

PLANNING COMMITTEE

WEDNESDAY, 20 MAY 2020

Present: Councillor D K Watts, Chair

Councillors: L A Ball BEM
T A Cullen
D Grindell
R I Jackson
G Marshall
J W McGrath (Vice-Chair)
J M Owen (substitute)
P J Owen
J C Patrick (substitute)
D D Pringle
R S Robinson (substitute)
P Simpson (substitute)

Apologies for absence were received from Councillors D Bagshaw, M Handley, R D MacRae and R D Willimott

1 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

2 **MINUTES**

The minutes of the meeting held on 5 May 2020 were approved as a correct record and signed.

3 **NOTIFICATION OF LOBBYING**

4 **DEVELOPMENT CONTROL**

4.1 **19/00816/REM**

Construct 132 apartments (Class C3) and flexible use commercial unit (retail / financial and professional services / restaurant /bar /takeaway / assembly and leisure – Classes A1- A5 and D2) with car parking and landscaping (reserved matters relating to planning permission reference 18/00360/FUL)
Land South East Of B & M, Styring Street & Station Road, Beeston

This application sought planning permission to construct 132 apartments and flexible use commercial units with car parking and landscaping and was deferred from the meeting of 5 May 2020.

Members considered the late items for the application which included concerns raised over the design and height of the building.

Mr S Craven (objector) submitted a formal written representation that was read to members of the Committee, Mr I Jowett (applicant) submitted a formal written representation that was read to members of the Committee.

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

- The Highways objection by Nottinghamshire County Council.
- A vital opportunity for regeneration of Beeston offering much needed accommodation.

A recorded vote was proposed by Councillor P J Owen and seconded by Councillor D K Watts. The voting was as follows:

<u>For</u>	<u>Against</u>	<u>Abstention</u>
L A Ball BEM	P J Owen	D K Watts
D Grindell	J M Owen	
T A Cullen		
R I Jackson		
J W McGrath		
G Marshall		
D Pringle		
J C Patrick		
R S Robinson		
P D Simpson		

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

- 1. The development hereby permitted shall be carried out in accordance with drawings referenced:**

**Red Line Overall Development Rev A; Proposed Block Plan Rev A;
Proposed Section AA & BB Rev A;
Proposed Section CC & DD Rev B;
Ground Level Landscape General Arrangement Plan Rev S4/P04;
Site sections S4/P01;
01 Level Podium Garden Hard and Soft Landscape Proposals Rev S4/P01;
03 Level Roof Terrace Hard and Soft Landscape Proposals Rev S4/P01;
Proposed East and West Elevations Rev C;
Proposed North and South Elevations Rev B;
Proposed Plan – Level 00 Rev B;
Proposed Plan – Level 00 Mezzanine Rev B;
Proposed Plan – Level 01 Rev C;
Proposed Plan – Level 02 Rev C;
Proposed Plan – Level 03 Rev C;
Proposed Plan – Level 04 Rev C;
Proposed Plan – Level 05 Rev C;**

**Proposed Plan – Level 06 Rev C;
Proposed Roof Plan Rev B;
Proposed Section EE & FF and
Proposed Section GG.**

- 2. No development shall commence until a 1m square sample panel of each proposed brick type, indicating brick bonding, mortar colour and pointing technique, has been constructed on site and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
- 3. No development above slab level shall commence until details of the numbers, types and locations of bat and bird boxes have been submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall be installed in accordance with the agreed details prior to first occupation of the respective block.**
- 4. No development above slab level shall commence until details of the numbers, species and sizes of proposed shrubs and trees and planting of other soft landscaped areas has been submitted to and approved in writing by the Local Planning Authority. The planting shall take place in accordance with the agreed details.**
- 5. PV panels will be installed, in accordance with details which shall first have been submitted to and agreed in writing by the Local Planning Authority, within 6 months of first occupation of the building unless details of alternative environmental measures have been submitted to and agreed in writing by the Local Planning Authority. If alternative environmental measures have been agreed, these shall be installed within 6 months of first occupation of the building.**
- 6. The Station Road lay-by shall be provided in accordance with the Proposed Plan – Level 00 Rev B (or other such drawing as may be agreed) before any apartment or commercial unit hereby approved is first occupied and thereafter retained in the approved form for the lifetime of the development.**
- 7. No later than 12 months following first occupation of the hereby approved buildings beside Styring Street, any measures to facilitate the fixing of NET equipment to the Styring Street elevations of the buildings shall have been implemented in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.**
- 8. No refuse collections shall be made from the service lay-by between the hours of 07:30-09:30 and 16:30-18:30 Monday-Friday.**

Reasons

- 1. For the avoidance of doubt.**
- 2. In the interests of the appearance of the development and surrounding area, which includes conservation areas, and given the scale of the**

- building, in accordance with the aims of Policies 11, 17 and 23 of the Part 2 Local Plan (2019).
3. To secure the provision of such features in the interests of biodiversity and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policies 17 and 31 of the Part 2 Local Plan (2019).
 4. Insufficient details were submitted and to ensure appropriate planting occurs, in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policies 11 and 17 of the Part 2 Local Plan (2019).
 5. No such details were submitted and to ensure environmental measures are incorporated within the scheme, in accordance with the aims of Policy 1 of the Aligned Core Strategy (2014).
 6. In the interests of highway safety to ensure the development can be serviced and in accordance with the aims of Policy 17 of the Part 2 Local Plan 2019.
 7. To minimise clutter in the footpath and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019).
 8. To restrict use of the lay-by by large vehicles during peak hours in the interests of highway safety and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019).

Notes to applicant

1. The Council has acted positively and proactively in the determination of this application by working with the agent to amend the design of the scheme.
2. The conditions on 18/00360/FUL remain applicable to this development.
3. The developer will need to maintain close liaison with the tram operator, Nottingham Trams, during construction works and with regard to the technical requirements for the installation of the fixings, Tel: 0115 8246060, email: info@thetram.net. It is not permitted for any vehicles to obstruct the tramway at any time.
4. In order to carry out off-site works, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. The applicant is advised to contact the County Council Highways team for details on Tel: 0115 9772210.
5. The provision for refuse and recycling does not comply with the Council's requirements and has been accepted on the basis that a private company will be responsible for refuse/recycling collection.
6. Ventilation and filtration equipment may require planning permission.

7. **The applicant is advised to contact Western Power before works commence on site in relation to the substation on site.**
8. **The applicant is advised to contact Nottinghamshire Police to discuss the security specification of the building before commencing development.**

4.2 19/00779/FUL

Change of use from Former Dyeworks (Class B2) to storage and distribution (Class B8) for a temporary period of 3 years
Former Dyeworks Site, West End Street, Stapleford, NG9 7DA

This application sought planning permission for the change of use from a former dyeworks (Class B2) to storage and distribution (Class B8) for a temporary period of 3 years and had been brought before the Committee at the request of Councillor R D MacRae.

There were no late items or public statements for this application.

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

- The proposal was appropriate for the site.
- Further traffic issues that would arise from the increased number of vehicle movements.

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) received by the Local Planning Authority on 6 December 2019 and drawing number DB/MF/010/012/100 received by the Local Planning Authority on 12 December 2019.**
3. **Deliveries and collections by commercial vehicles shall only be made to or from the site between 08:00 - 17:00 hours Monday to Friday, 08:00 - 13:00 hours on Saturday and at no time on Sundays, bank holidays and other public holidays.**

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 the immediate residents from excessive operational noise.**

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 site falls within land that may be required to construct and/or operate Phase 2b of a high speed rail line known as High Speed Two. Powers to construct and operate High Speed Two are to be sought by promoting a hybrid Bill in Parliament. As a result, the application site may be compulsory purchased. Please visit <https://www.gov.uk/government/organisations/high-speed-two-limited> for more information.**
- 3. The site owner should register to receive flood warnings and inform those associated with the site.**

4.3 20/00059/FUL

Construct First Floor Side Extension and Rear Dormer (Revised Scheme)
88 Abbey Road Beeston Nottinghamshire NG9 2HP

This application sought planning permission to construct a first floor side extension and rear dormer (revised scheme) and had been brought before the Committee at the request of Councillor S J Carr.

Members considered the late items for the application which included photographs provided by the applicant detailing the street scene.

Mr Ahmed (applicant) submitted a formal written representation that was read to members of the Committee.

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

- The proposal was appropriate for the site.
- There was no loss of neighbour amenity

RESOLVED that planning permission be granted with the precise wording of the conditions 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.**
- 2. The development hereby permitted shall be carried out in accordance with the site location plan and drawings numbered: NGB112-88-03 Rev H, NGB112-88-02 Rev B and NGB112-88-04 Rev C.**
- 3. The extension and dormer shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing building.**

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 submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Local Plan (2019) 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 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

4.4 20/00081/FUL

Construct 10 dwellings, together with associated infrastructure and public open space
Land Off West Side Newmanleys Road, Eastwood , Nottinghamshire

This application sought planning permission to construct 10 dwellings, together with associated infrastructure and public open space and had been brought before the Committee due to the request for an Education Contribution from the County Council.

There were no late items or public statements for this application.

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

- Reasonable to ask for education contribution.
- There was need for housing.

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 following plans:

Site Location Plan – R9089-RLA-20-XX-DR-A-2101

Existing Site Layout Plan – R9089-RLA-20-XX-DR-A-2102

Proposed Site Layout Plan – R9089-RLA-20-XX-DR-A-2103 B
Proposed Boundaries Plan – R9089-RLA-20-XX-DR-A-2104
Proposed Material Plan – R9089-RLA-20-XX-DR-A-2105
Proposed Building Heights Plan – R9089-RLA-20-XX-DR-A-2107
Proposed Site Sections – R9089-RLA-20-XX-DR-A-2121
Proposed Street Elevation – R9089-RLA-19-XX-DR-A-2123
House Type 18A-S-471/599 – R9089-RLA-18-ZZ-DR-A-2130
House Type 18A-NS-670/758 – R9089-RLA-19-ZZ-DR-A-2131 A
House Type 18A-S-838 – R9089-RLA-18-ZZ-DR-A-2132
House Type 18A-S-838 V1 – R9089-RLA-18-ZZ-DR-A-2133
Levels and Drainage Appraisal – 12734-HYD-XX-XX-DR-C-2001 P01
Tree Protection Plan – 19-79-04
Detailed Soft Landscape Proposals - 19-079-075

Received by the LPA on the 3rd and 6th February 2020.

- 3. The dwellings hereby approved shall not be first occupied until their driveways and parking areas are surfaced in a hard, bound material (not loose gravel) for a minimum of 5.5 metres behind the highway boundary and constructed so as to prevent the unregulated discharge of surface water onto the highway. The surfaced drive shall then be maintained in such hard bound material for the life of the development.**
- 4. 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.**
- 5. Prior to being first brought into use the Public Open Space hereby permitted shall have a minimum of 600mm clean cover (nominally 150mm topsoil and 450mm subsoil) over a basal anti-dig membrane. The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.**
- 6. The open space shall be managed by a private management company and a detailed landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority, prior to the occupation of any development. This arrangement shall be in place for the lifetime of the development.**
- 7. This development shall not begin until a surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in**

accordance with the approved details before that phase of development is completed. The scheme to be submitted shall demonstrate:

- (a) The utilization of holding sustainable drainage techniques;
- (b) Any outflow from the site must be limited to the maximum allowable rate with a minimum 30% reduction on existing.
- (c) The ability to accommodate surface water run-off on-site up to the critical 1 in 100-year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- (d) Responsibility for the future maintenance of drainage features.

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 highway safety and in accordance with Policy 17 of the Part 2 Local Plan (2019).
- 4. In the interest of public health and safety.
- 5. In the interests of public health and safety.
- 6. To ensure the site is suitably landscaped and this is maintained for the life of the development.
- 7. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy 1 of the Broxtowe Aligned Core Strategy.

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 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>.
- 3. The Council will not adopt or be responsible for the ongoing maintenance of the open space on site.
- 4. The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

4.5 20/00043/FUL

Construct 4 dwellings and garages
3 Swingate, Kimberley, Nottinghamshire, NG16 2PG

This application sought planning permission to construct 4 dwellings and garages had been brought before the Committee at the request of Councillor R S Robinson.

Members considered the late items for the application which included three further objections.

Mr J Kennedy (objector) submitted a formal written representation that was read to members of the Committee, Councillor R S Robinson addressed the Committee as ward member.

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

- substandard degree of highway safety, in particular the access
- adverse impact on amenities of neighbouring properties.

RESOLVED that the application be refused with the precise wording of the refusal to be delegated to the Head of Planning and Economic Development in consultation with the Chair of the Planning Committee:

1. The proposal would be an over-intensive form of development due to the number of dwellings proposed relative to the size of the site. The proposal would therefore be out of keeping with the character of the surrounding area, contrary to Broxtowe Aligned Core Strategy (2014) Policy 10 and Broxtowe Part 2 Local Plan (2019) Policy 17.
2. The proposed development, by virtue of the siting of the dwellings in close proximity to the boundaries of the application site would result in an unacceptable loss of amenity for the residents of the neighbouring properties on Angus Close, Swingate and Clive Crescent. Accordingly proposal is

contrary to the aims Broxtowe Aligned Core Strategy (2014) Policy 10 and Broxtowe Part 2 Local Plan (2019) Policy 17.

3. The proposed development, by virtue of its location off a narrow private drive would provide a substandard means of access and would be detrimental to highway safety. Accordingly the proposal is contrary to the aims Broxtowe Aligned Core Strategy (2014) Policy 10 and Broxtowe Part 2 Local Plan (2019) Policy 17.

4.6 20/00165/FUL

Construct industrial units (class B2) including associated hard surfacing
Midland Industrial Designers, Common Lane, Watnall, Nottinghamshire NG16 1HD

This application sought permission to construct industrial units (class B2) including associated hard surfacing.

There were no late items or public speakers for this application.

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

- The proposal was appropriate for the site.

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 drawings numbered N7667-101 (1:1250), N7667-100 (1:200), and N7667-01A (1:100, 1:500); received by the Local Planning Authority on 12 March and 17 April 2020.
3. 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 N7667 -01. 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.
- 4.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.

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 that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
4. In the interest of public health and 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. 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. Due to the proximity of the site to residential properties it is recommended 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.
4. 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.

4.7 20/00127/FUL

Construct two storey rear/side and single storey rear extensions and raised decking
1a Trevor Road Beeston Nottinghamshire NG9 1GR

This application sought planning permission to construct two storey rear/side and single storey rear extensions and raised decking and had been brought before the Committee at the request of Councillor G Marshall.

There were no late items for this application.

Ms Eldeghaidy (objector) submitted a formal written representation that was read to members of the Committee, Mr R Foster (applicant) submitted a formal written representation that was read to members of the Committee.

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

- adverse impact on neighbour amenity
- loss of privacy and light
- the proposal would be overbearing on neighbouring properties

RESOLVED that the application be refused with the precise wording of the refusal to be delegated to the Head of Planning and Economic Development in consultation with the Chair of the Planning Committee:

The proposed extension and decking would result in an unacceptable loss of amenity for the residents of the neighbouring properties due to the height of the two storey side/rear extension, the higher level of the site compared to neighbouring properties and the proximity of the extension to the side (north east) boundary. Accordingly, the proposed development would be contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).

5 INFORMATION ITEMS

6 APPEAL DECISIONS

The Committee noted the appeal decisions.

7 DELEGATED DECISIONS

The Committee noted the delegated decisions.