week determination timescale.**

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 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority**
3. **Any external ventilation/filtration equipment may require planning permission. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise there from does not, at any time, increase the ambient equivalent continuous noise level as measured according to the current British Standard BS4142 at any adjoining or nearby residential property.**
4. **The internal layout, design and construction of the premises must meet with the current Food safety and Health & Safety requirements and the food activity will need to be registered with the council. The applicant must contact the Council's Food and Occupational Safety Section on 0115 917 3485.**

50.3 18/00808/ROC

Variation of condition 1 (the development shall be carried out in accordance with the proposed location plan and floor plans...) of planning ref: 17/00245/REM
178 Moorgreen, Newthorpe, Nottinghamshire, NG16 2FE

This application had been referred to the Committee for consideration by Councillor M Handley.

In respect of late items there was an email from the agent that was given due consideration by the Committee.

There were no public speakers.

It was noted that the application sought to regularise the building which had taken place at odds with the original planning application, namely the roof lights and differences to window and door heights.

The Committee discussed the appearance of the building and the need to protect the Green Belt.

Concerns were raised by members of the Committee that when the original proposal to construct the dwelling was approved by the Committee in 2016 that the decision was taken on the basis that a bungalow was required for the applicant's specific needs, as documented in the Planning Committee minutes from the 9 November 2016. It was noted that the dwelling as constructed has roof lights and a stair case to provide first floor accommodation and therefore had not been built in accordance with the approved plans and does not reflect the specific needs of the applicant. The Committee felt that the way the building had been erected meant that very special circumstances were not demonstrated for the building as constructed, and the dwelling was therefore inappropriate development that would be harmful to the openness of the Green Belt.

As the dwelling has not been constructed in accordance with the approved plans it was felt that enforcement action would be justified.

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

Reason

The dwelling as erected is inappropriate development that would be harmful to the openness of the Green Belt. No very special circumstances have been demonstrated to override the presumption against inappropriate development in the Green Belt and the development is therefore not in accordance with Policy E8 of the Broxtowe Local Plan (2004) and the Broxtowe Draft Part 2 Local Plan (2018) Policy 8.

50.4 18/00737/FUL

Change of use from a public house (Class A4) to a house in multiple occupation comprising of three flats (total 18 bedrooms) including side extension above flat roof, dormers to front and rear and external alterations
Queens Hotel, 189 Queens Road, Beeston, NG9 2FE

Councillor P Lally had asked that this application be determined by the Committee.

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

Mr Matthew Roberts, objecting and Councillor L A Lally, Ward Member, made representations to the Committee prior to the general debate.

The debate considered concerns over the lack of car parking for the scheme, emergency access and over development. There was also concern about the number of conversions to houses in multiple occupation that were taking place in the Beeston area. There was a discussion regarding the outbuilding and whether that could be demolished to accommodate further car parking spaces.

It was proposed by Councillor R I Jackson and seconded by Councillor P J Owen that the application be deferred.

RESOLVED that the application be deferred.

Reason

To allow for discussion with applicant about the provision of more parking on site and reduction in the intensity of the development.

50.5 18/00791/FUL

Installation of a natural gas facility and associated infrastructure
Land off Long Lane, Watnall, Nottinghamshire

Councillor J M Owen had requested that this application be determined by Planning Committee.

There was a late item pertaining to a change to condition 5.

Mr Ed Jessamine, the applicant, made representation to the Committee prior to the general debate.

The application sought to install 20 generators, 20 transformers, a gas kiosk, a security fence and office.

The Committee noted that the installation had a lifespan of 40 years, that the generators would not be environmentally friendly and that the height of some of the proposed structures was around 13 feet tall. There was concern that, by refusing to allow the development there was no potential for transitioning to a low carbon economy in future. It was concluded the development constituted inappropriate development within the Green Belt and that very special circumstances had not been demonstrated.

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

The site lies within the Nottinghamshire Green Belt, within which there is a clear presumption against 'inappropriate' development. The proposed development amounts to inappropriate development in the Green Belt, and is harmful to the openness of the Green Belt due to the size of the 20 generators and associated equipment which amounts to an additional encroachment into the countryside. In the opinion of the local planning authority, the applicant has not demonstrated that very special circumstances exist such as to warrant treating this proposal as an exception. The development would, therefore, be contrary to Policy E8 of the Broxtowe Local Plan, Policy 8 of the Broxtowe Part 2 Local Plan (2018) and the National Planning Policy Framework.

50.6 18/00628/FUL

Construct seven dwellings, including associated access road, garaging, parking and landscaping
Southfields Farm, Common Lane, Bramcote, Nottinghamshire, NG9 3DT

With the permission of the Chair, this application was deferred prior to the meeting as the site visit could not take place as planned.

50.7 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

The item had been brought before Committee by Councillor P Lally.

There was a late item in the form of an amendment to condition 2, which was noted by the Committee.

Mr David Hargreaves, the applicant and Councillor L A Lally, Ward Member, addressed the Committee prior to the general debate.

The Committee noted that an additional four car parking spaces had been provided, but there was still concern that this was not adequate. There was a discussion about the saturation of certain parts of Beeston with student accommodation and that the character of the area was being negatively impacted by this.

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 drawing numbers: 007 Rev H and 009 Rev A received by the Local Planning Authority on 13 November 2018, drawing number: 008 Rev I received by the Local Planning Authority on 11 December 2018 and drawing numbers: 005 Rev P and 006 Rev K received by the Local Planning Authority on 24 January 2019.**
- 3. 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.**
- 4. No development hereby approved shall commence until a detailed construction plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall outline access and egress arrangements with specific regard to preventing any damage or disruption to the operating procedures of the adjacent Nottingham Express Transit route.**
- 5. No development shall commence until a detailed surface water drainage scheme based on the principles set out in the approved Flood Risk Assessment (prepared by Armstrong Stokes & Clayton Limited, ref: SWI100/FRA Rev A, dated December 2018) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:**
 - (i) Provide 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.**
 - (ii) Limit the discharge rate generated by all rainfall events up to the 100 years plus 40% (for climate change) critical rain storm to no greater than rates for the pre-development site.**

- (iii) For all exceedance to be contained within the site boundary without flooding new properties in a 100 year + 40% storm.
 - (v) 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 operation to design parameters.
6. No development above ground 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/ turving of other soft landscape areas;
 - (d) details of the site boundary treatments and curtilage boundary treatments and
 - (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.

7. Prior to the first occupation of the flats hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment prepared by Armstrong Stokes & Clayton Limited, ref: SWI100/FRA Rev A, dated December 2018 and in accordance with the mitigation and resilience measures as detailed in paragraphs 5.3 and 8.5. These mitigation measures shall be maintained and retained for the lifetime of the development.
8. The development hereby approved shall not be brought into use until the dropped vehicular footway crossings have been lowered, the parking area has been surfaced in a hard, bound material and each space has been clearly delineated as shown on the proposed block plan (1:500) and the cycle stands are available for use.
9. The first floor bedroom windows in the north west elevation of 'duplex 2' 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.

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 & 4. The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. In order to mitigate the impact of the development on the tram

and ensure the tram remains fully operational throughout and after the development.

5. The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. Further to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with the aims of Policy E27 of the Broxtowe Local Plan (2004) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).
6. 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).
7. To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014).
8. 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).
9. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).

Note to applicant

1. The Council has acted positively and proactively by working to determine this application within the agreed determination date.
2. Any works that take place over vehicular crossings of the public highway shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

50.8 18/00794/FUL

Construct replacement stable block
69 Hobsic Close, Brinsley, Nottinghamshire, NG16 5AX

The application sought permission to construct a stable block to replace the existing timber stable on the site, which operated as an animal rescue centre. The proposed stable was of a similar size, but more in keeping with the character of the surroundings.

There were no late items for consideration in conjunction with this item.

Mr Jon Beresford, the applicant and Mr Ian Stapleton, objecting, addressed the Committee prior to the general debate.

It was agreed by the Committee that the work of the animal rescue centre, only 10% of which was in the Green Belt, represented very special circumstances. It was also noted that the proposed development was not considered to impact on the openness of the Green Belt. However, the impact on neighbour amenity was noted, though it was considered that the improvements to the stables could reduce the amount of mud and oil that was being spilt because of the hard standing. Discussion progressed on to practical means by which to reduce the spread of mud from the site on to the public highway.

It was proposed by Councillor M Radulovic MBE and Councillor D Bagshaw that a condition be added to include the provision of a wheel washing facility. 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 this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawing number KJ2725/02 REV E (1:50, 1:100, 1:200); received by the Local Planning Authority on 23 November 2018.**
- 3. All waste resulting from the development hereby permitted shall be removed from the site. There shall be no long term storage, burning, incineration or any other means of waste disposal on this site. This means of disposal of waste shall continue throughout the duration of the use**
- 4. The development hereby permitted shall be constructed using red facing brickwork (south and east facing elevations), block work (north and west elevations), and Staffordshire blue tiles.**
- 5. Prior to the first use of the development hereby approved details of wheel washing facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved wheel washing facilities shall be installed prior to the first use of the development and shall remain in place 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. To protect the immediate residents from operational odour.**
- 4. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Draft Part 2 Local Plan (2017).**

5. To reduce the possibility of mud and similar substances from the site being deposited on the public highway.

Note to applicant

The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.

51 INFORMATION ITEMS

51.1 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.

51.2 APPEAL DECISIONS

The Committee noted the appeal decisions taken by the Planning Inspector.

51.3 DELEGATED DECISIONS

The Committee noted the decisions determined under delegated powers between 22 December 2018 and 18 January 2019.

52 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 involved the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Schedule 12A of the Act.

53 HIGH HEDGE REMEDIAL NOTICE

High hedge remedial notice
86 Central Avenue, Beeston, Nottingham, NG9 2QS

RESOLVED that direct action be taken and that works in default are carried out to remove the trees in question and that a charging order be placed against the property only for the monies equivalent to reducing the trees to 7.5m in height, should the invoice remain unpaid.