

PLANNING COMMITTEE

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

on Wednesday, 14th December, 2022 at 10.00 am

Present: Councillor Andy Meakin in the Chair;

Councillors Jamie Bell, Samantha Deakin,
Rachel Madden, John Smallridge (as substitute for
Arnie Hankin), Helen-Ann Smith and
Jason Zadrozny.

Apologies for Absence: Councillors Arnie Hankin and Lauren Mitchell.

Officers Present: Alex Bonser, Lynn Cain, Hannah Cash, Louise Ellis,
Christine Sarris and Sara Scott-Greene.

**P.23 Declarations of Disclosable Pecuniary or Personal Interest
and/or Non-Registrable Interests**

No declarations of interest were made.

P.24 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 26 October 2022, be received and approved as a correct record.

**P.25 Town and Country Planning Act 1990:
Town Planning Applications Requiring Decisions**

1. V/2022/0717, Ashfield District Council, Application for Consent to Display an Advertisement - Secondary Building Signage 'Kirkby Leisure Centre' With Directional Arrow, Festival Hall, Hodgkinson Road, Kirkby in Ashfield

It was moved and seconded that conditional consent be granted as per officer's recommendation, subject to the arrow on the advertisement being designed in a rectangular shape to clearly direct users of the leisure centre to the main entrance located on Hodgkinson Road.

2. V/2021/0798, Ms D Roe, Construction of Agricultural Dwelling, Field West of Felley Alpacas, Felley Mill Lane South, Underwood

Debbie Roe, 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 Rachel Madden and seconded by Councillor Jamie Bell that:

- a) officer's recommendation contained within the report be rejected and planning consent be granted subject to the following conditions:

Conditions

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans: Site Location Plan. Proposed Block Plan, Drawing No.07/05/1. Proposed Elevations and Floor Plans, Drawing No.07/05/2. All Received 01/11/2021. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. No development past slab level shall take place until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials.
4. The hereby approved dwelling shall be occupied only by an agricultural worker and their relatives/dependents.
5. The hereby approved development shall be carried out in accordance with the mitigation and enhancement measures as detailed within the submitted Ecological Impact Assessment and Biodiversity Net Gain Report (Report Ref: FRU-BWB-ZZ-XX-RP-LE-0001_EcIA & BNG) prepared by BWB Consulting (Dated January 2022).
6. Prior to the occupation of the hereby approved dwelling, details shall be submitted to the Local Planning Authority and approved in writing in relation to the type and number of bird and bat boxes which are to be installed within/on the new dwelling or elsewhere within the site. The boxes shall thereafter be installed in accordance with the approved details and maintained in perpetuity.
7. Prior to the occupation of the hereby approved dwelling one bee brick shall be installed within the dwelling.
8. The Friezeland Grassland Site of Special Scientific Interest should be managed in accordance with any conditions and/or obligations which may be contained within any license granted by Natural England (or any successive organisation/body).
9. The treatment of foul water should have special regard to attenuating phosphorous and nitrogen through the use of a Septic Tank / Package Treatment Plant to meet the following standards:

- a. The drainage field is more than 50m from the designated site boundary (or sensitive interest feature) and;
- b. The drainage field is more than 40m from any surface water feature e.g. ditch, drain, watercourse, and;
- c. The drainage field is in an area with a slope no greater than 15%, and;
- d. The drainage field is in an area where the high water table groundwater depth is at least 2m below the surface at all times and;
- e. The drainage field will not be subject to significant flooding, e.g. it is not in flood zone 2 or 3 and;
- f. There are no other known factors which would expedite the transport of phosphorus for example fissured geology, known sewer flooding, conditions in the soil/geology that would cause remobilisation phosphorus, presence of mineshafts, etc and;
- g. To ensure that there is no significant in combination effect, the discharge to ground should be at least 200m from any other discharge to ground. The density of discharges to ground should also not be greater than 1 for every 4ha¹ (or 25 per km²).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development relating to Classes A-E of Part 1 of Schedule 2 shall be undertaken without the prior written approval of the Local Planning Authority.

- b) delegated authority be granted to the Assistant Director, Planning and Regulatory Services, in consultation with the Planning Committee Chairman, to consider and agree the final conditions as required.

Reasons for rejecting officers' recommendation

Members accepted that the applicant had proven there was a need for an agricultural worker to live on site, and therefore considered that the proposal was not inappropriate development.

For the motion:

Councillors Jamie Bell, Samantha Deakin, Rachel Madden, Andy Meakin, John Smallridge and Helen-Ann Smith.

Against the motion:

None.

Abstentions:

Councillor Jason Zadrozny.

3. V/2022/0661, N Beer, Construction of Dormer Bungalow, R/o 97 Alfreton Road, Underwood

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:-

Since publication of the Council's committee report the agent had submitted a late item which made the following claims (a response was also included from officers if considered necessary):

1. The visual impact of the proposed dwelling would not be significant due to the presence of outbuildings at neighbouring properties.

R: This application was for a dwelling not an outbuilding.

2. The amenity space of the existing property is not being affected by this proposal.

R: The application site was within the garden of the host property.

3. The submitted plans were accurate.

4. There was adequate space between buildings and existing boundary treatments limited overlooking.

R: The separation distances did not meet minimum standards and it was considered overlooking would be detrimental to neighbouring residents. Three residents had objected on this ground.

5. Suggested openable windows to the side of the existing property would not interfere with vehicle movements.

6. With regards to the access, it was claimed that it only served a single dwelling.

R: The agent's comments then talked about the access being a shared driveway and relied on it being a shared driveway for access to the existing and proposed property and for emergency vehicle access.

7. Stated an average width of 3.6m along the access had been achieved.

R: It was less than that at pinch points and in any event did not meet the 3.7m width requirement. It was suggested that car parking spaces were compliant with guidelines and no longer warranted provision of swept path analysis drawings but swept path analysis drawings would be required to show the spaces were accessible and compliant.

8. Suggested visibility splays were adequate and had been shown on drawings as part of pre-application enquiries.

R: Visibility splays had not been adequately shown as part of the application.

9. Overall the proposal was considered not to meet standards and the Highway Authority had also objected to the development on highway safety grounds, all of which had been detailed further in the officer report.

Carol Bannister and Anthony Verity, as Objectors, 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 the application be deferred to enable Members to conduct a site visit, with the application being submitted to the next meeting of the Planning Committee for final determination.

The meeting closed at 11.14 am

Chairman.