

## **DEVELOPMENT CONTROL**

**10 SEPTEMBER 2003**

Present : Councillor D K Watts, Chair

Councillors	L A Ball	J M Owen
	C Berry	S J Rich
	S Doo	K E Rigby
	S Foster	T J Sterrett
	B Hesketh	I L Tyler
	R I Jackson (Substitute)	B Wombwell
	L A Lally (Substitute)	M G Wright

Apologies for absence were received from Councillors A F M Ford, T A J Pettengell and D A Wilcockson.

31. **MINUTES**

The minutes of the meetings held on 23 July and 6 August 2003 were confirmed and signed.

32. **DECLARATIONS OF INTEREST**

Councillors L A Ball, S Foster, R I Jackson, J M Owen and M G Wright declared a prejudicial interest in item no 5.1 because the conservative constituency office and the Conservative Club were based within the application – min no 34.1 refers. Councillor S Foster being a school governor declared a prejudicial interest in agenda item 5.5 – min no 34.5 refers. Council R I Jackson being a county councillor declared a personal interest in agenda items 5.5 and 5.9 and a prejudicial interest in agenda item 5.10 because his employers own the land – min nos . 34.5, 34.9 and 34.10 refer. Councillor C Berry declared a prejudicial interest in agenda item 5.4 - in view of her association with residents who live in the flats adjacent to the site – min no 34.4 refers.

33. **NOTIFICATION OF LOBBYING**

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

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### 34.1 03/00223/OUT

Proposed foodstore, petrol filling station.  
Customer and staff car park, new vehicular  
Access and highway improvements and  
Associated development  
Land between Station Road, Middle Street,  
Acacia Walk and Union Street, No. 28 High Road  
The Cow Public House, Middle Street, Beeston

The Assistant Director of Planning and Community Development reported correspondence from the applicants' agents regarding a review of the elevations, the materials to be used, a noise assessment and the tram route. Confirmation had also been received from the County Council regarding the tram contribution. The highway authority had accepted the amendments to the petrol filling station alignment. The County Council had no strategic planning objection to the town centre proposals. The Director of Technical and Works had advised that the revised circulation of the car parking was in accordance with requirements. Beeston & Civic Society retained its objection in respect of the amended siting of the store. Eight further letters had been received objecting to the application.

In accordance with Council policy on public speaking, Ms S Williams objecting to the application, addressed the committee prior to the general debate.

**RESOLVED that the Secretary of State be informed that provided the applicants first enter into a section 106 agreement to cover matters relating to the transfer of land for NET and contributions to town centre environmental enhancement and public transport improvements, planning permission could be granted subject to the following conditions:**

1. **Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**
2. **The development hereby permitted shall be commenced either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**
3. **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 first occupied or brought into use until:

- i) All the necessary remedial measures 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 that the 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, unless an alternative has first been approved in writing by the local planning authority.

4. Before any development commences in respect of each of the following separately identified parts of the scheme, detailed drawings and particulars showing the following shall be submitted to and approved by the local planning authority:

**In respect of the store and petrol filling station:**

- (a) the design and external appearance of all buildings
- (b) the particulars of the materials to be used in the facing of the external surfaces of all buildings
- (c) details of cycle routes
- (d) details of CCTV equipment
- (e) proposed lighting details

**In respect of the employment centre building:**

- (f) the siting, design and external appearance of the building(s)
- (g) the particulars of the materials to be used in the facing of external walls and roofs
- (h) details of access and parking facilities

**In respect of the BOBA building:**

- (i) the design and external appearance of the building
- (j) the particulars of the materials to be used in the facing of the external surfaces of the building.

5. **Vehicle movements, delivery services or despatch of goods within the service delivery yard and deliveries of fuel to the petrol filling station shall only be permitted between the hours of 7.00am and 11.00pm Monday to Saturdays and 9.00am and 6.00pm on Sundays.**
6.
  - (a) **No part of the development hereby approved shall be commenced until a comprehensive analysis of air quality has been carried out and a report submitted to and approved in writing by the local planning authority. The report shall have regard to the pollutants referred to in the air quality regulations and the effect this development will have on standards therein. The report shall include details of any necessary measures to be taken to address any identified problems.**
  - (b) **all recommendations shall be fully implemented in accordance with the agreed and approved details.**
7.
  - (a) **No building to be erected pursuant to this permission shall be brought into use until a noise assessment has been completed and approved in writing by the local planning authority; and**
  - (b) **all recommendations shall be fully implemented in accordance with the agreed and approved details.**
8. **No development shall take place until a landscaping scheme has been submitted to and approved by the local planning authority. This scheme shall include the following details:**
  - (a) **numbers, types, sizes and positions of proposed trees and shrubs**
  - (b) **proposed boundary treatments**
  - (c) **proposed hard standing treatment**
  - (d) **planting, seeding/turfing of other soft landscape areas**
9. **The approved landscaping shall be carried out not later than the first planning season following the substantial completion of the development or occupation of the building(s), whichever is the sooner 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.**

10. The store shall not open to customers until the parking/access/servicing facilities have been marked out and made available for use in accordance with the approved plans and details, and those areas shall not thereafter be used for any purpose other than for parking/access/servicing in connection with the development.
11. No building to be erected pursuant to this permission shall be first occupied or brought into use until all the off-site highway works as listed below have been constructed to the satisfaction of the local planning authority.
  - (a) Proposed means of access and improvements to the Station Road/Middle Street junction as indicated in principle on drawing 46069/001C.
  - (b) Alterations to Acacia Walk and Union Street as indicated in principle on drawing 3653.P10D.
  - (c) Provision of a Puffin/Toucan crossing on Station Road in the vicinity of the pedestrian entrance to the store.
12. The erection of fencing for the protection of the preserved trees shall be undertaken in accordance with details to be submitted to and approved by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
13. Underground tanks and pipework associated with the petrol filling station should be double skinned and fitted with interstitial monitoring. In addition facilities shall be installed for continuous stock monitoring and regular groundwater monitoring using boreholes suitably placed around the tank farm.
14. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

15. **No development shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the local planning authority in consultation with the Environment Agency. The scheme shall be implemented in accordance with the approved details.**
16. **No development shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The scheme shall incorporate sustainable drainage principles and shall be implemented in accordance with the approved programme and details.**
17. **No building to be erected pursuant to this permission shall be first occupied and brought into use until a Green Travel Plan has been submitted to and approved by the local planning authority in consultation with the highway authority. The agreed recommendation of the travel plan shall include details for monitoring and review and shall be implemented in full prior to the store being opened to customers.**

(Councillors L A Ball, S Foster R I Jackson, J M Owen and M G Wright having declared an interest in this application left the meeting before discussion or voting thereon.)

34.2 03/00751/FUL

Demolish existing buildings and construct new  
Student accommodation and car parking (revised scheme)  
Land at Salthouse Lane (Broadgate Park) Beeston

The Assistant Director of Planning and Community Development reported the submission of a draft section 106 agreement in respect of the management agreement. The Director of Technical and Works had no further objections to the proposed scheme in respect of highways and car parks. A further letter had been received from the Member of Parliament objecting to the proposals. Twelve further letters from local residents objecting to the application had been received; one included photographs. The Assistant Director also reported that a survey of bats in the area had been undertaken which confirmed that there were no signs of bats in buildings to be demolished.

In accordance with Council policy on public speaking, Mr. R A Reid objecting to the application, addressed the committee prior to the general debate. Mr P.Palling spoke on behalf of the applicant.

**RESOLVED that subject to the prior completion of a section 106 agreement relating to a management agreement for the site**

then the Director of Planning and Community Development be authorised to grant planning permission following consideration of any further representations received during the formal consultation period and subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of five years beginning with the date of this permission.
2. No building operations shall be carried out until details of the bricks and tiles to be used in facing walls and roofs have been submitted to and approved in writing by the local planning authority and the development shall be constructed only in accordance with those details.
3. No building operations shall be carried out until details of the proposed boundary treatments alongside Salthouse Lane and Kenilworth Road have been submitted to and approved in writing by the local planning authority: the approved screening shall be erected before the flats are occupied.
4. During the construction works, no materials, equipment, machinery, temporary buildings or surplus soil shall be placed or stored beneath the branches of the trees protected by a tree preservation order, and no oil, bitumen, cement or other materials likely to be injurious to a tree shall be discharged within 10 metres of the trunk. If any trenches for services are required within the canopy areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm (1 inch) or more shall be left unsevered.
5. The erection of fencing for the protection of the preserved trees shall be undertaken in accordance with details to be submitted to and approved by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Note to applicant : The applicant should be aware that on advice received from the Nottinghamshire Wildlife Trust there may be bats present within the application site. As bats are protected under the Wildlife and Countryside Act 1981 the applicant is advised to carry out

a survey of the site by a licensed bat surveyor, in advance of any demolition works or felling of trees, to determine their presence.

(In accordance with standing order 25(2) Councillors A J Brunton and S J Carr, ward members attended the meeting and spoke on the above application.)

34.3 03/00680/FUL

Erect 377 dwelling houses and apartments with domestic garages, Construct estate roads, footpaths and cycle ways, construction of primary school, provision of public open space and landscaping Chetwynd Barracks site, Chetwynd Road, Chilwell

The Assistant Director of Planning and Community Development reported further clarification of the education authority's objection and clarified the situation regarding the proposed details of affordable housing provision on the site. The County Council had requested conditions which required both roads to serve the development be constructed prior to the first occupation. The Health and Safety Executive had no objection to the proposals. Two further letters of objection had been received from neighbouring residents. The Environment Agency upheld its objection to the details of a culvert.

In accordance with Council policy on public speaking, Mr. J Farrand objecting to the application, addressed the committee prior to the general debate.

**RESOLVED that, subject to the prior completion of a section 106 agreement to:**

- (a) Provide a contribution to local transport measures in accordance with the interim transport planning statement.**
- (b) Secure the provision of affordable housing within the residential development,**
- (c) Transfer to the Borough Council land and funds to facilitate the construction of the primary school or community facility on site, as detailed in the report, or funds for the provision of education facilities elsewhere, and**
- (d) Provide and lay out the open space in accordance with a scheme to be agreed with the local planning authority, together with a commuted sum to cover a five year maintenance period;**
- (e) Establish a management agreement to secure satisfactory future maintenance of communal areas including amenity open space, parking courts and bin stores.**

**then planning permission could be granted subject to the following conditions:**



1. The development hereby permitted shall be commenced before the expiration of 5 years beginning with the date of this permission.
2. No development shall take place until details of the following have been submitted to and approved by the local planning authority:
  - (a) A schedule of external facing and roofing materials to be used throughout the development;
  - (b) A schedule of materials to be used on all hard surfaced areas;
  - (c) A landscaping scheme including numbers, types, sizes and positions of proposed trees and shrubs, and planting, seeding/turfing of other soft landscape areas;
  - (d) Proposed lighting details;
  - (e) Full details of any substation proposed within the developments, unless they fall within "permitted development" not requiring express planning permission.

The development shall be carried out strictly in accordance with the approved details.

3. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the development or occupation of the building(s) whichever is the sooner, and trees or plants which, within a period of 5 years, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of local planning authority, unless written consent has been obtained from the local planning authority for a variation.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no new windows or other openings shall be created above ground floor level in the southern side elevation of the dwelling hereby permitted on plot B39 on plan no. 560-04 Rev.K, received by the local planning authority on 22 August 2003.
5. (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 first occupied or brought into use until:

(i) All necessary remedial measures 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 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, unless an alternative has first been approved in writing by the local planning authority.

6. No building to be erected pursuant to this permission shall be first brought into use until :
  - a) off-site works relating to the improvement Stapleford Lane/Swiney Way junction, and the installation of a “toucon” crossing on Swiney Way, have been completed to the reasonable satisfaction of the local planning authority in consultation with the highway authority.
  - b) Highway junctions connecting the site with existing highways have been completed to the reasonable satisfaction of the local planning authority in consultation with the highway authority.
7. The bin stores shall be erected in accordance with the approved details prior to the dwellings which they serve being brought into use.
8. No buildings shall be erected on the part of the site identified for education/community/open space purposes until detailed plans and particulars have been submitted to and approved by the local planning authority and the buildings shall be erected entirely in accordance with the approved details.
9. The culvert to the northern boundary of the site will be maintained to the satisfaction of the local planning authority in consultation with the Environment Agency.

(In accordance with standing 25(2) Councillors W Childs and P E P Stephenson, ward members, attended the meeting and spoke on the above application.)

34.4 00589/FUL

Demolition of the existing residential care home and  
Construction of new student accommodation with  
Associated management/communal facilities (revised scheme)  
The Hassocks, Queens Road East, Beeston

The Assistant Director of Planning and Community Development reported letters of objection from local residents, one of which contained a petition.

In accordance with Council policy on public speaking, Mrs R Silis objecting to the application, addressed the committee prior to the general debate. Mr S McDonough, consultant spoke in favour of the application.

The committee considered the proposals and was concerned about inadequate car parking, the height of the accommodation and that the high density.

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

1. **The proposed development, by reason of its scale, size, density and limited parking arrangements, would be likely to lead to a loss of amenity to local residents arising from increased noise and disturbance, overlooking and increased on-street parking.**
2. **The proposals are therefore contrary to Policy H010 of the Broxtowe Local Plan and Policy H8 of the Broxtowe Local Plan Review.**

(Councillor C Berry, having declared an interest in this matter left the meeting before discussion or voting thereon.)

34.5 03/00714/FUL

Construct single storey classroom block  
George Spencer Foundation School and Technology College  
Arthur Mee Road, Stapleford

**RESOLVED that the Secretary of State be advised that the committee is minded to grant planning permission subject to the following condition:**

**The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.**

(Councillors S. Foster, having declared an interest in this application left the meeting before discussion or voting thereon.)

- 34.6 03/00292/CAC  
03/00293/FUL  
Demolish existing building and construct  
New dwelling with garage (revised scheme)  
Temple Lake, Kimberley Road, Nuthall

The Assistant Director of Planning and Community Development reported a letter of objection from a neighbouring resident.

**RESOLVED that**

- (a) Planning permission be granted for 03/00293/FUL subject to the following conditions:**
- 1. The development hereby permitted shall be commenced before the expiration of 5 years from the date of this permission.**
  - 2. No building operations shall be carried out until details of materials to be used in facing walls and roofs have been submitted to and approved in writing by the local planning authority and the development shall be constructed only in accordance with those details.**
  - 3. No development shall commence until a schedule for carrying out works outlined in the submitted tree management plan has been submitted to and approved by the local planning authority. The tree management plan shall be carried out entirely in accordance with the approved details.**
  - 4. The erection of fencing for the protection of protected trees within and immediately adjacent to the development site shall be undertaken in accordance with details to be submitted to and approved by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the grounds levels within those areas shall not be altered, nor shall any excavation be made, without consent of the local planning authority.**
  - 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any**

order revoking and re-enacting that order with or without modification), no extensions or other structures shall be added to the dwelling house nor erected within the curtilage of the site as defined by the red edge on the submitted details.

(b) Conservation area consent be granted for 03/00292/CAC subject to:

1. The development hereby permitted shall be commenced before the expiration of 5 years from the date of this permission.
  2. All materials and debris resulting from demolition shall be removed from the site within 28 days of the completion of the demolition works.
6. The property hereby approved shall be used as a private dwelling only and no trade or business shall be carried out therefrom.

(In accordance with standing order 25(2) Councillor W Kirkham, ward member, attended the meeting and spoke on the above application.)

34.7 03/00206/FUL

Construct 4 new dwellings and garage to existing house  
Land at rear of 39 Bridle Road, Bramcote

In accordance with Council policy on public speaking, Mrs K Woollard objecting to the application, addressed the committee prior to the general debate.

The committee considered the proposal and was concerned that the development would be a change of character, over intensified and would cause traffic problems.

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

1. In the opinion of the local planning authority the proposed development would, by reason of the siting and number of dwellings, have an unacceptable change upon the character of the area and would represent an overintensive development of the site.
2. The proposals would result in additional traffic onto Bridle Road which acts as an important 'safe route' to a number of local schools and would, when combined with recent residential approvals in the locality, add further potential hazards to highway and pedestrian safety on this generally narrow single track road.

3. The proposals contain insufficient parking for visitors with no opportunity for parking on the shared private drives such that additional on-street parking in Bridle Road would take place to the detriment of highway and pedestrian safety.

34.8 03/00683/REG3

Construct extension to provide facilities for disabled tenant  
33 Sherwin Road, Stapleford

**RESOLVED** that permission under regulation 3 of the Town and Country Planning General Regulations 1992 be granted subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of five years beginning with the date of the permission.
2. The extension shall be constructed using brick of a type, texture and colour so as to match those of the existing building.

34.9 03/00488/FUL

Construct single storey classroom extension  
Bramcote Hills Primary School , Moor Lane, Bramcote

**RESOLVED** that the Secretary of State be advised that the Council is minded to grant planning permission subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of five years beginning with the date of this permission.
2. The extension shall be constructed using bricks of a type, texture and colour so as to match those of the existing building.

34.10 02/00840/FUL

Conversion of existing five storey factory  
Building to A3/B1 (ground floor) and 28 flats  
(1st to 4th floors), erection of two storey office building,  
Provision of car parking and landscaping:  
Stadium Buildings, Wollaton Road, Beeston  
02/00841/LBC  
Listed building consent to convert building to A3/B1  
Use on ground floor with 28 flats (1st to 4th floors)  
Demolition of later out-buildings  
Stadium Buildings Wollaton Road, Beeston

The Assistant Director of Planning and Community Development reported comments from the Directorate of Technical and Works Services on the siting of the bin store.

**RESOLVED that:-**

- 1. It is minded to grant conditional planning permission and conditional listed building consent subject to the prior completion of an agreement under section 106 of the Town & Country Planning Act 1990, to cover**
  - (a) the implementation of any necessary works and practices to the Regal Dyers' premises (to be identified and agreed following further study);**
  - (b) restrictions on the hours of operation/servicing of Regal Dyers, to weekdays and Saturday mornings only;**
  - (c) relinquishing of the B2 use and reversion to a B1 use in the event that Regal Dyers' business moves out of the premises, or their operations materially change: and**
- 2. A further report be brought to this committee once an agreement has been completed, at which stage planning conditions will be recommended, prior to referral to the Secretary of State.**

(Councillor R I Jackson having declared an interest in this application left the meeting before discussion or voting thereon.)

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Chair