

PLANNING COMMITTEE

WEDNESDAY, 13 MARCH 2024

Present: Councillor R S Falvey, Vice Chair in the Chair

Councillors: D Bagshaw
P J Bales
L A Ball BEM
R E Bofinger
G Bunn
S J Carr
G S Hills
G Marshall
P A Smith
H Land (Substitute)
J M Owen (Substitute)
S Webb (Substitute)

Apologies for absence were received from Councillors D D Pringle, H E Skinner and D K Watts.

Councillor D Bagshaw arrived late to the meeting and did not Chair. Minute number 52.1 refers.

Councillor P J Owen was present as ex-officio.

Having declared himself predetermined, Councillor D D Pringle attended the meeting as a Ward Member.

The officers present were S Simms, O Wells, C Hallas, M Keay, R Ayoub, S Khosa, J Ward and K Newton.

49 **DECLARATIONS OF INTEREST**

Councillor G Bunn declared a non – registrable, non pecuniary interest in item 5.2 as she had been a customer of the garage based on the site proposed for development. Minute number 52.2 refers.

50 **MINUTES**

The minutes of the meeting on 7 February 2024 were confirmed and signed as a correct record.

51 **NOTIFICATION OF LOBBYING**

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

52 DEVELOPEMENT CONTROL

52.1 22/00892/FUL

Change of use of land to animal sanctuary with 27 guest cabins, reception / spa / retreat / education centre, ancillary restaurant building and animal houses /enclosures, creation of new access and car parking including landscaping
Land to west and south of Station House, The Forge, Trowell, Nottinghamshire

The application was brought to the Committee at request of Councillor D Pringle. The proposal was also a departure from the Broxtowe Part 2 Local Plan 2019.

There were number of late items and one late, late item. The late items included ten objections, four comments of support, a link to an online petition in support of the application and a written petition had been submitted by the applicant in support of the application. A leaflet had been submitted by the applicant in support of the application and an email from the Born Free Foundation to the applicant advising on the care of his lions. A comment was received from a Nottinghamshire County Councillor. The late, late item was a written petition submitted in opposition to the proposal.

There was a request from Councillor S J Carr that the precise contents of the email from the Born Free Foundation be shared.

It was proposed by Councillor R S Falvey and seconded by Councillor G Marshall that there be an adjournment of five minutes to allow Planning Officers to find the email. On being put to the meeting, the motion was carried and the meeting was adjourned.

When the meeting resumed, the late item comprised of the email from the Born Free Foundation was read to the Committee in full.

Reece Oliver, the applicant, Sarah Brown, supporting by written statement, Roger Gray, objecting, Katie Richards, objecting by written statement, and Councillor D D Pringle, Ward Member, made representation to the Committee prior to the general debate.

Having given due regard to the representations put before them, the Committee commenced the debate. There was concern that there had been a lack of consideration of more suitable sites. It was noted that the biodiversity net gain would be -16% and there would be a loss of ecology on the site, including protected species. There were also comments on the importance of the site as a flood plain and a green corridor marking the boundaries between the settlements of Trowell and Ilkeston. It was considered that the proposed development would lead to an increase in traffic and pollution. There were concerns about the morality of keeping animals in captivity, the size of the site, security and the lack of details about the animals that would be kept on the proposed reserve.

As the debate progressed consideration was given to the ambition of the project and the opportunity for investment in the Borough. The claim that the scheme was carbon negative was discussed.

RESOLVED that planning permission be refused for the following reasons:

- 1. The site lies within the Nottinghamshire Green Belt where inappropriate development is by definition harmful and should not be approved except in very special circumstances. In the opinion of the Local Planning Authority the proposed development represents inappropriate development and it is considered that very special circumstances have not been demonstrated to justify the granting of planning permission in this instance. The application is therefore not in accordance with Policy 3 - The Green Belt of the Broxtowe Aligned Core Strategy Part 1 Local Plan (2014), Policy 8 - Development in the Green Belt of the Broxtowe Part 2 Local Plan (2019) and Part 13 – Protecting Green Belt land of the National Planning Policy Framework 2023.**
- 2. The submitted scheme, by virtue of its siting, size, scale and design would represent an unsatisfactory form of development to the detriment of the character of the Erewash River Corridor landscape area and the openness of the Green Belt in this location. The proposed development is therefore contrary to Policy 10 - Design and Enhancing Local Identity and Policy 16 - Green Infrastructure, Parks and Open Space of the Broxtowe Aligned Core Strategy (2014) and Policy 17 - Place-making, Design and Amenity and Policy 30 – Landscape and of the Broxtowe Part 2 Local Plan (2019).**
- 3. The proposed development would be located on land which is identified by the Environment Agency as being within flood zones 2 and 3. It is considered that the submitted sequential test search area is inadequate for a development in this location and of this nature and insufficient evidence to justify the proposed development in an area of high probability to flooding has been submitted. The application is as such contrary to the aims of Policy 1 - Climate Change of the Broxtowe Aligned Core Strategy Part 1 Local Plan (2014) and Policy 1 – Flood Risk of the Broxtowe Part 2 Local Plan (2019).**
- 4. The proposed development is a main town use and would be located on land outside of any nearby town centre and edge of centre. It is considered that the submitted sequential test search area is inadequate for a development in this location and of this nature and insufficient evidence to justify the proposed development in an out of centre of location has been submitted. The application is as such contrary to the aims of Policy 6 - Role of Town and Local Centres of the Broxtowe Aligned Core Strategy Part 1 Local Plan (2014) and Policy 13 - Proposals for Main Town Centre Uses in Edge-of-Centre and Out-of-Centre Locations of the Broxtowe Part 2 Local Plan (2019).**
- 5. The site lies within Trowell Junction Grassland Local Wildlife Site (LWS) and is bordered by the River Erewash which forms a Green Infrastructure Corridor. The proposal would result in an adverse impact on protected species, as well as the loss of a biodiversity asset (LWS) and fragmentation of a key wildlife corridor and ecological network. Furthermore, the proposal fails to deliver a biodiversity net gain to the detriment of the locality. The application is as such contrary to Policy 16 -**

Green Infrastructure, Parks and Open Space and Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local Plan (2014) and Policy 28 - Green Infrastructure Assets and 31 – Biodiversity 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.**

(Councillor D Bagshaw joined the meeting during the item and therefore did not Chair the meeting, join in the debate or vote thereon.)

52.2 23/00903/FUL

Proposed demolition of existing car garage and construction of residential accommodation comprising 12 studio flats and 2x6 bedroom cluster flats (HMO) (revised scheme)

Beeston Car Centre, Broadgate, Beeston, Nottinghamshire, NG9 2HD

This application was brought to the Committee at the request of Councillor B C Carr and Councillor S J Carr.

The late items were comprised of an additional comment received objecting to the submission of an amended visualisation without any extension to the neighbour consultation period and an amendment to the section 106 payment for parks and open spaces to take into account the two cluster flats.

Mark Bassett, the applicant and Ian Cooper, objecting, made representation to the Committee prior to the general debate.

The number of applications for student accommodation clustered around this area were discussed. It was noted that the proposed development would be on an employment site, which if lost, could impact the viability of Beeston Town Centre. There was also concern that the six parking spaces allocated to the building were for staff, not residents, that the rooms in the block were small and that the proposed density for the site was too high.

Debate progressed on to the detrimental impact of student blocks on the character of the area, especially the appearance of the block at the gateway to Beeston Town Centre, as well as the impact on existing residents and the wider community.

Councillor G Marshall proposed that the item be deferred to allow officers to gather further information about student properties in the area. He then withdrew his proposal.

RESOLVED that planning permission be refused with the precise wording of the refusal, to include reasons regarding the loss of an employment site, the density, highways and loss facilities and employment, delegated to the Vice

Chair of Planning Committee in agreement with the Head of Planning and Economic Development and the Planning Manager.

Reasons

1. The proposed building, by virtue of its scale and massing, is considered to dominate neighbouring properties in the street scene and cumulatively have an unacceptable impact on the character of the surrounding area. Therefore, the proposed development would be contrary to the aims of Policy 10 of the Aligned Core Strategy 2014 and Policy 17 of the Part 2 Local Plan (2019), and there are no other material considerations that justify treating this proposal as an exception to these policies.
2. The proposal would contribute to an increasing imbalance in the local housing mix and represents an unacceptable density of residential development, contrary to the aims of Policy 8 of the Aligned Core Strategy 2014 and Policies 15(6) and 17 of the Part 2 Local Plan (2019), and there are no other material considerations that justify treating this proposal as an exception to these policies.
3. The proposal would result in the loss of facilities and services, place additional demand on those that remain and reduce the sense of locally distinctive character, contrary to Policy 17 of the Part 2 Local Plan (2019) and the Building for Life criteria referred to therein, and there are no other material considerations that justify treating this proposal as an exception to these policies.

52.3 24/00013/FUL

Change of use from existing HMO (Use class C4) to a large House in Multiple Occupation (Sui-Generis use). Construction of dormer and single storey side and rear extensions

193 Station Road, Beeston, NG9 2AB

The application was brought to Committee at the request of Councillor V C Smith.

There was one late item, which was an email highlighting concerns and objections.

Rae Murphy, the applicant and Dave Gilkerson, commenting, made representation to the Committee prior to the general debate.

The Committee debated the item, having given regard to the representations before it. There were concerns about the size of the proposed development and the impact it would have on car parking and flooding in the area. Consideration was also given to the approach of the developer and the high quality of the proposed development, which was considered to be an improvement on the current state of the property.

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 received by the Local Planning Authority on 9 January 2024, Proposed Block Plan (drawing no.23121-P-200), Proposed Floor Plans and Roof Plan Revision C (drawing no.23121-P-210) and Proposed Elevations Revision A (drawing no.23121-P-220A) received by the Local Planning Authority on 22 January 2024.

Reason: For the avoidance of doubt.

3. The extensions and dormer shall be constructed using materials as annotated on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of Broxtowe Aligned Core Strategy (2014) and Policy 17 of 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 an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

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, excavations for 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.

If any 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/government/organisations/the-coal-authority

3. The applicant is advised to ensure that sound insulation to limit the transmission of noise between each property achieves the minimum requirements as contained in the current version of British Standard Approved Document E.
4. The proposal will involve building works. 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.

Burning commercial waste is a prosecutable offence and all waste should be removed by an appropriate licensed carrier.

52.4 23/00614/FUL

Retain static mobile home

Trinity Farm, Awsworth Lane, Cossall, Nottinghamshire, NG16 2RZ

Councillor L A Ball BEM requested that this proposal come before Committee.

The late item was a correction to the original report which referenced paragraph 154 of the National Planning Policy Framework rather than 155.

Lewis Winter, the applicant, made representation to the Committee prior to the general debate.

After considering all representations, the Committee debated the item. It was noted that the building was temporary, that the farm was a key part of the agricultural community and that the development did not have any impact on the openness or amenity of the Green Belt.

RESOLVED that planning permission be granted with the precise wording of the approval and conditions, to include a condition to return the site to its original state after ten years, be delegated to the Vice Chair of Planning Committee in agreement with the Head of Planning and Economic Development and the Planning Manager.

Reasons

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 14 March 2035. The use hereby permitted shall be discontinued and the land restored to its former condition on or before that date

in accordance with a scheme of work submitted to and approved by the local planning authority.

2. The occupation of the caravan, the siting of which is hereby permitted, shall be limited to a person solely or mainly employed, or last employed, at Trinity Farm in agriculture as defined in section 336 of the Town and Country Planning Act 1990, or any subsequent equivalent statutory provision or a dependent of such a person residing with him or her, or a widow or widower of such a person.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any subsequent equivalent legislation) no development falling within Part 14 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

53 INFORMATION ITEMS

53.1 DELEGATED DECISIONS

The Committee noted the delegated decisions.

54 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 involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Schedule 12A of the act.

55 ENFORCEMENT UPDATE - 22/00320/ENF

The Committee noted the report.