

PLANNING COMMITTEE

8 NOVEMBER 2017

Present: Councillor M Handley, Chair

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

Apologies for absence were received from Councillors G Marshall and A Harper.

29. **DECLARATIONS OF INTEREST**

Councillor P J Owen declared a non-pecuniary interest in agenda items 5.1 and 5.4. Item 5.1 was withdrawn from the agenda and in respect of item 5.4, Councillor Owen was Chairman of the Leisure and Young Persons Service Committee for Looked After Children in his capacity as Nottinghamshire County Councillor (minute no. 32.4 refers). Councillor L A Ball declared a non-pecuniary interest in agenda item 5.8, she being a member of Awsworth Parish Council, and would withdraw from the meeting during debate and voting on that item in the interests of transparency (minute no. 32.8 refers).

30. **MINUTES**

The minutes of the meeting held on 11 October 2017 were confirmed and signed.

31. **NOTIFICATION OF LOBBYING**

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

32. **DEVELOPMENT CONTROL**

32.1 **17/00649/FUL**

Proposed dwelling (revised scheme)

Land to the rear of 51A and 51B Mill Road, Newthorpe

The above-named item was deferred for consideration at the Committee's 6 December 2017 meeting.

32.2 17/00514/FUL

Construct apartment block consisting of 8 flats following demolition of existing bungalow

2A Lily Grove, Beeston NG9 1QL

The application, as detailed above, had been called into Committee by Councillor T A Cullen.

The Committee was referred to the summary of late items which contained a correction to paragraph 6.4.3.

Mr Gavin Whyler (objecting), Mr Ian Upton (applicant) and Councillor T A Cullen (ward member) addressed the Committee prior to the general debate.

Members debated the item and the following comments were amongst those made:

- The flats were of a good, modern design but would be detrimental to the person living next door in the bungalow by reason of overshadowing.
- The flats were of a good design but in the wrong place and the number of parking spaces allocated to the development was considered to be insufficient.
- The development was out of keeping with the rest of the Rylands.
- The need for housing was well-documented although this should not be at the expense of local people by impacting on their amenity.
- The plot size was considered to be too small to accommodate eight flats and associated adequate parking.
- The proposed development was overpowering and the massing was not in keeping with the area.
- The proposed development would have a considerable and unacceptable impact on the amenity of the immediate neighbours.

RESOLVED that permission for the proposed development be refused due to concerns about the over intensity of development and the impact on neighbours, the precise wording for refusal to be delegated the Head of Neighbourhoods and Prosperity and the Chair of the Planning Committee.

32.3 17/00373/REM

Construct dwelling and garage (approval of reserved matters relating to planning reference 15/00867/OUT)

123 Brookhill Street, Stapleford NG9 7GU

The application, as detailed above, had been deferred by Committee at its meeting on 11 October 2017 due to members' concerns about the impact of the proposed dwelling on neighbour amenity.

The Committee was referred to the summary of late items which contained details of letters received from an objector and the agent.

Mr Robin Harrison (objecting) and Mr Derek Cox (applicant) addressed the Committee prior to the general debate.

The Committee debated the item and the following comments were amongst those noted:

- It was preferable if neighbours worked together.
- Disappointment was expressed that the applicant had not taken the Committee's advice conveyed at the previous meeting to modify the application to lessen impact on the neighbours.
- The design was good and whilst it was inevitable that people would want to extend their homes, applicants should be mindful of neighbours' concerns.
- Disappointment was expressed that the applicant had chosen to ignore the Planning Inspector's advice regarding the outline permission relating to the siting of the new dwelling

RESOLVED that permission for the proposed development be refused due to concerns about the over intensity of development and specifically the adverse impact on neighbours at 125 Brookhill Street being contrary to Local Plan and Core Strategy policies in that regard, the precise wording for refusal to be delegated the Head of Neighbourhoods and Prosperity and the Chair of the Planning Committee.

32.4 17/00435/FUL

Change of use from dwelling (Class C3) to residential institution (Class C2)
101 Meadow Road, Beeston NG9 1JQ

The application, as detailed above, had been deferred by Committee at its meeting on 11 October 2017 due to members' concerns about the number of children who would be cared for at the property, the unsatisfactory parking provision, insufficient outdoor space, the potential for anti-social behaviour and concerns that the semi-detached property was unsuitable for the proposed use.

The Committee was referred to the summary of late items which outlined a consultation response received from a Nottinghamshire Police Inspector for Broxtowe.

Mr Howard Turney (objecting), Diane Hannah (applicant) and Councillor T A Cullen (ward member) addressed the Committee prior to the general debate.

Members debated the application and the following comments were amongst those noted:

- It was noted that the applicant had taken heed of members' and residents' concerns about the number of children to be accommodated in the property, the current proposals having reduced the number of children proposed to be accommodated from a maximum of five to a maximum of three.
- The house was not too small to accommodate the number of children proposed to be accommodated and the neighbourhood was a good place for young people.

Councillor M Radulovic MBE proposed that the wording of condition 4 be amended to avoid any ambiguity by stating that 'The premises shall only be used as a children's home up to a *maximum* of three children...' The proposal was seconded by Councillor T P Brindley and, on being put to the meeting, was carried.

RESOLVED that planning permission be granted subject to the following conditions, subject to inclusion of the aforementioned amendment:

- 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: 001 Revision B 'Existing & Proposed Floor Plans, Elevations, Site Block Plan and OS Plan' and 002 'Proposed Site Layout Plan' received by the Local Planning Authority on 31 August 2017.**
- 3. The hereby approved use shall not commence until the noise insulation as detailed on drawing number 001 Rev B has been installed.**
- 4. The premises shall only be used as a children's home for up to and including three children and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).**

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 & 4. In the interests of neighbour amenity and in accordance with the aims of Policy RC12 of the Broxtowe Local Plan.**

Note to Applicant:

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 requesting additional information during the course of the application.

32.5 17/00580/FUL

Change of use from hairdresser (Class A1) to massage parlour
Poole Hair Design, 19 Sunnyside Road, Chilwell NG9 4FH

The application, as detailed above, had been called into Committee by Councillor G Harvey.

There were no late items in respect of the application.

Mrs Narumon Royal (applicant) addressed the Committee prior to the general debate.

The Committee debated the application and the following comments were amongst those made:

- The shop had been empty for a long time and it would be good to bring it back into use.
- The ward member stated that he had not received any objections in respect of the application.
- Any grant of permission should include a condition relating to the provision of adequate security measures.

Councillor D Bagshaw proposed that adequate security measures be put in place in consultation with the applicant. The proposal was seconded by Councillor R D MacRae and, on being put to the meeting, was carried.

RESOLVED that planning permission be granted subject to the following conditions and subject to the aforementioned proposal:

- 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 Site Location Plan (1:1250) received by the Local Planning Authority on 9 August 2017 and Proposed Ground Floor Plan received by the Local Planning Authority on 10 August 2017.**

3. **The premises shall not be open to customers except between the hours of 08:30 - 21:00 Monday to Saturday and at no time on Sundays, Bank Holidays and any other public holidays.**

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. **To protect nearby residents from excessive operational noise and in accordance with the aims of Policy 10 of the Aligned Core Strategy.**

Note to Applicant:

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 working to determine this application within the agreed determination timescale.

32.6 17/00645/FUL

Retrospective permission sought for the construction of a domestic outbuilding for use as a double dog kennel with food preparation and store area
2 Estwic Avenue, Eastwod NG16 3EF

The application, as detailed above, had been called into Committee by Councillor D Bagshaw.

There were no late items in respect of the application.

Mr Eric Elwick (applicant) addressed the Committee prior to the general debate.

Members debated the application and the following comments were amongst those noted:

- A neighbour had complained to the ward member about the height of the building.
- There were concerns that the structure obscured the view of near neighbours.
- Concerns were expressed at the frequency of retrospective applications coming before the Committee in general.
- Following on from the previous bullet point, members stated that there was a need for planning staff to issue clear guidance to agents.

During the course of debate, Councillor Radulovic stated that the applicant was known to him which he had not previously realised. On seeking advice

from the Deputy Monitoring Officer regarding declarations of interest, Councillor Radulovic was deemed not to have a declarable interest.

RESOLVED that planning permission be granted subject to the following conditions:

- 1. The development hereby approved shall remain in accordance with the Site Location Plan at scale 1:500, Site Block Plan at scale 1:500 and Proposed Elevations & Floor Plans Drawing No: 08/17/01 received by the Local Planning Authority on 05 September 2017.**
- 2. The outbuilding hereby approved shall be used for purposes ancillary to the residential use of No.2 Estwic Avenue, Eastwood, Nottinghamshire NG16 3EF and no trade or business shall be operated from within.**

Reasons:

- 1. For the avoidance of doubt.**
- 2. In the interest of amenity and to protect neighbouring occupiers from noise and disturbance above what is reasonably expected within a residential area. This condition also accords with the aims of Saved Policy H11 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategies (2014).**

Notes 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 directly with the applicant to clarify information that was reasonably required.

32.7 17/00598/FUL

**Construct rear extension and detached garage
46 Coronation Road, Nuthall NG16 1EP**

The application, as detailed above, had been called into Committee by Councillor J M Owen.

There were no late items in respect of the application.

Mr G Harvey (objecting) and Councillor J M Owen (ward member, speaking on behalf of the residents of no. 48 Coronation Road) addressed the Committee prior to the general debate.

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

- The application site was an old property which the applicants wanted to carry out improvements to.
- The bungalow was relatively small and the neighbours were not objecting in principle but had concerns about the scale of the development.

Councillor P J Owen proposed that consideration of the matter be deferred to allow the objector and applicant to come together and see if they could create a mutual way forward. The proposal was seconded by Councillor R I Jackson and, on being put to the meeting, was carried.

RESOLVED that consideration of the matter be deferred to allow the objector and applicant to enter discussions as to a compromise.

32.8 17/00561/FUL
Retain agricultural building
Whisgills Farm, The Lane, Awsworth

The application had been referred to the Committee for determination due to a request by the Parish Council and significant local interest.

There were no late items in respect of the application.

Councillor Graham Spencer, Chairman of Awsworth Parish Council (objecting) and Claire Cole (applicant) addressed the Committee prior to the general debate.

Members debated the application and the following comments were amongst those made:

- Although the building blended in well, the most significant concern for members was that this was yet another retrospective application and, as evidenced by the comments of the objecting speaker, such applications invariably caused anger since applicants could be perceived to be trying to 'flout' the rules.
- However, the applicant had been 'punished' since if she had applied under permitted development (PD) rights the application would have been free of charge and by 'getting it wrong' this had cost her.
- Not many people would be able to see the building and therefore would not be affected by its presence.

RESOLVED that planning permission be granted, subject to the following Condition:

The development hereby approved shall be retained in accordance with the following documents: Location Plan and photographs, received by the local planning authority on 3 August 2017; Block Plan, floor plans and elevations (drawing ref: 1128-01), received by the local planning authority on 17 August 2017.

Reason:

For the avoidance of doubt.

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

(Councillor L A Ball BEM, having declared an interest in the item, left the chamber and did not therefore speak or vote thereon.)

32.9 17/00514/FUL

Retrospective permission sought for hand car wash business comprising canopy, customer waiting shed, valeting area, staff facility within caravan, ancillary car sales area, hard standing and boundary fencing
RG Services Site, Gin Close Way, Awsworth NG16 2TA

The application, as detailed above, had been called into Committee by Councillor L A Ball BEM.

There were no late items in respect of the application.

Councillor Graham Spencer, Chairman of Awsworth Parish Council (objecting) and Mr Bledar Ndini (applicant) addressed the Committee prior to the general debate.

The Committee debated the item and the following comments were amongst those noted:

- The planning case officer was thanked for his work with the applicant in conveying to him the wishes of the Parish Council.
- The car wash had improved due to the applicant's efforts and was very popular.
- It was suggested that the applicants keep improving the site and more planting was encouraged.
- Concern was expressed at the close proximity of three entrances on Gin Close Way.
- It was suggested that strong and enforceable conditions were needed to improve the site environment and manage the area via a bona fide environmental project.

Councillor M Radulovic MBE proposed the inclusion of an approved environmental scheme. Councillor J S Briggs seconded the proposal which, on being put to the meeting, was carried.

RESOLVED that planning permission be granted subject to the following conditions and subject to the inclusion of the aforementioned amendment relating to the inclusion of an approved environmental scheme:

- 1. The development hereby approved shall remain in accordance with the Amended Site Plan at scale 1:500 & Caravan Plan Drawing No: 12/15/06 received by the Local Planning Authority on 25 September 2017 and Site Location Plan at scale 1:1250, Car Valet Floor Plan Drawing No: 09/17/11, Elevations Drawing No: 09/17/12, Customer Waiting Shed Plans Drawing No: 09/17/08 & Canopy Elevations Drawing No: 08/17/01 received by the Local Planning Authority on 5 September 2017.**
- 2. The car wash and car sales premises hereby approved shall not be open for business except between 07:30 - 21:00 hours Monday to Saturday and 07:30 – 18:00 hours on Sundays and bank holidays.**
- 3. The caravan staff facility hereby approved shall remain in use ancillary to the business activities on site and shall not be occupied as any place of residence.**

Reasons:

- 1. For the avoidance of doubt.**
- 2. In the interest of protecting the area from excessive noise and disturbance during night time hours.**
- 3. As per the terms of the application where the caravan is only appropriate as a facility for employees linked to the car wash business and not as a residential development on the commercial site.**

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 directly with the agent and applicant to agree solutions and clarify information.

32.10 17/00688/FUL

Change of use of ground floor from bank (Class A2) to a children's education centre (ClassD1)

33-34 The Square, Beeston NG9 2JH

The application had been brought before the Committee since the Council was the landowner.

There were no late items in respect of the application.

Jessica Wester (applicant) addressed the Committee prior to the general debate.

Members debated the application and the following comment was amongst those noted:

- The shop had been empty for a long time and the application was supported.

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 Site Location Plan (1:1250) and Proposed Ground Floor Plan received by the Local Planning Authority on 19 September 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.

Note to applicant:

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 working to determine this application within the eight week determination timescale.

33. INFORMATION ITEMS

33.1 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.

33.2 Appeal Decision

23 Beeston Fields Drive, Beeston – 17/00064/FUL

Members noted that the appeal to retain a boundary wall and install railings and gates between piers had been dismissed.

33.3 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 12 August and 18 September 2017.

Councillor Radulovic highlighted an error contained on page 107 since the applicant was erroneously referred to as 'Mr' when her correct title was 'Mrs'.

Councillor Brown queried when the storage units located at 57A Moorgreen would be removed and was advised that enforcement action for removal of the units was proceeding.

34. Councillor P J Owen referred to the imminent departure of Senior Planning Officer, Mr Sachin Parmar, who was leaving the authority for another job. Councillor Owen wished to place on record members' thanks for Mr Parmar's assistance and unfailing courtesy. Councillor Owen's comments were endorsed by Councillor L A Ball and other members and Councillor Owen's vote of thanks in respect of Mr Parmar was duly seconded by Councillors Ball and Bagshaw.