

PLANNING COMMITTEE

10 JANUARY 2018

Present: Councillor M Handley, Chair

Councillors:	L A Ball BEM	W J Longdon (substitute)
	D Bagshaw	R D MacRae
	J S Briggs	P J Owen
	M Brown	J C Patrick (substitute)
	E Cubley (substitute)	M Radulovic MBE
	R I Jackson	R S Robinson

Apologies for absence were received from Councillors A Harper, G Marshall and J K Marsters.

42. **DECLARATIONS OF INTEREST**

Councillor E Cubley declared a pecuniary interest in agenda item 5.2 since he intended to speak as a member of the public on the item and would not therefore take part in the debate or vote on the item (minute no. 45.2 refers). Councillor R S Robinson declared that he had been lobbied by residents in respect of agenda item 5.2 but that he maintained an open mind, was not pre-determined and would take part in the debate (minute no. 45.2 refers). Councillor M Handley declared a pecuniary interest in agenda item 10 since she would be speaking on behalf of the applicants as ward member and would leave the chamber and not take part in the debate or vote (minute no. 50 refers).

43. **MINUTES**

The minutes of the meeting held on 6 December 2017 were confirmed and signed.

44. **NOTIFICATION OF LOBBYING**

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

45. **DEVELOPMENT CONTROL**

45.1 **17/00761/FUL**

Construct dwelling following demolition of existing dwelling
5 Dormy Close, Bramcote

The application was deferred to the February Committee to allow additional time for consultation on amended plans. The item was not therefore debated.

45.2 17/00715/FUL

Construct detached garage/workshop and fence
14 Chapel Street, Eastwood NG16 3JL

The Head of Neighbourhoods and Prosperity had requested that the application be determined by Committee as one of the objectors is an elected councillor.

The Committee was referred to the summary of late items which advised of additional notes to applicant to be included within the recommendation.

Councillor E Cubley, speaking as an objecting member of the public, addressed the Committee prior to the general debate.

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

- Officer advice was sought on the objecting speaker's request that an additional condition be included to limit the use of the garage to domestic use only and that commercial activities be specifically prohibited so that the premises did not turn into a builder's yard.
- Officer advice stated that such a condition could be included with the caveat that such an additional condition could be appealed, although the risk of that was considered to be slight and the applicant had confirmed that the premises were not to be used for business purposes.
- A member queried if the inclusion of an additional condition would still apply to any subsequent landowner and it was confirmed that it would.

Councillor R I Jackson proposed the inclusion of an additional condition as detailed above and the proposal was seconded by Councillors D Bagshaw and L A Ball BEM. The proposal, on being put to the meeting, was carried.

RESOLVED that planning permission be granted subject to the following conditions, together with an additional condition restricting the use of the garage to domestic use only and additional notes to applicant:

- 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 Proposed Layouts, Elevations, Block & Location Plans (001B) received by the Local Planning Authority on 27 November 2017.**

3. The garage shall be constructed using materials of a type, texture and colour so as to match those of the existing building.
4. No part of the development hereby approved shall be commenced until details of appropriate gas prevention measures have been submitted to and approved in writing by the local planning authority. No building to be completed pursuant to this permission shall be occupied or brought into use until:
 - a. All appropriate measures have been completed in accordance with details approved in writing by the Local Planning Authority; and
 - b. It has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures have been implemented in full.

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 ensure a satisfactory standard of external appearance and in accordance with the aims of Policy H11 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Draft Part 2 Local Plan.
4. In the interest of public health and safety.

Notes to applicant:

1. The decision has been reached taking into account the guidance in paragraphs 186-187 of the National Planning Policy Framework, with positive amendments having actively been sought during the consideration of the application.
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/development-in-former-coal-mining-areas/>

(In accordance with Councillor Cubley's declaration of a pecuniary interest to secure his right to speak as an objecting member of the public, he left the chamber after speaking and did not participate in the Committee's subsequent debate on the item or vote thereon.)

45.3 17/00486/FUL

Construct workshop following demolition of garages and workshop
54a Carrfield Avenue, Toton NG9 6FB

Councillor L Fletcher had called the application in to Committee.

Members were referred to the summary of late items which advised of a letter received requesting that the sender's comments be taken into consideration.

Mr Steve Creasey, objector, and Mr Steve Wheatley, applicant, addressed the Committee prior to the general debate.

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

- It was considered that the proposed building would look more pleasing if constructed in brick rather than metal.
- If this had been a fresh application it would have been turned down but the business had been established for a long time.
- The proposals would make what existed better although there were concerns about residents' observations relating to noise on the roof.
- Officers' views were sought on whether or not they considered the material proposed to be used to be detrimental. Officers responded that they did not consider that the applicant's proposed use of materials would make the noise worse. It was an established use and MoT use fell within authorised business activities already on the site. It was not currently proposed to condition materials and Environmental Health colleagues were content with the scheme and its hours of operation. If an additional condition was required by members, this could be drafted by officers.
- There was sympathy with adjacent residents, in particular relating to the proposed height of the building, and there were concerns regarding the applicant's use of the open storage area.
- It was suggested that further negotiations be conducted to make the proposals more acceptable to residents since the use was now established and, although considered to be inappropriate, was lawful.

Councillor P J Owen proposed that the matter be deferred to allow for negotiations to take place to secure a reduced scale of development (in particular relating to height) and also possibly a brick rather than metal building. The proposal was seconded by Councillor R I Jackson and, on being put to the meeting, was carried.

RESOLVED that the item be deferred to allow for a reduced scale of building to be negotiated (in particular in relation to height) and possibly a brick rather than a metal building.

45.4 17/00749/FUL

Construct two storey side extension
17 Wentworth Court, Kimberley NG16 2XB

Councillor R S Robinson had called the application in to Committee.

The Committee was referred to the summary of late items which advised of receipt of an email from local residents expressing various concerns about the proposed development.

Mrs M Murfin, objecting, addressed the Committee prior to the general debate.

The Committee debated the item and the following comment was amongst those noted:

- It was stated that residents alleged they had not been consulted in relation to the 2007 application for a two storey dwelling and, consequently, had not been given the opportunity to object to the application. This was disputed by officers since records indicated that neighbouring properties had been notified in 2007.

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 Proposed Block & Site Plans (Drawing No. Rob 007 Site and Block Plan, 1:1250 and 1:500), the Proposed Roof Plan (Drawing No. Rob 003b Roof Layout V3, 1:100) and the Proposed Floor Plan (Drawing No. Rob 003a Floor Plans V3, 1:100) and the Proposed Elevation Plans (Drawing No. Rob 004b Elevations V3 and Rob 004a Elevations V3, 1:100) received by the Local Planning Authority on 28 November 2017.**
- 3. The extension shall be constructed using materials of a type, texture and colour so as to match those of the existing building.**

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 ensure a satisfactory standard of external appearance and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Draft Part 2 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, by communicating with the agent throughout the course of the application.

45.5 17/00769/FUL

Construct 4 retail units, car wash, tyre service area and retail pod
Morrison's, Kelham Way, Eastwood NG16 3SG

Members were referred to the summary of late items which advised that the application description be amended to 'Construct 4 units (Class A1-5), car wash, tyre service area and retail pod' and receipt of an email from the Coal Authority confirming withdrawal of their objection but recommending the imposition of a condition requiring the applicant to carry out further investigative works prior to development commencing. Consequently, the condition and reason would be amended. A letter of objection had been received relating to noise levels.

There were no speakers in respect of this item.

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

- The loss of 63 parking spaces would have a detrimental effect on store users since it was a large store where the car park was accessed and egressed by many large distribution lorries.
- The supermarket site contained the only petrol station in Eastwood and attracted a lot of traffic.
- The proportionate loss of parking spaces stated was disputed (one in seven) and it was feared the loss was far greater than this.
- It was stated that Morrison's was not diligent in its maintenance of the site since there were overhanging trees with the school boundary.
- The majority of car park users currently parked where the hub was proposed to be sited.
- The business model being rolled out by the company for the site adopted a corporate approach irrespective of the area.
- Supermarkets were trying to kill off town centres and smaller traders and the proposals should be rejected since they detracted from the town centre.
- Scepticism was expressed concerning highways issues and the timings of Nottinghamshire County Council highway visits and the Committee would benefit from receiving more information on that.
- It was difficult to secure successful appeal outcomes where applicants' evidence suggested there were no highways problems and the County Council concurred with that assertion so there was a need to scrutinise.
- It was suggested that more details could be provided for the next available Committee in relation to the nature of any objections as they related to the

emerging Local Plan policy since it would be risky to refuse permission based on a policy which had not been tested through formal examination process.

Councillor R I Jackson proposed that the matter be deferred to allow more information to be prepared in relation to emerging policy and to allow for further consideration of the impact of the loss of parking spaces by Nottinghamshire County Council. The proposal was seconded by Councillor L A Ball BEM and, on being put to the meeting, was carried.

RESOLVED that the matter be deferred in accordance with the aforementioned proposal.

45.6 16/00182/ENF

Untidy and overgrown condition of land around disused building
102 Ryecroft Street, Stapleford NG9 8PN

This matter had been brought to the Council's attention in July 2016 and there had been a previous enforcement complaint of a similar nature in 2014 which had been resolved in March 2015. However, in respect of the current enforcement case, the land owner had failed to engage with the Council to resolve the issue.

There were no late items in respect of this matter.

Members discussed the report and the following comments and observations were amongst those noted:

- The cost to the Council to execute the works would be £469.
- Such sites were a blight on neighbourhoods and it was suggested that the Council's compulsory purchase powers in respect of the site should be explored.
- In the event of non-recovery of the aforementioned costs, it was stated that a charge could be placed on the land to enable the costs to be recovered on any eventual sale of the said land.

RESOLVED that direct action be taken by the Council to cut back all overgrown vegetation and weed kill the land surrounding the property and to generally improve the condition of the land.

45.7 16/00182/ENF

Untidy condition of front and rear gardens
14 Read Avenue, Beeston NG9 2FJ

This matter had initially been brought to the Council's attention in July 2016. The property had been unoccupied for some considerable time and it was understood that the owners were living overseas. The Council had been unable to establish any contact with them.

There were no late items in respect of this matter.

Members discussed the report and similar comments and observations were made as for the preceding report.

RESOLVED that direct action be taken by the Council to prune back the tree and shrubs at the front and side of the property, to remove and suitably dispose of any debris at the front and side of the property and to generally improve the condition of the front garden.

46. INFORMATION ITEMS

46.1 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.

46.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 11 November and 8 December 2017.

A ward member raised a query in respect of application 17/00617/FUL. Officers confirmed that a site visit would be undertaken to establish whether or not the development was proceeding in accordance with the relevant permission.

47. EXCLUSION OF PUBLIC AND PRESS

RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act.

48. 17/00724/FUL
Construct single storey side extension
56 Marshall Drive, Bramcote NG9 3LD

The Committee noted the summary of confidential late items.

RESOLVED that planning permission be granted subject to the following conditions, together with the inclusion of an additional note to applicant as outlined in the confidential late items summary:

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 Proposed Block & Location Plans (1:1250 and 1:500), the Proposed Roof Plan (1:100) and the Proposed Plan & Elevations (1:100) received by the Local Planning Authority on 5 October 2017.
3. The extension shall be constructed using materials of a type, texture and colour so as to match those of the existing building.

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 ensure a satisfactory standard of external appearance and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Draft Part 2 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, by communicating with the agent throughout the course of the application.

49. 17/00598/FUL
Construct rear extension and detached garage
46 Coronation Road, Nuthall NG16 1EP

The Committee noted the summary of confidential late items and Councillor J M Owen spoke as ward member on behalf of neighbouring objectors.

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 only be constructed in accordance with the following drawings: Site Location Plan received by the Local Planning Authority on 17 August 2017; Existing floor plans and elevations (drawing ref: RS/GF/07/08/17/01) and Proposed

block plan, floor plans and elevations (drawing ref: RS/GF/07/08/17/02) received by the Local Planning Authority on 15 December 2017.

3. The extension(s) shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing building.

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 ensure the development presents a satisfactory standard of external appearance and to accord with Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).

Notes for applicant:

1. The Council has acted positively and proactively in the determination of the application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by discussing alterations and seeking amendments to the proposal which would result in a more acceptable development.
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/development-in-former-coal-mining-areas/>

50. 15/00007/ENF, 15/00071/ENF and 17/00158/ENF

1. Unauthorised works to holiday let building (deviations from approved plans)
2. Unauthorised use of land for siting of caravans in residential use
3. Unauthorised re-roofing of building on east side of gatehouse range

Beauvale Abbey, New Road, Greasley NG16 2AA

There were no late items in respect of this matter and Councillor M Handley spoke as ward member on behalf of the applicants.

Councillor M Radulovic MBE disagreed with the assertion that enforcement action should not be supported since the planning breaches appeared to be minor in nature and he stated that there had been numerous breaches of planning regulations on the site.

Councillor Radulovic proposed that the recommendation be amended to resolve to take enforcement action in respect of all breaches with immediate effect. Councillor Radulovic also proposed a recorded vote in respect of the aforementioned proposal. Both proposals were seconded by Councillor D Bagshaw and, on being put to the meeting, the proposal regarding amendment of the recommendation was lost. The voting was as follows:

<u>For</u>	<u>Against</u>	<u>Abstention</u>
D Bagshaw	L A Ball BEM	
M Radulovic MBE	J S Briggs	
	M Brown	
	E Cubley	
	R I Jackson	
	W J Longdon	
	R D MacRae	
	P J Owen	
	J C Patrick	

(Note: Councillor R S Robinson had left the meeting and did not therefore participate in voting.)

RESOLVED that no enforcement action be taken into any of the breaches of planning control outlined within the report.

(Councillor M Handley, having spoken as ward member on behalf of the applicants, left the meeting before debate or voting thereon and Councillor L A Ball BEM, Vice Chair, took the Chair for this item.)

Chair