

PLANNING COMMITTEE

**Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,
on Wednesday, 1st February, 2023 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 and Helen-
Ann Smith.

Apology for Absence: Councillor Jason Zadrozny.

Officers Present: Lynn Cain, Hannah Cash, Louise Ellis,
Mick Morley, Christine Sarris and Abbie Smith.

In Attendance: Councillor David Martin.

P.26 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

No declarations of interest were made.

P.27 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 14
December 2022, be received and approved as a correct record.

P.28 Town and Country Planning Act 1990: Town Planning Applications Requiring Decisions

1. V/2022/0810, M Hollis, Outline application with all matters reserved for 8 dwellings, Land East of Heathfield Silverhill Lane, Teversal

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 report the agent had submitted a site plan
which showed vehicle visibility splays. However, access was not a matter for
consideration as part of the application and in any event the point which the
visibility splays have been drawn from was only an indicative point of access.
A biodiversity metric has also been submitted which provided information
relating to habitats on site. However, neither of the details had of yet been
assessed or consulted upon.

Adrian Woodhouse, as an Objector, 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 John Smallridge that the officer's recommendation contained within the report be rejected and planning consent be granted subject to a legal undertaking requiring the planting of 24 heavy standard trees (girth 12-14cm, Height 300-350cm) in addition to on site landscaping, with easy watering systems, off site in locations to be agreed and the following conditions:

Conditions

1. The formal approval of the Local Planning Authority shall be obtained prior to the commencement of any development with regard to the following Reserved Matters:
 - (a) Layout
 - (b) Scale
 - (c) Appearance
 - (d) Access
 - (e) Landscaping
2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development to which this approval relates shall be begun not later than whichever is the later of the following dates:
 - (a) The expiration of 3 years from the date of the outline planning permission;
 - (b) The expiration of 2 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
4. This permission shall be read in accordance with the following plans: Site Location Plan, Drawing No.SLOC_0721_01, Received 17/01/2023. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
5. The Reserved Matters details for landscaping shall also detail the proposed treatment of the sites boundaries. Any garden fence/wall should be provided with a small hole (130mm x 130mm) to allow a continuous pathway in which hedgehogs and other small mammals can move through the developed residential site. The boundary treatments shall thereafter be implemented in accordance with the agreed details prior to the occupation of the dwellings and be maintained as such in perpetuity.
6. The Reserved Matters details for the dwellings shall include the type and number of bird, bat boxes/bricks and Bee bricks (at least one bee brick per dwelling) which are to be installed within/on the new dwellings or elsewhere within the site. The boxes/bricks shall thereafter be installed in accordance with the approved details and maintained in perpetuity.

7. Drainage details and plans for the disposal of surface water and foul sewage shall be submitted with the Reserved Matters application and shall be implemented in accordance with the approved details before the development is first brought in to use.
8. No development shall commence until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity;
 - b) and any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
9. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
10. Prior to the commencement of the development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include as a minimum:
 - The parking of vehicles of site operatives and visitors;
 - Routing, loading and unloading of plant and materials;
 - A layout of the construction access including a drawing showing visibility splays;
 - Storage of plant and materials used in constructing the development;
 - Wheel washing facilities;
 - Measures to control the emission of noise, dust and dirt during construction;
 - A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - Delivery, demolition and construction working hours;
 - Measures to control noise during any piling of foundations (if required);
 - Measures for avoiding harm to protected and priority species including method statements for undertaking construction activities in the best interest of biodiversity, appropriate protection zones, locations and timing of sensitive works and roles and responsibilities of an Ecological Clerk of Works;
 - Point of contact on site for complaints/enquiries.

Reasons for rejecting officers' recommendation

Member considered the development would not impact on the character of the countryside, the bio-diversity of the site or highway safety and that it satisfied policies ST1 (b), (c), (d) and (e), EV2 (g) and HG5 of the Ashfield Local Plan Review 2002

For the motion:

Councillors Jamie Bell, Samantha Deakin, Arnie Hankin, Rachel Madden, Andy Meakin and John Smallridge.

Against the motion:

Councillors Lauren Mitchell, Phil Rostance and Helen-Ann Smith.

Abstentions:

None.

2. V/2022/0771, Ashfield District Council, Demolition of Existing Sailing Club Building and Construction of Leisure/Restaurant Building and Replacement Starter Box, Kingsmill Reservoir, Sutton in Ashfield Sailing Club, Sherwood Way South, Sutton in Ashfield

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

(Councillor Helen-Ann Smith had previously left the room and re-entered the meeting during consideration of this item. Consequently, in accordance with the Code of Conduct and Procedures in respect of the Planning Service she was therefore not permitted to vote on the application).

3. V/2022/0169, Mr Stephen Atkinson, Outline Planning Application with All Matters Reserved Except Means of Access for Eight Dwellings, Cauldwell House, Cauldwell Road

Bob Woollard, as agent 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 submission as required.

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

4. V/2022/0864, Mr L Smith, Detached Bungalow, Land to the Rear of 26 Main Road, Underwood

It was moved and seconded that the application be deferred due to the agent's submission of an amended drawing since publication of the agenda. The drawing had neither been assessed nor consulted upon and the deferral would enable due consideration to take place, prior to resubmission of the application to the next meeting of the Planning Committee.

5. V/2022/0396, Mr J Sharp, One Dwelling, 28 Main 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, 7 representations had been received from residents in respect of the revised scheme. All objected to the proposal with the concerns raised being similar to those in respect of the original scheme i.e. design of the proposal, back-land development and the impact on visual amenity. Other concerns related to overshadowing, lack of local amenities and access and parking.

Sally Brackett, as an Objector, James Shaw, as agent for the Applicant and Councillor David Martin who called-in the application, 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 Helen-Ann Smith and seconded by Councillor Rachel Madden that the 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. The permission shall be read in accordance with the following plans: 220405/001 Rev B (Site location Plan), 220405/002 Rev E (Proposed Site Plan), 220405/003 Rev E (Proposed Floor Plans), 220405/004 Rev B (Proposed Elevations), 220405/010 Rev B (Block Plan), received 22/12/2022. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. The materials and finishes to be used for the external elevations and roof of the proposal shall match those outlined in the submitted details.
4. The development shall not be occupied unless either a:
 - a) Reinforced concrete cast in situ floor slab (suspended, non-suspended or raft) with at least 1200 g DPM and underfloor venting;
or
 - b) Beam and block or pre-cast concrete and 2000 g DPM/reinforced gas membrane and underfloor ventingAre first installed with all joints and penetrations sealed so that gas protection measures shall meet the requirements of CIRIA Report C665 (Assessing risks posed by hazardous ground gases to buildings, London, 2007).
Following completion of gas protection measures and prior to occupation, a verification report which demonstrates that the measures were effectively carried out shall be produced, and subject to the approval in writing of the Local Planning Authority. Evidence of the installation of effective gas protection measures should include photos,

- receipts, builders' letters etc. to accompany the verification statement.
5. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 8.0 metres behind the highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
 6. No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 2.0 metres by 2.0 metres are provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The area of land within these splays shall be maintained free from all obstruction over 0.6 metres above the carriageway level at all times.
 7. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface water from the driveway area to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.
 8. No development past slab level shall take place until details of the proposed treatment of the sites boundaries have been submitted to and approved in writing by the Local Planning Authority. Any garden fence/wall or other non-permeable structure (and or railings and or hedgerows) should be provided with small holes (130mm x 130mm) to allow a continuous pathway in which hedgehogs and other small mammals can move through the developed residential site. such holes and boundary treatments shall be implemented prior to the occupation of the hereby approved development and thereafter retained in perpetuity.
 9. Notwithstanding the submitted details, prior to occupation a scheme for biodiversity enhancement shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:
 - i) Description, design or specification of the type of feature(s) or measure(s) to be undertaken
 - ii) Materials and construction to ensure long life span of the feature/measure;
 - iii) A drawing(s) showing the location and, where appropriate, the elevation of the features or measures to be installed or undertaken;
 - iv) When the features or measures will be installed within the construction. Removal of permitted development rights

Informative

Throughout the course of the development, construction vehicles and materials should be located so as not to obscure the public highway, footway, or public rights of way.

Deliveries during the construction should avoid where possible school start and finish times.

Reasons for rejecting officers' recommendation

Members were satisfied that the amended plans overcome concerns and considered that the proposal complied with policies ST1 (b), (c), (d) and (e) and HG5 of the Ashfield Local Plan Review (2002); reducing the impact on neighbouring residents and constituting infill development.

For the motion:

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

Against the motion:

Councillor Lauren Mitchell.

Abstentions:

None.

6. 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 the publication of the Council's agenda, the agent had submitted comments via email, considering that the proposed development was compliant with separation distances between numbers 2 and 3 Beech Court as the proposed dwelling has no habitable room windows in its side elevation. Officers' concerns were still related primarily to the overlooking which would occur from the two first floor dormer windows serving the bedroom on the rear elevation.

Antony Verity, as an Objector and Councillor David Martin, as Ward Member, 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 Helen-Ann Smith and seconded by Councillor Rachel Madden that the 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, Received 31/08/2022. Proposed Elevations, Floor Plans, and Layout Plan, Drawing No.21/01/01 Rev.03, Received 16/11/2022. Proposed Parking Plan, Drawing No.21/01/02 Rev.00, Received 16/11/2022. 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 shall take place until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been submitted to and agreed in writing by the Local Planning Authority.
4. No development past slab level shall take place until details of the proposed treatment of the sites boundaries have been submitted to and approved in writing by the Local Planning Authority, which must include details of the boundary between 97 and 95 Alfreton Road, Underwood. Any garden fence/wall or other non-permeable structure (and/or railings and/or hedgerows) should be provided with small holes (gaps 130 mm x 130 mm) to allow a continuous pathway in which hedgehogs and other small mammals can move through the developed residential site. Such holes and boundary treatments shall be implemented prior to the occupation of the hereby approved development and thereafter be retained in perpetuity.
5. 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 boxes/bricks which are to be installed within/on the new dwellings or elsewhere within the site. The boxes/bricks shall thereafter be installed in accordance with the approved details and maintained in perpetuity.
6. Prior to the occupation of the hereby approved dwelling one bee brick shall be installed within the dwelling.
7. 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.
8. No works associated with the hereby approved development shall take place on site on Sundays.

Members also requested an informative be added to the decision as follows:

The wall to the front of 97 Alfreton Road, Underwood should be re-located so it is not within the adopted highway. This should be done prior to the commencement of the development.

Reasons for rejecting officers' recommendation

Members considered that the proposal complied with Policies ST1 (b), (c), (d) and (e) and HG5 of the Ashfield Local Plan Review (2002)

For the motion:

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

Against the motion:

Councillor Phil Rostance.

Abstentions:

Councillor Samantha Deakin.

(During consideration of the last application, Councillors Arnie Hankin and Lauren Mitchell left the meeting at 11.45am and 11.50am respectively.)

P.29 Planning Appeal Decisions

Members were asked to note the recent Planning Appeal decisions as outlined in the report and presented with some recent enforcement accomplishments.

RESOLVED

that the report be received and noted.

The meeting closed at 12.32 pm

Chairman.