

## **PLANNING COMMITTEE**

**Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,  
on Wednesday, 26th February, 2020 at 10.00 am**

**Present:** Councillor Sarah Madigan in the Chair;

Councillors Chris Baron, Ciaran Brown,  
Samantha Deakin, Dale Grounds, Tom Hollis,  
Rachel Madden, David Martin, Daniel Williamson  
and Jason Zadrozny.

**Apology for Absence:** Councillor Helen-Ann Smith.

**Officers Present:** Lynn Cain, Carol Cooper-Smith, Louise Ellis,  
Jemma Handley, Phillip Jennings, Mike Joy,  
Mick Morley, Samantha Reynolds,  
Christine Sarris and Robbie Steel.

**In Attendance:** Councillor David Walters

### **P.25 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests**

No declarations of interest were made.

### **P.26 Minutes**

RESOLVED

that the minutes of the meeting of the Planning Committee held on 22 January 2020, be received and approved as a correct record.

### **P.27 Town and Country Planning Act 1990: Town Planning Applications Requiring Decisions**

RESOLVED that

**1. V/2019/0491, Ashfield Ltd, Outline Application with some matters reserved for a Maximum of 100 Dwellings and Associated Access Land to the rear of 211, Alfreton Road**

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

Two issues were brought to Members' attention:

- A letter had been received from a local resident, requesting a Tree Preservation Order on four Ash trees located in the south western corner of the site. Three of these were identified as B Category in the submitted Tree Survey. This meant that the trees were of moderate quality value, with a minimum life expectancy of 20 years. The other was in poor quality health and classified as U, meaning that it could not be realistically retained for longer than ten years and all required extensive works. Whilst the Council encouraged the retention of trees wherever possible, the trees highlighted had limited life expectancy and therefore a TPO was not recommended in this case.
- Due to the land levels and a stream, it was not considered appropriate to provide direct pedestrian access to Rookery Park, as there was an alternative route available. It was therefore proposed that condition 7 is amended to remove this requirement.

An objector, Sheila Clarke and Councillor David Walters (as Ward Member), took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submissions as required.

It was moved by Councillor Jason Zadrozny and seconded by Councillor Tom Hollis that the officer's recommendation contained within the report be rejected and planning consent be refused.

#### Reasons for refusing planning permission

The proposal is considered to represent an unsustainable form of development, which does not meet the overarching social and environmental objectives set out within paragraph 8 of the National Planning Policy Framework (NPPF). This is because of the following:

- There would be a loss of open space and adverse impact on the landscape character, which is contrary to policies ST1 and RC2 of the Ashfield Local Plan Review (ALPR).
- The primary schools within the area are at capacity and there is no specific site identified for a new school. This is contrary to paragraph 94 of the NPPF, which states that a great weight should be attached to education.
- The development in proximity to the landfill tip could have a harmful impact on human health, contrary to paragraph 180 of the NPPF.
- There would be an adverse impact on biodiversity in the area with the potential loss of hedgerows, trees and impact on wildlife contrary to policy EV8 of the ALPR.

(At this point in the proceedings, Councillor Tom Hollis declared Non Disclosable Pecuniary/Other Interests in relation to the three applications under consideration at the meeting due to him having spoken to both the applicants and objectors in relation to their applications. His interests were such that he remained in the room and took part in the discussions and voting thereon.)

For the motion:

Councillors Chris Baron, Ciaran Brown, Samantha Deakin, Dale Grounds, Tom Hollis, Rachel Madden, Sarah Madigan, David Martin, Daniel Williamson and Jason Zadrozny.

Against the motion:

None.

Abstentions:

None.

The meeting adjourned at 11.18am and reconvened at 11.34am.

(At this point in the proceedings and in accordance with Council Procedure Rule 4.1 (Order of Business), the Chairman advised Members that she was intending to take the last application (V/2019/0824) as the next item of business. Committee Members duly concurred with this course of action.)

**2. V/2019/0824, Mrs R Bacon, Permission in Principle for 4-9 Dwellings, Land adjacent 106 Main Road, Underwood**

(At this point in the proceedings, Councillor David Martin declared a Non Disclosable Pecuniary/Other Interest in relation to the application, as he was currently the Ward Member, a Member of Selston Parish Council and known to the neighbours on either side of 106 Main Road. His interest was such that he remained in the room and took part in the discussion and voting thereon.)

Ashley Neville, on behalf of the applicant, took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submissions as required.

It was moved by Councillor Jason Zadrozny and seconded by Councillor Rachel Madden that the officer's recommendation contained within the report be rejected and Permission in Principle be granted subject to referring the proposal to the Secretary of State under the Call in Procedure.

Reasons for rejecting officers' recommendation:

The proposal would represent an infill development, filling the existing gap between the settlement of Underwood and the hamlet of Underwood Green to the west, in accordance with Paragraph 145 (e) of the National Planning Policy Framework 2019 and policy EV1 (b.iv) of the Ashfield Local Plan Review 2002.

- The proposal would reduce social isolation in accordance with the Community Objectives outlined in Paragraph 10.2 of the Jacksdale, Underwood and Selston Neighbourhood Plan 2017.
- The proposal would create a pattern of development which would be in accordance with policy NP2 (4) of the Jacksdale, Underwood and Selston Neighbourhood Plan 2017.

- Approval of the development would reduce the likelihood of a more comprehensive development on the adjoining land from being granted permission, protecting the surrounding Green Belt from further encroachment.
- With regard to NP3 of the Jacksdale, Underwood and Selston Neighbourhood Plan 2017, it was deemed that the proposal would not impact views of the site from neighbouring villages, including Selston and Bagthorpe.

For the motion:

Councillors Ciaran Brown, Samantha Deakin, Rachel Madden, Sarah Madigan, Daniel Williamson and Jason Zadrozny.

Against the motion:

Councillors Chris Baron, Dale Grounds and David Martin.

Abstentions:

Councillor Tom Hollis.

**3. V/2018/0212, Mr M. Fishleigh, Outline Application for Demolition of Existing Industrial Premises and Construction of Up To 23 Dwellings with Associated Access and Parking, The Pattern House, Crossley Avenue, Huthwaite, Sutton in Ashfield**

a) it was moved and seconded that consent be granted subject to the following:-

1. satisfactory completion of a Section 106 Agreement for a contribution of £34,365 towards primary education;
2. a contribution of up to a maximum of £10,000 towards the Traffic Regulation Order (TRO) and appropriate signage;
3. an additional contribution of £5,600 towards open space requirements;
4. in accordance with the conditions contained in the original report;

b) in respect of the request for an additional contribution of £5,600 towards open space requirements; should the request be denied by the Developer, the application be brought back to Committee for further consideration.

The meeting closed at 12.22 pm

Chairman.