

# **DEVELOPMENT CONTROL COMMITTEE**

**15 FEBRUARY 2006**

Present: Councillor D K Watts, Chair

Councillors	L A Ball	W Kirkham
	J W Bell	M Radulovic
	C Berry	T J Sterrett
	A F M Ford	I L Tyler
	B Hesketh	B Wombwell
	R I Jackson	M G Wright

## 6. MINUTES

The minutes of the meeting held on the 18 January 2006 were confirmed and signed.

## 7. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 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 05/00998/FUL

Demolish Existing Buildings and Construct Neighbourhood Foodstore with 103 Car Parking Spaces (Class A1 Retail)  
69 Wollaton Road, Beeston, Nottingham

The Chair advised that this application had been withdrawn.

### 9.2 05/00771/FUL

Construct Three Bedroom Cottage (Re-Submission)  
Land Adjacent to 35 Kimberley Road, Nuthall

The Assistant Director of Planning and Community Development reported the receipt of additional correspondence from the applicant, regarding window frames.

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

**In the opinion of the local planning authority the proposed dwelling would have a detrimental effect on the character and integrity of the historic wall of Nuthall Temple Nursery due to its proximity and would be contrary to the aims of Policy E3 of the Broxtowe Local Plan 2004**

In accordance with the Council's policy on public speaking, Mr G Coleman, objecting to the application, addressed the committee prior to the general debate.

Councillor M Radulovic requested that his vote against the resolution be recorded.

9.3 05/01084/OUT  
Construct Residential Development  
Former Machin and Hartwell Site, Church Street, Eastwood

The Assistant Director of Planning and Community Development reported the receipt of additional correspondence from Severn Trent Water requesting an additional condition, relating to drainage. The Assistant Director also proposed an additional condition, relating to affordable housing.

**RESOLVED that planning permission 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 before the expiration of two years from the date of approval of the last of the reserved matters to be approved.**
3. **Before any development is commenced detailed drawings and particulars showing the following shall be submitted to and approved by the local planning authority:**
  - (a) **the siting, design and external appearance;**
  - (b) **the particulars of the materials to be used in the facing of the external surfaces of all the buildings;**

- (c) the means of access to the site and the provision for vehicle parking and garaging facilities;
- d) the means of enclosure of the curtilage of the site.

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

- 4. No building operations shall be carried out until details of the manufacturer, type and colour of the 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.
- 5. 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) trees, hedges and shrubs to be retained and measures for their protection during the course of development
  - (b) numbers, types, sizes and positions of proposed trees and shrubs
  - (c) proposed boundary treatments
  - (d) proposed hard surfacing treatment
  - (e) proposed lighting details
  - (f) planning, seeding/turfing of other soft landscape areas

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

- 6. 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 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.
- 7. (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.**
- 8. The vehicular access to the site shall be from Church Street only.**
- 9. No development shall take place within the application site until details of a scheme for an archaeological watching brief have been submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.**
- 10. If the submitted reserved matters incorporate a total of more than 25 dwelling units, the development shall not begin until the details of the arrangements for the provision of 25% affordable housing as part of the development have been submitted to and approved in writing by the local planning authority. Such details shall include:**
- (a) the number, type and location on the site of the affordable housing provision to be made.**
  - (b) the timing of the construction of the affordable housing;**
  - (c) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing;**
  - (d) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.**
- The affordable housing shall be provided in accordance with the approved arrangements.**
- 11. The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the local planning authority.**

**Note to applicant: Where considered necessary to ensure compliance with matters covered in the development brief, binding agreement shall be made between the site developer and the local planning authority and other relevant authorities.**

- 9.4    05/01082/REG4  
Construct Residential Development  
Moults Yard, 68 – 70 Nottingham Road, Stapleford

The Assistant Director of Planning and Community Development reported the receipt of additional correspondence from Severn Trent Water requesting an additional condition, relating to drainage. The Assistant Director also proposed an additional condition, relating to affordable housing.

**RESOLVED that planning permission 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 before the expiration of two years from the date of approval of the last of the reserved matters to be approved.**
- 3. Before any development is commenced, detailed drawings and particulars showing the following shall be submitted to and approved by the local planning authority:**
  - (a) the siting, 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) the means of access to the site and the provision for vehicle parking and garaging facilities;**
  - (d) the means of enclosure of the curtilage of the site.**

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

- 4. (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.
5. No building operations shall be carried out until details of the type and colour of the 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.
6. Vehicular access to the site shall be from Cemetery Road only.
7. 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) trees, hedges and shrubs to be retained and measures for their protection during the course of development
  - (b) numbers, types, sizes and positions of proposed trees and shrubs
  - (c) proposed boundary treatments
  - (d) proposed hard surfacing treatment
  - (e) proposed lighting details
  - (f) planting, seeding/turfing of other soft landscape areas

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

8. 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 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.

9. No development shall take place within the application site until details of a scheme for an archaeological watching brief have been submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.
10. If the submitted reserved matters incorporate a total of more than 25 dwelling units, the development shall not begin until the details of the arrangements for the provision of 25% affordable housing as part of the development have been submitted to and approved in writing by the local planning authority. Such details shall include:
  - (a) the number, type and location on the site of the affordable housing provision to be made.
  - (b) the timing of the construction of the affordable housing;
  - (c) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing;
  - (d) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.
11. The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the local planning authority.
12. There is a public sewer which crosses / are adjacent to the site. No building shall be erected or trees planted within 2.5 metres of these sewers. The applicant may wish to apply to Severn Trent Water Limited to divert these in accordance with Section 185 of the Water Industry Act 1991.

**Note to applicant:** Where considered necessary to ensure compliance with matters covered in the development brief, binding agreement shall be made between the site developer and the local planning authority and other relevant authorities.

- 9.5 Construct Detached Dwelling and Double Garage  
Temple Lake, Kimberley Road, Nuthall  
Consideration of Enforcement Action

**RESOLVED** that the application be deferred to allow time for late correspondence to be considered and for Counsel's opinion to be obtained on the merits of enforcement action.