

## **PLANNING COMMITTEE**

**Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,**

**on Thursday, 18th October, 2018 at 7.00 pm**

**Present:** Councillor Chris Baron in the Chair;

Councillors Cheryl Butler, David Griffiths, Tom Hollis, Rachel Madden, Keir Morrison, Phil Rostance, Helen-Ann Smith, Mike Smith, Sam Wilson and Robert Sears-Piccavey (as substitute for Jason Zadrozny).

**Apology for Absence:** Councillor Jason Zadrozny.

**Officers Present:** Lynn Cain, Mick Morley, Samantha Reynolds and Christine Sarris.

### **P.14 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests**

1. The Chairman, on behalf of the Committee, declared a general Non Disclosable Pecuniary/Other Interest in relation to Members being known to the Applicant, Councillor Jason Zadrozny (application V/2018/0630, Mr. J. Zadrozny, Fence and Posts, 74 Sutton Road, Kirkby in Ashfield.)
2. Councillor Rachel Madden declared a Disclosable Pecuniary Interest in relation to application V/2018/0630, Mr. J. Zadrozny, Fence and Posts, 74 Sutton Road, Kirkby in Ashfield. Her interest was in relation to the property, 74 Sutton Road, Kirkby in Ashfield, as outlined in the application.
3. Councillors Cheryl Butler and David Griffiths both declared a Non Disclosable Pecuniary/Other Interest in respect of application V/2018/0092, Mrs. L. Bradley, Plots 5-9 Manor Croft Development, Mansfield Road, Skegby. Their interests arose from the fact that they were known to the applicant but had not expressed an opinion regarding the proposed application.
4. Councillor Keir Morrison declared that he was predetermined in respect of application V/2018/0355, Linby Homes Ltd, two detached dwellings with integral garages, land to the rear of 283-287 Watnall Road, Hucknall. His interest arose from the fact that he had previously expressed in public his opinion regarding the proposed application.
5. Councillor Keir Morrison also declared a Non Disclosable Pecuniary/Other Interest in respect of applications V/2016/0619, Bolsover Properties Ltd, Hucknall Town Football Club, Watnall Road, Hucknall and V/2018/0586, Bolsover Properties Ltd, Land off Aerial Way, Hucknall. His interest arose

from the fact that he had spoken with the Chairman of Hucknall Town Football Club but had not expressed an opinion regarding the proposed application.

6. Councillor Sam Wilson declared a Non Disclosable Pecuniary/Other Interest in respect of application V/2018/0396, Wren Hall Nursing Home Limited, 234 Nottingham Road, Selston. His interest arose from the fact that he was known to the applicant but had not fettered his discretion for considering the application.

**P.15 Minutes**

RESOLVED

that the minutes of the meeting of the Planning Committee held on 20<sup>th</sup> September, 2018 be received and approved as a correct record.

**P.16 Town and Country Planning Act 1990: Town Planning Applications Requiring Decisions**

RESOLVED that

1. Application V/2018/0150, Persimmon Homes Nottingham and Muse Developments Ltd, Application for Approval of Reserved Matters following Outline Approval V/2013/0123 - Proposed Erection of 120 Dwellings and Associated Infrastructure including Access and Landscaping, Land at Rolls Royce, Watnall Road, Hucknall

Mr. C. Gowlett, as agent for the Applicant, took the opportunity to address the Committee in respect of this matter.

In accordance with the Council's Policy for dealing with late matters in relation to planning applications (Minute No. D4.17, 1993/94 refers), the Assistant Director for Planning and Regulatory Services proceeded to give a verbal report as to additional comments received in relation to the application as follows:-

Three additional objections had been received from local residents raising the following points :-

- Loss of local centre / community facilities will cause increased travel & traffic as too far to walk to other facilities.
- The developers were misleading stating the facilities would be built and if not on this phase, they should be provided elsewhere on the site, or space left vacant for future provision.
- No community hub = no community. More houses are not required.
- An up to date feasibility study into commercial demand should be undertaken.

These issues reflect those detailed in the main report. The lack of the provision of the local centre is also discussed and the Applicant's case bolstered by a marketing report by HEB surveyors and a detailed breakdown of their commitment thus far to the provision of various community benefits on the site.

Re-wording of Conditional Matters:

- Condition 14 - requiring the scheme submission and implementation as agreed.

Prior to the occupation of Plots 88 to 100 inclusive, an appropriate off-site traffic management scheme, to protect against the indiscriminate parking on Watnall Street / main development spine road, shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme be implemented. Please refer to the Traffic Regulation Informative below.

- Condition 19 – all drives and parking areas to be hard surfaced.

No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel), for a minimum of 6 metres or less as detailed on the approved site layout, behind the highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hardbound material for the life of the development.

It was moved by Councillor Chris Baron and seconded by Councillor Phil Rostance that the recommendation contained within the report be rejected and that planning consent be refused for the reasons set out below:-

#### REASONS

1. The Outline Planning permission, V/2013/0123, was granted for a Business Park on 27.8ha and residential development on 31.2ha of land. The development was also described as including et al, the provision for local retail; pub/restaurant; and care home. The Parameter Plan [Plan 4] included within the S106 Agreement, indicated where these community facilities were to be provided. The details of the care home have been approved within the indicated area and development has commenced. The application for reserved matters proposes residential development in the area indicated for community facilities but fails to include any provision for such facilities and no commitment or undertaking has been given that such facilities can and will be provided elsewhere in the area covered by the outline permission. Accordingly, the Council consider that the proposal will not provide a strong neighbourhood centre and appropriate community facilities to promote healthy and safe communities and thus fails to meet the requirements of Paragraphs 91a); 92a); and 92c) of the National Planning Policy Framework 2018.
2. The National Planning Policy Framework 2018 requires that developments achieve well-designed places. In particular, development should function well and add to the overall quality of the area, optimise

the potential of the site to support local facilities and create safe, inclusive and accessible places with a high standard of amenity. The failure of the application to accommodate any local retail or pub/restaurant facilities is considered to diminish the functionality of, and community aspirations for the development. The quality of resident's amenity is undermined due to the length of time taken to walk to local retail or pub/restaurant facilities. Accordingly, the proposals are contrary to the provisions of Paragraphs 127a); e); and f) and 130 of the National Planning Policy Framework 2018.

For the motion:

Councillors Chris Baron, Cheryl Butler, David Griffiths, Tom Hollis, Rachel Madden, Keir Morrison, Phil Rostance, Robert Sears-Piccavey, Helen-Ann Smith, Mike Smith and Sam Wilson.

Against the motion:

None.

Abstention:

None.

Accordingly, the motion was duly carried.

2. Application V/2016/0619, Bolsover Properties Ltd, Outline Application with Some Matters Reserved for Mixed Use Development Comprising of Residential Development and Business Use (B1), Hucknall Town Football Club, Watnall Road, Hucknall.

In accordance with the Council's Policy for dealing with late matters in relation to planning applications (Minute No. D4.17, 1993/94 refers), the Development Team Manager proceeded to give a verbal report as to additional comments received in relation to the application as follows:-

A letter of support had been received from Hucknall Town Football Club for this and the following application, V/2018/0586.

The applicant had raised concerns with the report because it was not clear what the Legal Agreement required because there was an either or possibility. It was suggested that a developer may want to deliver more affordable housing than contributions.

The Development Team Manager advised that this situation would be clarified in his presentation as Members would be asked for a steer on priorities regarding S106 requirements and the most favourable combination of contributions and affordable housing as part of the application.

Mr. Darren Ridout, the Applicant, took the opportunity to address the Committee in respect of this matter.

It was moved and seconded that conditional outline consent be granted, with the S106 agreement securing a minimum of 11 affordable units with other contributions being adjusted accordingly (the final contribution amounts to be agreed with the Chairman of the Planning Committee and the Assistant Director for Planning and Regulatory Services.)

3. Application V/2018/0586, Bolsover Properties Ltd, Construction of West Stand, Clubhouse and 2 Community Changing Rooms, Land Off, Aerial Way, Hucknall.

The Development Team Manager advised Committee that should they be minded to approve the application, a deed of variation to the S106 agreement would be sought to ensure that the community benefit and use of facilities (up to 20 hours per week) remained secure and would continue.

In accordance with the Council's Policy for dealing with late matters in relation to planning applications (Minute No. D4.17, 1993/94 refers), the Development Team Manager referred Members to the verbal report given in relation to the previous application V/2016/0619.

Mr. Darren Ridout, the Applicant, took the opportunity to address the Committee in respect of this matter.

It was moved and seconded that conditional consent be granted, subject to a deed of variation to the S106 agreement to ensure that the community benefit and use of facilities (up to 20 hours per week) remained secure and would continue.

4. Application V/2018/0355, Linby Homes Ltd, Two Detached Dwellings with Integral Garages, Land to the Rear of 283-287 Watnall Road, Hucknall

(Councillor K.A. Morrison had previously declared that he was predetermined in respect of this application. He therefore left the room during consideration of the application and took no part in the discussion and voting thereon).

In accordance with the Council's Policy for dealing with late matters in relation to planning applications (Minute No. D4.17, 1993/94 refers), the Assistant Director for Planning and Regulatory Services proceeded to give a verbal report as to additional comments received in relation to the application as follows:-

A letter from a resident requested a number of additional conditions relate to a number of matters.

The request included hard surfacing to be carried out prior to development, the site manager being present at all times and the reparation of any damages, however these are not matters that could be conditioned.

The request also included visibility splays which were considered to be satisfactory and storage of materials, road cleaning and a construction management plan. There was a condition requiring a construction management plan and these items would be included in it and included on a note to the developer.

A request had also been made for a street light to be relocated and this is shown on the submitted plans.

Lastly the request included a footpath from Watnall Road. It was suggested that a shared footway/highway be marked out on the drive to achieve this and a condition be included requiring it.

A further condition was also proposed to ensure the trees to be retained and protected during building works.

Mr. M. Harrison, an objector to the application and Mr. R. Bayes, as agent for the Applicant, took the opportunity to address the Committee in respect of this matter.

It was moved and seconded that conditional consent be granted, subject to the following additional conditions and informatives being attached to the permission:-

#### Conditions

3. Amended to "Tile – Natural Slate" and include "With guttering and down pipes to match the other properties along Ambleside."
6. amended to include "storage of materials, deliveries, parking of construction staff & staff vehicles and details of a site manager."

#### Additional conditions

7. All works on site shall take place at the following hours only:

0800 – 1700: Monday to Friday

0800 – 1300: Saturday

With no work on Sundays or Bank Holidays.

8. The trees shown as T1 and T2 on the Site Plan Proposed (Rev C) shall be retained and protected in accordance with a Tree Protection Method Statement in line with BS 5937: 'Trees in relation to design, demolition and construction'. The Tree Protection Method Statement shall be submitted to the Local Planning Authority prior to works beginning on site.
9. Prior to the occupation of the hereby approved dwellings a footpath shall be marked out along Ambleside. The precise details of which shall be submitted to and agreed in writing by the Local Planning Authority.

#### Addition to Informatives

- For the interests of residents there should be a nominated liaison officer on site.

- Prior to the submission of the Construction Management Plan, you are advised to work with local residents to get their input.

(At this point in the proceedings and in accordance with Council Procedure Rule 23.1, it was moved and seconded that the conclusion of business be extended to 9.30 p.m. Having been put to the vote it was duly carried. The meeting was adjourned at 8.49 p.m. for a comfort break and reconvened at 8.55 p.m.)

5. Application V/2018/0396, Wren Hall Nursing Home Ltd, Extension to Rear of Existing Care Home and Change of Use from Residential Curtilage and Equestrian to Create Additional Car Parking to the North West of the Site in Association with the Care Home, and Construction of Steps from the Care Home to the Car Park Area, Wren Hall Nursing Home, 234 Nottingham Road, Selston.

In accordance with the Council's Policy for dealing with late matters in relation to planning applications (Minute No. D4.17, 1993/94 refers), the Assistant Director for Planning and Regulatory Services proceeded to give a verbal report as to additional comments received in relation to the application as follows:-

A further letter of support had been received from Selston Parish Council which made the following new observations since the withdrawal of the Emerging Ashfield Local Plan in September:

- Relevant planning policy in Selston Parish – includes the ALPR 2002 and the JUS-t Neighbourhood Plan 2017.
- The relevance of the JUS-t Neighbourhood Plan 2017 to the application, with particular reference to 'Section 15 – Housing Types' of the neighbourhood plan and how it supports the proposed development.
  - Housing development should reflect the need for a mix of housing types that meet the specific requirements of the local community.
  - The JUS-t neighbourhood area has a higher proportion of people aged over 65 (19.6%) than the district average of 17%. The importance of providing a mix of housing based on current and future demographic trends is highlighted in para. 50 of the NPPF 2012 – this is now reflected in para. 60 of the NPPF 2018.
  - Evidence in the SHMA (2015) shows that the proportion of the population in the District over 65 will be 53% by 2033.
  - During consultation of the JUS-t neighbourhood plan, 73% of local people supported the provision of 'retirement homes' (the definition included sheltered housing or housing suitable for older people).

- Policy NP4 encourages the provision of additional types of accommodation for older people. Suggested that the proposed application would meet this need. Where housing for older people is provided, it should be located near to amenities. Wren Hall provides many 'onsite' amenities.
- The plan area contains 3 care homes, one of which is Wren Hall, which provides day care and assisted living for the elderly and dementia sufferers, and is a large employer with 121 members of staff.
- Given the analysis of housing stock and local demographics, it is likely there will be an increasing demand for this sort of provision.
- Considers that the applicant has made robust representations that demonstrate that the parts of the proposal which fall within the Green Belt meets 'exceptional circumstances' to withdraw the land from the Green Belt.
  - The applicant has also sought to limit the impacts of the development on neighbouring residents.
  - The Parish Council values the provision which is proposed and believes that the need which the application will fulfil outweighs the significance of the small amount of Green Belt which will be lost.
- The letter further sets out the implications of a refusal - loss of amenity, loss of employment, possibility of an appeal and a judicial review in respect of the withdrawal of the emerging local plan, however the Parish does not presume that the applicant will take the routes of an appeal and/or judicial review should the application be refused.

Mr. P. Easom, an objector to the application and Ms. A. Astle, the Applicant, took the opportunity to address the Committee in respect of this matter.

Councillor Sam Wilson moved to reject the officers' recommendation and approve the application with additional conditions. Councillor Robert Sears-Piccavey also moved to accept the officers' recommendation as printed and refuse the application.

However, neither motion was seconded and due to the lateness of hour and the requirement to conclude proceedings at 9.30 p.m. (in accordance with Council Procedure Rule 23.1), the application would stand adjourned and be re-considered in its entirety at the next available meeting of the Committee.

The meeting closed at 9.30 pm

Chairman.