

PLANNING COMMITTEE

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

on Wednesday, 20th July, 2022 at 10.00 am

Present: Councillor Andy Meakin in the Chair;

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

Apology for Absence: Councillor Jason Zadrozny.

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

In Attendance: Hannah Cash.

P.5 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

1. Councillor Helen-Ann Smith, on behalf of the Committee, declared a general Non-Registrable Interest in relation to Members being known to the Applicant, Councillor Jason Zadrozny (Application V/2022/0456, Mr. J Zadrozny, Replacement Dwelling and Detached Garage, 74 Sutton Road, Kirkby in Ashfield). However, Councillors Samantha Deakin and Helen-Ann Smith additionally advised that they would be leaving the room for the duration of the item, due to their ongoing close personal friendship with the Applicant.
2. Councillor Helen-Ann Smith declared a Non-Registrable Interest in relation to Application V/2022/0299, L Westerman, Application to remove condition 2 – sound amplifying equipment of planning permission V/2019/0728, 4A Annesley Road, Hucknall. Her interest arose from the fact that she had previously spoken to the Applicant but in doing so had not expressed any opinions on the application at any point.
3. Councillors Lauren Mitchell and Phil Rostance declared Non-Registrable Interests in relation to Application V/2022/0299, L Westerman, Application to remove condition 2 – sound amplifying equipment of planning permission V/2019/0728, 4A Annesley Road, Hucknall. Their interests arose from the fact that they had previously listened to the Applicant's concerns but in doing so had not expressed any opinions on the application at any point.

P.6 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 1 June 2022, be received and approved as a correct record.

**P.7 Town and Country Planning Act 1990:
Town Planning Applications Requiring Decisions**

1. V/2021/0904, Crossover Consulting & PM Limited, Change of Use from Residential Care Home to House in Multiple Occupation, 37A Ogle Street Hucknall

James Cross, 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.

A speech from Councillor Chris Baron, who called-in the application but was not in attendance at the meeting, was also read out to Members for consideration.

It was moved and seconded that conditional consent be granted as per officer's recommendation subject to an amendment to condition 2 as follows:

Condition 2

This permission shall be read in accordance with the following plans: Site Location Plan, Drawing No.P/001, Received 22/12/2021. Proposed Site Plan, Drawing No.P/002 Rev.C, Received 01/03/2022. Proposed Elevations, Drawing No.P/008 Rev.B, Received 01/03/2022. Proposed Floor Plans, Drawing No's.P/006 Rev.A and P/007, Both Received 22/12/2021. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

2. V/2022/0299, L Westerman, Application to remove condition 2 – sound amplifying equipment of planning permission V/2019/0728, 4A Annesley Road, Hucknall

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillors Lauren Mitchell, Phil Rostance and Helen-Ann Smith had previously declared Non-Registrable interests in respect of this application. Their interests were such that they stayed in the meeting and took part in the discussion and voting thereon.)

David Arnold, 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.

A speech from Councillor David Hennigan, who called-in the application but was not in attendance at the meeting, was also read out to Members for consideration.

It was moved by Councillor Arnie Hankin and seconded by Councillor Lauren Mitchell that:

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

Conditions

This permission shall be read in accordance with the following plans: Site Location Plan 1:1250 & Block Plan 1:500, Received 25/10/17: Existing Floor Plan, Received 27/10/17, Proposed Floor Plan, Received 26/10/17. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

Live music is only permitted to take place in the premises during the following hours and not at any other time
12:00pm (Midday) to 23:00pm on Friday, Saturday and Bank Holidays.
12:00pm (Midday) to 00.15am (the following day) on Christmas Eve (24 December) and New Year's Eve (31 December)

All entertainment in the form of amplified sound or speech shall be channelled through a Noise Limiter which is limited to a maximum of 82 decibels. The system will be operated at all times under the operating conditions set out in the Noise Assessment completed by E2 Consultants, project reference:12503-1. The noise limiter will cut off the power supply to the sound equipment if this level is exceeded.

The use of the hereby permitted development shall only take place during the following hours:

12:00pm (Midday) to 23:00pm Mondays to Thursday
12:00pm (Midday) to 00.00am Friday
12:00pm (Midday) to 00.00am Saturday
12:00pm (Midday) to 23.00pm Sunday
Christmas Eve (24 December) and New Years Eve (31 December)
opening allowed until 01.00am

No tables or seating shall be sited externally to the front or rear of the application premises.

The access door to the rear shall not be used by customers to access or egress the premises at any time.

The service yard to the rear of the premises shall not be used by customers at any time.

- b) delegated authority be granted to the Assistant Director, Planning and Regulatory Services, in consultation with the Planning Committee Chairman and Vice Chairman, to agree the most appropriate wording of the Conditions with the Applicant (to assist with the temporary nature of the approval) with the proviso that the application comes back to Committee for further consideration, should suitable agreement not be reached.

Reasons for rejecting officers' recommendation

Members considered that the variation would comply with Policy ST1 of the Ashfield Local Plan Review (2002).

For the motion:

Councillors Jamie Bell, Samantha Deakin, Arnie Hankin, Rachel Madden, Lauren Mitchell, Andy Meakin, Phil Rostance, John Smallridge, Helen-Ann Smith.

Against the motion:

None.

Abstentions:

None.

3. V/2022/0385, Ashfield District Council, Application for Consent to Display an Advertisement - Main Building Signage "Kirkby Leisure Centre" 1no. Illuminated Festival Hall, Hodgkinson Road, Kirkby in Ashfield

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

4. V/2022/0456, Mr. J Zadrozny, Replacement Dwelling and Detached Garage, 74 Sutton Road, Kirkby in Ashfield

(In accordance with the Council's Constitution and the Members' Code of Conduct, all Members present at the meeting had previously declared Non-Registrable interests in respect of this application. Their interests were such that they all stayed in the room and took part in the discussion and voting thereon apart from Councillors Samantha Deakin and Helen-Ann Smith who left the room for the duration of the 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:-

Nottinghamshire County Council Highways raised no objection but advised on the need to provide sustainable transport matters, maintain the driveway for turning vehicles and on the need to seek a licence for works proposed within the highway.

It was moved and seconded that conditional consent be granted as per officer's recommendation subject to an additional Informative as follows:

Informative

Please contact VIA East Midlands to obtain a licence to amend the existing highway verge across their frontage on Sutton Road. They can be contacted on 0300 500 8080 or by emailing contactus@viaem.co.uk. All associated costs will be the responsibility of the applicant.

The applicant is encouraged to provide an electric vehicle charging point and cycle parking as part of the scheme.

5. V/2022/0379, Mr. F. McDermott, Application for Tree Works: Works to Trees Subject to a Tree Preservation Order - TPO Ref:178 - Fell 7 Trees T1-T7, Pollard to 5M, 3 Trees T8-T10, Plus Ongoing Maintenance Authority TPO Ref: 086 Fell 4 Trees T9-T12, 105A Alferton Road, Sutton in Ashfield

Mark Chester, an objector and Fraser McDermott, 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 the application be deferred to seek further information on the condition of the trees, possible alternatives and mitigation, an ecologist report and to enable a site visit for Committee Members.

(During consideration of this application, Councillor Lauren Mitchell left the meeting at 12.07pm.)

P.8 Tree Preservation Order - Chesterfield House, Titchfield Avenue, Sutton in Ashfield

Members were advised of an objection received in response to the making of a Tree Preservation Order (TPO) at Chesterfield House, Titchfield Avenue, Sutton in Ashfield for one Horse Chestnut Tree and five Lime Trees. A late item had been received advising that some remedial works were to be carried out on the trees with consultations taking place for further works in the future.

As a result of the late item, Committee was asked to also consider amending the TPO to remove the Horse Chestnut Tree from the Order.

RESOLVED

that having considered the objection and the late item regarding proposed remedial works to the trees, the Council proceeds to amend and confirm the Tree Preservation Order for the five Lime Trees only, on the terms outlined in the report.

P.9 Planning Appeal Decision

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

RESOLVED

that the report be received and noted.

The meeting closed at 12.33 pm

Chairman.