

PLANNING COMMITTEE

WEDNESDAY, 25 JULY 2018

Present: Councillor M Handley, Chair

Councillors: L A Ball BEM (Vice-Chair)
D Bagshaw
J S Briggs
T P Brindley
M Brown
R I Jackson
R D MacRae
G Marshall
M Radulovic
P D Simpson
A W G A Stockwell

Apologies for absence were received from Councillors J K Marsters, P J Owen and R S Robinson

11 MINUTES

The minutes of the meeting held on 20 June were approved as a correct record and signed, with a minor correction to the attendance.

12 DECLARATIONS OF INTEREST

Councillor R D MacRae declared a non-pecuniary interest in item 5.2, as he had been in discussion with the landowner regarding the clearance of a brook.

13 NOTIFICATION OF LOBBYING

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

14 DEVELOPMENT CONTROL

14.1 17/00847/FUL

Change of use from warehouse (Class B8) to 9 bedroomed House in Multiple Occupation, external alterations, raise ridge height and install roof lantern
29a Imperial Road, Beeston, Nottinghamshire NG9 1FN

Councillor J C Patrick had requested that the application be determined by Committee.

The attention of the Committee was brought to the new National Planning Policy Framework which had come in to force from 24 July 2018. The changes to this did not have implications for this item.

The Committee considered the late item for this application which comprised of a representation submitted on 14 July 2018 outlining issues around parking and the possible business uses for the site.

Mr Colin Dicken, the applicant and Mr Paul Clarke, objecting, addressed the Committee prior to the general debate.

Initially, the debate centred on whether the site was being over-developed, with nine bedrooms and the potential for up to 18 residents. The concerns voiced were that the parking facilities on the site were inadequate, that there would be increased traffic and that neighbour amenity would be affected by a loss of privacy, increased noise and light pollution. In support of the application it was noted that conversion of the building would smarten the area up and that the location of the redevelopment was close to public transport links.

RESOLVED that 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 received by the Local Planning Authority on 6 December 2017 and drawing numbered CD17/12/02 c received by the Local Planning Authority on 20 April 2018.**
- 3. No development shall commence until a site investigation scheme has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The scheme must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The scheme shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.**

The building shall not be first occupied until:

- i. All the necessary remedial measures for the building have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and**
 - ii. It has been certified to the satisfaction of the Local Planning Authority, through the submission of a verification report that the necessary remedial measures for the building have been implemented in full.**
- 4. The building shall not be first occupied until the parking spaces are provided and available for use in accordance with the drawing numbered CD17/12/02 c.**

5. The first floor windows indicated as 'Obscure Glazed' on the drawing numbered CD17/12/02 c shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) before the respective bedrooms are first occupied and thereafter retained in this form for the lifetime of the development.
6. The first floor windows indicated as 'Non Openable Window' on the drawing numbered CD17/12/02 c shall remain non-opening for the lifetime of the development.
7. The windows in the front (north east) elevation for bedroom 4 shall be blocked up prior to the respective bedroom being first occupied and shall be 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. The development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of public health and safety and in accordance with the aims of the Policy E29 of the Broxtowe Local Plan (2004).
4. In the interests of highway safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
- 5, 6. & 7. In the interests of privacy and amenity for nearby residents and in accordance with the aims of 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, by seeking amendments during the course of the application.
2. The applicant is advised to contact the Council's Waste and Recycling Section (0115 9177777) to discuss waste and refuse collection requirements.
3. The applicant shall ensure that any works of conversion comply with the current building regulations and the British Standards for Fire Safety, fire separation and noise insulation.
4. A House in Multiple Occupation must comply with the relevant licensing, fire safety and fitness for occupation standards under current legislation. The applicant is advised to contact the Council's Private Sector Housing Team for further information (0115 9177777).

5. **Best practicable means should be used during construction to ensure that disturbance is kept to a minimum. It is advised that contractors limit noisy works to between 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays and no noisy works on Sundays and bank holidays.**

14.2 18/00328/FUL

Change of use from agricultural land to recreational use, including the siting of six glamping pods

Mill Farm, 62 Mill Road, Stapleford, Nottinghamshire

It was understood that Councillor Longdon had requested that this application be determined by Planning Committee.

The new National Planning Policy Framework (NPPF) was noted with reference to this item. There were relevant changes pertaining to appropriate development in the Green Belt. As the development was for a change of use to an appropriate recreational use and would not impact on the openness of the Green Belt or conflict with the purposes of including land within it, the proposal represented appropriate development and very special circumstances did not need to be demonstrated. The relevant part of the revised NPPF was also included in the late items.

Members noted the appearance of the site and considered that it would be improved by redevelopment. It was stated that the glamping pods may have a minor benefit to Stapleford Town Centre and that enterprise in Stapleford should be encouraged. There was concern that the development was in the Green Belt and that the pods should only be used for vacationing. The Committee requested that a condition be added pertaining to holiday use.

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: 3384/01B received by the Local Planning Authority on 10 May 2018, 3384/02 received by the Local Planning Authority on 18 May 2018 and 3384/04 received by the Local Planning Authority on 23 July 2018.**
3. **No building works, including site clearance, shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:**
 - (a) **numbers, types, sizes and positions of proposed trees and shrubs;**
 - (b) **proposed hard surfacing treatment;**
 - (c) **planting, seeding/ turving of other soft landscape areas;**
 - (d) **details of the site boundary treatments and any pod curtilage boundary treatments;**
 - (e) **details of any external lighting; and**
 - (f) **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 10 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.

4. No building erected pursuant to this permission shall be occupied or brought into use until:
 - (i) All necessary remedial measures identified within the Phase 1 Desktop Study and Contamination Assessment Report (ref IV.84.18) dated April 2018 have been completed in accordance with details approved in writing by the Local Planning Authority; and
 - (ii) It has been certified to 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.
5. The glamping pods hereby approved shall not be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 3384/01B. This area shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
6. Notwithstanding the details on the submitted plans, the glamping pods hereby approved shall have a finished floor level set no lower than 38.78m above Ordnance Datum (AOD). This is in accordance with section 5.5.1 of the accompanying flood risk assessment.
7. The glamping pods hereby approved shall only be used for the purposes of holiday letting accommodation and shall not be occupied as permanent residential units at any time.

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 and to ensure the development presents a more pleasant appearance in the locality, does not adversely impact on the Nottinghamshire Green Belt, and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 8 of the Draft Part 2 Local Plan.
4. In the interest of public health and safety.

5. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
6. To reduce the risk of flooding to the proposed development and future occupants.
7. This Green Belt site is not suitable for permanent residential dwellings and for the avoidance of doubt.

Notes to Applicant

1. The Council has acted positively and proactively in the determination of this application by working to determine it 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/>
3. The applicant should be aware that on advice received from the Nottinghamshire Wildlife Trust, any building materials and machinery are kept as far away from the Local Wildlife Site (LWS) boundary as possible at any time prior to or during works.
4. Noise from the premises should be controlled such that nearby dwellings are not adversely impacted. Failure to adequately control noise on site may result in legal action being taken by the Council to address nuisance. Further information and advice can be obtained by contacting the Council's Environmental Health Team at health@broxtowe.gov.uk.
5. This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the toe of the flood defence or top of the bank of any watercourse designated a 'main river'. This includes storing any materials or machinery that will be used during the construction of the development. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

14.3 18/00262/FUL
Retain portacabin
Top Class Car Wash, Petrol Filling Station, Woodhouse Way, Nuthall

Councillor Philip Owen requested this application be determined by the Committee.

The late items pertaining to this application were considered by the Committee. There were no public speakers.

The Committee was concerned about the state of the portacabin, but there was a consensus that painting it green would improve the appearance of the development.

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

1. The development hereby permitted shall be retained in accordance with drawing numbers WCW-01 Rev A (1:500, 1:1250) received by the Local Planning Authority on 21 June 2018, and WCW-06 Rev B (1:100) received by the Local Planning Authority on 13 July 2018.
2. The portacabin hereby permitted shall be painted dark green within 3 months of the date of this decision.

Reasons

1. For the avoidance of doubt.
2. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the 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 throughout the course of the application.

14.4 18/00261/ADV

Retain 10 advertisements signs

Top Class Car Wash, Petrol Filling Station, Woodhouse Way, Nuthall

Councillor Philip Owen had requested that this application be determined by the Committee.

The Committee noted that there was a late item for consideration alongside this item. There were no public speakers.

RESOLVED unanimously that advertisement consent be granted subject to the following conditions:

1. The development hereby permitted shall be retained in accordance with drawing numbers WCW-01 Rev A (1:500, 1:1250) and WCW-05 Rev D (1:200) received by the Local Planning Authority on 13 July 2018, and WCW-04 Rev A (1:200) received by the Local Planning Authority on 17 April 2018.
2. (a) Any advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

(b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

- (c) Where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
- (d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (e) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Reasons

1. For the avoidance of doubt.
2. In the interests of amenity and public safety.

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.

14.5 18/00295/FUL

Construct first floor side extension, single and two storey rear extension and lean-to garage roof
5 Humber Road, Beeston, Nottingham, NG9 2EF

With the agreement of the Chair, this report was not considered because the applicant had made changes to the application after the publication of the agenda which required further consultation. The item would be brought before a future Committee.

14.6 18/00237/FUL

Construct first floor side and single storey rear extensions
4 Whitton Close, Chilwell, Nottinghamshire NG9 6PB

This item had been referred to the Committee for a decision by Councillor G Harvey.

There were no late items for the consideration of the Committee.

Mr Malcolm Morrissey, the applicant and Councillor G Harvey, Ward Member, addressed the Committee prior to the general debate.

The Committee considered the effect on neighbour amenity and there was concern that the plans, as presented, would be overbearing. It was noted that other similar extensions in the area had hipped roofs and a motion was proposed by Councillor R I Jackson and seconded by T P Brindley that the item be deferred to allow the applicant to consider adapting the design to ameliorate the effect on their neighbours on Haddon Crescent. On being put to the meeting, the motion was carried.

RESOLVED that the application be deferred.

Reason

To allow for discussion with the applicant about the potential for having a hipped roof due to concerns regarding the impact on the amenity of the occupants of number 105 Haddon Crescent.

14.7 18/00332/ADV

Erect flag pole

Brinsley Picnic Site, Mansfield Road, Brinsley, Nottinghamshire

This application had to be determined by Planning Committee being a Broxtowe Borough Council application.

There was a late item to be noted by the Committee with reference to this application. There were no public speakers.

RESOLVED that advertisement consent be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with drawings Plan 1 (1:1250), Plan 2 (1:750), Drawing 1 (1:100) received by the Local Planning Authority on 14 May 2018.
2. (a) Any advertisements displayed and any land used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

(b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

(c) Where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

(d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(e) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Notes to Applicant

1. The Council has acted positively and proactively in the determination of this application by communicating with the applicant throughout the determination process.

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/>

14.8 18/00409/FUL

Change of use from residential (Class C3) to offices (Class A2)
2A, 3A and 4A The Square, Beeston, Nottinghamshire, NG9 2JG

The application was brought to Committee as the application has been submitted on behalf of the Council.

There were no late items for the Committee to note and there were no public speakers.

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 (1:1250) received by the Local Planning Authority on 14 June 2018 and existing and proposed layout drawing numbers Beeston Square 002 received by the Local Planning Authority on 12 June 2018.

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.

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. Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The applicant should contact Cadent's Plant Protection Team

at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com, telephone number 0800 688 588.

15 LAND OFF CARRFIELD AVENUE TOTON

This item had been brought before Committee as a request had been received from Pelham Homes Limited to release the Section 106 restriction requiring that 12 houses on this site be affordable housing.

The Committee considered the late items in respect of this matter.

Mr Richard Vickers, representing the applicant, addressed the meeting prior to the general debate.

RESOLVED to refuse permission to remove this restriction as the requirement for affordable housing provision at this location remains.

16 INFORMATION ITEMS

16.1 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.

16.2 APPEAL DECISIONS

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

16.3 DELEGATED DECISIONS

The Committee noted the decisions determined under delegated powers between 9 June and 6 July 2018.