

## **PLANNING COMMITTEE**

**WEDNESDAY, 24 JUNE 2020**

Present: Councillor D K Watts, Chair

Councillors: D Bagshaw  
L A Ball BEM  
S Carr (ex-officio)  
T A Cullen  
D Grindell  
M Handley  
R I Jackson  
G Marshall  
J W McGrath  
P J Owen  
D D Pringle  
R S Robinson (substitute)  
R D Willimott

An apology for absence was received from Councillor R D MacRae.

### 8 **DECLARATIONS OF INTEREST**

Councillor J McGrath declared a non-pecuniary interest in agenda item 5.5 due to supporting the application, minute number 11.5 refers.

### 9 **MINUTES**

The minutes of the meeting held on 20 May 2020 were approved as a correct record and signed.

### 10 **NOTIFICATION OF LOBBYING**

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

### 11 **DEVELOPMENT CONTROL**

#### 11.1 **19/00756/ROC**

Variation of Conditions 2, 3 and 11 (approved drawings, details of materials and landscape scheme) of planning reference 15/00010/FUL (Construct 67 dwellings) to substitute house types, amend layout and remove plots, change external materials and amend landscaping scheme.

Land Off Acorn Avenue Giltbrook Nottinghamshire

This item was withdrawn from the agenda.

## 11.2 20/00172/FUL

Construct single storey rear extension to form one additional flat. Insert new windows at ground floor in existing building.

178 Bye Pass Road Chilwell

This application sought planning permission to construct a single storey rear extension to form one additional flat, insert new windows at ground floor in the existing building and had been brought before the Committee at the request of Councillor T Roberts-Thomson.

There were no late items for this application.

Mr C Kouijzer (objector) submitted a formal written representation that was read to members of the Committee, Mr V Kumar (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:

- that there was an unacceptable loss of neighbour amenity.
- that the development was overbearing and over intensive for the area.

**RESOLVED that planning permission be refused for the following reasons:**

- 1. The proposed development, by virtue of its size, siting within the rear garden and its proximity to the adjacent boundaries, would have an overbearing impact on the occupiers of properties on Perkins Way and on the occupiers of 176 Bye Pass Road. The development would result in a poor standard of accommodation for the existing occupiers of flat 2, by virtue of the re-located windows which would result in a poor outlook and loss of privacy and would result in the loss of private outdoor amenity space to the detriment of the occupiers of the flats. The development would therefore be contrary to the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).**
- 2. The proposal is considered to be an over-intensive form of development which would be out of character with the established pattern and density of development in the surrounding area. The development would therefore be contrary to the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).**
- 3. The site is located in Flood Zones 2 and 3 and insufficient information has been submitted to demonstrate that flood risk matters have been adequately considered. Accordingly, the proposal is contrary to the aims of Policies 1 and 10 of the Aligned Core Strategy (2014), Policies 1 and 17 of the Broxtowe Part 2 Local Plan (2019) and the National Planning Policy Framework.**

## **Notes to applicant**

- 1. Whilst it has not been possible to achieve a positive outcome, due to the fundamental concerns regarding the development, the Council has acted positively and proactively in the determination of this application and a decision was issued within the agreed determination period.**

### 11.3 20/00271/FUL

Change of use of part of garden and construct personal training studio in rear garden.  
6 High Street, Kimberley, Nottinghamshire, NG16 2LS

This application sought planning permission for the change of use of part of garden and to construct a personal training studio in the rear garden and had been brought before the Committee at the request of Councillor S Easom.

Members considered the late items for the application which included an additional condition to regulate training sessions to be appointment only, construction details provided by the applicant and a further objection from a neighbouring resident.

Ms G Grimshaw (objector) submitted a formal written representation that was read to members of the Committee, Mr J Wright (applicant) submitted a formal written representation that was read to members of the Committee. Additionally, Councillor S Easom addressed the Committee as ward member.

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

- that conditions would protect neighbour amenity.
- that the application was acceptable for the area.
- concerns were raised over parking and highway safety.

**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 the drawing numbered 20-2004 (1:50, 1:100, 1:500); received by the Local Planning Authority on 20 April and 11 June 2020.**
- 3. The proposed external areas shall not be used for the proposed purpose except between 09.00 – 18.00 hours Monday to Friday, 09.00 – 1300 Saturday and at no times Sundays, Public and Bank Holidays.**
- 4. The personal training studio hereby approved shall not be used for the customers except between 08.00 – 18.00 hours, Monday-Friday 08.00-13.00 hours Saturday and at no times Sundays public and Bank Holidays.**

5. No amplified speech or music to be played onsite as a part of this permission.
6. No more than 2 clients shall be present at the site for the purposes of the permitted use at any time.
7. The total number of client sessions, at the maximum duration of two hours per session, shall be limited to a maximum of no more than 10 per week for the purposes of the permitted use.
8. This permission shall endure solely for the benefit of the applicant. When this person ceases use of the land for the permitted purpose the application site shall revert to its original use.
9. Personal training sessions shall be undertaken by an appointment system only. Appointment diaries shall be kept and made available to the Local Planning Authority on request.

### **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 immediate residential properties from excessive operational noise.
4. To protect immediate residential properties from excessive operational noise.
5. To protect immediate residential properties from excessive operational noise.
6. To protect immediate residential properties from excessive operational noise.
7. To protect immediate residential properties from excessive operational noise.
8. To protect immediate residential properties from excessive operational noise.
9. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).

### **Notes to applicant**

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the eight week 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](http://www.gov.uk/government/organisations/the-coal-authority)**

3. **By the granting of this permission and the conditions thereon, does not exempt the applicant or the operator of the proposed activity from any formal action by the council under current nuisance legislation if nuisance complaints are received.**

#### 11.4 19/00243/FUL

Change of use from equestrian to mixed use equestrian and the keeping of fully licenced wild cats and retain the secure enclosure required for their safe keeping.

Land North of Home Farm Cottage and Park View Cottage, Main Street, Strelley, Nottinghamshire

This application sought planning permission for the change of use from equestrian to mixed use equestrian and the keeping of fully licenced wild cats and retention of the secure enclosure required for their safe keeping and had been considered by the Committee at the meeting held on 26 June 2019.

Members considered the late items for the application which included confirmation that the licence to keep the wild cats had been extended for 2 years, a further objection, letters of support from a wildlife consultant and residents and further supporting information from the applicant.

Mrs R Walker (objector) submitted a formal written representation that was read to members of the Committee, Mr R Oliver (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 is inappropriate for the Green Belt.
- The application has not been built in line with approved plans
- There are very special circumstances – enclosure has temporary nature and will be removed once big cats leave/die

**RESOLVED to confirm the decision made on 26 June 2019 to approve the application subject to the following conditions:**

1. **The development hereby permitted shall be retained in accordance with the Site Location Plan (1:2500), and drawings numbered 00419.BP (1:500), 00419.04 (1:100), 00419.01 (1:100, 1:200); received by the Local Planning Authority on 15 and 16 April 2019.**
2. **There shall be no general exhibition or viewing of the animals.**

## **Reasons**

- 1. For the avoidance of doubt.**
- 2. To protect nearby residents from excessive disturbance or operational nuisance.**

## **Note 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. Please note this planning permission is granted in accordance with the Unilateral Undertaking as agreed by the applicant and signed on 10 February 2020.**

### 11.5 20/00257/REG3

Construct 5 apartments with car parking and ancillary amenity spaces following demolition of 16 prefabricated garages and hardstanding  
Garage Block, Oakfield Road, Stapleford, Nottinghamshire

This application sought planning permission to construct 5 apartments with car parking and ancillary amenity spaces following demolition of 16 prefabricated garages and hardstanding and had been brought to the Committee as the Council is the landowner.

Members considered the late items for the application which included further objections from local residents.

Mrs S Hawkins (objector) 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 is appropriate for the area.
- The plans were amended following consultation with residents.
- The application would benefit ex-service personnel (control through housing not planning).

**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 drawings: Site Location Plan (1:1250), Drainage Layout Rev P2, Proposed Site Section Rev A, Proposed Elevations Rev A and Proposed Site, Ground and First Floor Plans Rev A received by the Local Planning**

**Authority on 15 April 2020 and Block and Roof Plan received by the Local Planning Authority on 27 April 2020.**

- a) **No development shall commence until a site investigation scheme has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The scheme 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 scheme shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.**
- (b) **The building shall not be first occupied until:**
  - i. **All the necessary remedial measures for the building have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and**
  - ii. **It has been certified to the satisfaction of the Local Planning Authority, through the submission of a verification report that the necessary remedial measures for the building have been implemented in full.**
3. **No above ground works shall commence until samples of external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details.**
4. **No above ground works 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) **details of boundary treatments;**
  - c) **planting, seeding/turfing of other soft landscape areas and**
  - d) **timetable for implementation.**
5. **The approved scheme shall be carried out strictly in accordance with the approved details and shall be carried out 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.**
6. **Prior to the first occupation of the apartments hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment prepared by Michael Evans & Associates LTD dated 30 January 2020. The finished floor levels shall be set no lower than 38.12m AOD as stated in Section 5.4.2. The floor levels shall be maintained and retained at this level for the lifetime of the development.**
7. **The first floor windows in the north east 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.

8. No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturdays 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.

### **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 development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of Broxtowe Aligned Core Strategy (2014).
4. No such details were submitted with the application and in the interests of the appearance of the development and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
5. No such details were submitted with the application, to ensure the development presents a satisfactory standard of external appearance to the area, to ensure a sufficient standard of neighbour amenity and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 the Broxtowe Aligned Core Strategy (2014).
6. To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).
7. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) Policy 10 of the Broxtowe Aligned Core Strategy (2014).
8. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe 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 prospective building manager/occupants should register to receive flood warnings.**
3. **No waste should be burnt on site at any time.**
4. **In order to comply with the Control of Asbestos Regulations 2012, an assessment is required to determine whether the garages have asbestos containing materials (ACMs). This must be carried out before any structural work on the building occurs. For buildings or demolition, a 'Refurbishment/ Demolition Survey' is required. Copies of reports relating to asbestos identification and management should be sent to the Council's Environmental Health team.**
5. **Wheel washing facilities should be installed on site in order to prevent mud being deposited on the road from construction vehicles.**
6. **The applicant is advised to contact the Council's Waste and Recycling Section (0115 917 7777) to discuss waste and refuse collection requirements.**
7. **The applicant is advised to contact Severn Trent Water on tel: 0800 707 6600 prior to development commencing.**
8. **Any activities that take place within 8 metres of a main river, 8 metres of a flood defence structure or involve excavation within 16 metres of a main river or flood defence of a watercourse will require a flood risk activity permit. The applicant is advised to contact the Environment Agency on telephone number: 03708 506 506. Further guidance can be obtained at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>**

#### 11.6 19/00817/FUL

Retain 2 stables and 5 sheds. Install 2 spot lights and 2 CCTV cameras  
Field adjacent to Moor House Nottingham Road Trowell Moor Trowell Nottinghamshire

This application sought planning permission to retain 2 stables and 5 sheds and install 2 spot lights and 2 CCTV cameras and had been brought to the Committee by Councillor D Pringle.

Members considered the late items for the application which included confirmation that the highways authority raised no objections, an objection from Councillor D Pringle that was omitted from the report, the correction of a condition number and an additional condition was proposed.

Mr Freeman (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:

- Concern was raised over highway safety
- request to condition floodlights to be on sensor.

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

- 1. The Security Cameras and Spot Lights hereby approved shall be erected before the expiration of three years beginning with the date of this permission and be operated by a PIR motion sensor only in accordance with the details provided within the Flood Light/CCTV information received by the Local Planning Authority on 15 January 2020 and as shown on the Site Plan, Stables and Shed Elevations/Floor Plans and Hay Barn Lights and CCTV position received 12 February 2020.**
- 2. The development hereby permitted shall be carried out in accordance with drawing(s) numbered Site Location Plan 1: 1250, Flood Light/CCTV details received by the Local Planning Authority on 15 January 2020, Block Plan 1: 500, Site Plan, Stables and Shed Elevations/Floor Plans and Hay Barn Lights and CCTV position received 12 February 2020.**
- 3. The spotlights shall not be positioned to give any glare on the public highway in the vicinity of the site.**
- 4. The grazing land/stabling shall be used only in connection with the applicant's own livestock and no livery/riding school nor other business/commercial use shall operate from the site.**

#### **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.**
- 4. To restrict the volume of traffic entering and leaving the site in the interests of highway safety and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).**

#### **Note to applicant**

**The Council has acted positively and proactively in the determination of this application, through an early visit to the site to appreciate whether any amendments needed to be sought and thus afford sufficient time to negotiate these should it have been the case.**

11.7 20/00193/FUL

Retain boundary fence and gate  
Gin Farm Hall Lane Brinsley Nottinghamshire NG16 5BJ

This application sought planning permission to retain a boundary fence and gate.

Members considered the late items for the application which included amendments to the report's paragraph numbering and amendments to the report wording.

Mrs L Berry (objector) 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:

- A site visit was needed to determine the loss of neighbour amenity.

**RESOLVED that the application be deferred to allow the Committee to perform a site visit.**

## 12 INFORMATION ITEMS

### 12.1 APPEAL DECISIONS

The Committee noted the appeal decisions.

### 12.2 DELEGATED DECISIONS

The Committee noted the delegated decisions.