

DEVELOPMENT CONTROL COMMITTEE

14 APRIL 2008

Present: Councillor W J Longdon (Vice-Chair in the Chair)

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|--------------|------------------------|--------------------------|
| Councillors: | L A Ball | M Radulovic (Substitute) |
| | S Barber | M G Rich |
| | A Brunton (substitute) | C E Robb |
| | M Handley | S E Wildey (Substitute) |
| | R I Jackson | M G Wright |
| | T A J Pettengell | |

Apologies for absence were received from Councillors B Hesketh, D K Watts and D A Wilcockson.

19. **MINUTES**

The minutes of the meeting held on the 10 March 2008 were confirmed and signed, subject to the inclusion of Councillor M Handley in the apologies for absence.

20. **DECLARATIONS OF INTEREST**

Councillor M Radulovic declared a prejudicial interest in agenda item 5.4 – minute no. 22.4 refers.

21. **NOTIFICATION OF LOBBYING**

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

22. **DEVELOPMENT CONTROL**

22.1 **07/01069/FUL** **Construct 88 Dwellings** **Land at Halls Lane, Giltbrook**

The Director of Planning and Community Development reported a letter from the County Council (Nature Conservation) advising that whilst there was no evidence of great crested newts or reptiles on the development site or in the immediate surrounding area, the Nature Conservation Officer was disappointed that the report did not contain any discussion of why the habitats present on the site were considered unsuitable for supporting those species and requested a condition to secure that surveys be undertaken. The Director advised that a condition was proposed to cover this matter.

The Director reported that with regard to the finished floor levels the applicant had agreed the exception of plots 1 to 5, which would be subject to further consideration.

The applicant, Mr Gareth Hankin, Persimmon Homes, in support of the application, addressed the committee prior to the general debate.

Mr. Lindley, objecting to the application, addressed the committee prior to the general debate.

In accordance with standing order 25(2) Councillor M Brown, Ward Member attended the meeting and spoke on the application.

Members were not satisfied that the contamination issues had been fully addressed and also expressed concern at the access proposals, the cumulative impact for local residents and the loss of amenity. The committee therefore felt that planning permission should be refused.

RESOLVED that planning permission be refused for the following reasons:

- 1. The local planning authority is not satisfied that sufficient information has been provided regarding the potential contamination of the site and details for remediation, including potential for gas migration from adjacent land, to enable permission to be granted. Accordingly the proposal is contrary to Policy E29 of the Broxtowe Local Plan (2004).**
- 2. It is considered that the traffic data provided with the application is out dated and that the cumulative impact of traffic from planned development in the area would have an adverse impact on the amenity of local residents.**

22.2 08/00169/REG3

**Erect 1.8m High Green Weldmesh Fence Incorporating
Gated Access on Existing Concrete Wall
Footpath Adjacent to 32 Bridle Road, Bramcote**

The Director of Planning and Community Development reported receipt of revised drawings which moved the gate to provide better access and that a canted section of weldmesh had been added to the top of the fence to reduce the possibility of litter ingress. The Director advised that occupiers of the three nearby properties had no adverse comments on the changes.

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

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

Reason:

To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Planning Act.

22.3 08/00195/FUL

**Construct Two Storey Detached Building
Dagfa House School Ltd, Salthouse Lane, Beeston**

08/00197/LBC

**Listed Building Consent To Construct Two Storey
Detached Building**

Dagfa House School Ltd, Salthouse Lane, Beeston

The Director of Planning and Community Development reported that the County Council Highways Officer had no objection to the application.

Members expressed concern at the likely impact of the construction works and requested a condition to restrict the hours of work.

RESOLVED that:

- 1. Planning permission be granted subject to the following conditions:**
 - a) The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this consent.**
 - b) No development shall commence until details, samples and colours of all external facing materials (including rainwater goods) have been submitted to and agreed in writing by the local planning authority. The development shall be constructed in accordance with the agreed details.**
 - c) No building works shall take place except between the hours of 8.00am to 18.00pm Monday to Friday and 8.00am to 13.30pm on Saturdays. No building works shall take place on Sundays and Bank Holidays.**
- 2. Listed building consent be granted subject to the following conditions:**
 - a) The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this consent.**
 - b) No development shall commence until details, samples and colours of all external facing materials (including rainwater goods) have been submitted to and agreed in writing by the local planning authority. The development shall be constructed in accordance with the agreed details.**

- c) Prior to demolition of the former gardener's cottage the building must be recorded to Royal Commission for Historic Monuments of England standard (level 3) and a copy of the recording sent to the local planning authority. This condition must be discharged in writing prior to demolition of the building.
- d) The reed and plaster material constructing the first floor of the former gardener's cottage must be salvaged and re-used, or stored in written agreement with the local planning authority.
- e) No building works shall take place except between the hours of 8.00am to 18.00pm Monday to Friday and 8.00am to 13.30pm on Saturdays. No building works shall take place on Sundays and Bank Holidays.

Reasons

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Planning Act.
- 2. Not all details were submitted and to ensure a satisfactory standard of appearance and in accordance with the aims of Policy EI of the Broxtowe Local Plan (2004).
- 3. For Nottinghamshire County Council's historic records.
- 4. As the material is a non-renewable local material that can be re-used to benefit the restoration of other local historic buildings.
- 5. In the interests of the amenities of nearby residents.

22.4 08/00113/FUL

Alterations to Unit 19/20 under Permission 06/00896/FUL (as amended) comprising: Change of use classification from B1, B2 and B8 to D2, Omit Sectional Door in lieu of Cladding, Removal of internal wall to create single unit and Associated Parking Alterations
Giltbrook Retail Park, Off Nottingham Road and Giltway, Giltbrook

On behalf of the applicant, Samantha Bowers 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. Notwithstanding the provisions of the Schedule 2 Part 3 of the Town & Country Planning (General Permitted Development) Order

1995 (or any Order revoking or re-enacting that Order with or without modification), this permission shall relate solely to the use of these premises for children's indoor play and not for any other uses falling within Class 02 of the Town & Country Planning (Use Classes) Order 1987 (as amended).

Reasons:

- 1. To comply with Section 91 of the Town & County Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.**
- 2. Alternative uses that might otherwise be permitted within Class D2 would be likely to give rise to traffic generation that could not be adequately accommodated within the application site.**

(Councillor M Radulovic MBE, having declared an interest in this application left the meeting before discussion or voting thereon.)

23. TREE PRESERVATION ORDERS

23.1 TPO: 4 Moorgreen, Moorgreen 2007 Confirmation

A tree preservation order was made on 14 December 2008 to protect an oak tree on the highway verge outside 4 Moorgreen, Moorgreen. The committee considered an objection to the making of the order but felt that the tree was worthy of protection by a tree preservation order.

RESOLVED that the tree presentation order be confirmed as made.

23.2 TPO: Stapleford Ambulance Station, Stapleford 2008

An assessment had been undertaken to determine the value of a sycamore and a poplar at the Stapleford Ambulance Station, off Ewe Lamb Lane, Stapleford.

Due to the significance of the trees in the local landscape and the potential for damage to be sustained as a result of the proposed development, it was felt that it would be expedient to protect the trees for the benefit of public amenity and from potential development damage.

RESOLVED that a tree preservation order be made under sections 198 and 201 of the Town and Country Planning Act 1990 to take immediate effect.

23.3 TPO: Bramcote Village 1991

The committee considered an application to fell a pine tree at Southfield House, Town Street, Bramcote.

RESOLVED that permission be granted for the felling of the pine T53, subject to the condition that a suitable tree be planted as a replacement in a suitable position.

23.4 TPO: Newthorpe Common 1977

The committee considered an application to fell a sycamore tree to the rear of 6 Keeling Close, Newthorpe.

RESOLVED that permission be granted for the felling of the sycamore, part of W1, subject to the condition that a suitable size and species of tree be planted as a replacement in a suitable position.

24. TRAINING & INFORMATION

24.1 'Building For Life' Standard

The Council had adopted the 'Building for Life' standard as a design guidance. A presentation was given by Kate Lockhart, Design Excellence Manager from Opun, the Centre for Architecture and Built Environment (CABE) for the East Midlands. The presentation addressed the range of services provided by Opun to support those working in any aspect of regeneration, and in any sector across the East Midlands region.

24.2 Appeal Decisions

The committee noted the outcome of recent appeal decisions.

24.3 Planning & Building Regulations Applications
Dealt with from 1-31 March 2008

The committee noted the planning and building regulations applications dealt with under delegated powers during the period 1-31 March 2008.

