

## **PLANNING COMMITTEE**

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

**on Wednesday, 23rd October, 2024 at 10.00 am**

**Present:** Councillor Sarah Madigan in the Chair;

Councillors Jamie Bell, Jodine Cronshaw, Arnie Hankin, Vicki Heslop (as substitute for Samantha Deakin), Andy Meakin, John Smallridge, Helen-Ann Smith and Jason Zadrozny (as substitute for Rachel Madden).

**Apologies for Absence:** Councillors Samantha Deakin and Rachel Madden.

**Officers Present:** Rose Arbon, Lynn Cain, James Carr, Hannah Cash, Jenny Moody, Mick Morley, Christine Sarris, Richard Sunter, Dean Wright and Shane Wright.

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

1. Councillor Jason Zadrozny declared a Non-Registrable Interest in relation to application V/2024/0377, Mr I Benzer, Change of Use of Ground Floor From Shop (Use Class E) to Hot Food Takeaway, Installation of Flue to Rear and Associated Internal Works, 8 Church Street, Kirkby in Ashfield. His interest arose from the fact that he had previously spoken with the applicant and some objectors, but in doing so had not expressed any opinions on the application at any point.
2. Councillors Arnie Hankin and Jason Zadrozny declared Non-Registrable Interests in relation to application V/2022/0246, Garner Holdings and Trustees of Major RP Chaworth Musters 1990 Discretionary Settlement and Exors of Major RP Chaworth Musters, Grant consent Application Made in Accordance with the Town and Country planning (Environmental Impact Assessment Regulations) 2017: Hybrid Planning Application Comprising: Full Application for a B2/B8 Unit with Associated Access, Parking, Drainage Infrastructure and Landscaping; and Outline Application for up to 4no. B2/B8 Units (With Point of Access and Scale Included), Land Adjacent to Junction 27 of the M1, Mansfield Road, Annesley.

Their interests had arisen from the fact that they had previously spoken with both the applicant and officers and their intentions were to speak on the matter, prior to leaving the room for the duration of the discussion and voting thereon.

**P.17 Minutes**

RESOLVED

that the minutes of the meetings of the Planning Committee held on 25 September and 14 October 2024, be received and approved as correct records.

**P.18 Remedial Works at 10 Thoresby Dale, Hucknall**

Members were advised of work undertaken by officers to secure remedial works to an unauthorised extension to the front of 10 Thoresby Dale, Hucknall.

RESOLVED

that the report be received and noted.

**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.

**P.20 Town and Country Planning Act 1990:  
Town Planning Applications Requiring Decisions**

**1. V/2022/0246, Garner Holdings and Trustees of Major RP Chaworth Musters 1990 Discretionary Settlement and Exors of Major RP Chaworth Musters, Grant consent Application Made in Accordance with the Town and Country planning (Environmental Impact Assessment Regulations) 2017: Hybrid Planning Application Comprising: Full Application for a B2/B8 Unit with Associated Access, Parking, Drainage Infrastructure and Landscaping; and Outline Application for up to 4no. B2/B8 Units (With Point of Access and Scale Included), Land Adjacent to Junction 27 of the M1, Mansfield Road, Annesley**

(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 they addressed the Committee before leaving the room and taking no part in the discussion and voting thereon.)

Late Items

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 agenda, the Highways Authority had requested deferral of the application as there were various highway matters still unresolved. Planning officers supported this deferral request, but the Agent for the Applicant had indicated his wish for determination of the application to continue.*

*Members were advised that should the application be determined, it would be referred to the Secretary of State, as per the prescribed process due to the location of the site being located within Greenbelt.*

At this point in the proceedings, it was moved and seconded that the application be heard and determined accordingly.

*Late Item – Agent’s Responses (continued)*

*The Agent for the Applicant advised that the Applicant had no issues with making highways contributions as part of the application but they had been trying to enter into meaningful discussions with Nottinghamshire County Council, on highway related matters including contributions, over the past eighteen months but had not had much success. As a result, they were not convinced that the figures presented were either reasonable nor evidence based and the suggested contribution figures seemed excessive.*

*The Applicant disagreed with parking shortfall stated but was happy to make contributions but needed the figures to be accurate and evidence based.*

*The Applicant was concerned about the time taken in relation to this application. It was hoped that the matter would be determined with delegated powers to officers to resolve the highways matters accordingly.*

*Officers asked Committee to be aware that this application was different to a separate application previously determined to the north of the same road. That application was for general warehousing and distribution whilst this particular application was for general industrial purposes that gave rise to differing peak time flows and parking requirements which has required further information. Also, when applications of this nature were considered, they were considering the use of the site itself in terms of parking requirements as any planning permission granted would run with the land, not the applicant. The latest highway information had only been provided to the Highway authority a few weeks earlier.*

*Late Item - Highways Responses (continued)*

*Highways had requested deferral to discuss all outstanding matters including the public transport network for buses in relation to improvement plans. Any decisions being taken by the newly formed East Midlands Combined Authority would need to be taken into account alongside operator costs, the continuance of the bus fare cap, outcomes from the Better Buses Bill and grants for eligible bus service operators.*

*Due to the potential shortfall in parking spaces at the site, potential improvements to bus services, cycle and pedestrian routes and general infrastructure were particularly important mitigations to be considered.*

*Due to the above unknowns, it was difficult to determine a suitable developer contribution and could place a potential burden of cost on the District and County Council should the contribution be inefficient to effectively serve the site. This was further impacted by the uncertainty of when Phase 2 would come forward.*

*The Local Transport Authority's preference was for the Developer to lead the procurement and funding of bus services as an in-kind obligation to enable the Developer to meet the necessary modal share. Indicative costs to provide public transport was around £400k per year and the cost would need to be projected for a period of ten years from commencement.*

*In August 2024, the Developer stated (in their technical notes) that for Phase 1 of the development it was proposing to provide high quality infrastructure on existing routes rather than diverting a bus to serve the site. However, this bus diversion option could be considered in the future although Highways had stated that no part of the development should be brought into use until details of the bus turning facility and bus stop installations within the site had been submitted and duly approved.*

*It was also noted that the application had no condition in relation to travel planning which should be incorporated including details of parking turning service areas which would need to be maintained for the life of the development.*

*A final general response stating that the Annesley mini network was difficult to model well, was currently over capacity and its performance would worsen should more development take place. In mitigation, travel plans (including walking and cycling) would need to be secured in order for the development to be justified and should be reflected in the S106 contributions. The shortfall in parking could be overcome with overspill parking in Phase 2 or by reducing the size of the Phase 1 building to allow for additional parking spaces.*

Jamie Pyper, 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 submissions as required.

It was moved and seconded that Members were minded to grant approval subject to the provision of a satisfactory mitigation strategy for the matters relating to transportation.

It was also requested that the application be reported back to the December 2024 meeting of the Committee to enable Members to consider the highways mitigation strategies.

The meeting was adjourned at 11.10am and reconvened at 11.18am.

**2. V/2024/0414, Ashfield District Council, Replacement Of Flood Light Fittings, Kingsway Park, Kingsway, Kirkby in Ashfield**

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

**3. V/2024/0377, Mr I Benzer, Change of Use of Ground Floor From Shop (Use Class E) to Hot Food Takeaway, Installation of Flue to Rear and Associated Internal Works, 8 Church Street, Kirkby in Ashfield**

(In accordance with the Council's Constitution and the Members' Code of Conduct, Councillor Jason Zadrozny had previously declared an 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.)

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:-

*Further comments had been received from the Highways Authority at Nottinghamshire County Council in response to the Agent's observations via a letter dated 25 September. They maintained their objection on highway safety grounds as the mitigation proposed by the Applicant would not overcome impact on the highway network.*

*Additionally, two further comments had been received from residents objecting to the proposal and raising concerns but they did not raise any new material or planning considerations already covered in the report.*

Jack Wilkins, 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 submissions as required.

It was moved and seconded that the application be deferred until the December 2024 meeting of the Committee, to enable further discussions to take place between Planning officers and the Applicant in respect of possible highway mitigation measures.

**4. V/2024/0400, C. Christoforou, Retrospective Consent for the Removal and Installation of a Shop Front. External Changes Including Stairs and Installation of 2No Extractors to the Rear, The Old Post Office, 64 Alfreton Road, Selston**

It was moved and seconded that the application be deferred until the December 2024 meeting of the Committee.

**5. V/2022/0629, Hallam Land Management, Outline planning application (with all matters reserved except access) for a residential development of up to 300 dwellings with associated infrastructure and landscaping. Land at Newark Road/Coxmoor Road, Sutton in Ashfield**

This application was the subject of a Planning Appeal against non-determination. The report was presented to seek a clear view from Members (in private, following closure of the meeting) in relation to the Council's approach to the appeal and whether it would be contested or otherwise.

Alice Weaver, 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.

The meeting closed at 12.20 pm

Chairman.