

PLANNING COMMITTEE

11 JANUARY 2017

Present: Councillor M Handley, Chair

Councillors: D Bagshaw	L A Ball BEM
J S Briggs	T P Brindley
M Brown	M J Crow (substitute)
A Harper	R D MacRae
G Marshall	J K Marsters
P J Owen	M Radulovic MBE
R S Robinson	

39. DECLARATIONS OF INTEREST

Councillor R D MacRae declared a non-pecuniary interest in agenda item 5.1 since he was a patient of the applicant, minute no. 42.1 refers. Councillor L A Ball BEM declared a non-pecuniary interest in agenda item 5.3 since she was acquainted with a relative of one of the interested parties, minute no. 42.3 refers.

40. MINUTES

The minutes of the meeting held on 7 December 2016 were confirmed and signed.

41. NOTIFICATION OF LOBBYING

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

42. DEVELOPMENT CONTROL

42.1 16/00781/FUL

Installation of air handling equipment on the flat roof to the rear of the building Hickings Lane Medical Centre, 120 Ryecroft Street, Stapleford NG9 8PN

The application, as detailed above, had been brought before the Committee since the applicant is a Borough Councillor. There were no late items submitted in respect of this application.

The applicant, Councillor John Doddy, addressed the Committee prior to the general debate.

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 the Proposed Elevations received by the Local Planning Authority on 06 December 2016.**
- 3. Within one month of the date of this decision notice, a noise report shall be submitted to the Local Planning Authority for approval in writing. The report shall be prepared in accordance with provisions of the current BS4142 to predict noise levels at the nearest residential boundary/nearest residential façade. Predictions shall be contained in a report which sets out: a large scale plan of the proposed development; noise sources and measurement/prediction points marked on plan; a list of noise sources; a list of assumed noise emission levels; details of noise mitigation measures; description of noise calculation procedures; noise levels at a representative sample of noise sensitive locations and a comparison of noise level with appropriate criteria. Where criteria are exceeded at any location the applicant should explain why that excess is immaterial or what further mitigation (including a timetable for provision) will be undertaken to ensure that criteria will be met. Any mitigation measures shall be installed in accordance with the agreed details and retained/maintained in the agreed form for the lifetime of the development**

Reasons

- 1. To comply with S91 of the Town and Country Planning Act 1990.**
- 2. For the avoidance of doubt.**
- 3. To protect nearby residents from excessive noise and in accordance with Policy E34 of the Broxtowe Local Plan (2004) 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 the 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 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

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

Councillor J A Doddy left the chamber when he had concluded his speech as Applicant.

42.2 16/00674/FUL
Construct single/two storey rear extension
108 Marlborough Road, Beeston NG9 2HN

The application, as outlined above, had been called in to Committee by Councillor S J Carr for determination. There were no late items in respect of the application.

Mr Lee Elliott (objecting), Mr Ayub (applicant) and Councillor S J Carr (ward member) addressed the Committee prior to the general debate.

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 Ordnance Survey Plan (1:1250), Proposed Block Plan (1:200) and Proposed First Floor Plan received by the Local Planning Authority on 26 September, Proposed Elevations and Proposed Ground Floor Plan received by the Local Planning Authority on 30 September 2016 and Proposed Roof Plan received by the Local Planning Authority on 25 October 2016.
3. The extension shall be constructed using materials 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. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) 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 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 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

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

42.3 16/00604/FUL

Construct single storey side and rear extension, raise roof height, including dormers and external alterations
5 Brown's Flats, Kimberley NG16 3DZ

The application, as outlined above, had been brought to Committee at the request of the Chief Executive. The application had been processed by officers at Erewash Borough Council and there were no late items in respect of the application.

Mr Robin Wilde (objecting) and Ms Rachel Slater (applicant) addressed the Committee prior to the general debate.

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 Floor Plans, Elevations, Site Block Plan and OS Plan, Project no. 363, drawing no. 002 Rev E received by the Local Planning Authority on 23 September 2016.

3. The development shall not commence until details and samples of the proposed materials to be used in the external construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
4. No part of the development hereby approved shall be commenced until details of appropriate gas protection measures have been submitted to and approved in writing by the Local Planning Authority No building to be completed pursuant to this permission shall be occupied or brought into use until:
 - (i) All appropriate measures have been completed in accordance with detail 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.

Reasons

1. To comply with S92 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, in the interests of the appearance of the development and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Draft Aligned Core Strategy. The requirement is to be satisfied before new construction begins in order that potentially abortive works is avoided, if unacceptable materials are used.
4. In the interest of public health and safety.

Notes to Applicant

1. There were no problems for which the Local Planning Authority had to seek a solution in relation to this application.
2. This permission conveys no consent for an extension of the property's residential curtilage.

42.4 16/00777/FUL

Retain change of use from residential (class C3) to a mixed use as residential and use of existing outbuilding as micro brewery (including retention of flue)

7 Lime Grove, Stapleford NG9 7GF

The application, as outlined above, had been called in to Committee by Councillor R D MacRae for determination.

The Committee was referred to the summary of late items which included three emails from an objector to the development.

Mr Peter Roddis (objecting), Mr Nettleton (applicant) and Councillor R H Darby (ward member) addressed the Committee prior to the general debate.

Members debated the item and the following comments were noted:

- The activities on the site were likely to generate traffic in a residential area.
- Residents had commented that the activities had caused problems.
- If permission was granted there would be no control over output and vehicular movement and people were entitled to peace and quiet in a residential area.
- Members recalled a similar application in another area of the Borough which had been refused.

RESOLVED that permission be refused on the grounds of adverse impact on the amenity of neighbours and enforcement action be taken for the cessation of the activities with the precise wording of refusal to be delegated to the Head of Neighbourhoods and Prosperity in conjunction with the Chair of the Planning Committee.

42.5 16/00732/ROC

Removal of condition 3 of planning permission 15/00285/FUL to allow for the retail store to be open prior to the practical completion of all of the dwellings on the site

Pinfold Trading Estate and Nags Head, Nottingham Road, Stapleford NG9 6AD

The application, as outlined above, had been brought to Committee since the applicants sought removal of a condition resolved at Planning Committee on 13 January 2016 that the retail store approved should not be open to customers until practical completion of all residential dwellings on the site. The primary reason for the imposition of the condition was to ensure the deliverability of the housing element of the site.

The Committee was referred to the summary of late items which comprised three letters supporting the proposal.

Ms Elaine Dunham (supporting) and Mr Mark Taylor (applicant) addressed the Committee prior to the general debate.

The Committee debated the application and the following comments were noted:

- In January 2016 the Committee had acceded to residents' desire for a discount supermarket on the site. The decision to grant permission for the construction of a retail supermarket and ten houses, (as opposed to 50 houses only) on the condition that the ten houses be constructed prior to construction of the supermarket in order to guarantee housing deliverability, was considered to have been an ideal compromise.
- The applicant should be encouraged to go into partnership with a house builder to ensure deliverability of the housing element.
- Relaxation of Condition 3 would not guarantee that Aldi would build the store expeditiously.
- The frustration of local residents at the lack of progress was noted.

RESOLVED that insufficient justification had been submitted to warrant the removal of the condition. There is a need for housing in sustainable locations in the Borough and if the condition was removed, it would render uncertain the provision of the ten dwellings. Accordingly, the proposal is contrary to Policy 2 of the Aligned Core Strategy, Policy H7 of the Broxtowe Local Plan and paragraph 47 of the NPPF and there are no other considerations that outweigh this harm, such as would justify treating this proposal as an exception.

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 allowing the application to be decided at Planning Committee to ensure that the decision is made clearly and transparently.

43. **INFORMATION ITEMS**

43.1 **Report on Proposed Government Changes to the Local Criteria for Designation of Local Planning Authorities**

The Committee noted the proposed changes to the designation criteria which would come into effect from April 2017. The matter was due for further discussion at a future meeting of the Jobs and Economy Committee.

RESOLVED that the appeal statistics be reported to the Committee.

43.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 10 November and 6 December 2016.