

## **PLANNING COMMITTEE**

**Virtual Meeting held on Wednesday, 17th March, 2021 at 10.00 am**

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

Councillors Kier Barsby, Samantha Deakin, Arnie Hankin, Rachel Madden, Lauren Mitchell, Kevin Rostance (substitute for Chris Baron), John Smallridge, Helen-Ann Smith, Daniel Williamson and Jason Zadrozny.

**Apology for Absence:** Councillor Chris Baron.

**Officers Present:** Alex Bonser, Lynn Cain, Carol Cooper-Smith, Louise Ellis, Mick Morley, Christine Sarris, Sara Scott-Greene, Robbie Steel and Shane Wright.

**In Attendance:** Councillors Tom Hollis and Dave Shaw.

**P.35 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests**

Councillor Jason Zadrozny declared a Non Disclosable Pecuniary/Other Interest in respect of Application V/2020/0184, Bellway Homes Ltd, Outline planning application (with all matters reserved except access) for a residential development of up to 300 dwellings with associated infrastructure and landscaping, Land Off Ashland Road West, Sutton in Ashfield. His interest arose from the fact that he had previously met and spoken with the applicant and some objectors, but in doing so had not expressed an opinion at any point.

**P.36 Minutes**

RESOLVED

that the minutes of the meeting of the Planning Committee held on 17 February 2021, be received and approved as a correct record.

**P.37 Town and Country Planning Act 1990:  
Town Planning Applications Requiring Decisions**

**1. V/2020/0184, Bellway Homes Ltd, Outline planning application (with all matters reserved except access) for a residential development of up to 300 dwellings with associated infrastructure and landscaping, Land Off Ashland Road West, Sutton in Ashfield**

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillor Jason Zadrozny had previously declared a Non Disclosable Pecuniary/Other Interest in respect of this application. His interest was such that he stayed in the meeting and took 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), officers proceeded to give a verbal report as to additional comments received in relation to the application as follows:-

Late Item - It has been brought to our attention that there has been a briefing note sent to some members. Officers have nothing more to add that is not already covered in the report.

Having been previously agreed that the speaking slots be extended in time from 5 to 15 minutes due to the size and complexity of the application, Alderman Ramon Buttery, Paul Grafton and Malcolm Hull, as objectors, and Chris Dwan, for the Applicant, took the opportunity to address the Committee in respect of this matter. As per the agreed process, Members were then offered the opportunity to clarify any points raised during the submissions as required.

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

Reasons for rejecting officers' recommendation:

The development would result in a significant adverse impact on the character and appearance of the area and surrounding landscape, particularly through the urbanising affects adjacent to Brierley Forest Park. The loss of greenfield and associated habitats would also result in significant and irreversible harmful impacts to biodiversity. In addition, the density of the development is considered to be too high and out of keeping with the surrounding area. Accordingly, the proposal would be contrary to Policies ST1 (a, b, and e), ST2 – ST4 and EV2. There would also be conflict with Part 15 of the National Planning Policy Framework: 'Conserving and enhancing the natural environment.' It is considered that these harms would significantly and demonstrably outweigh the benefits of the development.

For the motion:

Councillors Kier Barsby, Samantha Deakin, Arnie Hankin, Rachel Madden, Sarah Madigan, Lauren Mitchell, Kevin Rostance, John Smallridge, Helen-Ann Smith, Daniel Williamson and Jason Zadrozny.

Against the motion:

None.

Abstention:

None.

**2. V/2020/0647, Mr J Price, Change of Use from Derelict Land to Domestic with Vehicle Storage Shed, Grassed Recreation Area, Hard Standing for Vehicle Storage and Hard Surfacing for Access Road, Land Rear of 22A Back Lane, Huthwaite**

It was moved and seconded that the application be deferred to enable officers to discuss matters further with the applicant and be brought back to committee at the earliest opportunity.

**3. V/2020/0796, Mr J Price, Amenity Block, 22A Back Lane, Huthwaite**

It was moved and seconded that the application be deferred to enable officers to discuss matters further with the applicant and be brought back to committee at the earliest opportunity.

**4. V/2020/0867, Ashfield District Council, 2 Dwellings, Land Off Hawthorne Avenue, Hucknall**

It was moved and seconded that conditional consent be granted as per officer's recommendation.

**5. V/2020/0873, Ashfield District Council, Demolition of Existing Garage and Erection of 4 Dwellings, Land at Chestnut Grove, Hucknall**

It was moved and seconded that conditional consent be granted as per officer's recommendation.

**6. V/2020/0306, Lidl GB Ltd C/O WSP, Demolition of Existing Building and Creation of Food Store (A1), Access, Landscaping and Associated Infrastructure, 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), officers proceeded to give a verbal report as to additional comments received in relation to the application as follows:-

Report Corrections

Firstly, there are a couple of corrections on the report. The total number of comments received for the application was 80. With 69 in support and 11 objecting to the proposals.

Also, the second sentence of the final paragraph in the retail impact section of the committee should state that it would not cross the significant adverse threshold.

Petition and Briefing Note

We have received a petition in support of the application with 254 signatures submitted by the secretary of Hucknall Town Football Club.

The applicant has submitted a briefing note, which was sent to members. One issue I would like to bring to members attention, that the report clearly states the relocation of the football club is required by other permissions.

### Tesco Objection

An objection has been received from Tesco on the following grounds:

- There is inadequate assessment of the trading Impacts on Hucknall Town Centre and without a robust assessment permission should not be granted
- The information that is available appears fundamentally flawed in material respects
- That there are two potentially sequentially preferable sites within Hucknall Town Centre which have not been robustly reviewed
- In assessing the 'overall planning balance' Officers place "*very significant weight*" on a limited number of unjustifiable benefits. They cannot reasonably outweigh the accepted breach of development plan and other policies that seek to prevent harm to the town centre
- The financial contribution to be made by Lidl towards town centre public realm improvements breaches relevant legal provisions since officers do not find that without it permission should be refused
- That without an appropriate condition restricting the amount of space within the proposed store that can be used for the sale of convenience and comparison goods retailing permission should be refused.
- The football club should be party to the Section 106.

### Officer Response to Tesco Objection

The comments on the retail impact assessment have been appraised by the Independent retail planning consultant, who have advised that Tesco's concerns (specifically in light of their lack of supporting evidence) would not change their initial review: which is that the application passes the retail impact assessment.

In terms of the sequential test:

- Sandcliffe Ford, The Council does not have any evidence that would contradict the landowner's own position that the site is not available on a freehold basis.
- Piggins Croft – This is a Council owned site. Tesco do not provide any justification or explanation for how current town centre parking could be re-provided if less than a third of current spaces are retained. The Council maintains that the site is unsuitable as parking still need to be provided for the town centre as well as accommodating the store and its parking requirements.

The development would create 40 full and new part time jobs.

The contribution towards public realm in Hucknall town centre is considered to be CIL compliant. This is set out in the Planning Committee report.

### Conditions

Additional consideration has been given to the imposition of conditions relating to the sale of convenience and comparison goods. Accordingly, it is recommended that a condition is appropriately worded to cover this aspect and also to limit the stores flexibility in the new use class E:

14 The total Class A1 (retail) floorspace in the food store hereby permitted shall not exceed 1,905 sq. m (GIA) and the net sales area shall not exceed 1,265 sq. m. Of this, no more than 251sqm of the sales area shall be used for comparison goods and no more than 1,005sqm shall be used for the sale of convenience goods.

15. The development shall not be used for any other purpose, including any other purpose in Class E of the Town and Country Planning (Use Classes) Order 1987.

The applicant has also queried the conditions in relation to 'no delivery on bank holidays' and following consultation with environmental health, this element of the condition can be removed.

Finally, the proposed condition 12 is proposed to be reworded to include the words. **The works shall be carried out as agreed in writing and be implemented prior to the store opening.**

Gary Goodhall and Julie White, in support of the application and on behalf of the Applicant (sharing the 5-minute slot) and Councillor Dave Shaw as Ward Councillor, took the opportunity to address the Committee in respect of this matter. As per the agreed process, Members were then offered the opportunity to clarify any points raised during the submissions as required.

It was moved and seconded that:

- a) planning consent be granted in principle, subject to agreement by the Applicant to the following two additional conditions.
  - For a Traffic Regulation Order be provided along Watnall Road and at the junctions of Watnall Road/Nabbs Lane and Watnall Road/Ruffs Drive.
  - To increase the S106 contribution towards Hucknall Town Centre Public Realm to a minimum of £100,000.
- b) as a result of a) above, the Assistant Director, Planning and Regulatory Services be requested to liaise with the Applicant to ascertain agreement of the two additional items as part of the planning consent, and subject to agreement, delegated authority be granted to the Committee Chairman to approve the application accordingly.

**P.38 Planning Appeal Decisions**

Members were asked to note the recent Planning Appeal decisions as outlined in the report.

RESOLVED  
that the report be received and noted.

The meeting closed at 12.11 pm

Chairman.