

PLANNING COMMITTEE

5 DECEMBER 2018

Present: Councillor M Handley, Chair

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

An apology for absence was received from Councillor P J Owen.

32. DECLARATIONS OF INTEREST

Councillor D Bagshaw declared a non-pecuniary interest in item 5.3, as a family member was employed by the nursery, minute number 35.3 refers.

Councillor G Marshall declared a non-pecuniary interest in item 5.5 as he was acquainted by the applicant, though he noted that they had not discussed their application with him. Minute number 35.5 refers

Councillor M Radulovic MBE declared a non-pecuniary interest in item 6.2 as he was predetermined, minute number 35.6 refers.

33. MINUTES

The minutes of the meeting held on 7 November 2018 were confirmed and signed with some minor amendments to the wording of minute number 31.1 concerning application 18/00538/FUL, The Raven Group, Ellis Grove, Beeston, NG9 1EP, which were agreed by the Chair and the Head of Neighbourhoods and Prosperity after the minutes were published with the agenda. The changes are underlined.

31.1 a condition be added to require the lower section of **all first and second floor** windows and Juliet balconies in the rear elevation to be obscurely glazed

13. Notwithstanding the details shown on drawing numbers 456 003 Rev B (proposed elevations) and 456 002 Rev D (proposed floor plans) the lower sections of the first and second floor windows and the Juliet balconies on the rear elevation shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and retained in this form for the lifetime of the development.

34. NOTIFICATION OF LOBBYING

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

35. DEVELOPMENT CONTROL

35.1 18/00268/FUL

Construct 75 bed care facility; 30 supported living apartments (Class C2); bistro; gym/spa; hairdressers; bin, cycle and scooter stores; emergency generator; substation, car parking and landscaping
Myford Ltd, Wilmot Lane, Beeston NG9 1EP

Councillor J C Patrick requested that this application be determined by the Committee.

The Committee noted there were a number of late items including a change to planning conditions 2,15, 19 and 20. It was also noted that a viability assessment had concluded that the scheme would not be viable with any affordable housing contribution and that the Council's Estates Manager had advised that the assessment appeared to be reasonable.

Ms Margaret Metcalfe, objecting, Mr John Roddy, the applicant and Councillor J C Patrick, Ward Member, addressed the Committee prior to the general debate.

During the ensuing debate the need for developments such as the one proposed was acknowledged, though there were concerns about car parking, traffic and loss of neighbour amenity, with particular reference to daylight. There was concern that 42 spaces would be inadequate for 30 supported living apartments in addition to the need for staff and health worker access to the complex. The community aspect of the application was praised, though there was concern that the bistro and other public facilities would cause further traffic and parking problems.

Discussion moved on to the design of the building. It was noted that there were brickwork elements designed to break up the façade of the building and darker brickwork at the top of the building to reduce the sense of height.

It was proposed by Councillor R I Jackson and seconded by Councillor M Radulovic MBE that a decision on the application be deferred so that the applicant could be consulted further on car parking spaces and nominating a contact to liaise with the local community. On being put to the meeting the motion was carried.

RESOLVED that the application be deferred.

Reason

To allow discussions with the applicants regarding parking provision within the site and identify a lead contact for the developer who will liaise with local residents during the course of the construction process.

- 35.2 18/00508/FUL
Construct single storey rear and
two storey rear and side extensions
138 Nottingham Road, Nuthall, Nottinghamshire
NG16 1AB

Councillor P J Owen had asked that this matter be determined by the Committee.

There were no late items and no public speakers regarding this application.

It was noted that the application had been brought before Committee because it had been proposed that two dormer window be installed in the roof. Now that the applicant had changed these to Velux windows there were no objections to the application.

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 received by the Local Planning Authority on 23 July 2018, Proposed Plans and Elevations, SG/18/05/02A and Proposed Block Plan, SG/18/05/03A received by the Local Planning Authority on 04 October 2018.**
- 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) and Policy 10 of the Aligned Core Strategy (2014).**

Note to Applicant:

The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.

35.3 18/00624/FUL

Amended access to garden centre, demolition and replacement of number 123 with a dormer bungalow and the erection of one additional dormer bungalow
123 Moorgreen, Newthorpe, Nottinghamshire NG16 2FF

Councillor M Brown had brought this application before the Planning Committee.

There were no public speakers. The late item, an email from the agent, was given due consideration.

There was support for widening the access, which was considered to be hazardous, and the replacement of the existing bungalow. Debate centred on the additional bungalow, with discussion as to whether in-filling in villages should be welcomed or whether a like for like replacement was the only appropriate development.

RESOLVED that planning permission be refused for the following reason:

The construction of a materially larger replacement dwelling and a new dwelling would constitute inappropriate development in the Green Belt and there are no very special circumstances demonstrated that clearly outweigh both the inappropriateness of the proposed development and the significant harm upon openness. Accordingly, the proposal is contrary to Saved Policy E8 of the Broxtowe Local Plan 2004, Policy 8 of the Draft Part 2 Local Plan and Section 13: Protecting Green Belt Land of the National Planning Policy Framework 2018 and there are no other material considerations that justify treating this proposal as an exception.

Note to Applicant:

The Council has tried to act positively and proactively in the determination of this application, however it was not considered that there were any minor alterations which could be made to the scheme to make the proposal acceptable.

35.4 18/00384/FUL

Erect portable building to create public café facility with decking
R G Services Site, Gin Close Way, Awsworth,
Nottinghamshire NG16 2TA

Councillor L A Ball BEM had requested that this application be determined by the Committee.

There were no late items for this application.

Ms Susan Wilson, objecting, addressed the Committee prior to the general debate.

The Committee noted the prominent position of the site at the gateway into Awsworth and considered that it was scruffy and detrimental to the visual amenity of the area. There was concern regarding the positioning of the business and the potential for an increase in traffic to the site in an already congested area, causing a hazard to road users. There was also concern about a breach of condition regarding the screening and general appearance of the site.

RESOLVED that planning permission be refused, with the precise wording of the refusal to be delegated to the Chair of the Planning Committee and the Head of Neighbourhoods and Prosperity.

Reason

There was concern about highway safety and an increase in traffic in an already busy location.

35.5 18/00720/FUL

Change of use from retail (Class A1) to café incorporating a bakery (Class A3)
109 Central Avenue, Beeston, Nottinghamshire NG9 2QS

The request for this item to be considered by the Committee had been received from Councillor S J Carr.

Miss Choulia Mola, applicant, addressed the Committee prior to the general debate.

It was considered that the new bakery would be an asset to the Beeston Fields Estate and that it would provide a space for people to socialise within their local area.

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

- 1. The development hereby permitted shall be retained in accordance with the Site Location Plan received by the Local Planning Authority**

on 25 October 2018 and proposed floor plan received by the Local Planning Authority on 30 October 2018.

2. Within one month of the date of this decision, details of ventilation and filtration equipment shall have been submitted to the Local Planning Authority. Once approved in writing by the Local Planning Authority, the equipment shall be installed and in full working order within three months of the date of approval and shall be effectively operated and maintained in accordance with the manufacturer's instructions for the life of the development.
3. The use hereby permitted shall not be open to customers outside the hours of 8am to 10pm Monday to Saturday, and 10am to 10pm on Sundays, Bank or other Public Holidays.

Reasons:

3. For the avoidance of doubt.
2. No such details were submitted and in accordance with the aims of Policy S7 of the Broxtowe Local Plan (2004).
3. In the interests of the amenities of nearby residents and in accordance with the aims of Policy S7 of the Broxtowe Local Plan (2004).

Notes to Applicant:

1. The Council has acted positively and proactively in the determination of this application by communicating with the applicant throughout the course 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/>

35.6 18/00339/FUL

Two storey and single storey side/rear extensions, raise ridge height, rear dormer window and detached garage
Assarts Lodge, Temple Drive, Nuthall, Nottinghamshire
NG16 1BH

The application had been considered by the Committee on 12 September 2018 and was deferred by members to allow further consultation between the applicant and the neighbouring school.

There were no late items and no public speakers.

The Committee noted that a letter had been received from the Headmaster to confirm that there were no objections to the application from the school.

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 drawing numbers: Site Location Plan 1:1250, 18/461/05 received by the Local Planning Authority on 16 May 2018, Proposed Second Floor Plans, Sections and Elevations, 18/461/03b received m by the Local Planning Authority on 1 July 2018, Proposed Garage Plans, Sections and Floor Plans, 18/461/06 received by the Local Planning Authority on 21 May 2018, Proposed Site Plan, 1: 500, 18/461/04a received by the Local Planning Authority on the 22 August 2018, Proposed Floor Plans and Elevations, 18/461/02b, Proposed Second Floor Plans, Sections and Elevations, 18/461/03b received by the Local Planning Authority on 30 October 2018.**
- 3. The garage shall not be first brought into use until the driveway access to the front of the garage door is surfaced in a hard bound material (not loose gravel) and drained to prevent the unregulated discharge of surface water onto the public highway.**
- 4. The dormer window located in the west elevation of the roof shall be glazed in obscure glass to Pilkington Level 4 or 5 and shall be non-opening below a height of 1.7 metres, measured from the internal finished floor level. The window shall be retained in accordance with these details for the life 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. For the avoidance of doubt.**
- 3. In the interests of highway safety.**
- 4. To safeguard the residential amenities of the area and to accord with Policy H9 of the Broxtowe Local Plan 2004.**

Notes to Applicant:

1. The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.
2. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order for the works to be undertaken please contact: hdcsouth@nottsc.gov.uk

Having declared himself pre-determined on this application Councillor M Radulovic MBE left the meeting and did not vote thereon. Councillor G Marshall also left the meeting and did not vote.

35.7 18/00670/REG3

Construct two storey rear extension, insert first floor side window and retain ramp
6 Hetley Road, Beeston NG9 2QL

The application had been brought before the Committee as it was a Broxtowe Borough Council application.

There were no late items and no public speakers.

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 retained and carried out in accordance with the Location Plan at scale 1:1250 received by the Local Planning Authority on 4 October 2018, the amended 'Site Plan' (CW19.004/01) and the amended 'Proposed Elevations' (CW19.004/07) received by the Local Planning authority on 14 November 2018, the amended 'Proposed First Floor' plan (CW19.004/05) and the amended 'Roof Plan' (CW.19.004/08) received by the Local Planning Authority on 20 November 2018 and the amended 'Proposed Ground Floor' plan (CW19.004/04) received by the Local Planning Authority on 22 November 2018.
3. The external walls of the extension hereby approved shall be rendered so as to match the type, texture and colour of the render on the existing building.
4. The first floor south west (side) elevation window of the extension hereby approved and the north east facing part of the box bay window to be inserted in the north east (side) elevation shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent

glazing which shall first have been agreed in writing by the Local Planning Authority) and fixed shut and retained in this form for the lifetime of the development. The north east facing part of the bay window to be inserted on the north eastern elevation shall be obscure glazed to Pilkington 4 or 5.

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) and Policy 10 of the Aligned Core Strategy (2014).
4. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).

Notes to Applicant:

1. The Council has acted positively and proactively in the determination of this application by seeking positive amendments 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/>

Having stated that he had a prior engagement, Councillor R S Robinson left the meeting.

- 35.8 14/00334/OUT and 14/0035/OUT
Affordable housing contribution with regard to planning applications – west and east of
Newmanleys Road, Eastwood

Due to the possible variation within the original Cabinet decision for section 106 funding allocation for this development, it was deemed necessary that this issue be brought before the Planning Committee.

There were no late items and no public speakers on this item.

Consideration was given to the nomination rights for seven houses in place of a section 106 contribution. The Committee noted that the Council would not own the seven houses and would not be the landlord, though they would be occupied by tenants from the housing list in perpetuity. There was concern that there was no financial benefit to the Council from the arrangement. An argument was put forward that the development would be comprised entirely of affordable housing, making the need for a contribution unnecessary and the seven nominations a bonus.

RESOLVED that the recommendation that the S106 Agreement be amended to enable the affordable housing requirement to be met by way of nomination rights for seven houses not be agreed.

36. INFORMATION ITEMS

36.1 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.

36.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 20 October to 16 November 2018.