

## **PLANNING COMMITTEE**

### **Minutes of the virtual meeting held on Wednesday 11<sup>th</sup> November 2020 via Microsoft Teams**

**Present:** Councillor D Pidwell (Chair)  
Councillors H M Brand, S Fielding, G Freeman, G A N Oxby, M W Quigley MBE,  
M Richardson, N Sanders, L Schuller and B Tomlinson.

Officers in attendance: L Dore, E Hinsley, J Krawczyk and S Wormald.

(Meeting commenced at 6.30pm).

The Chair welcomed all to the virtual Planning Committee and explained that councils have been enabled to hold virtual meetings in order to allow business to be conducted while maintaining social distancing due to the outbreak of Covid-19. He then introduced Members and Officers by doing a roll call. The Chair outlined that in the event of the livestream failing or Members losing connection the meeting would be adjourned to allow the connection to be re-established. He also reminded participants to take appropriate safety precautions from their place of livestreaming.

#### **129. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D Challinor and M Charlesworth.

#### **130. DECLARATIONS OF INTEREST**

##### **(a) Members**

Councillor S Fielding declared a pecuniary interest in Planning Application a1, 20/00434/FUL and declared she would leave the meeting during discussion of this Agenda Item. Councillor M W Quigley declared a non-pecuniary interest in Planning Application a2, 20/01223/BSE and declared he would remain in the meeting.

##### **(b) Officers**

There were no declarations of interest by officers.

#### **131. MINUTES OF THE MEETING HELD ON 14<sup>th</sup> OCTOBER 2020**

**RESOLVED** that the minutes of the meeting held on 14<sup>th</sup> October 2020 be approved.

#### **132. MINUTES OF THE PLANNING CONSULTATION GROUP MEETINGS HELD BETWEEN 5<sup>TH</sup> OCTOBER AND 19<sup>TH</sup> OCTOBER 2020.**

**RESOLVED** that the minutes of the Planning Consultation Group meetings held between 5<sup>th</sup> and 19<sup>th</sup> October 2020 be noted.

#### **133. OUTSTANDING MINUTES LIST**

**RESOLVED** that the Outstanding Minutes List be noted.

## **SECTION A – ITEMS FOR DISCUSSION IN PUBLIC**

### **Key Decisions**

None.

### **Other Decisions**

None.

## **134. REPORT(S) OF THE DIRECTOR OF REGENERATION AND NEIGHBOURHOODS**

### (a) Public Interest Test

The Head of Regeneration had deemed that all Items on the Agenda were of a non-confidential nature.

### (b) Appeal Decisions

None.

(Councillor Fielding left the meeting).

### (c) Planning Applications

<u>Application No.</u>	<u>Applicant</u>	<u>Location and Proposal</u>
20/00434/FUL	S A Lundy and J Dittrich	2 Shireoaks Row, Shireoaks.  Erect basement and ground floor rear extension with associated internal alterations and external flue to rear elevation. Carry out alterations to front elevation and erect 1.2m high front boundary fence.

Members were advised that the application sought full planning permission for basement and ground floor rear extensions, with associated internal alterations and external flue to the rear elevation, to carry out alterations to the front elevation and erect a 1.2m high front boundary fence, at 2 Shireoaks Row, Shireoaks.

The Planning Development Manager (PDM) presented the report and advised the application site is currently in use as a café/sandwich shop which is part of a row predominantly terraced properties within Shireoaks Conservation area. It is next door to a convenience store and adjacent to the Chesterfield Canal. The original proposal had been amended to relocate an external balcony area to the north-facing elevation and to provide a car parking area for customers on the opposite side of Shireoaks Row, just over the canal road bridge.

Slides were used to show the site location in relation to the canal, its situation in the wider Shireoaks settlement, plans of the proposed extension, existing and proposed floor plans, elevations and photographs of current front and side elevations and the proposed car parking site.

The PDM advised the proposed rear extension would have a flat roof and a balcony area to the north-east elevation overlooking the canal. The external staircase access from the balcony was for emergency egress only and not for access into the building. To the front, a traditional wooden shop front was proposed.

Consultee comments summarised in the report advised no objections to the proposal, however, a local councillor had objected on the grounds that the extension would result in noise and disturbance for neighbouring properties on Shireoaks Row and the parking solution was not sufficient to address current parking issues. In addition, it would cause noise and disturbance to immediate residents.

As a correction to the report, the PDM advised that 2 objections to the application as amended had been received along with 12 comments of support, however, the principle of development was considered to be acceptable with the site in a sustainable location for the development proposed. While the proposed extension was contemporary in design, it was not considered detrimental to the appearance of the building, the canal side setting or the surrounding Conservation area as a whole. In consideration of objections and concerns raised regarding noise and disturbance, the PDM informed the meeting that given the existing use of the building, the size of the premises, the limited size and position of the outdoor balcony area, the proposed operation and nature of the use, the imposition of conditions to restrict the hours of operation of the business, it was considered that the proposal would not significantly increase the level of existing noise and disturbance of the residential amenity in the locality. While noting that car parking is unrestricted in Shireoaks Row and there is a high degree of on-street parking by both residents and customers to the site and adjacent convenience store, the Highway Authority had raised no concerns regarding increased traffic and highway safety, following the amended proposal to provide a nearby car parking area for approximately 8 vehicles.

In summary, the PDM advised the report proposed the development would provide no detriment to the surrounding Conservation Area, the setting of the nearby canal, or any significant detriment to the amenity of nearby residents. In addition, the proposal would not demonstrably exacerbate any highway safety issues in the locality. The proposal was considered to be of benefit to the viability and vitality of the local area in terms of providing a leisure and community facility and some employment opportunities.

Prior to the meeting in response to questions, Committee Members had been advised: the car parking area would be of a sufficient size to serve the development; the gate to the canal would not require planning permission (there is no public access to the rear of the site); waste collection arrangements will remain as existing with the Council emptying the commercial waste bin once weekly although a larger bin may be required; a condition may be required for a scheme of improvements to the car park if the Committee deemed it necessary.

Michelle Beard spoke in support of the application and commented:

- The current provision of food and refreshments as a takeaway option by the owners/applicants had been invaluable to the village during daytime hours, especially given the current Covid-19 situation.
- The proposal for a bistro/café is exactly what the village needs as the community grows with more houses being built.
- There is a shop, post office and social club in the village, however, there is a desperate need for a central hub where local residents can go for a quiet drink, have a meal and socialise. The proposed plan for the bistro would provide this.

- The applicants have been a central part of the village during the current pandemic and have supported deliveries for the vulnerable. The proposed expansion would enable them to become more embedded in the community.
- It is important to the economy to build, develop and grow, especially in areas where housing development is high and there are limited access to services. The bistro would see people spending locally.
- Having a local venue would mean customers could walk to the venue and not rely on driving or public transport as they would to other venues outside of the village.
- The previous local pub which used to be next door to the site was virtually 100% patronised by local residents.
- Amendments to the plan to improve the aesthetics of the front, side and rear elevations will add improvement to the central focal point alongside the canal and improve the overall appearance.
- The applicants want to work with local residents and have listened to feedback. They have responded to objections with the provision of a car park and reduced opening hours to allay concerns regarding undue noise.

Sarah Rex had sent a letter of objection which was read out by the PDM. She had no objection to the proposal in principle and considered it would be of benefit to the village, however she asked that reasonable consideration was given to nearby residents including herself, regarding traffic noise and road safety. Whilst appreciating modifications had been made to the application which had addressed some of her concerns, these did not address all of them. She noted:

- The Highways Agency originally objected on the grounds of highway safety due to existing traffic and lack of parking, the close proximity of the railway crossing and the entrance to RDS. They then approved it on car parking being available, however, the proposed parking has been arranged through an informal agreement, has signs stating it is private, has boulders restricting access and is used by the current owner to park several vehicles both day and night. The planning report states that car parking must be available, but it doesn't state there should be sufficient places for customers at the venue.
- If the property owning the car park is sold, the applicant would have to apply for a variation, however, this does not provide for the car park owner rescinding permission. Could councillors therefore consider conditions for the removal of all obstructions, the guarantee of spaces and appropriate signage for contractual agreement between the parties? Also through social media a request that customers respect local residents amenity and do not park in front of properties?
- There is an error in the planning report as the area to the rear of Shireoaks Row is not communal parking and is not an informal turning area. Each property owns the area within their property boundary and has right of access and not right of way. Owners can choose to park on their property, however it is not communal parking. The report states that staff and contractors to the property will use this communal area but it is not communal.
- In regard to noise and disruption from visitors on the balcony, it is mentioned that this will be open when the weather allows. There will be noise and disruption to nearby properties, (including hers), until late evening. If the opening of the balcony was restricted until a more reasonable early evening time, say 8.30pm, this would reduce disruption and allow residents to relax in their homes. There will be disruption at the front due to the entry and exit of customers standing outside to smoke or vape. Could councillors please consider recommending that the front of the building cannot be used to stand outside and for signs to be put up requesting consideration to neighbours? Also for the owners to actively discourage this?

- She had concerns over the ageing drainage system and the impact that the number of additional toilets and usage would have with the potential of backing up to several residential properties. Could the Council please consider making a drainage survey a condition if approval is granted?

Mr S A Lundy, applicant, commented:

- The proposal was for a calm, ambient venue for families to get together and not a place for people to get drunk and create a noise problem for neighbours.
- Customers would be managed to make them aware of parking is and to be courteous to neighbours.
- Neither of the owners were smokers and were not advocates of people driving past and seeing customers standing outside the premises smoking and vaping. They would not wish this to happen and would try and manage this towards it being a zero or minimal occurrence.
- As owners they are very community-minded and want to serve the community as a whole. They have spoken to the Parish Council about providing events for lonely and vulnerable people in the village including one evening per month where they can have a reduced rate meal, feel part of the community and socialise with others.
- The flue is a back-up for an internal system which will meet requirements and regulations of catering standards, including noise and filtered air emissions.
- In regard to the car park, this is currently used by the landowner as pending planning permission, it is not currently needed for the business. If planning permission is granted, the owner will use the land to the rear for his vehicles and will install automated gates to permit access for himself and his family only. The boulders will be removed and signage displayed in both the car park and windows of the bistro. Customers booking by telephone would be advised on how to park considerately if arriving by car.
- As owners they hoped to create a hub for the village and were not looking to market the business elsewhere. They considered the demographics supported the viability of the business and they hoped to create a venue that the village could be proud of.

Local Ward Councillor David Pressley advised he had initially objected to the application due to parking problems, the overlooking of neighbours, lighting and hours of operation. However, due to the change to conditions including the hours of operation and the design of the proposed plans, he now supported the application. He added that it was essential that all the conditions were adhered to and thanked the Officers for listening to the concerns of both himself and the neighbours of the proposed application site. He considered it would benefit the residents of Shireoaks and others as the local pub had been closed for some time.

Members of the Committee raised comments and questions and in response were advised that:

- It was not proposed that the number of people that could be accommodated on the balcony would be limited, however the overall maximum number of covers would be limited to 32 and that the seating on the balcony would be limited by its size.
- Members could impose a scheme of improvement for the parking area to ensure it is marked out with parking bays.
- If the car park became unavailable for any reason, the applicant would need to reapply to vary the conditions which would effectively involve the reconsideration of the planning application. The applicant would therefore need to find alternative parking provision elsewhere if it was considered unacceptable to lose car parking provision for the business.

- The balcony area would be largely enclosed with the only open side facing the canal. The resident to the west of the site would be screened by timber enclosure to prevent overlooking and noise disturbance. The properties on Shireoaks Row to the south of the site would be screened by the form of the extension, therefore there were no noise concerns from this part of the site.
- A condition could be imposed to ensure a car parking scheme of improvement works has been agreed and is fully implemented before the business is opened to members of the public.
- Monitoring the hours of the business would be straightforward, however, it would be difficult to enforce restricted use of the balcony to certain hours. The Council's Environmental Health department has a statutory obligation to investigate any noise nuisance in reference to residential amenity and can use remediation measures if required.
- The road to the rear of Shireoaks Row is an access road to all the properties and there is no entitlement for the business to park on it, only the rear of the premises.

**RECOMMENDATION OF THE HEAD OF REGENERATION** – Grant planning permission subject to the conditions outlined in the report and with an additional condition to state that the business must not be opened to members of the public until a scheme of car parking improvement works has been agreed in writing with the local planning authority and fully implemented on the site.

**COMMITTEE DECISION** – Grant planning permission subject to the conditions outlined in the report with an additional condition to state that the business not be opened to members of the public until a scheme of car parking improvement works has been agreed in writing with the local planning authority and fully implemented on the site.

(Councillor Fielding re-joined the meeting).

<u>Application No.</u>	<u>Applicant</u>	<u>Location and Proposal</u>
20/01223/HSE	Mrs J Wright	26 Cornwall Road, Retford.  Single storey side extension.

The Committee considered an application which sought planning permission for a single storey side extension to 26 Cornwall Road, Retford. The existing dwelling is a bungalow with off-road parking provision and a garage.

The Planning Development Manager advised the proposed development comprised the erection of a single storey side extension approximately 2.7 metres wide and would be 25cm from the boundary line projecting 6.1m forward of the existing detached garage and 2.5m high to the eaves. It would have a hipped roof returning to the bungalow matching the roof pitch of the existing dwelling and garage. Cornwall Road is a predominantly residential area that is characterised by traditional detached bungalows, largely finished with red brick and with hipped roofs.

Slides were used to show the location of the site, the existing and proposed front elevations, the proposed side extension, a floor plan of the proposed extension and photographs of the site.

One objection to the development has been received in respect of the proposal and this is from the occupier to the dwelling to the south of the site. The main concerns are:

- The increased overshadowing from the proposed extension exacerbating the overshadowing to the side door and kitchen window.
- Concerns over what will happen to the existing boundary fence to the side of the application site.

As the proposed extension would have a hipped roof to match that of the host dwelling and finished with a facing brick to match, it was considered that the proposed single storey extension would be in keeping with the overall character of the host dwelling and wider locality. The neighbouring dwelling lies to the south-east of the application site and the north-west elevation and its door and window openings are primarily in shadow throughout the day. It is thought that the scale of the extension would therefore not cause an increase in loss of light to the occupiers of the neighbouring dwelling.

Prior to the meeting, in response to questions, Committee Members had been advised: it is proposed to convert the former garage into a store; any ancillary use of the garage would not require planning permission; Officers considered that the scale, and the relationship between the extension and the neighbouring dwelling, would have an unacceptable impact in terms of overshadowing.

Members of the Committee raised comments and questions and in response were advised that:

- The existing garage is brick built and the proposed extension would be built to match this and attach to the garage.
- It was thought the existing boundary fence would be retained but its removal would not require planning permission.

**RECOMMENDATION OF THE HEAD OF REGENERATION** – Grant planning permission subject to conditions.

Voting for taking this course of action:

**FOR:** Councillors S Fielding, G Freeman, M Richardson and N Sanders.

**AGAINST:** Councillors H M Brand, G A N Oxby, D Pidwell, M W Quigley, L Schuller and B Tomlinson.

**ABSTAIN:** None

**COMMITTEE DECISION** – Refuse planning permission.

(The meeting was called to a close and the livestream ended at 7.45pm, however, Members had not determined the reason(s) for refusal. Councillor Brand had previously advised she was to leave the meeting early however, attempts were made to reconnect her to the meeting to agree the reason(s). The meeting resumed at 7.52pm).

The decision of the Committee was to refuse planning permission for the following reasons:

- Significant loss of amenity of the neighbour
- Significant loss of light to the neighbour
- The closeness of the boundary
- Overdevelopment

(Councillor Brand re-joined the meeting at 7:56pm).

**RESOLVED** that the final wording of the reasons for refusal be approved at the next meeting of the Planning Consultation Group.

135. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

As there was no other urgent business to be considered, the Chair closed the meeting.

(Meeting ended at 8.00pm).