

## PLANNING COMMITTEE

7 NOVEMBER 2018

Present: Councillor M Handley, Chair

Councillors:	D Bagshaw	G Marshall
	L A Ball BEM	J K Marsters
	J S Briggs	M Radulovic MBE
	T P Brindley	R S Robinson
	M Brown	P D Simpson
	R I Jackson	A W G A Stockwell (substitute)
	R D MacRae	

An apology for absence was received from P J Owen.

### 28. DECLARATIONS OF INTEREST

Councillor M Radulovic MBE declared a non-pecuniary interest in item 6.2 owing to the employment of a close relation at Boots, minute number 32.2 refers.

### 29. MINUTES

The minutes of the meeting held on 10 October 2018 were confirmed and signed.

### 30. NOTIFICATION OF LOBBYING

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

### 31. DEVELOPMENT CONTROL

#### 31.1 18/00538/FUL

Construct 15 apartments, following demolition of warehouse  
The Raven Group, Ellis Grove, Beeston, NG9 1EP

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

The Committee noted that an email from a local resident outlining their objection to the development had been included in the late items.

Mr Ian Collier, objecting, and Councillor J C Patrick, Ward Member, addressed the Committee prior to the general debate.

The design of the apartments was discussed with particular reference to the appearance of the exterior, the height of the block in relation to homes on Barrydale Avenue and the small size of the living space in the flats. The Committee noted that 15 car parking spaces would be created as part of the proposed development.

There was a discussion about the allocation of Section 106 monies. It was agreed that the Chair of Planning Committee, the Head of Neighbourhoods and Prosperity and Ward Members for Beeston West would consider whether there was enough evidence to suggest a direct link between the development and increased use of West End Community Centre to reallocate funding from other identified projects. It was noted that any amendment to the proposed uses for Section 106 monies would have to be brought before the Committee for approval.

An amendment was proposed by Councillor R I Jackson and seconded by Councillor L A Ball BEM that a condition be added to require the lower section of all first and second floor windows and Juliet balconies in the rear elevation to be obscurely glazed, with the precise wording to be agreed with the Head of Neighbourhoods and Prosperity and the Chair. On being put to the meeting, the amendment 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 drawing numbers 456 002 Rev D received by the Local Planning Authority on 5 September 2018, 456 004 rev D received by the Local Planning Authority on 2 October 2018, and 456 003 Rev B received by the Local Planning Authority on 12 October 2018.**
  - 3. a) No part of the development hereby approved shall 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 any contamination or other identified problems.

b) No building to be erected pursuant to this permission shall be occupied or brought into use until:

(i) All necessary remedial measures have been completed in accordance with details approved in writing by the Local Planning Authority; and

(ii) It has been certified to the satisfaction of 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.

4. No part of the development hereby approved shall be commenced until details of a scheme for drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: details of proven outfall from the site; details of infiltration including soakaway testing; details of discharge for run off rate; demonstrate that the drainage system can cater for the 1 in 100 year event including 40% allowance for climate change; details of exceedance flows; details of a SuDS system; and details of management and maintenance for the drainage system. Thereafter, the development shall be carried out in accordance with the approved details.
5. No part of the development hereby permitted shall be brought into use until the access / parking / turning areas are constructed with provision to prevent the unregulated discharge of surface water from the access /parking / turning areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall thereafter be retained for the life of the development.
6. No part of the development hereby permitted shall be brought into use until a footway has been provided to the frontage of the development as indicated on plan ref: 456 004 Rev D and constructed in accordance with the Highway Authority specification; the parking and turning areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 456 002 Rev D and maintained in the bound material for the lifetime of the development; and the visibility splays shown on drawing no 456 04 Rev D have been provided. The area within the visibility splays shall thereafter be kept free of all obstructions, structures or erections and the parking area shall not be used for any purpose other than the parking and turning of vehicles.

- 7. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification.**
- 8. No development above slab level shall be carried out until details of the manufacturer, type and colour of the materials to be used in the facing walls and roofs 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.**
- 9. No development above slab level shall take place 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) planting, seeding/turfing of other soft landscape areas,**
  - (d) proposed boundary treatments**
  - (e) a timetable for implementation.**

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

- 10. The approved landscaping shall be carried out not later than the first planting season following the practical 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.**
- 11. No development shall take place until detailed plans showing the means of enclosure of the application site have been submitted to and approved in writing by the Local Planning Authority: no part of the development shall be occupied until it has been enclosed in accordance with those details, and thereafter retained for the lifetime of the development.**
- 12. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.**

13. Notwithstanding the details shown on drawing numbers 456 003 Rev B (proposed elevations) and 456 002 Rev D (proposed floor plans) the lower sections of the first and second floor windows, and the Juliet balconies on the rear elevation shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and retained in this form for the lifetime of the development.

### **Reasons**

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. No such details were provided and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure that the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy E29 of the Broxtowe Local Plan (2004).
4. No such details were provided and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure that the details are satisfactory, in accordance with Policy 1 of the Aligned Core Strategy.
5. In the interests of highway safety to ensure surface water is not deposited on the public highway causing danger to other road users, and in accordance with Policy 10 of the Aligned Core Strategy.
6. In the interests of highway safety and in accordance with Policy 10 of the Aligned Core Strategy.
7. In the interests of highway safety and in accordance with Policy 10 of the Aligned Core Strategy.
8. Full details were not agreed, in the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
9. Insufficient details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area, to ensure a satisfactory standard of amenity and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).

10. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
11. In the interests of residential amenity and the appearance of the area and in accordance with Policy H7 of the Broxtowe Local Plan (2004).
12. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
13. 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 Aligned Core Strategy (2014).

#### **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 and determining the application within the agreed period.
2. The Public Protection team advise the following:
  - (i) No bonfires to be on the site at any time. No materials produced as a result of the development or clearance shall be burned on site.
  - (ii) All reasonable steps, including dampening down site roads, shall be taken to minimise dust and litter emissions whilst works of demolition and construction are in progress.
  - (iii) The Environmental Health pollution team will require sight of the Asbestos survey and documentation relating to its' safe removal from site prior to commencement of demolition.
  - (iv) The Environmental Health pollution team will need to be notified of the arrival on site of the Mobile Crushing plant for them to carry out inspection of the crushing equipment in lie with the operational permit issued under the Pollution Prevention and Control Act 1999 Environmental Permitting (England and Wales) Regulations 2010 (as amended).
3. The development makes it necessary to construct and improve the vehicular crossing over the footway together with reinstatement of the footway fronting the site of/on 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>

4. It is not permitted for any vehicles to obstruct the tramway at any time and consideration should be given to erecting a warning sign at the construction site exit point to warn of overhead lines. Please contact the Nottingham Express Transit (NET) Project Office for further information (0115 876 4095).

31.2 18/00663/FUL

Change of use from building society (Class A2) to café/restaurant (Class A3)  
8 The Square, Beeston, NG9 2JG

The application had been brought before Committee owing to Broxtowe Borough Council's ownership of the site.

There were no late items and no public speakers for the application.

The debate focussed on the expansion of a successful business and the benefit to the local area in bringing a retail unit back into 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 this permission.
2. The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250) and proposed floor plan drawing number Estates 20-07-18 003 Rev A received by the Local Planning Authority on 26 September 2018.
3. The use hereby permitted shall not be open to customers outside the hours of 07.00 – 00.00 hours Monday to Sundays, Bank or other Public Holidays without the prior agreement in writing of the Local Planning Authority.
4. The use hereby permitted shall not be open to customers until details of ventilation and filtration equipment to be installed on the premises have been submitted to and agreed in writing by the Local Planning Authority. Once approved the equipment shall be installed in accordance with these details and shall be retained for the duration of the use.

#### 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. **In the interests of the amenities of nearby residents and in accordance with Policy S1 of the Broxtowe Local Plan (2004).**
4. **To minimise the emission of odour in the interests of the amenities of nearby residents and in accordance with the aims of Policy E24 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 eight week determination timescale.**

#### 31.3 18/00234/ENF

Construction of detached bungalow with six unauthorised velux windows added in rear elevation

176 Moorgreen, Newthorpe, Nottingham, NG16 2FE

This matter had been brought to the Council's attention in July 2018. The Committee noted that six velux windows had been inserted into the roof within the rear of the property in contravention of the outline planning permission that had been granted in 2016 under reference 16/00532/OUT and the reserved matters application that was approved for the construction of a detached bungalow on 1 June 2017 under reference 17/00245/REM. It was further noted that, as the development was in the Green Belt, the grant of outline permission was based on very special circumstances.

There were a number of late items for the Committee to consider.

The Committee considered a number of options, including the possibility of enforcement action. There was concern that without a planning application to regularise the development, the conditions placed upon it would not apply.

**RESOLVED that no enforcement action be taken for a period of two months to allow for the submission of an amended planning application and if no application is forthcoming a further report be brought to Committee to enable the appropriate action to be taken.**

#### 32. INFORMATION ITEMS

##### 32.1 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.

##### 32.2 Delegated Decisions



The Committee noted the decisions determined under delegated powers between 22 September and 19 October 2018.

Thanks were given to Planners for their work on the application at the Boots site.