

PLANNING COMMITTEE

WEDNESDAY, 9 DECEMBER 2020

Present: Councillor D K Watts, Chair

Councillors: D Bagshaw
L A Ball BEM
S J Carr (Substitute)
T A Cullen
D Grindell
M Handley
R I Jackson
P J Owen
D D Pringle
H E Skinner (Substitute)
R D Willimott
G Marshall

Apologies for absence were received from Councillors R D MacRae and J W McGrath

40 **DECLARATIONS OF INTEREST**

Councillors G Marshall, R I Jackson and S J Carr declared a non-pecuniary interest in item 5.5 as they were members of the Beeston Town Centre Board. Minute number 43.5 refers.

41 **MINUTES**

The minutes of the meetings held on 4 November 2020 and 10 November 2020 were approved as a correct record.

42 **NOTIFICATION OF LOBBYING**

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

43 DEVELOPMENT CONTROL

43.1 20/00478/FUL

Construct 78 bed residential care home with associated parking
Site of The Magpie, Toton Lane, Stapleford NG9 7JD

The application had been deferred by the Committee on 10 November 2020 to allow the developer to address concerns regarding the number of car parking spaces.

The Committee considered the late item which was an additional condition in response to comments received from the Highways Authority, making a Travel Plan a requirement as the site was to provide employment for more than 20 staff.

There were no public speakers in respect of the application.

The Committee considered the addition of ten parking spaces to the proposed development and it was noted that should there be any deviation from the application as approved, enforcement proceedings could be brought.

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.**

Reason: 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. The development hereby permitted shall be carried out in accordance with the site location plan and drawings numbered 2621(08)201 rev C, 2621(08)301 rev B, 2621(08)902, 2621(08)E02 rev A, and 2621(08)S02 rev A, received by the Local Planning Authority on 23.07.20, drawing numbered 2621(08)E01 rev B received by the Local Planning Authority on 07.08.20, drawing number ADC2521-DR-001-P1, Technical note and Travel Plan Statement received by the Local Planning Authority on 15.10.20, drawing number 2621(08) G01 rev G, ADC2521-DR-051-P2, ADC2521-DR-052-P2 received by the Local Planning Authority on 13.11.20. Drawings numbered 2621(08)101 rev D, 2621(08)901 rev B, and 2621(08)S01 rev B received by the Local Planning Authority on 18.11.20.**

Reason: For the avoidance of doubt.

- 3. No above ground works shall be carried out until details of the manufacturer, type and colour of the bricks and tiles to be used in all elevations 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.**

Reason: Limited details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

4. The development shall not be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey 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 report shall include details of any necessary remedial measures to be taken to address contamination or other identified problems. The building shall not be occupied or brought into use until all necessary measures have been implemented in accordance with the approved details.

Reason: In the interests of public safety, in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

5. No above ground works shall be commenced until details of the proposed bin storage area and cycle store have been submitted to and approved in writing by the Local Planning Authority. The stores shall be installed in accordance with the approved details, prior to the first use of the building, and retained for the lifetime of the development.

Reason: Limited 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 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

6. The residential care home shall not be brought into use 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) proposed lighting details
- (d) planting, seeding/turfing of other soft landscape areas

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

Reason: Limited 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 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

7. The building shall not be occupied until details of ventilation and filtration equipment, required to suppress and disperse odour created from food preparation on the premises, have been submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed prior to first use of the premises, and shall be effectively operated and maintained for the lifetime of the development.

Reason: In the interest of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

- 8. The building shall not be occupied or otherwise be brought into use until the noise mitigation measures as detailed in section 4 of the Noise Assessment report, reference 13016.01 v1 dated June 20, have been implemented. The measures shall thereafter be retained for the lifetime of the development.**

Reason: In the interests of the amenities of future residents and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019).

- 9. The building shall not be occupied or otherwise be brought into use until the access drive, parking and turning areas have been surfaced in a bound material and constructed with provision to prevent the unregulated discharge of surface water from the access on to the public highway, and shall be retained as such for the lifetime of the development.**

Reason: In the interests of highway safety and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).

- 10. The building shall not be occupied or otherwise brought into use until the parking and turning area (which shall be clearly delineated); the electric vehicle charging points; and visibility splays have been installed / completed in accordance with the approved plans. The visibility splays shall thereafter be kept free of all obstructions for the lifetime of the development.**

Reason: In the interests of highway safety and in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

- 11. The building shall not be occupied or otherwise brought into use until details of a bin collection point within 15m of the public highway have first been submitted to and approved in writing by the Local Planning Authority.**

Reason: In the interests of highway safety and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).

- 12. 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.**

Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).

13. The building shall not be occupied or otherwise brought into use until details of a full Travel Plan have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in the plan as approved.

Reason: In the interests of promoting sustainable travel, and in the interests of highway safety and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).

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. As this permission relates to the creation of a new unit(s), please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure an address(es) is(are) created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.
3. 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.
4. The applicant is advised to contact the Food and Occupational Safety Section of Broxtowe Borough Council on 0115 9173435 to ensure that the premises complies with current Food Safety requirements.
5. The development makes it necessary to amend and reinstate the 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>

43.2 20/00538/FUL

Construct three storey side extension, rear dormer, first floor rear extension and convert existing house to create 7 apartments, demolish garage, external alterations, new vehicular and pedestrian access, 6 car parking spaces and bin and cycle stores (revised scheme)

232 Queens Road, Beeston, Nottingham, NG9 2BN

Councillors P Lally and L A Lally had requested that this application be determined by the Committee.

There were no late items pertaining to the application.

Ms Lucie Harrison (objecting) and Councillor P Lally (ward member) made representations to the Committee prior to the general debate.

During the debate the Inspector's report on the previous application was considered, as was the impact on neighbour amenity, overcrowding, design and the impact on already busy streets for emergency access to Dagmar Road.

RESOLVED that planning permission be refused, with the precise wording of the refusal to be delegated Head of Planning and Economic Development in consultation with the Chair of the Planning Committee.

Reason

The proposed development by virtue of its excessive scale and massing on a prominent corner plot location would create a significant social and environmental impact on the character and appearance of the area. Accordingly, the proposal would be contrary to Policy 17 of the Part 2 Local Plan (2019), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and the National Planning Policy Framework (2019).

43.3 20/00585/FUL

Change of use from agricultural land to mixed use agricultural and outdoor leisure/recreational use and erect two Polytunnels, two steel containers for tool storage and portacabin for community use

Land at Greasley Castle Farm, 120 Church Road, Greasley, NG16 2AB

This application had been called before Committee as it proposed inappropriate development in the Green Belt.

There were no late items in respect of the application and no public speakers.

The Committee debated the application with particular reference to the temporary nature of the permission and the opportunities the development would give to children with disabilities and their families to partake in outdoor activities. The debate progressed on to the concern that the proposed polytunnels could be an eyesore, in particular spoiling the iconic view from Hemmingway Close up to the Church and Castle Farm. Mitigation of the appearance of the polytunnels was discussed. There was also concern that this could represent development by stealth, though it was noted that any further development would have to come before the Committee.

It was proposed by Councillor D K Watts and seconded by Councillor D Grindell that a condition be added to the planning permission making it clear that the development should only be permitted if it was to be used by a community group. On being put to the meeting the proposal was passed.

RESOLVED that planning permission be granted subject to the following conditions and an additional condition relating to the use of the development being specifically for community groups and the precise wording of the condition to be delegated to the Head of Planning and Economic Development in consultation with the Chair of the Planning Committee.

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**

Reason: 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. The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:2500), Block Plan (1:500), Floor Plans and Elevations (1:100); received by the Local Planning Authority on 28 August and 1 October 2020.**

Reason: For the avoidance of doubt.

- 3. The permission for the change of use of the land and siting of buildings hereby approved shall be for a limited period of 5 years, expiring on the 10 December 2025 when the buildings permitted shall be removed and the land reinstated to its former state to the satisfaction of the Local Planning Authority unless prior permission has first been obtained in writing from the Local Planning Authority.**

Reason: The buildings by virtue of their construction and appearance are not suitable for permanent retention and in accordance with Broxtowe Part 2 Local Plan (2019) Policy 17.

- 4. The portacabin and storage containers hereby approved shall be dark green in colour, and retained as such for the lifetime of the development.**

Reason: To ensure the development is in keeping with the character of the surrounding area and in accordance with Broxtowe Part 2 Local Plan (2019) Policy 17.

- 5. The use of the site shall be limited to the activities as described in section 3 of the planning application form, notably agricultural and outdoor recreational/leisure for community use in association with the Rainbow Parent Carers Forum.**

Reason: To ensure the site is used in accordance with the terms of the application only and to protect the openness of the Green Belt in accordance with Policy 8 of the Broxtowe Part 2 Local Plan (2019).

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 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. Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.
4. The applicant is to ensure that suitable washing and toilet facilities appropriate for the needs of the proposed site users are provided on site.

43.4 20/00707/FUL

Construct first floor rear extension and balcony (revised scheme)
105 Nottingham Road, Nuthall, Nottinghamshire NG16 1DN

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

There were no late items for consideration and no public speakers.

The Committee considered the proposed development with reference to the openness of the Green Belt, the position of the site and the size of the garden, as well as the footprint of the proposed extensions which did not exceed that of the extension that is currently there.

RESOLVED that planning permission be granted, with the precise wording and conditions delegated to the Head of Planning and Economic Development with the Chair of the Planning Committee.

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.

Reason: 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. The extension shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing building.

Reason: For the avoidance of doubt.

3. The development hereby permitted shall be carried out in accordance with drawing(s) numbered Site Location Plan 1: 1250 and Proposed Plans,

Elevations and Block Plan 1: 500, GD/BV/19/040/03 received by the Local Planning Authority on 08 October 2020.

Reason: For the avoidance of doubt.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no further extensions to the dwelling or outbuildings shall be erected within the curtilage of the dwelling without the prior approval of the local planning authority, by way of a formal planning application.

Reason: Further extensions to the dwelling or outbuildings in the garden would be considered disproportionate additions within the Green Belt and would be contrary to Policy 8 of the Part 2 Local Plan (2019).

Note 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 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

43.5 20/00657/ADV

Display 3 illuminated external signs and vinyl screens to the internal face of the first floor glazing
The Arc Cinema, 2 Station Road, Beeston, NG9 2WJ

The application was brought to the Committee at the request of Councillor D K Watts as the Council was the landowner.

There were two late items from residents regarding light pollution and the impact of the proposed development on local residents.

There were no public speakers.

Consideration to the application was given with particular reference to amenity and public safety.

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

1. 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).

Reason: In the interests of amenity and public safety.

- 2. The signage hereby permitted shall be carried out in accordance with drawing numbers 1816-BE-001, 1816-BE-705 and 1816-BE-707 received by the local planning authority on 25 September 2020 and 1816-BE-010 Rev 1, 1816-BE-011 Rev 1 and 1816-BE-706 Rev 1 received by the local planning authority on 20 November 2020.**

Reason: For the avoidance of doubt.

- 3. The hereby approved signs shall not be illuminated between the hours of 23.00 and 08.00.**

Reason: In the interests of amenity and public safety.

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. It is not permitted for any vehicles to obstruct the tramway at any time and any works on site should accord with the guidance from NET.**

44 INFORMATION ITEMS

44.1 DELEGATED DECISIONS

The delegated decisions were noted.

45 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 items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act.

46 NON COMPLIANCE WITH COMMUNITY PROTECTION NOTICE DATED 18 MARCH 2020

RESOLVED that direct action be taken and that works in default are carried out to secure the land in accordance with the Community Protection Notice dated 18 March 2020 and that a charging order be placed against the land for the monies should the invoice for the works remain unpaid.