

## **PLANNING COMMITTEE**

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

**on Wednesday, 17th November, 2021 at 10.00 am**

**Present:** Councillor Andy Meakin in the Chair;

Councillors Samantha Deakin, Rachel Madden, Kevin Rostance (as substitute for Phil Rostance), John Smallridge (as substitute for Arnie Hankin), Helen-Ann Smith, Daniel Williamson (as substitute for Sarah Madigan) and Jason Zadrozny.

**Apologies for Absence:** Councillors Arnie Hankin, Sarah Madigan, Lauren Mitchell and Phil Rostance.

**Officers Present:** Lynn Cain, Louise Ellis, Mick Morley, Ashley Patel and Christine Sarris.

**In Attendance:** Councillor Will Bostock and Councillor Matthew Relf.

### **P.16 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests**

Councillor Jason Zadrozny declared a Non-Registrable Interest in respect of V/2020/0832, Platform Housing Ltd, Application for Approval of Reserved Matters following Outline Approval V/2018/0213 - Proposed Residential Development of 47 Dwellings Including the Demolition of Existing Buildings, The Quarry, 57 Stoneyford Road, Sutton in Ashfield. His interest arose from the fact that he had previously been vocal about the vandalism and historical relevant of the stone wall contained on the site but in doing so had not expressed any opinions on the application at any point.

### **P.17 Minutes**

RESOLVED

that the minutes of the meeting of the Planning Committee held on 6 October 2021, be received and approved as a correct record.

### **P.18 Town and Country Planning Act 1990: Town Planning Applications Requiring Decisions**

Prior to consideration of the applications and in accordance with Council Procedure Rule 4 (Order of Business), the Chairman advised that he would be considering the fourth application, V/2021/0506, Mrs Bird, Change of Use

from Existing Dwelling house C3 Use Class to 7 Bedroom HMO Sui Generis Use Class, 248 Mansfield Road, Skegby, as the first item. Committee Members concurred with this course of action.

**1. V/2021/0506, Mrs Bird, Change of Use from Existing Dwelling house C3 Use Class to 7 Bedroom HMO Sui Generis Use Class, 248 Mansfield Road, Skegby**

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:-

Carrie Bird, the Applicant and Councillor Will Bostock, who had jointly called-in the application but was not on the Planning Committee, 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.

Councillor Kevin Rostance also read out a statement on Councillor Melanie Darrington's behalf as she had jointly called-in the application but could not attend the meeting in person.

It was moved and seconded that the application be deferred to enable officers to seek a management plan and travel plan from the Applicant with the application being re-submitted to Committee at the earliest opportunity.

The meeting was adjourned at 10.50am and reconvened at 11.00am.

**2. V/2020/0832, Platform Housing Ltd, Application for Approval of Reserved Matters following Outline Approval V/2018/0213 - Proposed Residential Development of 47 Dwellings Including the Demolition of Existing Buildings, The Quarry, 57 Stoneyford Road, Sutton in Ashfield**

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillor Jason Zadrozny had previously declared a Non-Registrable 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:-

A local resident was concerned over the loss of another wall within the District and suggested that the wall along the frontage of the site should be rebuilt seamlessly using original bricks and mortar.

Comments had also been received from the Clinical Commission Group regarding Health Care contributions and Severn Trent had advised that they might need to undertake capital improvements works in the catchment area but this was not a requirement of the applicant.

## Officer Response

The implications for the wall had been addressed within the officer report and the Health Care contributions were covered in the Section 106 legal agreement associated with the outline consent. No changes were therefore required.

Leeven Fleet, 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 submission as required.

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

### **3. V/2021/0278, Wolsey Investments Limited, Application to Vary Condition 13 of Planning Permission V/2000/0823 - to Allow B2 and B8 Use, Sonocco Ltd, Unit 1, Julias Way, Kirkby in Ashfield**

Committee Members were informed prior to commencement of the presentation that the officer's recommendation in respect of this application had changed from 'Approved' to 'Refused'. Details of the reasoning behind the change were outlined accordingly.

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 applicant had rejected 6 of the 10 suggested conditions:

- The submitted plans were only indicative and the internal layout was not a planning matter.
- The permission should not prohibit class B1 and B8 uses.
- Acoustic Fencing was not necessary. A 4m acoustic fence in its own right would have a severe detrimental impact on the amenity of the nearby residential use which has not been considered.
- Additional Plant – The spray booth flues would be going out of the roof.
- Noisy/Overnight Activities – No restrictions could be placed on what tooling could be used within the building; this was an unrealistic condition.
- Operational hours - The tenant was yet to decide on hours so any restrictions around timing was not acceptable. The site would potentially be a 7-day operation and restrictions within the site at weekends could not be in place.

- No other unit on the estate had any form of restrictions as part of their use.

The applicant's agent had further suggested that it was the end user who had raised these concerns and suggested further negotiation to come to an acceptable permission.

#### Officer response

The conditions were suggested in the report after an assessment of the proposal and were formulated based on the information submitted to the Council and having taken guidance from statutory consultees. The conditions as set out in the committee report were considered necessary to ensure the development operated in a way which would not adversely affect the living conditions of nearby residents. The draft conditions had been sent to the applicant over 1 month ago and their comments were only received on Monday.

Members could consider the conditions, amend, remove or add further conditions if they were minded to grant permission.

The rejection and questioning of the conditions by the applicant raised concerns that the scheme submitted would not be carried out and would result in inappropriate development. In light of these late comments the recommendation had been changed to refuse planning permission and any negotiations on conditions needed to be taken through a new application with clear submitted details.

#### Reason for refusal (as advised to Members):

The proposed use would have a detrimental impact upon the amenities of neighbouring residential properties. It has not been demonstrated by the applicant that mitigation measures would be secured which results in the impact being minimised to an acceptable level. This is contrary to Policy ST1 (a and b) of the Ashfield Local Plan Review (2002), which only permit development which will not adversely affect the character, quality, amenity or safety of the environment. The proposal also conflicts with Part 12 of the National Planning Policy Framework, which seeks to secure a high quality environment which functions well and adds to the overall quality of the area, is sympathetic to the surrounding built environment, and creates better places to live and work to help make development acceptable to communities.

Jamie Foot, on behalf of the applicant and Councillor Matthew Relf, having called-in the application but not being a member on the Planning Committee, 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 submission as required.

It was moved and seconded that the application be refused as per officer's recommendation.

#### **4. V/2021/0617, JMT Property Developments, Two Detached Dwellings, 26 Nottingham Road, Selston**

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:-

A further comment had been submitted from a nearby resident who raised a concern with construction and the impact on the bridleway to the rear.

#### Officer Response

This issue could be covered by a construction management plan.

It was moved by Councillor John Smallridge and seconded by Councillor Helen-Ann Smith that the officer's recommendation contained within the report be rejected and planning consent be granted subject to the following conditions:

#### Conditions:

1. Standard time limit
2. Approved plans
3. Materials details required
4. Planting a new hedgerow to bridleway
5. Boundary treatment details required
6. Visibility splays to be provided prior to occupation and maintained free from obstruction
7. New access/parking areas to be bound with hard wearing materials with surface water drainage provision
8. Foul and surface water drainage details required
9. Provision of bird boxes.

#### Reasons for rejecting officers' recommendation:

The proposal would not have an impact on visual amenity or highway safety and the scheme complied with policies ST1 (a),(b) and (c) and HG5 (e) of the Ashfield Local Plan Review (2002).

#### For the motion:

Councillors Samantha Deakin, Andy Meakin, John Smallridge, Helen-Ann Smith, Daniel Williamson and Jason Zadrozny.

#### Against the motion:

None.

#### Abstentions:

Councillors Rachel Madden and Kevin Rostance.

**P.19 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 12.12 pm

Chairman.