

## **PLANNING COMMITTEE**

**20 JUNE 2018**

Present: Councillor L A Ball BEM, Vice Chair in the Chair

Councillors:	D Bagshaw	G Marshall
	J S Briggs	J K Marsters
	T P Brindley	P Owen
	M Brown	M Radulovic MBE
	E Cubley	R S Robinson
	R I Jackson	P D Simpson

An apology for absence was received from Councillor M Handley.

### 6. **DECLARATIONS OF INTEREST**

Councillor M Radulovic MBE declared a non-pecuniary interest in agenda item 5.2 as he had attended a number of public meetings on this matter, minute number 9.2 refers.

Councillor R D MacRae declared a non-pecuniary interest in agenda item 5.4 as he had attended a number of public meetings on this matter, minute number 9.4 refers.

### 7. **MINUTES**

The minutes of the meeting held on 23 May 2018 were confirmed and signed.

### 8. **NOTIFICATION OF LOBBYING**

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

### 9. **DEVELOPMENT CONTROL**

#### 9.1 **18/00176/FUL**

Hybrid planning application comprising a full application to construct industrial/office units (Class B1 and B2) including a link building, attenuation pond, site access, car park and landscaping (Phase 1). Outline application to construct industrial unit (Class B1 and B2) Phase 2.

Land North of Common Lane and West of Common Farm  
Common Lane, Watnall

The application had been brought to Committee at the request of Councillor J M Owen.

The Committee was referred to the summary of late items which noted that there had been a number of emails from local residents, the applicant confirming the number of people employed by Aero Fabrications and an email from the Acting Chairman of Greasley and District Civic Society objecting to the development due to the loss of Green Belt agricultural land. There was also a confidential late item which was brought before the Committee to inform them about sensitive commercial matters concerning the business.

Mr Neil Gouldby, the applicant, Mr Martin Perry, objecting, and Councillor J M Owen (Ward Member) addressed the Committee prior to the general debate.

The Committee debated the application and the following comments were amongst those made:

- The objection to building on the Green Belt was being made on relevant grounds.
- The expansion of the business would create at least 30 jobs and opportunities for training. If the business was not allowed to expand then there was concern that 90 of the 183 jobs currently provided at the site could be lost.
- The very special circumstances of the company being unable to relocate due to site specific approvals and accreditations were discussed.
- The site was described as enclosed Green Belt in the sense that it was largely enclosed by other industrial developments and allotments.
- The site had been included in a Green Belt review to support the Broxtowe Part 2 Local Plan and was rated as one of the lowest performing areas of Green Belt around the Kimberley area.
- There was concern that, should the venture fail and the site be left to fall into a state of dereliction, there would be the potential for it to be redeveloped. It was considered that condition 14 of the planning permission dealt with the occupancy of the site in a proportionate manner.

Councillor L A Ball BEM proposed that the recommendation be approved and Councillor T P Brindley seconded the motion. On being put to the meeting the motion was passed.

**RESOLVED that:**

- 1) **In accordance with the Town and Country Planning (Consultation)(England) Direction 2009, the application be referred to the Secretary of State for Housing, Communities and Local Government, advising him that the Local Planning Authority is minded to approve the application and that;**

- 2) Subject to the application not being called in for determination by the Secretary of State, the Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission 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. Application for approval of reserved matters in respect of Phase 2 must be made no later than the expiration of five years beginning with the date on which this permission is granted, and the development of Phase 2 must not begin later than five years from the final approval of the reserved matters for Phase 2 or, in the case of approval on different dates, five years from the final approval of the last such matters to be approved.
  3. Phase 2 of the development hereby permitted shall not be commenced until approval of the details for appearance, layout, landscaping and scale for Phase 2 (the reserved matters) has been obtained from the Local Planning Authority.
  4. The development hereby permitted shall be carried out in accordance with drawing numbers:  
  
Location Plan  
170926-031-08 Site Layout  
170926-034-02 Layout  
170926-035-01 Roof  
170926-036.03 Elevations 1 of 2  
170926-037-02 Elevations 2 of 2  
170926-040.01 Block Plan  
8232-L-01E Landscaping  
8232-L-02E Landscaping  
8232-L-03E Landscaping  
ADC1655/001C Access Junction Layout.
  5. The development shall be carried out in accordance with the materials detailed at page 8 of the Design and Access Statement January 2018.
  6. The approved landscaping scheme shall be carried out no later than the first planting season following the substantial completion of Phase 1 or occupation of the building, whichever is the sooner and any trees or plants which within a 5 year period, 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.

- 7. Details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the unit, the boundary treatment shall be erected in compliance with these details and shall be retained in this form for the life of the development.**
- 8. Before commencement of development, details of soakaway testing, in accordance with BRE365, and a full drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details and scheme and shall thereafter be so maintained.**
- 9. Before development commences, details of the protection measures to be implemented for the retained hedges, in accordance with BS5837(2012) shall be submitted to and approved in writing by the Local Planning Authority. These approved measures shall be implemented prior to work commencing on the site and shall be maintained throughout the construction phase.**
- 10. Before the development is occupied, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first use of the building hereby approved.**
- 11. Deliveries by commercial vehicles shall only be made to or from the site between 0700 and 2100 hours Monday to Saturday and 0900 and 1800 hours on Sundays, Bank Holidays and other public holidays, unless the prior agreement in writing from the Local Planning Authority has been obtained.**
- 12. The total rating level resulting from the use of any plant, machinery or equipment hereby installed pursuant to this permission, shall not exceed the existing day time or night time background sound levels when measured according to British Standard BS4142:2014 at a point one metre external to the nearest noise sensitive premises.**
- 13. Before development commences, a waste audit for the construction phase shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
- 14. The building hereby approved shall be first occupied by Aero Fabrications.**

15. No part of the development shall be brought in use until the new right turn facility and zebra crossing have been provided on Main Road, as shown for indicative purposes only on drawing referenced ADC1655/001 Rev C, to the satisfaction of the Local Planning Authority.
16. No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas are provided in accordance with the approved plan 170926-031.08. The parking/turning/servicing areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles.
17. No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas are constructed with provision to prevent the unregulated discharge of surface water from the parking/turning/servicing areas to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
18. No development shall take place until the owner or the occupier of the site has appointed and thereafter continue to employ or engage a travel plan coordinator, who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Interim Travel Plan to be approved prior to development taking place and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.
19. The travel plan coordinator shall within 6 months of occupation, produce or procure a Detailed Travel Plan that sets out final targets with respect to the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Interim Travel Plan to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives, including implementation dates, to the satisfaction of the Local Planning Authority.
20. The travel plan coordinator shall submit reports in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Travel Plan monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met, including implementation dates, to be approved in writing by the Local Planning Authority.

21. Before the development commences, the routing of construction traffic, including proposed construction site access arrangements, shall be submitted to and approved in writing by the Local Planning Authority and no other access points for construction traffic shall be used unless otherwise agreed in writing by the Local Planning Authority.
22. No development shall take place until details of wheel-washing facilities to be provided on site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to development commencing and shall be maintained on site during the period of construction. All commercial vehicles shall have their wheels washed before entering the public highway.

### **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. To enable the Local Planning Authority to control the development in detail and in order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).
3. To enable the Local Planning Authority to control the development in detail and in order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).
4. For the avoidance of doubt.
5. To ensure a satisfactory external appearance in accordance with Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Draft Local Plan Part 2.
6. To ensure a satisfactory external appearance and to integrate the development into the surroundings in accordance with Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Draft Local Plan Part 2.
7. No such details were submitted with the application and to ensure a satisfactory form of boundary treatment in accordance with Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Draft Local Plan Part 2.
8. To ensure adequate justification is provided not to use infiltration as the primary form of drainage in accordance with the aims and objectives of Policy 1 of the Aligned Core Strategy (2014).
9. To ensure adequate protection for retained hedges.

10. In order to ensure a satisfactory external appearance and to protect residential amenity in accordance with Policy 10 of the Aligned Core Strategy (2014).
11. To protect the residential amenities of nearby residents from excessive delivery noise.
12. To protect existing residents from excessive plant noise.
13. In order to reduce waste during the operational phase in accordance with Policy 1 of the Aligned Core Strategy (2014).
14. Permission is granted only due to the very special circumstances of the applicant in accordance with Policy E8 of the Local Plan (2004) and Policy 3 of the Aligned Core Strategy (2014).
15. In the interest of highway safety, to ensure adequate pedestrian and vehicular access is provided to serve the development in accordance with Policy 14 of the Aligned Core Strategy (2014).
16. In the interest of highway safety, to ensure adequate parking and turning provision is provided to the proposed development.
17. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
18. To promote sustainable travel in accordance with Policy 14 of the Aligned Core Strategy (2014).
19. To promote sustainable travel in accordance with Policy 14 of the Aligned Core Strategy (2014).
20. To promote sustainable travel in accordance with Policy 14 of the Aligned Core Strategy (2014).
21. In the interest of highway safety and to protect the amenity of residential areas.
22. To reduce the possibility of deleterious material (loose stones etc) being deposited on the public highway.

#### **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 communicating with the agent throughout the course of the application and securing revised plans where required.

2. **Greasley Footpath 18 abuts the site. This footpath shall not be encroached upon and shall remain open, unobstructed and be kept on its legal alignment at all times. Vehicles shall not be parked on the public right of way or materials unloaded or stored on the public right of way so as to obstruct the path. The safety of the public using the path shall be observed at all times. Structures cannot be constructed on the line of the right of way without the prior authorisation of the Nottinghamshire County Council Rights of Way Team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.**
3. **No clearance of vegetation shall be conducted during the bird breeding season (March to August inclusive), except under the guidance of a suitably qualified and experienced ecologist.**
4. **The lighting scheme shall take account of Artificial Lighting and Wildlife Interim Guidance: Recommendations to Help Minimise the Impact of Artificial Lighting in order to ensure the lighting scheme is bat sensitive.**
5. **Where possible consideration should be given to the provision of a range of birds and bat boxes across the site. These may be positioned on suitable retained trees or on new buildings.**
6. **In order to carry out the off-site works required, 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. Please contact the County Highway Authority for details.**

9.2 18/00197/FUL

Retain summerhouse and outbuilding extension  
65 Newdigate Road, Watnall, Nottingham, NG16 1HN

Councillor J M Owen had requested that this application be determined by the Committee.

There were no late items for the consideration of the Committee.

Mr Ray Caulder, on behalf of the applicant, Mrs Debra Lee, objecting, and Councillor J M Owen (Ward Member) addressed the Committee prior to the general debate.

The debate centred on the following issues:

- Planning permission for the structure had been sought retrospectively.
- Permitted development rights would allow the applicant to build a structure with a larger footprint, but a lower eaves height.



- The proposal was for a domestic outbuilding and not a dwelling, as previous refused applications had been.
- The impact on neighbour amenity was discussed and the building was considered to be harmful to the residential area.

**RESOLVED that permission be refused, the precise wording to be delegated to the Head of Neighbourhoods and Prosperity in conjunction with the Vice Chair and that enforcement action be authorised.**

Reason

The proposed development by virtue of its massing, scale and siting close to the northeast boundary would have an overbearing and oppressive impact on the neighbouring property at No.67 Newdigate Road resulting in an unacceptable loss of amenity for the occupiers of this neighbouring property, contrary to Policy H11 of the Broxtowe Local plan (2004) and Policy 10 of the Aligned Core Strategy (2014).

(Councillor M Radulovic MBE, having declared a non-pecuniary interest, left the meeting before debate or voting.)

9.3 18/00070/FUL

Change of use from domestic garage to dog grooming salon

21 Oakland Way, Strelley, Nottinghamshire NG8 4JS

There had been a request from Councillor P J Owen that this application be determined by Committee.

There were no late items for the Committee to consider with regards to this proposal and no public speakers.

The item was debated and the following issues were raised:

- Concern that allowing this business to start in a garage would set a precedent in an area where there is limited parking available.
- The business should be by appointment only to ensure that the impact on neighbours was limited.

It was proposed by Councillor R I Jackson and seconded by Councillor T P Brindley that an amendment be made to restrict signage at the property. On being put to the meeting the amendment was carried.

**RESOLVED that planning permission be granted subject to the following conditions, together with a condition restricting signage at the property:**

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), Block Plan (1:500) and Proposed Elevations/Floor Plans received by the Local Planning Authority on 12 February 2018.
3. The dog grooming business hereby approved shall be carried out only during the following times: 09.00 – 17.00 Monday – Friday, 09.00 - 13.00 Saturdays and at no time on Sundays, Bank Holidays or other Public Holidays.
4. Other than the applicant, no members of staff shall be employed to work at the premises.
5. Dog grooming shall be undertaken by an appointment system only. Appointment diaries shall be kept and made available to the local planning authority on request. A maximum of 3 dogs per day shall be groomed. Only 1 dog shall be groomed at the premises at any one time.
6. All dog grooming shall be carried out with all external windows and doors closed.
7. Prior to commencement of the use hereby permitted, a scheme of sound insulation shall be submitted to and approved by the Local Planning Authority, and the works shall be completed in accordance with the approved details, and retained for the duration of the use.
8. No signage shall be displayed at the application 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. To protect nearby residents from excessive operational noise.
4. To ensure that the use operates in accordance with the interests of the amenities of nearby residents.
5. In the interests of the amenities of nearby residents and in accordance with the aims of Policy H8 of the Broxtowe Local Plan (2004).

6. In accordance with the applicant's stated intentions, in the interests of the amenities of nearby residents and in accordance with the aims of Policy H8 of the Broxtowe Local Plan (2004).
7. To protect nearby residents from excessive operational noise.
8. In the interests of visual amenity and the character of the area to ensure visual clutter is avoided and the residential character of the area is maintained.

### **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 communicating with the agent throughout the course of the application.

#### 9.4 18/00295/FUL

Construct first floor side extension, single and two storey rear extension and lean-to garage roof

5 Humber Road, Beeston, Nottingham, NG9 2EF

The application had been brought to Committee by Councillor P Lally.

There were a number of late items for the consideration of the Committee, including a correction to the description of the proposal in the agenda, comments from the ward members, two emails from a neighbour and an additional condition regarding guttering height.

Mr Richard Jones, objecting, addressed the Committee prior to the general debate.

The application was discussed with reference to the loss of light to the stairs and kitchen of the neighbouring property that would be caused by the proposed side extension.

It was proposed by Councillor P J Owen and seconded by Councillor R I Jackson that the application be deferred to allow for discussion with the applicant to consider revisions to the application that would lessen the impact on neighbour amenity. On being put to the meeting the motion was carried.

**RESOLVED that the application be deferred.**

### **Reason**

To allow for discussion with the applicant about the potential for omitting the first floor side extension due to concerns regarding the impact on the amenity of the occupants of number 7 Humber Road.

## 10. INFORMATION ITEMS

### 10.1 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.

### 10.2 Appeal Decisions

The Committee noted the appeal decisions made by the Planning Inspector. Discussion centred on the appeal that had been allowed regarding an application at 24 Church Street, Eastwood. It was considered that in allowing the application to go ahead the Inspector had ignored concerns about the lack of car parking provision.

A motion was proposed by Councillor R I Jackson and seconded by Councillor M Radulovic MBE that a letter be composed and sent to the Secretary of State, the two local Members of Parliament and the Planning Inspectorate to convey the disappointment of the Committee regarding the decision. On being put to the meeting, the motion was carried.

**RESOLVED unanimously that a letter, signed by the Leaders of the three main parties be sent to the Secretary of State for Housing, Communities and Local Government, the Member of Parliament for Broxtowe, the Member of Parliament for Ashfield and the Planning Inspectorate.**

### 10.3 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 5 May and 8 June 2018.