

PLANNING COMMITTEE

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

on Thursday, 13th December, 2018 at 7.00 pm

Present: Councillor Chris Baron in the Chair;

Councillors Lee Anderson (Substitute for Phil Rostance), Cheryl Butler, David Griffiths, Tom Hollis, Rachel Madden, Keir Morrison, Helen-Ann Smith, Mike Smith, Sam Wilson and Jason Zadrozny.

Apologies for Absence: Councillor Phil Rostance

Officers Present: Martin Elliott, Sarah Hall, Mick Morley and Christine Sarris.

P.23 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.

There were no declarations of interest.

P.24 To receive and approve as a correct record the minutes of a meeting of the Planning Committee held on 14 November 2018

The Minutes of the meeting held on 14 November 2018 were approved as a correct record and signed by the Chairman.

P.25 To receive and consider the attached planning applications.

- 1. V/2018/0221 - Erection of Retail Store with Car Parking and Landscaping - Land Off Mansfield Road and Eastfield Side, Sutton in Ashfield, Nottinghamshire.**

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:

The applicant had submitted a further email in support of the application. This explained that Lidl would not be making an offer on the Northern Bridge Road site as:

- The site was not in a suitable location for a second store in the Town Centre and it would be detrimental to the turnover of the existing store.
- Asda would not sell to a competitor, and had supported this with advice from a property agent (Frank Knight). Building a store that close to Asda would also be unviable.
- Lidl had an immediate requirement in Sutton and works would commence early 2019.

The applicant contended that the Impact Test showed that the proposal was acceptable, the sequential test was passed and that the proposal would not affect amenity, design or transport. It was also confirmed that an offer of £100,000 had been made to mitigate the limited impact of the proposal and that Lidl planned to retain their existing store.

An additional letter of objection had also been received from a resident. This raised concerns over highways safety, sufficient retail stores already in Sutton-in-Ashfield, and that they would prefer bungalows to be built on the land.

Officer Comment in response:

The Council still contended, that Lidl's failure to make an offer for the Northern Bridge Road site meant that the Sequential Test had not been passed.

It was noted that all the other issues raised by Lidl, and the resident, had been covered within the Committee report.

In accordance with the Council's procedure for speaking at Planning Committee Mr Alan Jones of Asda Stores and Mr Matthew Williams of Williams Gallagher (objectors), Mr A Ranji (objector), Ms Julie White of Indigo Planning (agent for the applicant) and Ms Jo Hawley (the applicant), addressed the meeting.

Members of the Committee were of the of the view that while the store would have an impact on Sutton in Ashfield town centre and on the Outram Street local centre, the impact was not substantially adverse enough to refuse the application and could be mitigated by contributions to schemes outlined in the report. Members were also of the view that the proposed development represented an opportunity to develop a site that had been derelict for many years despite planning permissions for residential development being previously granted on the site that had not been brought forward to development.

It was moved by Councillor Wilson and seconded by Councillor Anderson, that against officer recommendation subject to a Section 106 contribution of £120,000 in order to mitigate the impact of the development on Sutton-in-Ashfield town centre and the Outram Street local centre that planning permission be **GRANTED**, subject to conditions being agreed between the Council as the Planning authority and the applicant as follows:

Conditions

1. Development of the site to begin within 3 years of the granting of planning permission.
2. A list of plans to be submitted before the commencement of development.
3. A scheme of hard and soft landscaping to be submitted for approval.
4. Noise mitigation measures, including an acoustic fence to be submitted for approval.
5. Site contamination reports to be submitted for phases 3 and 4 for approval.
6. Surface water and foul sewage plans to be submitted for approval.
7. That no deliveries are made to the store after 19:00 Monday – Sunday.
8. That five electric vehicle charging points are installed in the car parking area.
9. That a barrier is installed at the entrance to the car park to prevent unauthorised access outside of store opening hours.
10. That details of the lighting scheme for the access footpath to be submitted for approval.
11. That details of the highways scheme for the access and egress on the site and other highway related matters be submitted for approval.

and for the Assistant Director - Planning and Services, in consultation with the Chairman of the Planning Committee, to be delegated authority to determine any further conditions as deemed necessary in order to facilitate the delivery of the site.

For the motion: Councillors Anderson, Baron, Hollis, Griffiths, Madden, K Morrison, H Smith, M Smith and Wilson

Against the motion: Councillor Butler

Abstentions: Councillor Zadrozny

Accordingly, the motion was declared as **CARRIED**.

2. V/2018/0408 - Erection of 4 Five Bedroom and 2 Six Bedroom Dwelling Units, (Class C4) within a Two Storey Block with Ancillary Car Parking and New Vehicular Access - Land at Junction of Outram Street and Park Street, Sutton in Ashfield, Nottinghamshire.

In accordance with the Council's Policy for dealing with late matters in

relation to planning applications (Minute No. D4.17, 1993/94), the Development Management Team Leader gave a verbal report on additional comments received in relation to the application after the agenda had been finalised as follows.

The applicant had submitted a statement to help address concerns that Committee members may have had about potential anti-social behaviour by residents of the proposed developments.

Members of the Committee were of the view that the proposed development with regards to its mass and size represented an over intensive development of the site which would create an over dominant presence in the street scene. Members of the Committee were also concerned that the proposed development had insufficient parking provision included for the number of dwelling units proposed which would create an unacceptably adverse impact on the amenity or the residents of the surrounding streets where car parking provision was already very limited. Members were also of the view that increased amounts of on street car parking as a result of the development would have a detrimental impact on highway safety in the surrounding area.

It was moved by Councillor H Smith and seconded by Councillor Wilson that against officer recommendation planning permission be **REFUSED** for the following reasons.

REASONS

1. The Council considers the development would result in an over intensive development of the site with an adverse impact on the street scene and a lack of off street parking provision which would lead to parking on the adjacent highway, thus causing detriment to highway safety. There is a school at the end of Park Street, a cul-de-sac with restricted turning space and parking, the proposal would therefore result in the potential to exacerbate the conflict between pedestrian and vehicular movements and add to further indiscriminate parking within the area. It would therefore be contrary to saved Policies ST1 a), b), c); HG5 c), f) and g); and HG8 b), d), and g) of the Ashfield Local Plan Review 2002 and parts 9 and 12 of the National Planning Policy Framework.

For the motion: Councillors Anderson, Butler, Hollis, Madden, K Morrison, H Smith, M Smith, Wilson and Zadrozny

Against the motion: Councillor Griffiths

Abstentions: Councillor Baron

Accordingly, the motion was declared as **CARRIED**.

3. V/2018/0262 - Outline Application for A Maximum of 24 Apartments and Associated Works

It was moved by Councillor Wilson and seconded by Councillor Baron that

consideration of the item be deferred to the next meeting of the Planning Committee to enable officers to have discussions with the applicant regarding details of the proposed scheme.

For the motion: Councillors Anderson, Baron, Butler, Griffiths, Hollis, Madden, K Morrison, H Smith, M Smith, Wilson and Zadrozny

Against the motion: None

Abstentions: None

Accordingly, the motion was declared as **CARRIED**.

P.26 TPO 64 Plainspot Road, Underwood

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 noted that the consideration of this item had been deferred from the meeting of the Planning Committee held on 14 November, 2018 in order to allow members of the Planning Committee the opportunity to carry out a site visit.

At 8:50pm it was moved by Councillor Baron, seconded by Councillor Butler and **RESOLVED** that in accordance with Rule of Procedure No.23 (The Conclusion of Proceedings) that the meeting be extended to 9:30pm.

After consideration, Members of the committee were of the view that the trees did not contribute significantly to the visual amenity of Plainspot Road and the wider area.

It was moved by Councillor Baron, seconded by Councillor Anderson and **RESOLVED** that against officer recommendation, that the TPO at 64 Plainspot Road, Underwood should not be confirmed.

For the motion: Councillors Anderson, Baron, Butler, Griffiths, Hollis, Madden, K Morrison, H Smith and M Smith

Against the motion: None

Abstentions: Councillors Wilson and Zadrozny

P.27 Consultation - Planning reform: supporting the high street and increasing the delivery of new homes

The Interim Director – Place and Communities submitted a report which was presented by Assistant Director – Planning and Regulatory Services, to inform the Committee of the possible implications for Ashfield, as set out in the Government’s consultation “Planning Reform: supporting the high street and increasing the delivery of new homes”. The report also set out a proposed response from the Council to the consultation. The full proposed response was included as an appendix to the officer’s report.

It was **RESOLVED** that:

- a) the proposed response to the Government consultation “Planning Reform: supporting the high street and increasing the delivery of new homes” as set out at appendix one of the officer’s report be approved.
- b) authority be delegated to the Assistant Director Planning and Regulatory Services, in consultation with the Chairman of the Planning Committee, to make additions and amendments to the response.

The meeting closed at 9.03 pm

Chairman.