

PLANNING COMMITTEE

21 JUNE 2017

Present: Councillor M Handley, Chair

Councillors:	D Bagshaw	L A Ball BEM
	J S Briggs	T P Brindley
	M Brown	R I Jackson
	W J Longdon (substitute)	R D MacRae
	G Marshall	J K Marsters
	P J Owen	M Radulovic MBE
	R S Robinson	

An apology for absence was received from Councillor A Harper.

8. **DECLARATIONS OF INTEREST**

Councillor M Radulovic MBE declared non-pecuniary interests in agenda items 5.4 and 5.5 since, respectively, he knew the objecting speaker and the applicant, minute nos. 11.4 and 11.5 refer. Councillor P J Owen declared a non-pecuniary interest in agenda item 5.5 since he knew the applicant, minute no. 11.5 refers.

9. **MINUTES**

The minutes of the meeting held on 24 May 2017 were confirmed as a correct record, subject to noting that Councillor R I Jackson's declaration of interest in respect of the Barton's site relating to his election agent duties for Anna Soubry related to the period before Anna Soubry had been elected MP. The minutes were signed.

10. **NOTIFICATION OF LOBBYING**

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

11. **DEVELOPMENT CONTROL**

11.1 **17/00214/FUL**

Retain single storey side extension, side dormer and raising of ridge height and render dwelling (revised scheme)
11 Rivergreen Crescent, Bramcote NG9 3EQ

The above item had been withdrawn following publication of the agenda and the matter was not therefore debated. The reason for the application having been withdrawn was due to some inaccurate measurements shown on the plans and a need to re-consult on the accurate details.

11.2 17/00134/FUL

Construct 8 dwellings following demolition of existing garages
Garage Block, Redwood Crescent, Beeston NG9 1JF

The application, as detailed above, had been brought before Committee since the Council is the landowner.

The Committee was referred to the summary of late items which advised that the land the subject of the planning application was listed as an Asset of Community Value on 16 June 2017. The summary also referred to various email correspondence.

Dr Kristopher Poole (objecting), and Councillor Teresa Cullen (ward member) addressed the Committee prior to the general debate.

The Committee debated the application and the following comments were noted:

There was an expectation that some development would take place on the site since the garages were an eyesore and to remove them would be of benefit to the neighbourhood.

There were concerns that the proposed development plans were over-intensive and it was considered there would be merit in not building the two houses in the middle to leave a piece of central open space for use by the community.

The Council should re-consult the community to try and achieve a compromise which would be an asset to local residents. Neither the community nor the Council was completely opposed to development but more positive benefits were needed for the residents.

The competing needs of the Council's Core Strategy requirements and the housing crisis were noted, although each site should be considered on its own merits.

A proposal was put to the meeting by Councillor P J Owen, and seconded by Councillors L A Ball BEM, R D MacRae and M Radulovic MBE, that consideration of the item be deferred to look at density issues and retention of some open space. The proposal, on being put to the meeting, was carried.

RESOLVED that consideration of the matter be deferred to the next Planning Committee (12 July 2017) to allow for two dwellings to be removed and for an area of open space to be provided.

11.3 17/00322/FUL

Construct new façade including decorative features and removal of windows (revised scheme)

Sri Thurkkai Amman Temple, West Crescent, Beeston NG9 1QE

The revised application had been brought to Committee since the previous planning application had been refused by Committee on 7 September 2016.

The Committee was referred to the summary of late items which advised of an amendment to paragraph 5.2 of the report, additional objection letters and an email querying storage of materials.

Ms Sarah Hunter (objecting), Dr Shamini Krishanand (applicant) and Councillor Teresa Cullen (ward member), addressed the Committee prior to the general debate.

Members debated the application and the following comments were noted:

Applicants had a responsibility to negotiate amendments and be sympathetic to the views of residents through a negotiating process. There had been ample opportunity for residents to become involved and changes to the design proposals had been made.

People were objecting to the ornateness of the proposals which they considered to be overbearing and out of keeping with the street scene and there were still too many statues as far as many residents were concerned.

The proposals were particularly out of keeping with Beeston Rylands.

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 drawings: 2394/P100 'Site Location OS Map' and 2394/P102 'Existing and Proposed Façade' received by the Local Planning Authority on 5 May 2017 and 2394/P104 'Proposed Block Plan' received by the Local Planning Authority on 9 May 2017.**

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.**

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 through conducting a site visit in sufficient time to negotiate amendments, should these have been required.**
- 2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 01623 646 333.**

Further information is also available on The Coal Authority website at www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service at www.groundstability.com

11.4 17/00299/FUL
Construct bungalow (revised application)
Land adjacent to 73 Maple Drive, Nuthall NG16 1EJ

Councillor J M Owen had called the application in. The previous application ref: 16/00854/FUL had been refused by members at the Planning Committee at the meeting on 22 March 2017 on the grounds that the dwelling would appear out of keeping with the rhythm of properties along the street and would therefore harm the character of the area.

There were no late items in respect of the application.

Mr Tyrone Gall (objecting), Mr Allan Joyce (applicant) 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 noted:

It was pleasing to note that there had been some progress as far as the applicant was concerned in that the style of the proposed dwelling had been altered.

Whilst the new proposal was not in a particularly traditional style in keeping with the rest of the street, it was considered that more thought had been given to the current design proposal.

A TPO to protect the silver birch tree would be desirable prior to agreeing landscaping proposals.

Assurances were sought that permitted development (PD) rights would be protected to prevent future extension into the roof of the proposed dwelling.

A proposal was put to the meeting by Councillor R I Jackson, and seconded by Councillor L A Ball BEM, that a landscaping scheme to include retention of the silver birch tree be a condition of the permission. The proposal, on being put to the meeting, was carried.

(Councillor M Radulovic MBE, having declared an interest in the item, left the chamber and did not speak or vote thereon.)

RESOLVED that planning permission be granted subject to the following conditions and subject also to the inclusion of a landscaping scheme to include retention of the silver birch tree as set out in the aforementioned proposal:

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of the permission.**
- 2. The development hereby approved shall be carried out in accordance with the Proposed Plans & Elevations Drawing No: 25 and Proposed Site Plan Drawing No: 24 received by the Local Planning Authority on 26 April 2017.**
- 3. No development shall commence until full details of the colour, finish and texture of external facing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details.**
- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting this order, no extensions, enlargements, or roof alterations shall be carried out to the new dwelling hereby approved which come within Class A, B, C, or D of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority by way of a formal planning permission.**
- 5. The dwelling hereby approved shall not be first occupied until the driveways and parking areas have been provided and are surfaced in a hard bound material (not loose gravel) as indicated in the Proposed Site Plan Drawing No: 24. The driveways and parking areas shall thereafter be drained to prevent the unregulated discharge of surface water onto the public highway.**
- 6. The dwelling hereby permitted shall not be first occupied until the approved planting/landscaping is carried out in accordance with the Proposed Site Plan Drawing No: 24. 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.

- 7. The Silver Birch Tree located within the frontage of the new plot hereby approved shall be retained as part of the approved landscaping as specified on the Proposed Site Plan Drawing No: 24.**

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. No such details were submitted, in the interests of the appearance of the dwelling and in accordance with the aims of Saved Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategies (2014). The requirement is to be satisfied before construction begins in order that potentially abortive works are avoided, if unacceptable materials are used.**
- 4. In the interests of retaining a spacious plot where future occupiers have a satisfactory degree of amenity and to protect the privacy of neighbouring properties. This condition accords with the aims of Saved Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategies (2014).**
- 5. To reduce the possibility of deleterious material being deposited on the public highway and in the interests of highway safety.**
- 6. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Saved Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategies (2014).**

Notes to Applicant:

- 1. 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 engage directly with the agent to agree solutions and clarify information. There would have been sufficient time to negotiate amended plans if required.**
- 2. Notice will be served on the developer to purchase the first time provision of bins. Bins will need to be placed at the curtilage of the property on Maple Drive for collection.**

3. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see: <https://www.broxtowe.gov.uk/for-you/planning-building/development-in-former-coal-mining-areas/>

11.5 17/00285/FUL

Proposed bungalow

Land to the rear of 51a and 51b Mill Road, Newthorpe

Councillor M Radulovic MBE had called in the application which was a revised application following an appeal.

The Committee was referred to the summary of late items which advised of no response from County Highways or the Tree Officer and minor amendments to the report.

Mrs Bamford (objecting on behalf of Mr and Mrs Cook) and Mr Copeland (applicant) addressed the Committee prior to the general debate.

Members debated the application and the following comments were noted:

The site was difficult to develop up to the boundary. The Committee's previous decision had been that it would be overbearing to the adjacent bungalow because of the levels on the site.

The applicant had been required to demonstrate substantial variations to his previous design to satisfy the planning inspector and it was considered that the current proposals did not demonstrate a substantial change.

There was sympathy for the residents' objections and, although it was considered that the site could contain a bungalow, it was not considered that the latest plans had satisfied the planning inspector's desires.

The applicant had put forward a development which would have an unacceptable impact on neighbour amenity.

RESOLVED that planning permission be refused on the grounds: The proposed development, by virtue of its massing, scale, proportions and siting would have an unacceptable impact on neighbouring amenity contrary to Policy H7 of the Broxtowe Local Plan (2004) and 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 by working with the applicant to address the reasons for

refusal of the previous scheme. However, the Committee were not satisfied that the revised scheme addressed all neighbouring amenity issues.

11.6 17/00029/FUL

Construct two dormer bungalows with detached garage block and associated landscaping, erection of new boundary treatments and widening of access

Land to the rear of 53 Kimberley Road, Nuthall NG16 1DA

Councillor J M Owen had called the application in which sought permission as detailed above.

There were no late items in respect of the application.

Mr Paul Singh (applicant) and Councillor J M Owen (ward member) addressed the Committee prior to the general debate.

Councillors debated the application and the following comments were noted:

The access from Kimberley Road was considered to be poor, notwithstanding the Highway Authority's response.

The access road was a long, narrow, single lane track servicing two bungalows which would potentially have multiple cars which would need to reverse onto the main road.

There would be traffic impact on neighbours and a loss of amenity for residents who would be overlooked.

It was an inappropriate site for development which would change the nature and character of the area.

(Councillor M Radulovic, having declared an interest, left the chamber and did not speak or vote on this item.)

RESOLVED that planning permission be refused on the following grounds:

- 1. The proposed scheme would be an over intensive development which would result in an undesirable change to the character of the area.**
- 2. The proposed dwellings and garage block in built form would create an un-neighbourly relationship which would result in significant adverse impact upon the amenity of the occupiers of nearby properties.**
- 3. The scheme would rely on a poor access arrangement which would likely result in significant adverse impact upon highway safety.**

Accordingly the proposal is contrary to the aims of Saved Policies H7 & T11 of the Broxtowe Local Plan 2004, Policy 10 of the Aligned Core Strategies 2014 and Core Planning Principles para.17 & Section 7: Requiring Good Design 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 engage with the developer and negotiate changes to try to improve the design however the fundamental concerns set out above cannot be overcome.

11.7 17/00183/FUL

Proposed extension to residential care home to provide 9 bedrooms, with ancillary store, staffroom and laundry
Eastwood House, 24 Church Street, Eastwood

Councillor J K Marsters had called in the application, as detailed above.

Members were referred to the summary of late items which referred to responses to re-consultation on amended plans and minor amendments to Reasons 1, 5 and 6.

Ms Joanne Birch (objecting) addressed the Committee prior to the general debate.

Members debated the application and the following comments were noted:

The main reservations with the previous proposal had been concerning the fire escape.

The original application had failed to meet the County Council's parking standards and the current report made no mention of the additional demands placed on parking requirements.

The application did not appear to take account of additional staff or additional services required to accommodate the proposals.

There would be a severe impact on Church Street and additional evidence was sought as to how many additional staff would be employed at the premises.

A proposal was put to the meeting by Councillor R I Jackson, and seconded by Councillor M Radulovic MBE, that consideration of the application be deferred to allow extra information to be brought to the Committee. The proposal, on being put to the meeting, was carried.

RESOLVED that consideration of the application be deferred to allow further information on staffing and, therefore, further potential parking requirements to be brought to Committee.

11.8 17/00219/FUL

Construct 2.4m high palisade boundary fence, removal of spoil to level the site and change of use to storage yard
Land west of Birch Park, Lodge Road, Giltbrook

The application had been brought to Committee as it represented a potential departure from the development plan.

The Committee was referred to the summary of late items which advised of an amendment to Reason 1.

There were no public speakers on this application.

Councillors debated the application and the following comments were noted:

There should be a condition that access be permitted from the A610 only.

Further consideration should be given to fence design to ensure that it was not unsightly to neighbouring houses.

There ought to be a landscaping scheme as part of the condition to maintain and enhance that particular area and retain the hedgerows.

The principle of the land coming back into use was supported, although potential light pollution was queried and it was requested that appropriate lighting be considered as part of the conditions.

Generally, the application was supported with the inclusion of the aforementioned considerations relating to access, fence design, landscaping and lighting.

A proposal was put to the meeting by Councillors P J Owen and R I Jackson, and seconded by Councillor L A Ball BEM, that conditions be included in respect of access, fence design, landscaping and lighting. The proposals, on being put to the meeting, were carried.

RESOLVED that Planning Permission is 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 approved shall be carried out only in accordance with the following drawings: Location Plan and Existing Site Layout (drawing ref: 11215/11), received by the local planning**

authority on 3 April 2017; and Proposed Site Layout (drawing ref: 11215/10) received by the local planning authority on 6 April 2017.

3. The use hereby permitted shall cease on or before 1 July 2020.
4. The site shall only be used for the storage of plant and vehicles associated with Oakfield Construction. There shall be no ancillary operations carried out from the site, including cleaning and/or servicing of vehicles and/or plant.
5. No plant or structures shall be double-stacked or stored on site above 5m from ground level.
6. During the construction/ground levelling phase of the development hereby permitted, no activities shall be carried out except between the hours of 07.30-17.00 Monday to Friday and between 08.30-13.30 on Saturdays, and at no time on a Sunday or Public Holiday, without the prior agreement in writing by the local planning authority.
7. Any vehicle movements associated with the storage use hereby permitted shall only be carried out between 07.00-18.00 Monday to Saturday only and at no time on a Sunday or Public Holiday, without the prior agreement in writing by the local planning authority.
8. No part of the development hereby approved shall be commenced until a Phase 2 Exploratory Works 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.
9. No operations on site pursuant to this permission shall be brought into use until:
 - (i) All necessary remedial measures have been completed in accordance with details 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.
10. Details of measures to prevent the deposit of debris (mud) upon the adjacent public highway shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site.

- 11. The vehicular access arrangements serving the site shall only be from the A610.**
- 12. No development shall commence until precise details of the boundary fence including the finish and colour are submitted and approved in writing by the Local Planning Authority. Thereafter, the boundary treatment shall be erected in full accordance with the approved details.**
- 13. No development shall commence until a landscaping scheme for the site perimeter is submitted and approved in writing by the Local Planning Authority. Thereafter, the proposed landscaping shall be completed in full accordance with the approved details. 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.**
- 14. External lighting shall not be installed until full and precise details have been submitted to and approved by the Local Planning Authority. These details shall include:**
 - a. A site plan showing the height of the proposed locations;**
 - b. Full details, including pictures, of the luminaires to be installed;**
 - c. A site plan plotting the predicted illuminance levels (Lux) across the site and both horizontal and vertical overspill between the site boundary and the facades of the nearest light sensitive dwellings;**
 - d. Details of the measures to be taken for the avoidance of glare;**
 - e. Details of the power source; i.e. mains or generator;**
 - f. Operating times.**

All works shall be fully implemented in accordance with the approved details before the use commences and shall be operated and maintained as such for the lifetime of the development.

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 define the permission.**
- 3. The use is of a temporary nature contrary to the long-term economic aspirations of the site, in accordance with Policy EM1m of the Broxtowe Local Plan 2004.**
- 4. To protect nearby residents from excessive operational noise, in accordance with Policy E34 of the Broxtowe Local Plan 2004.**

5. To protect the visual amenity of the surrounding area, in accordance with Policy 10 of the Core Strategy 2014.
6. To protect nearby residents from excessive operational noise, in accordance with Policy E34 of the Broxtowe Local Plan 2004.
7. To protect nearby residents from excessive operational noise, in accordance with Policy E34 of the Broxtowe Local Plan 2004.
8. This important Phase 2 survey information, relating to potential site contamination, is recommended by the applicant's survey and is necessary to assess the public health and safety of the proposed construction works. As the information has not yet been provided, it must be submitted prior to the commencement of the development.
9. Potential ground mitigation measures (as may be identified by the Phase 2 survey, which has not yet been submitted) would be necessary to protect public health and safety during the proposed construction works and therefore must be implemented prior to the commencement of the development.
10. To ensure that mud is not deposited on the adopted highway during construction works, when it is likely to cause potential highway safety concerns, this information must be submitted prior to the commencement of the development.
11. To ensure the site is not serviced via the highway network of the nearby residential area to the north and to protect residential amenity.
12. To ensure the boundary treatment has a reasonable appearance which blends into the surrounding area. This condition accords with the aims of Policy 10 of the Core Strategy 2014.
13. To ensure greenery is retained which helps to minimise the visual impact of the development to the nearby residential area to the north.
14. To protect the nearby residential area from light pollution which can add to a visual intrusion that detracts from the quality of the night sky. This condition accords with the aims of Saved Policy E33 of the Broxtowe Local Plan 2004.

Notes to Applicant:

1. 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 to appreciate whether any amendments need to be sought and thus afford sufficient time to negotiate these should it have been the case.

- 2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see: <https://www.broxtowe.gov.uk/for-you/planning-building/coal-authority/>**

12. INFORMATION ITEMS

12.1 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.

12.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 29 April and 25 May 2017.