

PLANNING COMMITTEE

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

on Wednesday, 1st November, 2023 at 10.00 am

Present: Councillor Jason Zadrozny (as substitute for Jamie Bell), in the Chair;

Councillors Jodine Cronshaw, Samantha Deakin, Arnie Hankin, Tom Hollis (as substitute for Rachel Madden), Andy Meakin, John Smallridge and Helen-Ann Smith.

Apologies for Absence: Councillors Jamie Bell, Rachel Madden and Sarah Madigan.

Officers Present: Rose Arbon, Lynn Cain, Hannah Cash, Louise Ellis, Theresa Hodgkinson, Mick Morley, Christine Sarris, Hannah Woods and Shane Wright.

P.13 Appointment of Chairman

RESOLVED

that Councillor Jason Zadrozny be appointed as Chairman for the duration of the meeting.

P.14 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

1. Councillor Arnie Hankin declared a Non-Registrable Interest in relation to Application V/2022/0066, Peveril Homes Limited, Construction of 81 Dwellings and Associated Highways, Drainage and Landscaping Infrastructure, Land off Main Road, Jacksdale. His interest arose from the fact that he was known to the landowner and had spoken to many interested parties in respect of the application. He advised the Chairman that he would be leaving the room whilst the application was considered.
2. Councillor Tom Hollis declared a Non-Registrable Interest in relation to Application V/2022/0601, Mr. Lee Evans, Proposed development of 9 New Dwellings at Land adjacent to Trevelyan, Blackwell Road, Huthwaite. His interest arose from the fact that he had spoken to many interested parties in respect of the application and had expressed his views on the matter. He advised the Chairman that he would be leaving the room whilst the application was considered.
3. Councillor Jason Zadrozny declared Non-Registrable Interests in relation to the following applications:

- V/2022/0601, Mr. Lee Evans, Proposed development of 9 New Dwellings at Land adjacent to Trevelyan, Blackwell Road, Huthwaite.
- V/2022/0066, Peveril Homes Limited, Construction of 81 Dwellings and Associated Highways, Drainage and Landscaping Infrastructure, Land off Main Road, Jacksdale.

His interests had arose from speaking with agents and applicants in respect of the above applications, but in doing so he had not expressed any opinions on the matters at any point.

P.15 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 12 September 2023, be received and approved as a correct record.

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

1. V/2023/0304, Ashfield District Council, Application for Consent to Display an Advertisement - 11 x Community Notice Boards located at: 1. Priestsic Road junction, Asda Link Road, Sutton, 2. Hack Lane junction, Church Street, Sutton, 3. Lawn Lane, Sutton Lawns, 4. Mill Waters, Sutton, 5. Sherwood Street junction, Lowmoor Rd, Kirkby, 6. Council Offices, Urban Rd, Kirkby, 7. Kingsway Park, Kirkby, 8. Spring Street, Hucknall, 9. Nabbs Lane, Hucknall, 10. Titchfield Park, Hucknall, 11. Hucknall Leisure Centre, Ashfield District Council, Urban Road, Kirkby in Ashfield

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

2. V/2022/0601, Mr Lee Evans, Proposed development of 9 New Dwellings at Land adjacent to Trevelyan, Blackwell Road, Huthwaite

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillors Tom Hollis and Jason Zadrozny had previously declared interests in respect of this application. Their interests were such that Councillor Hollis left the meeting once he had addressed Members in respect of calling in the application, and Councillor Zadrozny stayed in the meeting and took part in the discussion and voting thereon.)

Late Item

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, five further representations from local residents had been received. These representations raise no new matters.

Correspondence had also been received from the applicant's planning agent, requesting revisions to the wording of three of the proposed conditions. It is therefore recommended that the following revisions are made and an informative added to avoid impact on nesting b:

Condition 9 – Pedestrian Footway

After "entire site frontage" insert "with the exception of the approved site access".

Condition 12 – Wildlife and Excavations

Before "all excavations" insert "during the construction phase of the development".

Condition 15 – Ecology

Delete reference to the January 2022 Ecological Impact Assessment because it is covered in the Ecology Update and Biodiversity Plan (July 2023).

The Planning Officer also advised Committee that he had been handed some letters of objections just prior to commencement of the meeting, but they were too late to be assessed and would not be taken into account as part of the application's consideration.

Sharon Lawley, as an Objector, and Charlotte Stainton, on behalf of 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 Samantha Deakin 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 proposal would fail to optimise the potential for the site by virtue of the piecemeal approach to development, despite wider land availability, which is contrary to the aims of high quality and inclusive design which would flow from a comprehensively planned development. Thus, failing to demonstrate a functional, safe or accessible built environment which would enhance the character of the area. The application would therefore be contrary to policy ST1(d) of the Ashfield Local Plan Review 2002.

For the motion:

Councillors Jodine Cronshaw, Samantha Deakin, Arnie Hankin, Andy Meakin, John Smallridge and Helen-Ann Smith.

Against the motion:

None.

Abstentions:

None.

The meeting was adjourned at 10.58am and reconvened at 11.10am.

3. V/2021/0793, Mr B Khan, 18 Dwellings, Land Off High Hazels Drive, Huthwaite

Late Item

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:-

The County Council had requested an increase in the S106 contributions for bus stop infrastructure. This was not considered to be reasonable at this late stage since all assessments and negotiations had been based on their earlier request and the viability assessment had taken into account the earlier request.

It was moved and seconded that conditional consent be granted as per officer's recommendation, subject to the £18,000 allocated for public realm improvements being extended for use in the wider Sutton in Ashfield area as opposed to just Sutton in Ashfield town centre, as stated in the report.

4. V/2023/0515, Ashfield District Council, Application for Consent to Display an Advertisement(s) - Installation of 3no Organisation Signs, 70 - 72 High Pavement, Sutton in Ashfield

It was moved and seconded that conditional consent be granted as per officer's recommendation subject to the addition of the following condition;

Condition

The intensity of illumination of the sign(s) shall not exceed 850 candelas/square metre.

Reason: To ensure that the display does not appear as an unduly prominent feature in the area.

5. V/2022/0066, Peveril Homes Limited, Construction of 81 Dwellings and Associated Highways, Drainage and Landscaping Infrastructure, Land off Main Road, Jacksdale

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillors Arnie Hankin and Jason Zadrozny had previously declared interests in respect of this application. Their interests were such that Councillor Hankin left the meeting once he had addressed Members in respect of the matter, and Councillor Zadrozny stayed in the meeting and took part in the discussion and voting thereon.)

Late Item

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:-

Firstly, since the publication of the Council's committee report, 11 further representations from local residents had been received. These representations raised two new planning matters not addressed within the report, which were about flooding and financial obligations and another which was not a planning matter relating to the cost of processing an application.

On Friday 20th October, the District experienced unprecedented rainfall causing Bagthorpe Brook to the south of the site to overflow causing flooding on Main Road.

The agent was approached for comment. Their drainage consultant had advised of the following:

"Main Road Jacksdale, forming the boundary across the south of the site has a historic and ongoing flood issue. The infrastructure within the new development has been specifically designed to ensure it not only helps mitigate any potential impact from the scheme but will manage the surface water runoff from the land during future storm events. Furthermore, it was also recognised, based on extensive modelling carried out in accordance with the Environment Agency requests, for numerous flood events and including potential blockages in the area, that access and egress during severe weather conditions could be impacted by flooding, which is why the site access is located to the far East of the land and that in some extreme events, the access would be under water for a period, but only shallow (and less than the ADEPT / Environment Agency guidance depth of 300mm). It should also be noted that the development on the site will always be accessible for pedestrians via the new footpath link to the northwestern corner.

Recent events have shown that this is a crucial aspect, as is the need to ensure the existing southern section of the land is unaltered and able to flood during extreme events, and not to reduce this volume by raising levels, thus assisting the village in its ongoing flood resilience."

Officers had contacted the Local Lead Flood Authority in respect of the proposal following the recent flooding event to ascertain whether they had any further comments to provide. No further commentary had been received to date.

Representations received also raised concerns that the financial obligations secured were insufficient. The contributions secured had been requested by statutory consultees and the applicant had agreed to pay the full amount requested. Officers were satisfied that the contributions requested were Community Infrastructure Levy compliant.

Secondly, two additional conditions were recommended which secured the delivery of the two self-build plots by the 40th house within the site and gave details of the trim trail equipment to be provided on site.

Thirdly there was an error in the wording of Condition 3 and Condition 13 on pages 114 and 117 of the report.

The plans referenced in condition 3 should have referred to revision '03C' and '04C', as per Condition 2, whilst the Preliminary Ecological Appraisal in Condition 13 should have referred to the report dated September 2023. These are the details upon which the recommendation had been made.

One last point raised was from the County Council, who had requested an increase in the S106 contributions for bus stop infrastructure. This was not considered to be reasonable since all assessments and negotiations had been based on their earlier request.

In view of the concerns relating to flooding officers recommended that the application be deferred and brought back to Committee once further comments had been received from the Lead Flood Risk Authority.

Gillian Huddleston, as an Objector, and Paul Stone, on behalf of 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 and seconded that conditional consent be granted as per the officer's recommendation contained in the report.

P.17 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 12.26 pm

Chairman.