

PLANNING COMMITTEE

19 APRIL 2017

Present: Councillor M Handley, Chair

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

An apology for absence was received from Councillor R S Robinson.

56. DECLARATIONS OF INTEREST

Councillor R D MacRae declared a non-pecuniary interest in item number 5.2 due to his membership of the Stapleford Community Group, minute no. 59.2 refers. Councillor M Brown declared a non-pecuniary interest in item number 5.5 due to having been lobbied by the applicant, minute no. 59.5 refers.

57. MINUTES

The minutes of the meeting held on 22 March 2017 were confirmed and signed.

58. NOTIFICATION OF LOBBYING

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

59. DEVELOPMENT CONTROL

59.1 17/00066/FUL

Construct two storey side extension, single storey rear extension, rear dormer and change use from dwellinghouse (Class C3) to house in multiple occupation
78 Lower Road, Beeston NG9 2GT

The application, as detailed above, had been called in to Committee by Councillor L A Lally.

There were no late items in respect of the application.

Councillor L A Lally (ward member) addressed the Committee prior to the general debate.

Members debated the application and expressed sympathy with the ward member's comments relating to the effect the proposals would have on local residents. The Committee considered that members should have greater involvement in applications relating to houses in multiple occupation (HMOs) and commented that there would be merit in the Housing Committee considering the matter by way of the introduction of a policy which promoted the return of residential areas to the purpose for which they were originally intended as family accommodation. The face of town centres was changing, particularly in the south of the Borough, although multi-occupancy was not specifically confined to town centres.

Whilst it was acknowledged that a student population helped the economy of an area, members stated that HMOs attracted mess, untidiness and anti-social behaviour, together with parking issues since many students had cars and street parking was limited in the vicinity of the application site. There would be a serious impact and loss of amenity to local residents should the application be granted.

RESOLVED that the application be refused as it was contrary to Local Plan Policy H9 and Policies 8 and 10 of the Core Strategy, the precise wording to be agreed by the Head of Neighbourhoods and Prosperity and the Director of Legal and Planning Services in consultation with the Chair of the Committee.

Reason

The proposed eight bedroom house in multiple occupation, in conjunction with the proposed extensions, is considered to be an over intensive use which would cause detriment to residential amenity and the character of the area by virtue of noise and disturbance. In addition, insufficient parking provision is proposed for the property and the development would result in a concentration of houses in multiple occupation on Lower Road. Accordingly, the proposal is contrary to Policy H9 of the Broxtowe Local Plan (2004) and Policies 8 and 10 of the Broxtowe Aligned Core Strategy (2014).

59.2 17/00113/FUL

Change use from hairdressers (Class A1) to church and community Room (Class D1)
Montrose Court Post Office, 4 Montrose Court, Stapleford NG9 8LG

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

There were no late items in respect of the application.

Lydia Cartwright (applicant) addressed the Committee prior to the general debate.

The Committee debated the application and commented that the proposed use would give more vibrancy to the area and would bring a unit back into use for the benefit of the community.

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 site plan and the proposed drawings received by the Local Planning Authority on 8 March 2017.**
- 3. The premises shall not be used except between 08:00 to 22:00 hours.**

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. In the interests of the amenities of the nearby residents and in accordance with the aims of Policy RC2 of the Broxtowe Local Plan (2004).**

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 ensuring an early visit to the site to allow the application to be decided at the next available committee.**
- 2. The proposed use of the premises will necessitate the provision of toilets in line with Table 8 Section 6.9 BS6465-1:2006. The applicant is recommended to contact the Council's Environmental Health Team on 0115 9177777 for advice and guidance prior to the commencement of works.**

(Councillor R D MacRae, having declared a non-pecuniary interest in the item, spoke as ward member but did not vote thereon.)

59.3 17/00080/FUL

Construct single storey side extension
Highlands, Robinettes Lane, Cossall NG16 2RX

The application, as detailed above, had been brought before the Committee as the proposed development represented a potential departure from the development plan.

The Committee was referred to the summary of late items which advised of a correction to paragraph 5.1 of the report.

Members debated the application and expressed concern that the application, which recommended that permission be granted, did not appear to significantly differ from a later application on the agenda which carried an officer recommendation for refusal. The fundamental difference related to the argument regarding Very Special Circumstances for the application under discussion.

It was stated that the occupant of the premises with the disability may benefit from an internal realignment of the property to allow for the introduction of effective aids and adaptations in addition possibly to external ramps, rather than an additional increase in capacity of the building. The Committee was not persuaded that Very Special Circumstances were necessarily appropriate and suggested that further clarification be sought on what internal modifications could be made to accommodate the needs of the occupant rather than permit an exception to the Green Belt policy.

Councillor P J Owen proposed that the matter be deferred to the next meeting to allow for members to consider confidential circumstances to inform its decision. The proposal was seconded by Councillor L A Ball BEM and, on being put to the meeting, the proposal was carried.

RESOLVED that consideration of the application be deferred to the 24 May 2017 meeting of the Committee. The report would be an exempt item and would include reference to Section 149 of the Equalities Act 2010 and guidance for members pertaining to that.

59.4 17/00123/FUL

Positioning of site container (retrospective)
Colliers Wood Open Space, Engine Lane, Newthorpe

The above application had been brought to Committee as the site is within the Council's ownership.

There were no late items in respect of the application.

RESOLVED that planning permission is granted, subject to the following conditions:

1. The development hereby approved shall be carried out only in accordance with the following documents: Location Plan (drawing ref: 2017-1), Block Plan (2017-2), View details (2017-3), Elevations and plans (2017-4) and Image Photograph, received by the local planning authority on 2 March 2017.
2. This permission is limited to the period expiring on 19 April 2022, after which date the storage container hereby permitted, shall be removed, and the site restored to woodland, unless consent for a further period of time has been granted before that date.

Reasons

1. For the avoidance of doubt.
2. The structure is of a temporary nature and its appearance is likely to deteriorate with time, to the detriment of the visual amenities of the area, and in accordance with Policy 10 of the Aligned Core Strategy (2014).

Note to applicant

The Council has tried to act 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, through an early visit to the site, which has enabled the application to be reported to the earliest possible Planning Committee.

59.5 17/00109/FUL

Construct single storey rear extension (revised application)
Wren Cottage, 39 Moorgreen, Newthorpe NG16 2FD

The application, as detailed above, had been called in to Committee by Councillor M Brown.

There were no late items in respect of the application.

Mr Robert Schofield (applicant) addressed the Committee prior to the general debate.

The Committee debated the application and, whilst it had sympathy with the applicant, considered that the applicant should be more realistic in his expectations. Although the property needed modernising, members considered that the size of the proposed extension was disproportionate and the applicant's reasons did not merit the Committee circumventing policy. Officers had negotiated with the applicant to try and secure a reduction in the size of the proposed extension to bring the volume in line with current policy.

RESOLVED that planning permission be refused for the following reason:

In the opinion of the Local Planning Authority, there are no very special circumstances which would justify the granting of planning permission within the Green Belt where there is a presumption against inappropriate development. In conjunction with the previous extensions, the proposal would represent a disproportionate addition over the original building and the continued acceptance of smaller, incremental additions would run contrary to the fundamental aim of preserving openness. Accordingly, the proposal is contrary to the aims of Saved Policy E8 of the Broxtowe Local Plan 2004 and Section 9: Protecting Green Belt Land of the National Planning Policy Framework (NPPF) 2012 and there are no other material considerations that justify treating this proposal as an exception.

Note to Applicant

The decision has been reached taking into account the guidance in paragraphs 186-187 of the National Planning Policy Framework (NPPF) 2012. The Council has worked proactively to ensure the agent and applicant were aware of the concerns prior to the application being submitted. This application has not taken account of the advice previously given and the fundamental concerns set out above cannot be overcome.

(Councillor M Brown, having declared a non-pecuniary interest in the item, spoke as ward member but did not vote thereon.)

60. INFORMATION ITEMS

60.1 Appeal decision

16/00464/FUL

Land to the rear of 51A & 51B Mill Road, Newthorpe NG16 3QG

The Committee noted the Inspector's decision to dismiss the appeal in respect of the above application. Councillor M Radulovic MBE gave a vote of thanks to officers for their work in securing a successful rebuttal of the applicant's appeal. Disappointment was expressed that the Council was not awarded costs in the matter.

60.2 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.

60.3 Delegated decisions

The Committee noted the decisions determined under delegated powers between 18 February and 24 March 2017.