

PLANNING COMMITTEE

MONDAY, 9 SEPTEMBER 2019

Present: Councillor D K Watts, Chair

Councillors: D Bagshaw
S J Carr (ex-officio)
T A Cullen
L Fletcher (substitute)
D Grindell
R I Jackson
R D MacRae
J W McGrath
J M Owen (substitute)
P J Owen
D D Pringle
P D Simpson (substitute)
C M Tideswell

Apologies for absence were received from Councillors L A Ball BEM, M Handley and R D Willimott

35 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

36 **MINUTES**

The Committee was informed that the minutes of the meeting held on 4 September 2019 would be confirmed at the meeting on 8 October 2019.

37 **NOTIFICATION OF LOBBYING**

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

38 **DEVELOPMENT CONTROL**

38.1 **18/00377/FUL**

Construct 14 houses, garages and associated access road following demolition of dwelling

Land to the rear of 13 Middleton Crescent, Beeston, NG9 2TH

The Committee was informed that the item would be withdrawn from the agenda due to the large amount of late items that would need to be considered.

38.2 18/00288/FUL

Change use of 4 ground floor retail units and basements (class A1) to form 11 apartments (class C3), external alterations and construct rear extensions
242, 244, 248, 250, 252, & 254 Derby Road, Stapleford, NG9 7G

The application to change four ground floor retail units and basements to form eleven apartments was first brought before Planning Committee on 10 October 2018 and members resolved to grant planning permission.

The application was returned to the Committee as a result of an objection by HS2 Ltd following changes to the safeguarding for the HS2 route.

Members were asked to consider a late item for the application which stated that the Government had announced on 21 August 2019 that an independent review was to be carried out to assess “whether and how” HS2 should proceed. The report was expected to be published in December 2019. It was not currently known when a final decision would be made by the Government.

There were no public speakers.

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

- Should the application be granted the property would have enhanced value. The owners of the property should not be denied because of HS2.
- Although the Town was in need of regeneration the law should be followed.
- HS2 had changed the boundaries and turning the application down would reduce the value of the site.
- The options were to refuse the application, defer, grant as previously or to grant with an additional condition to return the land to HS2 if it was required.
- The safeguarding zone had been a block but weight should be given to HS2.
- There was an opportunity to enhance Stapleford which should be taken. The decision should be made for the good of the Borough.

On being put to the vote the motion to refuse planning permission was defeated.

It was proposed by Councillor D K Watts and seconded by Councillor R I Jackson the Council grant planning permission be granted in line with the application that was initially considered on 10 October 2018. On being put to the vote, the proposal was carried.

RESOLVED that:

The Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission subject to:

- (i) **the prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and**
- (ii) **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 site location plan received by the Local Planning Authority on 23 April 2018; the drawings numbered: DB/MW/17/49/05 rev A, received by the Local Planning Authority on 10 July 2018; and DB/MW/17/49/04 rev C, DB/MW/17/49/06 rev A, DB/MW/17/49/07 rev D and DB/MW/17/49/08 rev C received by the Local Planning Authority on 17 September 2018.
3. The extension shall be constructed using bricks and, where applicable, tiles of a type, texture and colour so as to match those of the existing building.
4. The proposed boundary treatment/fencing for each dwelling shall be erected in accordance with the approved plans and details prior to the occupation of that dwelling.
5. No dwelling shall be occupied 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) trees, hedges and shrubs to be retained and measures for their protection during the course of development
 - (b) numbers, types, sizes and positions of proposed trees and shrubs
 - (c) proposed hard surfacing treatment
 - (d) proposed lighting details
 - (e) planting, seeding/turfing of other soft landscape areas

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

6. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.

Reasons

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014)

4. In the interests of residential amenity and the appearance of the area and in accordance with Policy 10 of the Aligned Core Strategy (2014)
5. No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014)
6. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 10 of the Aligned Core Strategy (2014)

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. Please note that this permission has been granted contemporaneously with an agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
3. Sound insulation to limit the transmission of noise between each property should achieve the minimum requirements as contained in the current version of British Standard Approved Document E.
4. Given the proximity of residential properties, it is advised that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays. There should also be no bonfires on site at any time.

38.3 19/00423/FUL

Change of use to micro pub (class A4)
1 Moor Road, Brinsley, Nottinghamshire NG16 5AZ

The application, which sought permission to change the use of an existing building to a micro pub, had been called in by Councillor E Williamson.

There were no late items.

Ms Ellis Rhodes (applicant) addressed the Committee prior to the general debate.

Members debated the item and stated that the pub would serve to improve the town.

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

1. The development hereby approved shall be commenced before the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with drawings numbered site location plan 1:1250 received by the Local Planning

Authority on 17 July 2019, proposed floor plan received by the Local Planning Authority on 07 August 2019 and proposed parking plan received by the Local Planning Authority on 08 August 2019.

3. The A4 premises including any licensable activities shall not be open for business except between 11.00 - 22.00 hours Monday to Sundays, Bank Holidays and other public holidays.
4. Deliveries by commercial vehicles shall only be made to or from the site between 08.00 - 18.30 hours Monday to Saturday and at no time on Sundays, Bank Holidays and other public holidays without the prior agreements in writing of the Local Planning Authority.
5. No amplified speech or music shall be permitted inside or outside the premises at any time.
6. External areas are not to be used by the patrons in conjunction with the A4 Use at any time.
7. 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 therefrom 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.
8. The micro pub shall not be brought into use until the dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority specification.
9. The micro pub shall not be brought into use until the frontage parking is available for use, surfaced in a bound material with the parking bays clearly delineated showing 5.0m in length. The parking areas 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 of vehicles.

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 nearby residents from excessive operational noise.
4. To protect nearby residents from excessive operational noise.
5. To protect nearby residents from excessive operational noise.
6. To protect nearby residents from excessive operational noise.
7. To protect nearby residents from excessive operational noise.
8. In the interests of Highway safety.

9. 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.

Notes to applicant

1. The Council has acted positively and proactively in the determination of this application, through an early visit to the site to appreciate whether any amendments needed to be sought and thus afford sufficient time to negotiate these should it have been the case.
2. The development involves building works and given the proximity of residential properties to the site the applicant is reminded to ensure contractors limit noisy work to between 08.00 and 18.00 hours Monday to Friday, 08.00- 13.00 hours on Saturday and no noisy works on Sundays. There should be no bonfires at any time.
3. The applicant is advised that the proposed will require a premises license. Please contact the Councils Licensing Department on Tel 0115 9173241.
4. The internal layout, design and construction of the premises must meet the current Food Safety and Health and Safety requirements. The applicant must therefore contact the councils Food and Occupational Safety Section on Tel :01159173485
5. The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works 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>

39 19/00212/FUL

Extension to garden centre including coffee lounge, children's play area and plant protection and enlargement of retail area.

Trowell Garden Centre, Stapleford Road, Trowell, Nottinghamshire, NG9 3TG

The application, which sought permission for the extension of an existing garden centre building, including the extension of an existing coffee lounge, a children's play area, handling and processing area and additional canopies to provide plant protection and an enlarged retail area, had been called in by Councillor L A Ball BEM.

The Committee was asked to refer to the late items submitted in respect of the item, which included reference to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 should the application be successful in addition to updating a Section 52 legal agreement which restricts which goods can be sold from the site and specifies the area of the site in which they can be sold from.

There were no public speakers.

The application was debated and the following principle points were made:

- Consideration of Green Belt Policy was key to the decision. Should the application be granted this would lead to improvements to business and buildings, but the benefits fell short of going against the Policy.
- The owner had worked closely with officers and already cut down on the proposals. The area was being used before the 'Green Belt' was designated.
- It would have been sensible not to initially include this area in the Green Belt. The site locks Brownfield and would tidy the area up.
- The proposal was exceptional due to the creation of jobs and viability of the business.
- There was a desire to support business but the coffee shop extension was unreasonable. There were concerns over the potential size of the canopy but the coffee shop and retail offering were unreasonable.

In the event of the vote being tied the Chair's casting vote carried the motion.

RESOLVED that planning permission be refused.

Reason

The proposal constitutes inappropriate development within the Green Belt as the proposed extensions, in conjunction with the existing extensions, represent a disproportionate addition to the size of the original building. There are insufficient very special circumstances demonstrated to clearly outweigh the harm resulting from the inappropriateness of the proposed development and the significant harm upon openness. Accordingly, the proposal is contrary to Saved Policy E8 of the Broxtowe Local Plan 2004, Policy 8 of the Draft Part 2 Local Plan and Section 13: Protecting Green Belt Land of the National Planning Policy Framework (NPPF) 2019 and there are no other material considerations that justify treating this proposal as an exception.

Note to Applicant

The Council has tried to act positively and proactively in the determination of this application. However, it was considered that there were not any minor alterations which could be made to the scheme to make the proposal acceptable.

40

19/00412/REG3

Construct two bungalows

Beeston Market, Willoughby Street, Beeston, Nottinghamshire NG9 2LT

The application, which sought permission to construct two bungalows, was brought to the Committee as the Council is the owner of the site.

There were no late items.

There were no public speakers.

Members considered the application.

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 Location Plan (CW20.007.001) and the Floor & Roof Plan (CW20.007.003 REV.A) received by the Local Planning Authority on 1 July 2019 and The Elevations Plan (CW20.007.004 REV.B) and Site Plan (CW20.007.002 REV.B) received by the Local Planning Authority on 21 August 2019.**
- 3. The approved landscaping scheme as show in the Site Plan (CW20.007.002 REV.B) shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.**
- 4. The bungalows hereby permitted shall not be occupied until the two adjacent first floor north east (side) elevation windows of the Oasis Christian Centre have been obscurely glazed to level 4 or 5. These windows shall thereafter be retained in this form for the lifetime of the development.**

Reasons

- 1. In the interests of privacy and amenity for future occupiers and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).**
- 2. To Comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 3. For the avoidance of doubt.**
- 4. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy H7 of the Broxtowe Local Plan (2004).**

Note to Applicant

The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.

41 INFORMATION ITEMS

41.1 Appeal Statistics

The Committee noted that the position remained unchanged from that reported at its meeting on 4 September 2019. The Council was not therefore currently at risk of special measures based on the figures reported to the Committee on the aforementioned date.

41.2 Appeal Decisions

The appeal decisions were noted.