

## **PLANNING COMMITTEE**

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

**on Wednesday, 14th November, 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 (Vice-Chair), Robert Sears-Piccavey (Substitute for Jason Zadrozny), Helen-Ann Smith, Mike Smith and Sam Wilson.

**Apologies for Absence:** Councillor J Zadrozny.

**Officers Present:** Lynn Cain, Mike Joy, Martin Elliott, Mick Morley, Christine Sarris, Samantha Reynolds and Shane Wright.

**In Attendance:** Councillor Tony Brewer and Councillor Cathy Mason

**P.17 To receive apologies for absence, if any.**

Apologies for absence were received from Councillor Zadrozny.

**P.18 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**

Councillor Hollis, 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.)

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.19 To receive and approve as a correct record the minutes of a meeting of the Planning Committee held on 18 October 2018**

The Minutes of the meeting held on 18 October 2018 were approved as a correct record and signed by the Chairman.

**P.20 To receive and consider the attached planning applications.**

**1. 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, Nottingham.**

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

Eight further letters of support had been received. Two letters raised further reasons for support including:

- Addition of 'Little Wrens' nursery helps to support those at Wren Hall Care Home
- Wren Hall has converted one of the shared rooms into an 'End of Life' suite for families to have a private, respectful and comfortable environment when a loved one is coming to the end of their life.

The content in the further six comments received raised no further reasons for support on top of what had already been raised by other residents, and which was already detailed in the report.

17 further signatures received on the online petition in support of the application.

One further letter of objection had been received. The content of this letter raised no further reasons for objection to the current application on top of what has already been raised by other residents, and which had already been detailed in the report.

An email had been received from the applicant's agent raising concerns that the application presented at the previous committee meeting had been inaccurate and selective information was put to members.

The following had also been raised in the email about the report now before committee:

- The report gives the impression that the whole application falls within the Green Belt, whilst only part of proposed extension does.
- The consultee response from environmental health is incorrect and does not reflect the comments received.
- The consultee response has been ended with 'there is therefore a risk of vehicular conflict occurring at the entrance to the site, to the detriment of the safety of other highway users' with no mention to the suggested condition from highways until later in

the report which is misleading.

- The report raises concern in relation to landscaping and ecology but no comments have been received from consultees.
- The report states that the acoustic fence is less than 1m from a habitable room window. The kitchen is not a habitable room and the first floor room could potentially be a bedroom which is not used during the day.

Officer response:

- The committee report states that the original building fall within the named settlement of Selston and clarifies that 759sqm of the extension is sited in the Green Belt.
- The comments received from environmental health suggests a condition restricting the use of the car park for commercial vehicles during certain hours to reduce the disturbance to surrounding residents.
- Reference to suggested conditions from all consultees are referred to under the appropriate header in the report, in this case, the highways header.
- Officers have summarised the ecology issues raised.
- There is no single definition of what constitutes a habitable room however the Council's Residential Design Guide SPD specifies a kitchen as being a habitable room. The first floor room is a bedroom which is a habitable room.

Mr Paul Easom (objector) and Mrs Anita Astle (the applicant), took the opportunity to address the meeting in respect of this matter.

It was moved, seconded and **RESOLVED** that planning permission be refused.

The meeting adjourned at 7:55pm and recommenced at 8:01pm

Councillor Madden left the room at 8:01pm

**2. V/2018/0630 – Mr J Zadrozny – Fence and posts - 74 Sutton Road, Kirkby in Ashfield.**

It was moved, seconded and **RESOLVED** that planning permission be granted, subject to conditions.

Councillor Madden returned to the room and re-joined the meeting at this point (8:07pm).

**3. V/2016/0569 - Lovel (East Midlands) Ltd. - Outline Application with Some Matters Reserved for A Residential Development for a Maximum of 322 Dwellings - Land at Beck Lane Sutton in Ashfield.**

The Interim Director – Place and Communities, submitted a report to advise that an appeal had been lodged against the non-determination of this application. It was therefore being reported to Planning Committee seeking a decision as to what view the Planning Committee would have

taken on the proposals if the Council had been in a position to determine the application. It was noted that the decision of the Committee would inform the Council's case for the appeal process that would be determined by the appointed Inspector at a Public Inquiry. It was also noted that once an appeal has been lodged against non-determination a formal decision could not be taken by the Local Planning Authority on the application.

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

Two additional letters of objection had been received from residents raising concerns over additional traffic, insufficient infrastructure in the form of schools, doctors and bus services and the impact on wildlife. The comments raised no new issues, all of which have been discussed within the main committee report.

An email had been received from Nottinghamshire County Council regarding education requirements. They had identified options for using the section 106 obligations to expand local primary schools. These included expanding Brierley Forest School.

The applicant's agent had reviewed the s106 requirements and was content with the suggestions and advised that with regards to the Highways situation they were currently working with NCC in order to resolve the issue and come up with a collaborative solution. Both sides had agreed a solution is achievable.

Councillors Butler and Smith advised that they had been received further representations directly from a member of the public with regard to the application. The Chairman advised that in accordance with Policy 33 of Part 10 of the Council's Constitution the only information which could be taken into account in determining a planning application was that which had formally been submitted to the Service Manager in advance of the meeting, and that as this representation had not been submitted to the Service Manager it could not be admitted to the meeting for the consideration of the item.

Mr Hugh Nicoll (objector), Mr Jason Tait of Planning Prospects (agent for the applicant) and Councillor Tony Brewer (ward member), took the opportunity to address the meeting in respect of this matter.

At 8:51pm it was moved by Cllr P Rostance, seconded by Councillor Smith and **RESOLVED** that in accordance with Rule of Procedure No.23 (The Conclusion of Proceedings) that the meeting be extended to 9:30pm.

It was moved by Councillor Smith, seconded by Councillor Hollis, and **RESOLVED** that the member steer was that the Planning Inspector be informed that the Council would have **REFUSED** planning permission.

This is due to concerns regarding the sustainability of the site due to its distance from community facilities and amenities, lack of accessibility to public transport links and availability of local primary school places, and concerns on the impact that development would have on the highway network in respect of highway safety and capacity.

**4. V/2018/0120 - Harron Homes Ltd - Application for Approval of Reserved Matters following Outline Planning Permission V/2016/0208 for Residential Development for 172 Dwellings and Associated Access - Land Off Brand Lane, Stanton Hill, Sutton in Ashfield.**

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

A neighbouring resident had submitted a further letter of objection, raising issues over highways safety and noise and disturbance from the kick about area. These matters were covered, in depth, within the body of the report.

Mr Mark Beevers and Mr Carl Oxley of Harron Homes (the applicant), took the opportunity to address the meeting in respect of this matter.

It was moved, seconded and **RESOLVED** that planning permission be granted, subject to conditions.

**P.21 TPO 64 Plainspot Road**

The Interim Director of Place and Communities submitted a report to advise the committee of an objection that had been received in response to the making of a Tree Preservation Order at 64 Plainspot Road, Underwood.

It was moved, seconded and **RESOLVED** that consideration of the objection to the TPO be deferred to the next meeting of the Planning Committee in order to allow members of the Planning Committee the opportunity to carry out a site visit.

**P.22 Planning appeal decisions**

The Interim Director – Place and Communities submitted a report to advise the committee of the outcome of recent Planning Appeal decisions.

**RESOLVED**

that the report be noted.

The meeting closed at 9.18 pm

Chairman.