

## PLANNING COMMITTEE

18 APRIL 2018

Present: Councillor M Handley, Chair

Councillors: D Bagshaw	R D MacRae
L A Ball BEM	G Marshall
J S Briggs	P J Owen
M Brown	R S Robinson
T P Brindley	P D Simpson
R I Jackson	M Radulovic MBE

Apologies for absence were received from Councillors J K Marsters and J W McGrath.

### 62. DECLARATIONS OF INTEREST

Councillor L A Ball BEM declared a pecuniary interest in agenda item 6.1 due to her employment and would withdraw from the meeting during debate and voting on that item in the interests of transparency, minute number 60.1 refers.

Councillor R D MacRae declared a non-pecuniary interest in agenda items 6.8 minute number 60.8 refers, 6.9 minute number 60.9 refers and 6.12 minute number 60.12 refers as he had attended a number of public meetings on these matters.

Councillor M Radulovic MBE declared a non-pecuniary interest in agenda item 6.11 as he had been in discussion with the applicant, minute number 60.11 refers.

### 63. MINUTES

The minutes of the meeting held on 21 March 2018 were confirmed and signed.

### 64. NOTIFICATION OF LOBBYING

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

65. TREE PRESEVATION ORDERS

65.1 Tree Preservation Order: Temple View Estate, Nuthall, 1968

An application had been received to fell two Beech trees located at 3 Ayscough Avenue, Nuthall, which were protected by the TPO Temple View Estate 1968. The trees had been found, on inspection, to be healthy.

Mr Stuart Clarke (the applicant) and Councillor J M Owen (Ward Member) addressed the Committee prior to the general debate.

The Committee debated the application and the following comments were amongst those made:

- The trees were causing a loss of light to the garden of 3 Ayscough Avenue.
- Some substantial branches had fallen from the trees during storms and there was concern that these could damage houses in the vicinity.
- The main road (B600) at the rear of the property was busy and could be blocked if the tree should fall or lose further branches.
- There was concern about felling healthy trees.

**RESOLVED to allow the felling of the two Beech trees at 3 Ayscough Avenue.**

Reason

The trees are considered to be overbearing given the scale of the garden of 3 Ayscough Avenue. It is also considered that the trees represent a danger to the surrounding properties and traffic on the main road at the rear of the property.

60. DEVELOPMENT CONTROL

60.1 15/00010/FUL

Construct 67 no. dwellings (revised scheme – 92/00730/FUL)  
Land off Acorn Avenue, Giltbrook, Nottingham, NG16 2UF

The application had been brought back to Committee as following the resolution to grant planning permission subject to a section 106 agreement at 11 November 2015 meeting, the applicant had proposed to amend the scheme, largely to make some amendments to the layout and to include 14 new house types, rather than the 12 originally proposed. The monies from the section 106 agreement were intended to fund flood alleviation measures.

There were no late items in respect of the application.

Mr Anthony Worrall, objecting, addressed the Committee prior to the general debate.

The Committee debated the application and the following comments were amongst those made:

- It was noted that the resolution was subject to the section 106 agreement and that the conditions in place required extensive details of the flood mitigation plan, which would be for the whole local area. The section 106 monies were to fund a full study by Nottinghamshire County Council to inform the measures that would be required of the developer.
- There was reluctance to support the amendments to the site whilst the details of the flood mitigation plan were not in the public domain.
- There was concern that the developers did not own some parts of the site on which they proposed to build flood attenuation features.

**RESOLVED that the scheme as amended should not be passed pending a further report to be taken to Committee detailing progress on the flood mitigation strategy for the site and wider area.**

#### Reason

The Committee was concerned that the flood attenuation features proposed by the developer were not appropriate. A further report is to be taken to Committee detailing progress on the flood mitigation strategy for the site and wider area.

(Councillor L A Ball BEM, having declared a pecuniary interest, left the meeting before debate or voting.)

#### 60.2 17/00854/FUL

Construct manège

Land to the rear of Holly Farm Bungalow, Main Street, Newthorpe, NG16 2DL

The application sought permission to construct a horse exercise manège on the field to the north of Holly Farm Bungalow. Members had deferred making a decision of the application from meeting of the Committee on 21 March 2018 due to concerns regarding the Right of Way running through the site. Councillor M Handley had requested that the application be considered by Planning Committee.

The Committee was referred to the summary of late items which noted that the item had been misnumbered on the agenda. There were no public speakers.

It was noted that Nottinghamshire County Council, who were responsible for Rights of Way, had confirmed that the public footpath running through the site would not be affected by the proposed manège. Consideration was also

given to the fact that there was space for the footpath to be diverted if required.

**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 Proposed Block & Site Plans (1:1250), received by the Local Planning Authority on 19 and 15 December 2017 respectively; and the Proposed Elevation and Floor Plan (Drawing No. 12/17/01, 1:100, 1:50) received by the Local Planning Authority on 15 December 2017 and Drawing No. 12/17/LEV(1:200) received by the Local Planning Authority on 13 March 2018.**
- 3. The manège hereby approved shall not be used for the holding of competitions, exhibitions, gymkhanas, hiring of horses or any other business activities.**

**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 operation of a commercially run manège would be detrimental to the amenities of the area and highway safety by reasons of increased activity and traffic.**

**Notes to Applicant:**

- 1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by communicating with the agent throughout the course of the application.**
- 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. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.**

**Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.**

**Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.**

**If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)**

- 3. The availability of footpath number 40 shall not be affected or obstructed in any way by the development, unless subject to appropriate diversion or closure orders. East Midlands Ltd should be contacted in relation to any surfacing or gating issues on 01159 774 559.**

60.3 17/000866/FUL

Construct 39 bedroom hotel (Class C1) with associated car parking and ancillary development

Land to the north of Old Moor Lodge, Mornington Crescent, Nuthall, NG16 1QE

The application, which sought permission to erect a 39 bedroom hotel next to the Old Moor Lodge public house, had been called in by Councillor P J Owen.

The Committee was asked to refer to the late items submitted in respect of the item, including comments from the agent and concerns from residents.

Ms Tina Morhouse (on behalf of the applicant) and Mrs Meena Sahdev (objecting) addressed the Committee prior to the general debate.

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

- Planning permission had previously been granted for a 44 bedroom hotel, but this had lapsed.
- There would be a tree screen for privacy and the hotel would be 60 metres from neighbouring properties.
- It was noted that the scheme reduced the number of car parking spaces and this was a major source of concern to the Committee as the adjoining public house was already popular and the car park was often full. There

was concern that if the hotel was full, 39 additional cars would not be accommodated within the proposed car park.

- The hotel would be aimed at drivers looking to break their journey with a short stay in the area. It was noted that this could cause extra traffic.
- Some members considered that the development would be out of keeping with the residential nature of the estate, though others felt that it offered a convenient stopping place, near to the motorway.
- Concern that there would be an increase in crime associated with the hotel was discussed and the example of a similar development in Phoenix Park was cited.

It was proposed by Councillor R I Jackson and seconded by Councillor P Owen that the consideration of the item be deferred to allow for a more detailed consideration of parking levels. On being put to the meeting the motion was carried.

**RESOLVED that consideration of the application be deferred.**

Reason

Discussion needs to be had with applicant and highways to enable members to fully understand current parking levels, proposed parking levels and whether there will in turn be sufficient parking. The specific concern appeared to be regarding provision at peak times (early evening).

60.4 18/00081/ADV

Retain 4 internally illuminated signes (A,B,C and D) and 4 externally illuminated signs (E, F, G and H)

Old Moor Lodge, Mornington Crescent, Nuthall, NG16 1QE

The application, sought advertisement consent to erect replacement signage on and within the grounds of the existing public house as part of an extensive refurbishment. The item had been called in by Councillor P J Owen for consideration by Planning Committee.

There were no late items.

Mrs Meena Sahdev (objecting) addressed the Committee prior to the general debate.

The debate centred on the following issues:

- The signage was excessive, particularly when compared with other similar business in the locality.
- There was an impact on residents of Mornington Crescent who were being disturbed by the lights of the signage at night.

It was proposed by Councillor P J Owen and seconded by Councillor R I Jackson that an amendment to the recommendation be made that no signs

facing on to Mornington Crescent should be illuminated. On being put to the meeting the amendment was carried.

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

1. The development hereby permitted shall be carried out in accordance with the Site Location Plan 1: 1250, Block Plan 1: 500, East/West Elevation Details, North/South Elevations Details, Freestanding Sign Details received by the Local Planning Authority on 16 March 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).
3. Notwithstanding the drawings hereby permitted, the signs identified as 'B', 'C', and 'F' on the Block Plan (1:500) and detailed on the East/ West Elevation Details (1:100) and North/ South Elevation Details (1:100) shall be non-illuminated signs and shall remain as such for the lifetime of the development.

#### **Reasons**

1. For the avoidance of doubt.
2. In the interests of amenity and public safety.
3. To protect the amenity of nearby neighbours in accordance with Policy 10 of the Aligned Core Strategy (2014).

#### **Note to Applicant**

The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by seeking amended plans, to address the issues identified on the officers site visit.

60.5 17/00386/ADV  
Display signage  
The Old Rock, 1 – 3 Nottingham Road, Stapleford, NG9 8AB

The application was considered by the Planning Committee on 21 March 2018 and sought advertisement consent to retain and display a variety of signs. The application was deferred to allow for representation to be made to Stapleford Town Council.

There were no late items. Mr Baxter (objecting) and Mr Mohammed (on behalf of the applicant) addressed members prior to the general debate.

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

- Stapleford Town Council objected to the application as they consider the design and size of the proposed signage out of keeping with the local area.
- There was concern that advertising space could be for other businesses and it was clarified that it should pertain specifically to events and services provided at the public house.

**RESOLVED that 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).**
- 2. The development hereby permitted shall be carried out in accordance with the Site Location Plan received by the Local Planning Authority on 2 June 2017 and amended drawings:**



**External Elevations Plan 1; External Elevations Plan 2; External Elevations Plan 3 and External Elevations Plan 4 received by the Local Planning Authority on 2 February 2018.**

**Reasons**

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

**Note to Applicant**

**The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by seeking amended plans.**

60.6 18/00173/FUL  
Install memorial stone  
Land west of recreation ground, Canal Side, Beeston, NG9 1LZ

The application sought permission to install a memorial stone as a tribute to Owen Jenkins, who had been drowned attempting to rescue friends who had come into difficulties in the River Trent. The memorial would be situated on the grass embankment adjacent to Beeston Weir.

There were no late items and no public speakers.

Members debated the item and it was noted that this was a fitting tribute to Owen Jenkins and the strong show of community spirit that had surrounded his death.

**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 Plan received by the Local Planning Authority on 6 March 2018 and the Location Plan received by the Local Planning Authority on 7 March 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.**

**Note to Applicant:**

**The decision has been reached taking into account the guidance in paragraphs 186-187 of the National Planning Policy Framework with a decision being reached within the eight week determination period..**

60.7 17/00761/FUL  
Construct dwelling  
5 Dormy Close, Bramcote, Nottinghamshire, NG9 3DE

The application, which sought permission to construct a two/three storey dwelling with integral garage, had originally been brought before the Planning Committee on 14 February 2018 and a decision had been deferred due to concerns regarding the proposed size of the building.

The Committee was referred to the summary of late items which included objections from the resident at Manor Court House suggesting that Japanese Knotweed was present on the site leading to a suggestion that a condition be added to the final recommendation.

There were no public speakers on the item.

The application was debated and it was noted that the numerous small reductions in size to the proposed building would make a significant collective impact on neighbour amenity.

**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: 001 Rev I received by the Local Planning Authority on 26 March 2018 and 002 Rev G and 004 Rev B received by the Local Planning Authority on 27 March 2018.**
- 3. No development shall take place until a site survey of Japanese knotweed has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the survey shall be made available to the local planning authority. A report specifying the measures to be taken to eradicate Japanese Knotweed from the site, and a timetable for its eradication, shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved details.**

## 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 prevent damage to the dwelling that is to be constructed and prevent the spread of the plant through development works to neighbouring properties, in accordance with the aims of the NPPF.

## Notes to Applicant:

1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by working to determine this application 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/>

60.8 17/00873/FUL

Change of use from retail (Class A1) to retail and residential (Class C3) to create 6 flats and external alterations including side dormer  
54 Derby Road, Stapleford, Nottinghamshire, NG9 7AB

The application sought permission to retain the use of a ground floor vacant retail unit previously used as a carpet shop and convert the first and second floors in to six residential flats. Councillor J W McGrath had requested that this application be determined by the Committee.

Members were asked to consider the late items which included a statement from Councillor J W McGrath, comments from Stapleford Town Council, representation from Environmental Health and an email from the applicant.

Ms Allison Renshaw (objecting) and Councillor R H Darby (Ward Member) addressed members prior to the general debate.

The item was debated with particular reference to the following:

- There was concern about the lack of car parking facilities and the Committee queried whether a residents parking scheme could be introduced in William Road to alleviate any issues that would arise from an increased number of cars in the area. It was noted that car parking

schemes came under the remit of Nottinghamshire County Council. It was also noted that there was a Broxtowe Borough Council car park in the vicinity where residents would be able to park for free after 5pm.

- The dormer windows were noted to be relatively well screened, facing the Farm Foods building.

It was proposed by Councillor P J Owen and seconded by Councillor R I Jackson that the consideration of the item deferred to allow further consideration of parking. On being put to the meeting the motion was carried.

**RESOLVED that the item be deferred.**

Reason

To investigate whether parking permits could be issued in the Council car park or a regulation be put in place which would not allow occupants of flats to park on William Street.

60.9 18/00114/FUL

Change of use from vehicle workshop and garage to dance studio (Class D2) including associated external alterations  
Manor Yard, 92a Church Street. Stapleford, Nottinghamshire, NG9 8DJ

An application had been received to convert a vehicle workshop into a dance studio, including external alterations. Councillor R D MacRae had requested that this application be determined by Planning Committee.

There were no late items. The applicant, Mr Robert Aldred, addressed the Committee prior to the general debate.

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

- The dance studio was to provide private dance lessons by appointment, not classes. The target audience was to be couples entering ballroom dancing competitions. Concerns about the application had been based on a misunderstanding that a conventional dance school with group classes was proposed and a condition to exclude this use was discussed.
- Condition 3 stated that no music audible at the site boundary, mitigating any impact on neighbouring homes and businesses.

It was proposed by Councillor R I Jackson and seconded by Councillor R D MacRae that an amendment be made in the form of a condition, the exact wording of which to be delegated to the Chair, Leader of the Council and the Head of Neighbourhoods and Prosperity, to restrict dance school use to current business model, not a 'standard' dance school. On being put the meeting the amendment 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 the permission.
2. The development hereby permitted shall be carried out in accordance with drawing numbers: 18/U1CS/04 received by the Local Planning Authority on 14 February 2018 and 18/U1CS/03c and the Site Location Plan received by the Local Planning Authority on 20 February 2018.
3. No sound reproduction or amplification equipment (including public address systems, loudspeakers, etc) which is audible at the site boundary shall be installed or operated on the site.
4. The premises shall not be open to customers except between 10.00 and 23.00 hours on any day.
5. The development hereby approved shall not be brought into use until the kerbs have been dropped for the full length of the car parking spaces, the parking area has been surfaced in a hard, bound material and each space has been clearly delineated as shown on the proposed site plan (1:200) and retained as such for the lifetime of the development.
6. Notwithstanding the provisions of schedule 2 part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order alter or retract modification), this permission shall relate solely to the use of these premises for a dance studio operated in accordance with section 3 of the Planning Statement dated February 2018 and not for any other type of dance studio or use falling within Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

### 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 noise and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
4. To protect nearby residents from excessive noise and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
5. In the interests of highway safety and to ensure the provision of on-site parking.

6. To minimise the potential for parking congestion that could be created by vehicles associated with attendance at dance classes for large numbers of pupils, in the interests of highways safety and in accordance with the aims of Policy T11 of the Local Plan (2004) and Policy 17 of the Draft Part Two Local Plan (2017).

**Notes to Applicant:**

1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by working to determine this application within the agreed determination timescale.
2. 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.

60.10 18/00121/REG3

Install external wall insulation

1, 3, 7, 11 and 12 Ash Tree Square, 1 and 4 Henson Square, Bramcote, Nottinghamshire

The proposal was to install external insulation on seven Council owned properties with the Bramcote Conservation Area. The application was brought before the Committee as it was a Council application.

Members were asked to consider the late items for this application which included a note on misnumbering on the agenda and comments from a neighbouring property, where there were concerns about noise.

There were no public speakers.

The debate focussed on the impact on neighbours and there was a request that adjoining properties be offered the opportunity to have their property clad at the same time at their own expense. It was agreed that these comments would be passed on to the Housing Department and contractors.

**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 '12 Ash Tree Square Proposed Elevations' (CW18:009/11), the '3 Ash Tree Square Proposed Elevations'

(CW18:009/07) and the '7 Ash Tree Square Proposed Elevations' (CW18:009/08) received by the Local Planning Authority on 19 February 2018, the '1,11 Ash Tree Square Proposed Elevations' (CW18:009/06) and the '1, 4 Henson Square Proposed Elevations' (CW18:009/09) received by the Local Planning Authority on 21 February 2018 and the 'Site Location Plan' (CW18:009/01) received by the Local Planning Authority on 26 March 2018.

3. No building operations shall be carried out until samples of the materials to be used 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.

### 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 H11 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Draft Part 2 Local Plan.

### Notes to Applicant

1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by working to determine this application within the eight week 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/foryou/planning/development-in-former-coal-mining-areas/>

6.11 18/00133/FUL  
Retain secure bicycle locker and bin store area  
73 Main Street, Kimberley, Nottinghamshire, NG16 2NG

The application proposed to retain a secure bicycle locker and bin store that is located the front of 73 Main Street, Kimberley. Councillor R S Robinson had requested that his application be determined by Planning Committee.

Members were invited to consider the late items which included an email for the applicants agent, an email from the occupier of 77 Main Street and an email from Councillor R S Robinson.

Mr Trevor Court (on behalf of the applicant) and Mr Michael McPhee (objecting) addressed the Committee prior to the general debate.

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

- The appearance of the construction was discussed and there was disagreement about whether or not the appearance was acceptable. There was also debate about the quality of the build.
- The securing of personal property should be encouraged.

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

1. The development hereby permitted shall be retained in accordance with Plan Reference 73MSK01 received by the Local Planning Authority on 22 February 2018.
2. The roof of the development hereby approved shall not be used at any time as a terrace, garden or similar outside amenity space.

#### **Reasons**

1. For the avoidance of doubt.
2. To protect the privacy of nearby neighbours, in accordance with Policy H11 of the Broxtowe Local Plan (2004) and 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 in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by determining this application within the eight week determination period.
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/>

(Councillor M Radulovic MBE, having declared a non-pecuniary interest, left the meeting before debate or voting thereon.)



60.12 18/00080/ROC

Removal of condition 10 (no part of the development shall be brought into use until construction of the pedestrian crossing) of planning permission ref: 16/00107/FUL (construct 48 retirement living apartments)  
Site of former Sinbad Plant LTD, Hickings Lane, Stapleford, NG9 8PJ

The application asks for permission to remove condition 10 of planning reference 16/00107/FUL. Planning permission was granted in November 2016 to construct 48 retirement living apartments and condition 10 stated that the pedestrian crossing should be constructed before the apartments were occupied. The section 106 monies to fund the construction of the crossing had been received and discussions were on-going with Nottinghamshire County Council regarding the specific siting of the crossing.

Members were asked to refer to the late items which included the correction of an incorrect reference number, an email from a resident asking that condition 10 be varied rather than removed and several comments on the location of the crossing.

Mr Paul Dennan (objecting) and Councillor R D McRae (Ward Member) addressed members prior to the general debate.

The application was debated with the following points made:

- Nottinghamshire County Council as the Highways Authority would need to approve the location of the crossing. The process of determining the correct place for the crossing would take time.
- It was felt to be unfair to hold back occupation of the flats when the developer had paid the section 106 monies in good faith.

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

- 1. The development shall remain in accordance with drawings received on the 27 November 2018;**
  - MI\_2249\_01\_03\_AC\_001\_C - Location & Context Plan;
  - MI\_2249\_01\_03\_AC\_002\_D – Site Layout;
  - MI\_2249\_01\_03\_AC\_003\_C – Elevations Sheet One;
  - MI\_2249\_01\_03\_AC\_004\_C - Elevations Sheet Two;
  - MI\_2249\_01\_03\_AC\_005\_C – Elevations Sheet Three;
  - MI\_2249\_01\_03\_AC\_008\_B – Ground Floor Plan;
  - MI\_2249\_01\_03\_AC\_009\_B – First Floor Plan;
  - MI\_2249\_01\_03\_AC\_010\_C – Second Floor Plan; and
  - MI\_2249\_01\_03\_AC\_011\_B - Roof Plan.
- 2. The approved landscaping scheme shall be carried out strictly in accordance with the approved details and 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, unless written consent has been obtained from the Local Planning Authority for a variation.

3. No unit constituting an individual unit of occupation shall be used for any purpose other than as a private residence for the occupation of an elderly person unless otherwise agreed in writing with the Council. An elderly person shall be defined as follows:
  - (1) being a single resident any person who has attained the age of 60 years unless the survivor of those persons mentioned in (2);
  - (2) being joint residents of whom one has attained the age of 60 years and the other of 55 years.
4. The windows in the most North Easterly side elevation serving apartments 2, 3, 21 and 22 shall be obscurely glazed and shall remain as such for the life of the development.
5. No part of the development hereby permitted shall 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 MI\_2249\_01\_03\_AC\_002\_D. The parking, turning and servicing 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, turning and loading and unloading of vehicles.
6. The access arrangements shall be maintained as a dropped and tapered/flush kerb along the footway and the edge of the trafficked area.
7. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

### Reasons

1. For the avoidance of doubt.
2. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014).
3. In the interests of local amenity and highway safety.

4. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
5. To ensure that adequate off-street parking provision is made and to reduce the possibilities of the proposed development leading to on-street parking in the area.
6. To ensure ease of passage along the footway for pedestrians, especially with motorised buggies etc.
7. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

### **Notes to Applicant**

1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by communicating with the agent throughout the course of the application.
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 01623 646 333. Further information is also available on The Coal Authority website at [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service at [www.groundstability.com](http://www.groundstability.com)

(Councillor R D MacRae, having spoken as ward member with a specific view as to where the crossing should go, left the meeting before debate or voting thereon.)

### 61. INFORMATION ITEMS

#### 61.1 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.

## 61.2 Appeal Decisions

### 61.2.1 17/00338/FUL

9 St Patricks Road, Nuthall, Nottingham, NG16 1ED

The Committee noted the Planning Inspector's decision to allow the applicant's appeal in respect of the above application.

### 61.2.2 17/00029/FUL

Land to the rear of 53 Kimberley Road, Nuthall, Nottingham, NG16 1DA

The Committee noted the Planning Inspector's decision to dismiss the applicant's appeal in respect of the above application.

### 61.2.3 17/00594/FUL

Land adjacent 5 Leamington Drive, Chilwell

The Committee noted the Planning Inspector's decision to dismiss the applicant's appeal in respect of the above decision.

## 61.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 24 February and 23 March 2018.