

**ASHFIELD DISTRICT COUNCIL**



Council Offices,  
Urban Road,  
Kirkby in Ashfield  
Nottingham  
NG17 8DA

## Agenda

### **Planning Committee**

Date: **Thursday, 16th August, 2018**

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Time: **7.00 pm**

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Venue: **Council Chamber, Council Offices, Urban Road,  
Kirkby-in-Ashfield**

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For any further information please contact:

**Lynn Cain**

[l.cain@ashfield.gov.uk](mailto:l.cain@ashfield.gov.uk)

01623 457317

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# **PLANNING COMMITTEE**

## **Membership**

**Chairman:** Councillor Chris Baron  
**Vice-Chairman:** Councillor Phil Rostance

**Councillors:**  
Cheryl Butler  
Tom Hollis  
Keir Morrison  
Mike Smith  
Jason Zadrozny

David Griffiths  
Rachel Madden  
Helen-Ann Smith  
Sam Wilson

## **FILMING/AUDIO RECORDING NOTICE**

This meeting may be subject to filming or audio recording. If you have any queries regarding this, please contact Members' Services on 01623 457317.

## **SUMMONS**

You are hereby requested to attend a meeting of the Planning Committee to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



**R. Mitchell**  
**Chief Executive**

## **AGENDA**

**Page**

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
3. To receive and approve as a correct record the minutes of a meeting of the Planning Committee held on 25th July, 2018. 5 - 8
4. To receive and consider the attached planning applications. 9 - 44
5. Planning Appeal Decisions. 45 - 48
6. National Planning Policy Framework Update. 49 - 56

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## PLANNING COMMITTEE

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

on Wednesday, 25th July, 2018 at 7.00 pm

**Present:** Councillor Chris Baron in the Chair;

Councillors Cheryl Butler, David Griffiths,  
Tom Hollis, Rachel Madden, Phil Rostance,  
Helen-Ann Smith, Mike Smith, Sam Wilson and  
Jason Zadrozny.

**Apology for Absence:** Councillor Keir Morrison.

**Officers Present:** Beth Brown, Lynn Cain, Mick Morley,  
Julie Robinson and Christine Sarris.

### **PC.1 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests**

There were no declarations of interest.

### **PC.2 Minutes**

RESOLVED

that the minutes of the meeting of the Planning Committee held on 17<sup>th</sup> May, 2018 be received and approved as a correct record.

### **PC.3 Town and Country Planning Act 1990; Town Planning Applications Requiring Decisions**

RESOLVED that

1. Application V/2018/0186, C. Berridge, detached garage, 2 Lodge Lane, Kirkby in Ashfield.

In accordance with the Council's Policy for dealing with late matters in relation to planning applications (Minute No. D4.17, 1993/94 refers), the Planning Officer proceeded to give a verbal report as to additional comments received in relation to the application as follows:-

Further letters of objection had been received since the last Committee and the total number of written objections received for this proposal were now 12 from 7 objectors.

The most recent objections received raised no further material considerations than those raised previously. The concerns were still that the building was of a disproportionate size, an inappropriate style, was built on land which was not within the applicant's ownership and was far too close to the boundary of No. 11 Thoresby Avenue. The garage was also claimed to be a monstrosity and was built far larger and higher than what was originally granted planning permission.

The Planning Officer reported that these issues are all discussed in the report and considered in the recommendations.

It is therefore proposed that Condition No. 1 is amended to take into account the revised drawing and an additional condition is attached to any favourable consent to ensure the landscaping is carried out and maintained.

Ms L. Harrison, an objector to the application and Mr. L. Stringfellow on behalf of the applicant, took the opportunity to address the Committee in respect of this matter.

It was moved and seconded that conditional consent be granted as follows:-

### **CONDITIONS**

1. This permission shall be read in accordance with the following plans: Proposed Site Plan and Elevations, Drawing No.T904-PL32 Rev.A received 19/06/2018. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
2. The hereby permitted garage shall be kept available for the parking of motor vehicles at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms and their visitors, and for no other purpose and permanently retained as such thereafter.
3. Trees and shrubs shall be planted in accordance with the landscaping scheme submitted to the Local Planning Authority on 19/06/2018. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning authority gives written consent to any variation.

### **REASONS**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To safeguard the amenities of residents living in the vicinity of the application site.

3. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.

#### **PC.4 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.

Reason:  
To update the Committee on the recent Planning Appeal decisions.

The meeting closed at 7.25 p.m.

Chairman.

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## **BACKGROUND PAPERS AND AVAILABILITY OF PLANS**

Under the terms of the Local Government (Access to Information) Act 1985 the Authority is required to list the background papers used in preparing all recommendations relating to planning applications.

The background papers forming the planning application file include:

- A Planning Application file, incorporating consultation records, site appraisal and records of meetings and telephone conversations.
- B Planning Policy
- C Local Resident Comments
- D Highway Authority Consultation
- E Environmental Health (ADC)
- F Severn Trent Water plc/Environment Agency
- G Parish Council
- H Local Societies
- I Government Circulars/PPGs
- J Listed Building Consultees
- K Other

Letters received prior to preparation of the Agenda are summarised to indicate the main points and incorporated in the Report to the Members. Any comments received after that date, but before 3pm of the day before Committee, will be reported verbally.

The full text of all correspondence is available to Members.

If a member of the public wishes to view any Background Papers an appointment should be made (giving at least 48 hours notice) with the appropriate Officer in the Council's Development Control Section.

## **Site Visits Planning Committee**

Members will be aware of the procedure regarding Site Visits as outlined in the Councils Constitution.

Should any Planning Committee Member wish to visit any site on this agenda they are advised to contact either the Interim Director – Place and Communities or the Corporate Manager by 4pm 10<sup>th</sup> August 2018.

This can be done by either telephone or e-mail and should include the reason as to the request for the site visit. The necessary arrangements will then be made to obtain access to the site or an objector's property, if such is required.

Members are asked to use their own means of transport and those Members attending site visits should meet at the Council Offices at Urban Road at 10am on the Tuesday before Planning Committee. If there is any difficulty in obtaining transport please make contact with the above named officers where alternative arrangements can be made.

C. Cooper-Smith

Interim Service Director – Place and Communities

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## PLANNING COMMITTEE – 16 AUGUST 2018

Page	App No	Applicant	Recommendation	Proposal	Location
<b>Kingsway</b>					
13-26	V/2018/0195	Severn Trent Water Ltd	Approval	Change of Use of Land From Agricultural to Operational and Installation of Reservoir, Two Valve Houses, Land Re-Profiling and Landscaping Works and Alterations to Access	Diamond Avenue Service Reservoir Diamond Avenue Kirkby in Ashfield
<b>Skegby</b>					
27-36	V/2018/0206	Mr S Toye	Refuse	Six Dwellings and Detached Garages Including Access	Land at Hilltop Farm Back Lane Sutton in Ashfield
37-44	V/2018/0385	Rippon Homes Ltd	Refuse	4 Dwellings	Land Adjacent 179 Mansfield Road Skegby

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**V/2018/0195 - Change of Use of Land From Agricultural to Operational and Installation of Reservoir, Two Valve Houses, Land Re-Profiling and Landscaping Works and Alterations to Access**

Map sheet: SK5155



Scale: 1 to 2500

**Diamond Avenue Service Reservoir Diamond Avenue Kirkby in Ashfield**

Ashfield District Council **Kingsway**  
 Urban Road  
 Kirkby in Ashfield  
 Nottingham NG17 8DA

16th Aug 2018

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 Ordnance Survey 100024849

**COMMITTEE DATE** 16/08/2018                      **WARD** Kingsway

**APP REF** V/2018/0195

**APPLICANT** Severn Trent Water Ltd

**PROPOSAL** Change of Use of Land from Agricultural to Operational and Installation of Reservoir, Two Valve Houses, Land Re-Profiling and Landscaping Works and Alterations to Access

**LOCATION** Diamond Avenue Service Reservoir, Diamond Avenue, Kirkby in Ashfield, Nottingham. NG17 7LW

**WEB LINK** <https://www.google.co.uk/maps/@53.0959317,-1.2342931,307m/data=!3m1!1e3>

**BACKGROUND PAPERS** A, B, C, D, E, F, I, K

App Registered 26/03/2018

Expiry Date 20/08/2018

*Consideration has been given to the Equalities Act 2010 in processing this application.*

**This application has been referred to Planning Committee by Councillor Rachel Madden on grounds of the impact on the adjacent residential properties and the wider environment.**

### **THE SITE**

The site is situated to the east of Kirkby in Ashfield town centre and on the south eastern fringes of the urban area. It lies south of B6020 Diamond Avenue and is around 350m west of the junction with the A611 Derby Road. Access is taken from Diamond Avenue and there is parking provision within the site for attendant vehicles.

The site is washed over by Green Belt. It lies immediately east of a residential estate, is bordered by allotments gardens to the east, open farmland to the south and larger individual designed dwellings on the north side of Diamond Avenue.

The existing operational District Service Reservoir [ DSR ] consists of a disused reservoir to the north-west of the access road and an abandoned booster pumping station; two 9.1 megalitre cells in active use; a dosing container, booster pumps and a Motor Control Centre building in the south-east of the existing site; and an area of land to the north previously leased to a private individual(s) for equine

stabling/ grazing purposes. The existing reservoir site is enclosed by a 1.8 metre site security fence.

Positioned slightly above Diamond Avenue, the site is fairly level until close to the southern boundary when the land dips gently to the south into the adjoining farmland. However, there is a more severe slope from the western half of the extended site down towards the boundary with the residential properties on Marshall Avenue.

## **THE APPLICATION**

This is an application for change of use of land from agricultural to operational land for the Water Authority, including the installation of a new 15 megalitre reservoir and also comprising :-

- The extension of the existing operational site to install a new 15 megalitre covered reservoir cell consisting of 3no. equal compartments.
- Two valve houses.
- New security fencing.
- Extension of existing site access road, including turning areas.
- Alteration of access off Diamond Avenue (B6020).
- Re-profiling of land to provide screening for new reservoir.
- Decommissioning of 2no. existing reservoir cells & re-using one for surface water attenuation.
- Temporary working area adjacent to new extended operational land.

The positioning of the proposed new reservoir, south of the existing operational site requires a change in the use of the land from agricultural to operational land. It also represents a further incursion of operational land into what is currently open farmland within the green belt.

The existing site will be extended by around 85m to the south across the full width of the site, equating to around 1.63 hectares. The reservoir will comprise 3No. equal compartments each measuring 42m x 28m. The height of the completed reservoir above existing ground level will vary across the reservoir due to the site's topography but the maximum height at the SW corner will be 3.85m. However, once backfilled, the land is to be re-profiled with the excavated material and, together with the provision of embankments, the visual impact will be significantly mitigated.

The reinforced concrete reservoir will be positioned towards the east of the site, maximizing the distance to the nearest residential properties, Nos 3A & 3B Marshall Avenue, some 70m to the west. It will be secured on the three external sides by a 2m high security fence and hedgerow, as indicated on the submitted drawings.

A temporary working compound will also be required for the duration of the construction works, located immediately adjacent to the newly extended site and this is to be provided as Permitted Development. Once the new reservoir is operational it is proposed to decommission the two existing reservoir cells & re-use one for surface water attenuation from the new reservoir.

The proposed development reduces the potential for disruption to water quality and supply in the area arising from the further deterioration of the existing reservoir cells. The site will allow both the top and bottom water levels of the new DSR to be matched with the existing levels which will further reduce the potential for impact on customer supplies while the supply is switched from the old to the new DSR. It also avoids the potential disruption that would result from the extensive pipeline works that would be required if the new DSR were to be located on another site, not adjacent to the existing site.

## **CONSULTATIONS**

Site Notices have been posted together with individual notification of adjoining residents.

### **ADC Environmental Protection [ Contamination & Land Stability ]**

Not necessary to require a land contamination condition of any permission issued.

### **ADC Landscaping**

The initial comments from the Landscape Team confirmed that the development would have low to moderate impact upon the landscape character and embraces sustainable development principles. The re-profiling of the land and provision of embankments will soften the reservoir and the inclusion of hedgerows around the peripheral fencing and trees between the reservoir and the housing estate to the west would add to this mitigation.

Further information was received from the applicant to clarify some landscaping concerns and the applicant has also conceded to the use of hydra seeding of the reservoir embankment and provision of a tree buffer between the reservoir and the residents to the west, as suggested.

### **ADC Policy**

Both the existing site and the proposed extension land for the new reservoir are situated in the Green Belt. As such ALPR Policy ST4 will apply, which identifies that permission will only be given for sites allocated for development or development appropriate to the Green Belt under Policy EV1.

Policy EV1 of the ALPR sets out that inappropriate development will not be allowed in the Green Belt unless justified in very special circumstances. The National



Planning Policy Framework (NPPF) advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. However, both Policy EV1 and the NPPF in paragraphs 145 and 146 identify exceptions. The Green Belt policy in the emerging Local Plan Publication 2016, (Policy EV1), is reflective of the NPPF and paragraphs 145 and 146.

Under NPPF, paragraph 146 and Policy EV1 of the ALPR, engineering operations are deemed appropriate in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. If development does not preserve the openness of the Green Belt then consideration needs to be given to whether there are very special circumstances that should enable the proposal to proceed. It is for the decision-maker to take a rounded assessment of openness in the context of paragraphs 145 and 146 of the NPPF.

The provision of a quality water supply is a key aspect in terms of infrastructure provision to support the existing and future water requirements for Kirkby-in-Ashfield. In relation to strategic policies, the NPPF para 20 makes it clear that in planning for development there is the need to make sufficient provision for infrastructure including water supply. It is considered that it is important that the future water infrastructure needs for Kirkby-in-Ashfield and the wider area are met to improve water quality and facilitate development in the District.

The proposal is clearly an engineering operation. Therefore while the proposal is within the Green Belt, it is appropriate development under NPPF paragraph 146 and ALPR, Policy EV1.

If the application is not considered to meet the provisions of NPPF paragraph 146 and ALPR Policy EV1, consideration must be given to whether there are very special circumstances to justify granting permission for development. The application also needs to be considered against the impact on the character and amenity of the area under ALPR Policy ST1.

### **ADC Drainage**

No known drainage issues but percolation tests need to be carried out to determine if the use of soakaways are suitable. The LLFA must approve the drainage proposals for the site.

### **Environment Agency**

No comments to make but need to consult the LLFA.

### **Nottinghamshire County Council Flood Risk Management Team**

Initial concerns were raised by the LLFA due to an inadequacy of information. The Drainage Strategy Assessment has been received and the LLFA confirms that this Strategy has addressed all the points previously raised and so have no further objection.

### **Nottinghamshire County Council Planning Strategy**

There are no issues in respect of the Waste Core Strategy but the development should be designed, constructed and implemented to minimise the creation of waste and maximise the use of recycled materials.

The site has low ecological value but recommendations are made that mitigation measures should be secured via condition.

The County Council does not wish to raise any objections to the proposal from a minerals perspective.

### **Nottinghamshire County Council Highways Authority**

The application is a minor proposal where the traffic capacity of the existing highway network will not be a material factor and as such, there are no objections to the development.

### **Natural England**

No objection, unlikely to affect any statutorily protected sites or landscapes.

### **Community Responses**

A total of 8 communications have been received from 2 members of the local community relating to :-

- The potential impact on residential cesspits
- Potential damage to existing drainage systems
- Devaluation of the adjacent houses
- Expected traffic levels and type of vehicles once the development is completed
- What will the structure look like?
- Existing and future surface water run-off into gardens
- Size of development, will they require more reservoirs.
- Impact upon the environment
- Requires tree planting buffer.

A main concern appears to be that of existing surface water run-off into gardens and if and how this may be affected by the development. This element will be discussed, along with the others raised, within the Assessment below.

One of the residents has suggested numerous potential solutions to the problem, including him acquiring land; the creation of a permanent bund / ditch; planting of trees and wildflower meadow etc. However, it must be noted that his property does not directly adjoin the planning application site and so the location for the works he requests would be outside the application boundary and outside the control of STWA. The requests cannot therefore be met and the comments are not therefore relevant to the consideration of this application.

## **POLICY**

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

### **National Planning Policy Framework 2018**

- **Part 2** : Sustainable Development
- **Part 11** : Making Effective Use of Land
- **Part 13** : Protecting Green Belt Land
- **Part 15** : Conserving & Enhancing the Natural Environment

### **Ashfield Local Plan Review 2002 [ ALPR ]**

- **ST1** : Development
- **ST4** : Remainder of the District
- **EV1** : Green Belt
- **EV8** : Trees and Woodlands

### **Ashfield Publication Local Plan 2016**

- **CC2** : Water Resource Management
- **CC3** : Flood risk & Sustainable Drainage Systems [ SuDs ]
- **EV1** : Green Belt
- **S1** : Sustainable Development Principles
- **SD1** : Good Design Principles for Development
- **SD2** : Amenity
- **SD4** : Infrastructure Provision & Developer Contributions

## **RELEVANT PLANNING HISTORY**

- **V/1998/0427** - Construction of Booster Pumping Station. Conditionally Approved 23/11/1998.

## **ASSESSMENT**

In the determination of the application, the main considerations include, the principle of the development and Green Belt issues; drainage & surface water run-off; and impact on local residential amenity. These are considered below.

### **Severn Trent Water Authority [ STWA ]**

STWA is a regulated business with statutory responsibilities for the provision of water and sewerage to over 8 million people. STWA are currently implementing their Asset Management Plan to 2020 which is the mechanism by which the regulator, OFWAT defines in a 5 year capital expenditure programme for all water companies. One of the key drivers of this is to ensure a continuous supply of quality water and the new facility is designed to include for growth up to 2034/5.

The existing District Service Reservoir [ DSR ] structures at Diamond Avenue are subject to water quality risk due to potential contaminant ingress through a deteriorated aluminium roof. There are also issues with leakage, turnover [ period of water storage ], dosing [ inserting additives ] & security.

### **Principle & GB**

The site lies within the Green Belt. Both the extant and emerging local plan policies EV1 and Paragraph 143 of the NPPF 2018 stipulate that inappropriate development in the GB is, by definition, deemed harmful and should only be approved in very special circumstances. However, Paragraph 146 b) of the NPPF 2018 confirms that 'engineering operations' [ which this proposal is classified ] **are not inappropriate providing they preserve the openness of the GB.** The physical presence of development within the GB is not in itself harmful to the openness of the GB within the parameters of Paragraph 146 of the NPPF 2018. Openness should therefore be considered in the round of all other material factors including the type of development proposed.

Whilst the entire reservoir site is within the GB, the proposal entails a further incursion into open farmland beyond the current operational area. Additionally, there are areas of 'redundancy' on the existing site. STWA were therefore requested to confirm why these areas, particularly to the west of the site, could not be re-used for the new reservoir in preference to the extension of land into open countryside.

They confirm that the existing operational reservoir cells must be kept in supply to feed the network demand whilst the new cell is constructed. Hence there is no option to knock them down and replace them in the same location. For similar reasons, the western side of the site is crossed with numerous water supply pipes from the existing cells, providing supplies to the housing to the west and also into the mains along Diamond Avenue. Additionally, there is a Western Power high voltage supply cable entering the site to feed the supply pumps etc and then egressing the site to the west to feed the housing estate.

Additional to the disruption to existing services, the construction of a reservoir on the western side is problematic. With the requisite excavation depth and embankment slope, there is insufficient width of land to site it here. It would also be tight up to the boundary with dwellings on Nest Crescent with potential amenity concerns. Any reservoir in this location would inevitably be excessively elongated. The shape of the cell affects the water circulation in it and thus the overall time the water remains in the tank [ turnover period ]. Stagnation over time causes deterioration in quality. The three structural cells proposed are at the optimum shape and size of 48m x 28m to maintain water quality and achieve the target turnover time of 36 hours.

It is considered that the impact on the landscape character is likely to be low to moderate, essentially created by the change in the land formation. However concerns over the erection of security fencing have been negated by the agreement to include a native species hedgerow around the site periphery and the embankments to the reservoir will soften the structure.

Visual impact plays an important part in the assessment of the impact on openness and the lessor the visual impact, then there is a reduced impact upon the openness. On balance, given the proposed mitigating embankments and hedgerows, other than a change in the slope gradients, the visual impact will be little changed for the residents to the west. Accordingly, it is considered that the development will not adversely affect the openness of the GB and remains in accordance with Policy ST1 of the ALPR.

STWA have also produced convincing technical and operational evidence to demonstrate that developing the new reservoir within their existing areas of redundancy is not feasible and that the proposed incursion into the farmland to the south is their only viable option. Given their operational obligations to maintain a supply of quality water to their customers, together with the circumstances relating to the existing site, it is considered that such justification can reasonably be taken as the very special circumstances required by the 2018 NPPF at Paragraph 143 and that such special circumstances would outweigh any concerns over openness impact.

On balance therefore, the proposal is considered to accord with the requirements of Paragraphs 143, 144 & 146 of the 2018 NPPF and hence meets the requirements of Policy ST1 of the ALPR and Policies EV1 of both the current and emerging ADC local plans.

### **Drainage & Surface Water Run-off**

From community responses, it seems apparent that surface water run-off from the existing farmland is an issue and causes flooding of garden areas. This is worsened when the farmer ploughs in an east-west direction as this funnels run-off along the furrows towards the mutual boundary. This however seems limited to properties on Marshall Avenue since the dwellings on Nest Avenue/Crescent are on higher land and adjoin the operational site of STWA, not the farmland.

Residents were therefore reasonably concerned that the development of the reservoir may worsen this problem.

A Drainage Strategy was received from STWA, prepared in consultation with the Nottinghamshire County Council Lead Local Flood Authority. A temporary drainage system will be installed during construction to capture and discharge surface water run-off to the field to the east of the site, which will be rented for this purpose. Additionally, temporary drainage measures will be put in place during construction to capture and discharge run-off from the site into the eastern part of the temporary working area. A low-level bund will also be installed with a geotextile membrane along the western boundary of the working compound which will protect properties from any surface water run-off arising during the construction of the new reservoir.

Once decommissioned, one of the existing reservoir cells will be used as a soakaway for the run-off from the new reservoir, by perforating the existing base slab to allow infiltration. The cell will also receive additional surface water generated by the new access road and associated facilities. This follows the first choice for sustainable drainage of infiltration.

Given that the reservoir footprint equates to around 42% of the current field area, it can be seen that a similar percentage of the existing run-off will be negated by the development and the drainage treated in a sustainable manner. Whilst the remainder of the field to the west of the reservoir will remain unchanged, the amount of run-off should be significantly reduced and therefore the development will result in benefits for residents currently experiencing surface water run-off issues.

This Drainage Strategy has been vetted by the NCC Lead Local flood authority who confirm that it addresses all of their initial concerns. Accordingly, Part 2 of the NPPF 2018; and Policies CC3, S1 and SD4 of the Emerging Plan 2016 are respected.

### **Impact on Local Residential Amenity**

The proposed reservoir is 70m+ distant from the nearest dwelling to the west taken from the base of the embankment and around 82m at the top of the reservoir. The roof level of the reservoir will be no greater than 3.85m above the existing ground level. This height increase will not however be so noticeable due to the re-grading of the land around the reservoir and the provision of earth embankments all round which will mitigate the visual impact.

The applicant has provided additional pictorial views of the reservoir site to demonstrate the visual impact of the finished installation. In particular, views are taken from the garden level and first floor window level of Nos 5 & 17, Marshall Avenue to the west, representing the nearest dwellings which face onto the development. Two dwellings, 3A & 3B Marshall Avenue are slightly closer but are positioned gable end on to the development.

From these details, it is clear that the impact of the completed works will be marginal and that the re-profiling of the land and embankments created around the reservoir cell will appear little different to the undulations in the rising land .

The proposed fencing around the new works will appear as a utilitarian and stark element in the otherwise open landscape. To soften this effect therefore, the applicant has agreed to planting a hedgerow around the site on the outside of the fencing and the provision of this will be controlled by condition.

Furthermore, community comments have revealed a desire to see some additional tree planting between the reservoir and the western site boundary with the housing estate. The applicant has now agreed to this request and the provision will be assured by condition.

In consideration of all the proposed measures, the scheme is unlikely to create any significant adverse visual impacts for the local residents and their amenity. Accordingly, the proposed development is compliant with Policy ST1 of the ALPR 2002, with Policies S1; SD1 & SD2 of the Emerging Plan 2016 and with the overarching NPPF 2018.

## **CONCLUSION**

STWA has statutory responsibilities for the provision of water and sewerage and are currently implementing a 5 year capital expenditure programme to ensure a continuous supply of quality water.

The NPPF 2018 confirms that engineering operations are not inappropriate development in the Green Belt and that from the evidence submitted with the application and assessment of the landscaping effects, it is, on balance, considered that the proposed development will not materially or adversely affect the openness of the Green Belt.

STWA have also produced convincing technical and operational justification for the choice of site which can reasonably be taken as the very special circumstances required by the 2018 NPPF. Such special circumstances are considered sufficient to outweigh any concerns over the openness impact and potential harm to the Green Belt.

## **RECOMMENDATION : Conditional Approval**

### **CONDITIONS:**

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby approved shall only be carried out in accordance with the details and specifications shown on the drawings and documents submitted, as follows :- :-
  - Site Location Plan No. A6W11902-XA00000, Rev.A, received 23/3/18
  - Existing Site Plan No. A6W11902-PA00100, Rev.B, received 23/3/18
  - Proposed Site Layout Plan No. A6W11902-XA00020, Rev.B, received 23/3/18
  - Proposed Site Access No. A6W11902-XA00021, Rev.B, received 23/3/18
  - Site Layout CDM Plan No. A6W11902-XA00022, Rev.A, received 6/8/18.
  - Reservoir Elevations Sheet 1 of 2, No. A6W11902-PA00110, Rev.B, received 18/6/18
  - Reservoir Elevations Sheet 2 of 2, No. A6W11902-PA00111, Rev.B, received 18/6/18
  - Landscape Plan No. A6W11902-PA00112, Rev.B, received 18/6/18
  - Additional Views & Sections No. A6W11902-PA00113, Rev.A, received 12/4/18
  - Pictorial Views of Site No. A6W11902-PA00114, Rev.A, received 12/4/18

- Topographic Survey Plan received 23/3/18
  - Justification for Location & Configuration of Reservoir, including details of subterranean pipework and power cables, received by email dated 6/7/18.
  - Traffic Management Plan Ref. PH23-DOC-007, dated January 2018
  - Planning, Design & Access Statement, Rev.001, dated March 2018, received 27/3/18
  - Archaeological Desk Study, received 23/3/18
  - Drainage Strategy, dated June 2018, received with email dated 15/6/18
  - Flood Risk Assessment dated January 2018, received 23/3/18
  - Preliminary Ecological Appraisal dated 16/1/18, received 23/3/18.
3. Prior to the completion of the development a scheme of hard and soft landscaping, shall be submitted to and approved by the Local Planning Authority. All planting, seeding or turfing, to include the hydra seeding of the reservoir embankments and tree planting between the reservoir and the western site boundary, indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the commissioning of the reservoir or the completion of the development whichever is the sooner; and any trees, hedgerows or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
4. All preparatory work on site and activities carried out throughout the duration of the construction period shall be carried out in accordance with the recommendations contained within Table 7 of the Preliminary Ecological Appraisal.
5. Unless in the event of an emergency or as otherwise may be previously agreed in writing with the Local Planning Authority, site deliveries and construction work shall only take place during the following hours:
1. 07.30 hrs to 18.00 hrs Monday to Fridays
  2. 09.00 hrs to 13.00 hrs Saturdays
  3. No earth moving operations or use of mechanical equipment shall be carried out before 08.00 hrs Monday to Friday and 09.00 hrs on Saturday.
  4. No work on site whatsoever shall take place on Sundays, Bank or Public Holidays.



6. No development shall commence on site until the arrangements for construction, design and management, as detailed on the Site Layout CDM Plan No. A6W11902-XA00022, Rev.A, received 6/8/18, are in place and are thereafter maintained throughout the construction period.
7. There shall be no storage of any items; parking of machinery; raising or lowering of ground levels; or disturbance of soil under the crowns of the existing trees and in advance of works commencing on site, fencing in accordance with BS5837 shall be erected around all existing trees within the CDM Plan zone and thereafter retained for the duration of the construction period.

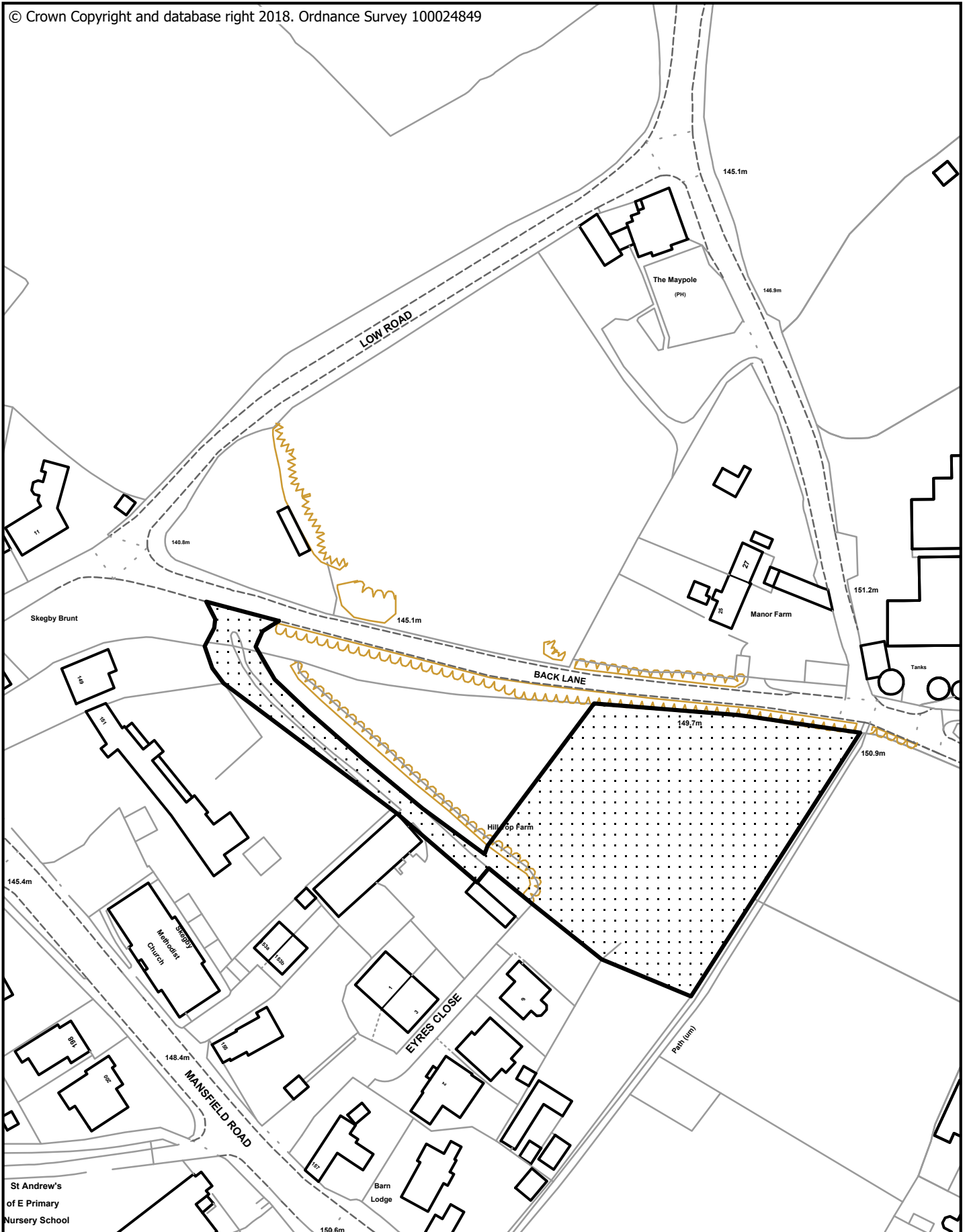
### **REASONS:**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
4. In order to protect the ecology of the area.
5. To safeguard the amenities of residents living in the vicinity of the application site.
6. In the interests of the amenities of local residents and the wider environment and in the interests of highway safety.
7. To ensure that the existing trees are adequately protected during the period when construction works take place on the site.

### **INFORMATIVES**

1. The applicant is advised to contact Ashfield District Council's Environmental Health Section to discuss the proposal prior to the commencement of the decommissioning of the redundant reservoir cell [s]
2. The development makes it necessary to construct/improve a vehicular crossing over a verge/footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>.

3. Landowners, individual property owners and users are responsible for managing the drainage of their own land. The applicant must satisfy themselves that drainage is managed in such a way as to prevent adverse impacts of neighbouring land. The Council take no responsibility for incorrect information or interpretations made by the applicant or their representatives. The responsibility for the checking of the design, calculations and details remain with the developer, or agent acting on their behalf. For further detail on the decision please see the application report by contacting the Development Section on 01623 457388.



**V/2018/0206 - Six Dwellings and Detached Garages Including Access**

**Land at Hilltop Farm Back Lane Sutton in Ashfield**

**Skegby**

Ashfield District Council  
Urban Road  
Kirkby in Ashfield  
Nottingham NG17 8DA

Map sheet: SK4960NE

16th Aug 2018



Scale: 1 to 1250

**COMMITTEE DATE**    16/08/2018                      **WARD**        Skegby

**APP REF**                      V/2018/0206

**APPLICANT**                S Toye

**PROPOSAL**                Six Dwellings and Detached Garages Including Access

**LOCATION**                    Land at Hilltop Farm, Back Lane, Sutton in Ashfield,  
Nottinghamshire, NG17 3DY

**WEB LINK**                    <https://www.google.co.uk/maps/search/Back+Lane,+Sutton+in+Ashfield/@53.4355799,1.2268907,320m/data=!3m1!1e3>

**BACKGROUND PAPERS**    A, B, C, D, E, F, J, K

App Registered 03/04/2018                      Expiry Date 28/05/2018

*Consideration has been given to the Equalities Act 2010 in processing this application.*

*This application has been referred to Planning Committee by Councillor Helen-Ann Smith to discuss policy implications.*

### **The Application**

This is a full application for the erection of six dwellings, two detached garages and an access road. This site forms part of a larger site which the Council is proposing to take forward as a housing allocation (for up to 20 dwellings) in the emerging Local Plan (Site ref. SKA3k Hilltop Farm). Most recently, the site was granted outline consent, with all matters reserved, for the erection of six dwellings (V/2017/0212).

### **Consultations**

Following the application being validated, site notices were posted together with individual notifications of surrounding residents. The application was also advertised as development which may affect the setting of a Listed Building (Grade II Listed Manor Farmhouse, Back Lane).

During the course of the application, amended plans were received and a second round of consultations undertaken. A further site notice was erected, together with individual notification of surrounding residents. Below is a summary of the responses received:

### **1<sup>st</sup> Round of Consultation**

**A.D.C Environmental Health** – No objections.

**A.D.C Drainage** – No known drainage issues with the site.

**A.D.C Tree Officer** – Suggests that a condition should be applied to ensure the hedges concerned are adequately protected through the course of development.

**A.D.C Conservation Officer** – Object to the application. The limited views between, and the relationship of the site with the grade II listed buildings means that the development will not be substantially harmful, provided that the hedgerow is retained. However, the design and layout does little to reflect the historic agricultural character of the site and, as such does little to preserve the setting of the Grade II Manor Farm.

**Nottinghamshire Wildlife Trust** – No comments.

**Natural England** – No comments.

**Historic England** – No comments.

**Severn Trent** – Request a condition for drainage plans to be submitted.

**NCC Highways** – The Highways Authority has advised on all previous applications for residential development that the site is unsustainable. Back Lane is substandard in highways design terms, containing no footways along either side or even a walkable verge linking the site to the local school or shops. The nearby roads are also dimly lit. The proposal would therefore result in dangers to both pedestrians and vehicles using the public highway to gain access to the site.

**NCC Rights of Way** – Object to the planning application as they do not support a narrow path linking the development site to the Sutton in Ashfield Parish Foot Path No.5, which runs alongside the eastern boundary.

### **2<sup>nd</sup> Round of Consultation**

**Historic England** – No comments.

**NCC Highways Authority** – The Highways Authority maintain an objection against this development on the grounds of sustainability and road safety. Insufficient information has also been submitted in respect of the site access - in the form of a topographical survey and visibility splays in the horizontal and vertical planes. The layout is also unacceptable, as no turning facility has been provided.

**NCC Rights of Way** – No objections, however request a condition that the public footpath remains unaffected.

**Teversal Skegby and Stanton Hill Neighbourhood Forum** –Raise concerns regarding the development affecting the setting of Manor Farm (grade II listed) and 151 Mansfield Road (a locally listed building).

### **Policy**

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

#### **Ashfield Local Plan Review 2002**

ST1 – Development  
ST4 – Remainder of the District  
EV2 – Countryside  
HG4 – Affordable Housing  
HG5 – New Residential Development  
HG6 – Public Open Space in New Residential Developments

#### **Ashfield Local Plan Publication (2016)**

S1 – Sustainable development principles  
S2 – Overall Strategy for growth  
SKA3 – Sutton and Kirkby Housing Allocations  
EV6 – Trees, Woodland and Hedgerows  
EV10 – The Historic Environment  
SD2 – Amenity  
SD9 – Traffic Management and Highway Safety  
SD10 - Parking

#### **Teversal, Stanton Hill and Skegby Neighbourhood Plan Area.**

NP1 – Sustainable Development  
NP2 – Design Principles  
NP3 – Housing Type

#### **National Planning Policy Framework (2018)**

Part 4 – Decision Making  
Part 5 – Delivering a sufficient supply of homes  
Part 9 – Promoting a sustainable transport  
Part 12 – Achieving well-designed places  
Part 16 – Conserving and enhancing the historic environment.

**Supplementary Planning Document – Residential Design Guide**  
**Supplementary Planning Document – Residential Car Parking Standards**

**Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 19**

## **Relevant Planning History**

**V/1980/0111** – Site for residential development. Outline Refused 15.14.1980

**V/2013/0416** – Outline application for 6 dwellings. Outline withdrawn 12.09.2013

**V/2014/0075** – Outline application for 6 dwellings. Outline withdrawn 02.04.2014

**V/2016/0656** – Outline application with all matters reserved for a maximum of 6 dwellings. Outline application Refused 20<sup>th</sup> January 2017

Outline application V/2016/0656 refused permission for the erection of 6 dwellings on the grounds of highway safety, the proposal representing an inappropriate form of development in the countryside, not representing sustainable development and insufficient information being submitted to enable a proper assessment of the impact of the proposal on the nearby Grade II Listed Building.

**V/2017/0212** - Outline Application with All Matters Reserved for a Maximum of 6 Dwellings. Approved 31<sup>st</sup> July 2017.

The Planning Committee considered that the proposal would not adversely affect highway safety and would amount to sustainable development. It was also considered not to represent piecemeal development, or that it would adversely impact on the character and openness of the countryside.

### **Comment:**

The main considerations in determining this application relate to the principle of development, visual amenity, residential amenity, highways safety and the impact upon the nearby Listed Building.

### **Principle of Development**

The application site is located in the Countryside as defined by Ashfield Local Plan Review 2002. Under Policy ST4, permission will only be given for development outside the main urban areas and named settlements where it is on an allocated site or is development appropriate to the Countryside (Policy EV2).

The application site has however been allocated within the Ashfield Local Plan Publication (2016) under reference SKA3k – for a maximum of 20 dwellings. Previous outline application V/2017/0212 granted consent on this site for 6 dwellings and the principal of development is therefore considered to be acceptable.

### **Impact upon Listed Building**

The application site is considered to be within the setting of the Grade II listed Manor Farmhouse. This property is a 17<sup>th</sup> century stone built farmhouse and associated buildings, one such building is part ruinous and sits to the back of verge along Back Lane. This building can be considered to be listed by its curtilage association with the Grade II farmhouse.

Whilst there are views between the ruinous building and the application site, the visual connection between the site and the principal listed building is much reduced due to the house being surrounded by boundary walls and screened by the ruinous building.

Manor farmhouse, as the original use of the building implies was originally set in countryside. Mid-20<sup>th</sup> century housing development however significantly encroached on the rural character of the area, but not to such an extent that it has been totally lost. Fields such as the application site, its adjacent field and land to the rear of Manor Farmhouse (quarried during the 19<sup>th</sup> century) all help to retain a rural character and contribute to the historic setting of the farmhouse.

The development of the application site for residential housing shall further erode the rural character and thus result in some harm to the setting of the house. This harm however, is not deemed substantial enough to sustain a reason to refuse planning permission, especially when considering the Planning Inspectorate's decision (Appeal Decision APP/W3005/A/13/2200723) for the neighbouring land and the impact on the setting of the listed building.

The Councils Conservation Officer initially objected to the application raising concerns over the design of the properties, potential vehicle access barrier and whether or not the hedgerow would be retained. The applicant has submitted an updated plan showing the roadside barrier removed and the majority of the hedgerow to be retained and the Conservation Officer has removed his objection. There would however be the creation of a pedestrian gated access onto Back Lane, with a section of the Hedgerow being removed to facilitate access. The details of the gates access and boundary treatments to the footpath/plots could be provided through condition.

The proposed dwellings would be of modern appearance, somewhat out of keeping with the historic agricultural character of the site, however these would be similar to those approved on the adjacent site. The limited views between, and the relationship of the site with the grade II listed building means that development at the site will not be substantially harmful to the setting of the listed building, provided that the hedgerow is retained. Bearing these factors in mind, the proposal is considered to result in much less than substantial harm to the significance of the Listed Building. In coming to this view section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies contained in section 16 of the NPPF and the Planning Inspectorate's decision on the adjacent site have been considered.



### **Residential Amenity**

The proposed dwellings, due to their separation distance to neighbouring properties, would not result in any harmful impacts by way of them being overbearing, overshadowing or through a loss of privacy.

The internal floor area and external amenity space of each of the proposed dwellings would meet the Councils minimum required standard as set out within the Councils Supplementary Planning Guidance (2014). The development would therefore provide a good standard of living accommodation for future occupiers.

### **Character and Appearance**

The application has been considered in accordance with Part 12 of the NPPF (2018) achieving well-designed places. The proposed house and garage design is standard in appearance and similar to those approved on the adjacent site. The majority of road side bank and hedge are shown to be retained and this would largely screen the housing from Back Lane, thereby retaining the lanes countryside character. The application site is however located at a higher level than Back Lane (approx. 1 – 2m) and details of finished floor levels need to be provided to ensure its assimilation into the street scene. Overall, there are no concerns regarding the design of the dwellings adversely harming the character and appearance of the area.

### **Highways Safety**

The Highways Authority have objected to the planning application, raising the following issues:

#### *The Principal of the Access from Back Lane*

The proposed access to the site would be from Back Lane, which is substandard in highway design terms and would require extensive improvements to be considered safe and sustainable. There are no public footways, walkable verges or refuge points linking the site to the local school and shopping facilities. The lack of footway links to the rest of village therefore results in an unsustainable form of development.

The existing street lighting is also insufficient, and would result in pedestrians walking from the site along dimly lit stretches of the narrow carriageway, through a series of bends, where forward visibility is extremely restricted. A footpath has been proposed within the site, however this would lead out onto Back Lane, at a juncture where there is no footpath. The proposal is therefore highly likely to result in an increased likelihood of conflict between pedestrians and vehicles within the vicinity.

#### *Access*

A site access drawing has been submitted showing visibility splays in the horizontal plane. However, these pass over an existing embankment and therefore visibility has not been demonstrated.

A topographical survey of the area and visibility splays in the horizontal and vertical planes is required to demonstrate the access would be safe. Whilst it is accepted that the access is existing, the residential development may intensify the use and increase the risk of any conflict.

In order to overcome the issue of there being not footpaths provided on the main access road, the applicant has attempted to provide a private path exiting onto Back Lane. The proposed path however is very narrow and at 1.2m in width this would not allow two people to pass, especially if someone was pushing a pram, or a wheelchair user. The path is also not overlooked by any surrounding properties, nor has any lighting being proposed, therefore raising further safety concerns.

### *Layout*

The Highways Authority advise that developments of more than 5 dwellings are required to have an internal layout to adoptable standards. However, the layout as shown is not acceptable, as there are no turning facilities within the development. This has the potential for vehicles being forced to reverse a long distance and back out on to highway. Even if the development is to remain private and a private maintenance agreement is entered in to, the ability for vehicles to enter and exit the site in a forward gear is fundamental to acceptance.

### *Insufficient Information*

Although additional information has been requested from the Highways Authority, for the applicant to provide a turning circle and topographical survey to demonstrate visibility splays; the applicant has refused to provide such information. This is a full planning application and it is considered that the level of detail supplied is insufficient to enable a full assessment.

Overall, it is considered that proposal would be harmful to highways safety. The proposal would therefore be contrary to policy ST1 of the LP, which seeks to ensure that development will not adversely affect highway safety. It would also conflict with Emerging Plan Policy SD9, which highlights that development will be supported where (e) it is legible and provides safe, direct and effect access for pedestrians ... and (f) it is safe and convenient, and the site is well connected to the surrounding area and to public transport. The proposal would also be contrary to revised NPPF paragraphs 109 and 110.

### **Other Issues**

#### *Public Footpath*

A public footpath runs along the eastern boundary of the site; originally the NCC Rights of Way team objected as a path from the proposed site joined directly into the public path. The NCC Rights of Way team raised crime and raising safety concerns over a narrow path running behind houses, with no overlooking.

The scheme has been altered with the pedestrian path no longer shown to be running directly into the public footpath, and now exiting onto Back Lane. No further objections have been raised from the NCC Rights of Way team.

### *Drainage*

The site is not located within either flood zones 2 and 3 and should the principle of development be considered acceptable, a condition would be recommended for the submission of an appropriate drainage scheme.

### *Impact on Locally Listed Building*

It has been brought to the Council's attention that the development may adversely impact upon a building, which features on the local heritage list (151 Mansfield Road). Although the proposed dwellings would be set at a higher level, these would be located approx 70m away and the separation distance is considered sufficient to mitigate any harm to the setting of the local heritage asset.

### **Conclusion:**

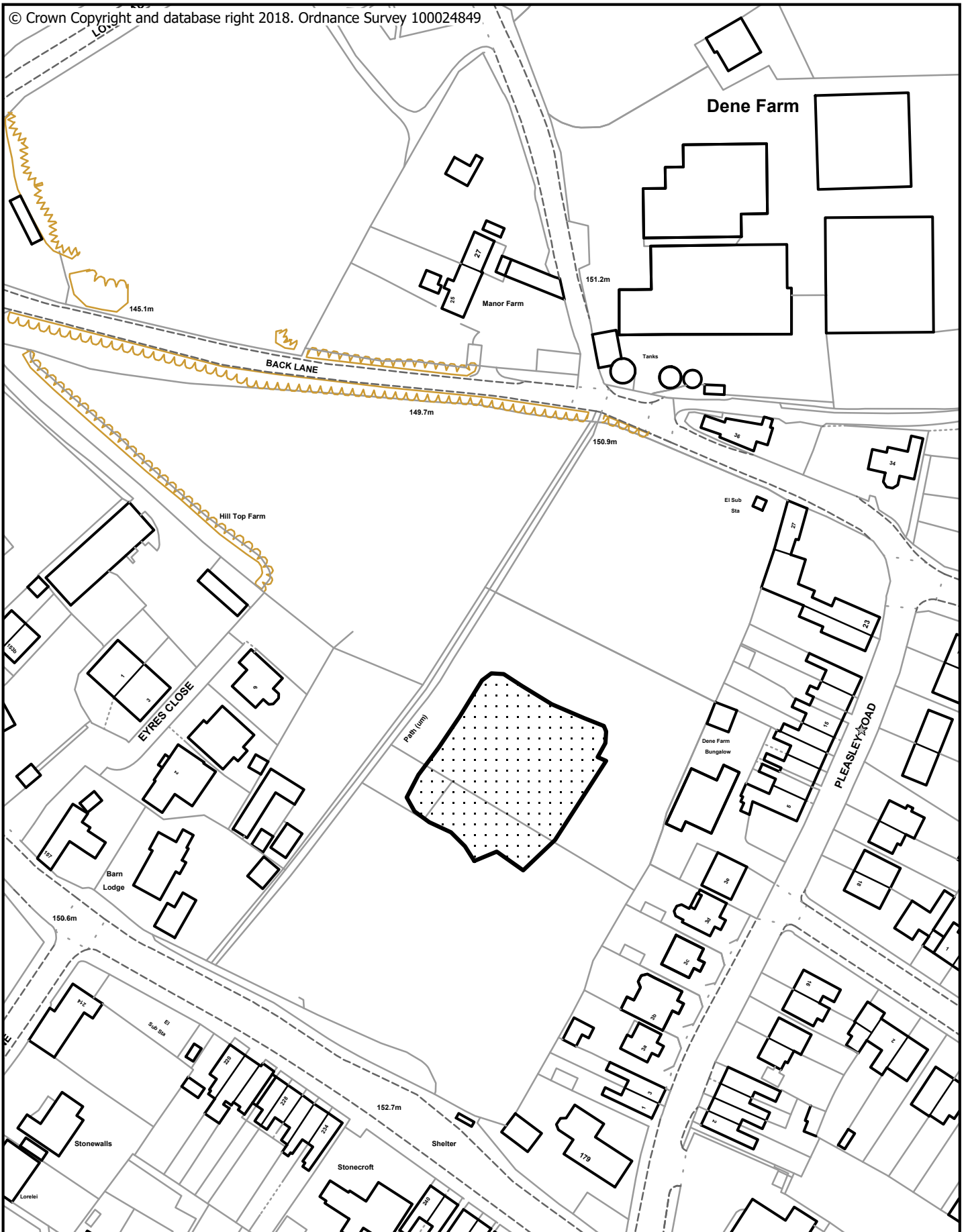
It is recognised that the principal of development for six dwellings has been accepted through the Outline Consent. However, this is a full planning application and has been assessed on its planning merits. The proposed access to the site from Back Lane is substandard with no defined footpaths linking the site to the local shops. Consequently, the development, as proposed, is unsustainable. The applicant has also failed to demonstrate the acceptability of the access, with no defined turning area also being provided. The Highways Authority have objected to the application and it is considered the development would have a significant detrimental impact upon highways safety.

It is therefore considered that this application does not accord with the relevant saved policies contained within the Ashfield Local Plan Review 2002, the Ashfield Emerging Local Plan (2016) and also national policy as set out within the National Planning Policy Framework 2018. It is therefore recommended this application is refused.

### **Recommendation: - Refuse Planning Permission**

The scheme fails to make adequate provision for safe vehicular and pedestrian access in the form of public footways, walkable verges, refuge points and street lighting for future users. The form of development being proposed is therefore unsustainable and the proposal would result in a detrimental impact on the free and safe movement of traffic and pedestrians within the locality to the detriment of highway safety. It is therefore considered that this proposal is contrary to Saved Policy ST1 of the Ashfield Local Plan Review 2002, Policy SD9 of the Ashfield Emerging Local Plan and Part 9 of the National Planning Policy Framework (2018).

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**V/2018/0385 - 4 Dwellings**  
**Land Adjacent 179 Mansfield Road Skegby**  
**Skegby**

Ashfield District Council  
Urban Road  
Kirkby in Ashfield  
Nottingham NG17 8DA

Map sheet: SK4960NE

16th Aug 2018



Scale: 1 to 1250

**COMMITTEE DATE**    16/08/2018                      **WARD**        Skegby

**APP REF**                      V/2018/0385

**APPLICANT**                      Rippon Homes Ltd

**PROPOSAL**                      4 Dwellings

**LOCATION**                      Land Adjacent 179 Mansfield Road Skegby Sutton in Ashfield Nottingham

**WEB LINK**                      <https://www.google.co.uk/maps/search/pleasley+road/@53.1430769,-1.2557729,18z>

**BACKGROUND PAPERS**    A B C D E

App Registered 18/06/2018                      Expiry Date 12/08/2018

***Consideration has been given to the Equalities Act 2010 in processing this application.***

***This application has been referred to Planning Committee by Councillor Helen-Ann Smith to discuss policy implications and concerns over loss of open space and by Councillor Cheryl Butler due to concerns over loss of open space.***

**The Application**

This is a full planning application for the erection of four residential properties on land previously approved to be open space within the layout for 36 dwellings approved under Reserved Matters Application V/2015/0533.

**Consultations**

Site Notices have been posted together with individual notification of surrounding residents.

6 Residents have made comments which are summarised below:

- Loss of green space, which was the Planning Inspectors reasoning for allowing garden sizes failing to meet the Councils minimum required standards.
- The open space would be a shared space for the community and would help protect air quality and wildlife.
- Policy HG3 would allow a developer to contribute to other public open space, however this would assume the garden standards are met.

- The application site is located on the urban fringe and open space would reflect this.
- Rising obesity levels means the space should be provided for young children.
- The loss of open space would be contrary to the NPPF (2012) part 74
- The properties are already being made available for sale.
- Local primary schools are oversubscribed.
- The developer is showing a disregard for residents and guidelines.
- The proposal does not provide a good housing mix contrary to the NPPF and Neighborhood Plan.
- Some of the properties/room sizes of the proposed dwellings fall below the national space standards and the Councils SPD.
- Floor level details have not been supplied.
- No details submitted in respect of boundary treatments.
- The house types on the plan/document do not match.
- The garage sizes are substandard, and there is a lack of occupier and visitor parking provision.
- There is already a high demand for parking in the vicinity and this would exacerbate the issue.
- The additional dwellings represent an overdevelopment of the site.

**NCC Rights of Way** – No objections, however Sutton in Ashfield Parish Public Footpath No.5 should remain open at all times, unless subject to appropriate diversion/closure orders.

**NCC Highways** – have stated their Standing Advice is considered to be appropriate in respect of this proposal.

### **Policy**

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

### **The National Planning Policy Framework (NPPF) 2**

Part 4 – Decision-making

Part 5 – Delivering a sufficient supply of homes

Part 8 – Promoting healthy and safe communities

Part 9 – Promoting sustainable transport

Part 12 – Achieving well-designed places

### **The Ashfield Local Plan Review 2002 (ALPR)**

ST1 – Development

ST4 – The remainder of the District

EV2 – The countryside

HG3 – Housing density

HG5 – New residential development

HG6 – Public Open Space in new residential developments

### **Ashfield Publication Local Plan (2016)**

S1 – Sustainable Development Principles

S2 – Overall Strategy for Growth

SKA3 – Sutton & Kirkby Housing Allocations

HG4 – Housing Mix

HG5 – Housing Density

SD1 – Good design considerations for development

SD2 – Amenity

### **Teversal, Stanton Hill and Skeby Neighbourhood Plan 2016 – 2031**

NP1 - Sustainable Development

NP2 - Design Principles for Residential Development

NP3 - Housing Type

### **Supplementary Planning Document – Residential Design Guide (2014)**

### **Supplementary Planning Document – Residential Car Parking Standards (2014)**

### **Relevant Planning History**

**V/2012/0556** - Outline Application for residential development for a maximum of 37 dwellings. Approved On Appeal.

**V/2015/0533** - Application for the approval of reserved matters (following the grant of outline approval - V/2012/0556) for 36 dwellings with associated access, appearance, landscaping, layout and scale. Approved On Appeal.

**V/2016/0462** - Application For Approval of Reserved Matters Application V/2012/0556 For Residential Development. Approved, however this is not being implemented

**V/2017/0134** - Application for Approval of Details Reserved by Conditions 3, 4, 5, 6, 7, 8, 9 10 and 11 of Planning Permission V/2015/0533

**V/2017/0645** - Variation of Condition 2 of Planning Application V/2015/0533 - Substitute House Type to Plots 14 – 19. Refused. 17/04/2018.

**V/2017/0646** – Erection of Dwelling. Recommended for approval at Planning Committee, awaiting S106 agreement before issuing decision.

**V/2018/0092** – Variation of condition 2 of planning permission V/2015/0533 substitute house type to plots 5 – 9. Recommended for approval at Planning Committee, awaiting S106 agreement before issuing decision.



## **Comment:**

The main considerations in the determination of this application are the, loss of proposed public open space, impact upon the character and appearance of the area, residential amenity and highway safety. These are discussed in turn below.

## **Background to the Site**

An outline consent was granted on appeal in December 2013 for a residential development of up to 37 dwellings at this site. A subsequent Reserved Matters application was then approved, also on appeal, for a layout which contained 36 dwellings.

A second Reserved Matters application, which proposed an alternative layout was approved by Planning Committee in December 2016. The applicant has however decided to implement the first Reserved Matters approval.

A further application seeking to vary plots 14 -19 was refused on the basis of an adverse impact upon a neighbouring property; separate applications to vary plots 5 – 9 and add an additional (37<sup>th</sup>) dwelling were, however, resolved to be approved by Planning Committee.

## **Loss of Proposed Open Space**

The application proposes the erection of four residential properties and two detached garages on the area approved as public open space within the original layout.

In allowing the layout at reserved matters stage (Ref V/2015/0533); the Planning Inspector noted that 'whilst some of the proposed plots would not meet the exact local standards for external amenity space ... there would be a centrally located area of public open space within the development that would provide an additional area for children to run around and play on'. The shortfall in garden sizes was therefore tempered by the provision of the public open space and formed an integral basis for allowing the appeal. This public open space, in particular, is well suited by younger people because it provides an area which is easily observed and has a high degree of natural surveillance. The failure to provide this area of public open space would reduce the amenity provision and therefore harm the living conditions of future occupiers. The proposal would therefore conflict with Policy HG5 of the Ashfield Local Plan Review (2002), Policy SD2 of the Ashfield Local Plan Publication (2016) and paragraph 127 of the NPPF (2018).

The public open space will also play an important role within the community, offering opportunities for people to socialise and meet. In this regard, paragraph 92 of the NPPF (2018) highlights that planning policies and decisions should plan positively for the provision and use of shared spaces, to enhance the sustainability of communities and residential environments. In a similar vein, the Emerging Local Plan paragraph

11.31 also highlights that open green space plays a vital role in helping creating sustainable communities. Accessible green spaces are highly valued assets and its removal would undermine support for a strong vibrant and healthy community. As well as the provision of open space, the applicant also proposes the planting of trees along the perimeter as part of the landscape strategy. The provision of tree planting would provide Ecological benefits and this was recommended in the Ecology report which accompanied the outline approval.

The original outline planning application, was supported by an illustrative layout plan, which proposed an area of open space and by a unilateral undertaking under Section 106 of the Town and Country Planning Act (1990), which included a contribution for open space improvement (£2,500 per dwelling). The provision of the open space however formed a vital part of the scheme, which the Inspector commented on in the decision at outline stage and was further proposed at Reserved Matters stage.

### *Character and Appearance*

Whilst the design of the proposed properties appears in keeping with those across the development, the loss of open space would significantly undermine the character and appearance of the development site. The public open space acts as a focal point for the development, due to its central location and appears akin to a village green. Its loss and replacement with housing would harm a core design concept and results in a poor balance between green space and built form. Bearing in mind the previous usage of the site (agricultural) and its location close to open countryside to the north, the public open space helps to marry the modern housing layout into the character of the area. The public open space makes a strong positive contribution to the future street scene and its removal would result in significant harm to the character and appearance of the area and as such the application would be in conflict with policies contained within the Emerging and Adopted Local Plan(s) and the NPPF (2018).

### **Residential Amenity**

As outlined above, the proposal would harm the living conditions of future residents through the failure to provide the public open space. Although concerns have been raised regarding some of the rooms sizes in the proposed properties falling below national and local space standards – these are similar to those approved across the development site.

The garden sizes would, in this case, meet the minimum required standard and overall these dwellings would provide adequate living conditions for future residents. The separation distance and angle of the proposed dwellings to the approved properties at the rear would also ensure there would be no overlooking, overshadowing or overbearing impacts. The plots boundary treatments and floor levels could be controlled through an appropriately worded condition.

## **Highways Safety**

The creation of the new site access off Mansfield Road is a major concern to local residents, however this has been thoroughly assessed by the Planning Inspectorate in two appeal decisions. The proposal would intensify the use of the access, to provide an additional four properties, taking the total number to 41, however it is considered that it would not be to a degree that would harm highways safety.

Where the new estate road meets Mansfield Road, the main road is relatively straight with good sightlines and the visibility splays approved are in excess of the 6 C Design Guide. The Planning Inspectors, at two appeals, were satisfied that local traffic conditions would mean a safe and suitable access from Mansfield Road could be provided. There is no evidence to suggest that the access would have insufficient capacity to cope with the additional traffic generated by four properties. As such, the additional traffic would not amount to a severe impact that would warrant a refusal of planning permission on highways safety grounds. The Nottinghamshire County Council Highways Authority have been consulted and referred to standing advice. Accordingly; the proposal is considered not to adversely affect highways safety.

The application proposes three, three bed roomed and one, four bed roomed dwelling. The three bed properties would each be served by a minimum of two car parking spaces and as such would meet the required standard set out in the Councils Residential Car Parking SPD (2014). The four-bedroom property would feature two spaces on the drive, and a detached garage, which is the same specification as the garages granted on appeal for the site.

## **Other Issues**

A resident has raised concerns that the proposal would fail to provide an adequate housing mix contrary to the requirements of the Neighbourhood Plan. Policy NP3 of the Neighbourhood Plan identifies that proposals for housing schemes are required to deliver a housing mix that reflects local identified need. The identified local need is contained in the Emerging Local Plan Policy HG4, which is subject to main modification and therefore can be afforded little weight. Although it is considered that the scheme proposed as a whole does not meet its required housing mix, because of the limited weight that can be afforded to this policy - it is considered that this would not amount to a reason to refuse planning permission.

A local resident has raised concerns surrounding local primary schools being oversubscribed. Should this application be ultimately found acceptable, it is envisaged that a further undertaking, made under Section 106 of the 1990 Act, will be required securing further contributions towards education and open space. The development would already meet the requirements for the provision of affordable housing.

A number of concerns have also been raised regarding the properties already being offered for sale by the developer. This has not prejudiced the planning process and the offering of these would be at their own risk.

**Conclusion:**

The development would result in a failure to provide an area of public open space within the development site. The provision of this open space formed an integral aspect of allowing a scheme with gardens falling below the required standard. Its loss would result in harm to the amenity standards of future occupiers, undermine support for a strong vibrant and healthy community and harm the character and appearance of the area. The development would therefore fail to comply with the relevant policies set out within the Emerging and Adopted Local Plan(s) as well as advice contained within the NPPF (2018).

**Recommendation: - Refuse**

1. The development would result in the loss of a proposed area of public open space, where its provision formed an integral part of allowing a scheme with gardens falling below the required local standard. Its loss would result in harm to the living standards of future occupiers and undermine support for a strong vibrant and healthy community. The proposal would therefore conflict with Policy HG5 of the Ashfield Local Plan Review (2002), Policy SD2 of the Ashfield Local Plan Publication (2016) and paragraphs 125 and 127 of the NPPF (2018).
2. The site occupies a prominent position within the centre of the development site, and is considered to make a strong positive contribution to the future appearance of the street scene as public open space. The loss of public open space and replacement with housing would result in significant harm to the character and appearance of the area be in conflict with Policies ST1 and HG5 of the LP (2002), Policy SD1 of the Emerging Plan (2016) and Paragraph 127 of the NPPF (2018).

<b>Report To:</b>	<b>Planning Committee</b>	<b>Date:</b>	<b>16 August 2018</b>
<b>Heading:</b>	<b>PLANNING APPEAL DECISIONS</b>		
<b>Portfolio Holder:</b>	<b>LEADER OF THE COUNCIL</b>		
<b>Ward/s:</b>	<b>HUCKNALL WEST, CENTRAL AND NEW CROSS</b>		
<b>Key Decision:</b>	<b>No</b>		
<b>Subject to Call-In:</b>	<b>No</b>		

### **Purpose of Report**

To inform Members of recent Planning Appeal Decisions.

### **Recommendation(s)**

**To Note the Appeal Decisions.**

### **Reasons for Recommendation(s)**

To bring to Members attention the recent Appeal Decisions.

### **Alternative Options Considered**

*(with reasons why not adopted)*

N/A

### **Appeal Decisions**

#### **Planning Application - V/2017/0669**

**Site** – 13a Station Road, Sutton in Ashfield.

**Proposal** – Application to vary condition 9 of V/2003/0974 to change store opening hours to Sunday to Thursday 11:00am to midnight and Friday to Saturday 11:00 to 03:00am the following morning.

#### **Appeal Decision** – Dismissed

The Inspector considered later opening times would significantly affect the amenities of neighbouring residents especially with the car park and access being immediately adjacent residential properties. The appellant suggested that a reduction in morning hours and the fact that similar uses in Sutton in Ashfield open similar hours to that proposed were considered not to outweigh the harm caused by the extended hours on a Friday and Saturday in this location.

**Site** – Stubbinwood Farm, Watnall Road, Hucknall.

**Proposal** – Conversion and extension of existing barn to form residential dwelling.

**Appeal Decision** – Dismissed

The Inspector agreed with the Council’s consideration of the appeal building to be of a substantial construction and that the change of use in itself is not inappropriate development. However having regard to the overall size of the extension including its external dimensions, height, volume, and floor area relative to the original building the Inspector considered the proposal to be disproportionate and therefore inappropriate development in the Green Belt resulting in harm to the openness and contrary to relevant paragraphs of the Framework.

**Implications**

**Corporate Plan:**

Reporting these decisions ensures we are open and transparent in our decision making process.

**Legal:**

Legal issues relating to specific planning appeals are set out in the report. As the report is for noting, there are no legal issues associated with the recommendation in the report.

**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk: N/A**

Risk	Mitigation

**Human Resources:**

No implications

**Equalities:**

*(to be completed by the author)*

None

**Other Implications:**

*(if applicable)*

None

**Reason(s) for Urgency**

*(if applicable)*

N/A

**Reason(s) for Exemption**

*(if applicable)*

N/A

**Background Papers**

*(if applicable)*

None

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**INTERIM DIRECTOR – PLACE AND COMMUNITIES**

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<b>Report To:</b>	<b>Planning Committee</b>	<b>Date:</b>	<b>16th August 2018</b>
<b>Heading:</b>	<b>NATIONAL PLANNING POLICY FRAMEWORK UPDATE</b>		
<b>Portfolio Holder:</b>	<b>LEADER OF THE COUNCIL</b>		
<b>Ward/s:</b>	<b>ASHFIELD</b>		
<b>Key Decision:</b>	<b>No</b>		
<b>Subject to Call-In:</b>	<b>No</b>		

## **Purpose of Report**

To inform Members of the implications arising from the revised National Planning Policy Framework (NPPF), published by the Government on 24<sup>th</sup> July 2018.

## **Recommendation(s)**

The Committee notes the contents of the Report.

## **Reasons for Recommendation(s)**

To bring to Members' attention the more significant implications arising from the revised NPPF.

## **Alternative Options Considered**

*(with reasons why not adopted)*

Not applicable.

## **Detailed Information**

The Ministry for Housing, Communities and Local Government (MHCLG) issued the revised National Planning Policy Framework (NPPF) on 24<sup>th</sup> July and it came into effect on publication. It follows on from consultations on the draft NPPF, the Housing White Paper: Fixing Our Broken Housing Market and Planning for the Right Homes in the Right Places.

In addition to new policy areas, there have also been changes to policy wording from the NPPF 2012. Some of the key implications are set out below. It should be noted this is not a definitive list and reference should be made to the NPPF for the full wording of paragraphs.

The NPPF in paragraph 214 identifies the following: *‘The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.’* Therefore, the Inspector will consider the emerging Ashfield Local Plan at Examination against the provisions of the NPPF 2012.

## **Overview**

The NPPF sets out Government's planning policies. The structure of the 2018 NPPF is markedly different from the 2012 edition, being based on subject related chapters.

A central theme of the NPPF is the Government's "ambition" to build 300,000 new homes a year by the middle of the next decade. Eighty-five of the proposals set out in the Housing White Paper and the Budget have been implemented in the NPPF.

There is an emphasis on up-to-date plans, joint working and ensuring that planning permissions are brought forward to deliver new homes.

The core planning principles in the NPPF 2012 have been deleted, though their content is largely reassigned to relevant chapters.

## **Achieving sustainable development (Para 7 -14)**

The NPPF retains the presumption in favour of sustainable development (para 11) but changes have been made to the wording. In summary:

- For plan-making the amended wording includes the requirement to provide for objectively assessed needs for housing, as well as any needs that cannot be met within neighbouring areas.
- For decision-taking, approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission. (The tilting balance)

**The tilting balance** means that in the absence of relevant up to date development plan policies, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are 'significantly and demonstrably' outweighed by the adverse impacts or where specific policies in the NPPF indicate otherwise. Potentially this remain as one of the most important areas for the Council where planning permission is sought on unallocated sites or for which the development plan supports a refusal of planning permission. In this context, a new footnote to paragraph 11 clarifies the meaning of "out-of-date" in relation to housing. It includes situations where the Council cannot demonstrate a five year housing supply of deliverable housing sites (with a buffer) or where the Housing Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement.

## **Plan-making (paras 15 -37)**

Strategic Policies: The NPPF draws a distinction throughout between strategic policies and non-strategic policies. Strategic policies are required to be made explicit, covering a minimum 15 year period from adoption. 'From adoption' is new wording which has an implication that the Council will have to look further into the time horizon. For example, if the new NPPF were applicable to the Local Plan at Examination, the Council would have to plan for housing numbers and associated site allocations to 2034 rather than 2032. (960 more dwellings).

Cooperation: There is an emphasis on Local Authorities, Local Enterprise Partnerships, Local Nature Partnerships and infrastructure providers working together. A Statement of Common Ground is required to evidence that the statutory duty to cooperate has been met.

Review: "Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future."

Developer Contributions: The NPPF expects that plans should set out the contributions expected from development but such policies should not undermine the delivery of the Plan. (Para 34). The emphasis is on viability at the plan making stage.

## **Decision-taking (paras 38 - 58)**

Pre- application engagement: There is an emphasis on all parties (including statutory consultees) to undertake pre-application engagement to resolve issues, to deliver improved infrastructure and affordable housing. However, the NPPF in paragraph 40 that Local Planning Authorities (LPAs) cannot require a developer to engage before submitting a planning application.

Prematurity: It is set out in paragraph 49 that a refusal of a planning application on the grounds of prematurity will rarely be justified other than where:

- The development is so substantial or the cumulative impact is so significant so as to undermine the local plan process, and
- The emerging plan is at an advance stage but is not yet part of the development plan for the area.

Viability: Paragraph 57 sets out that "Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable." It puts the burden on applicants 'to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage'. In addition, the onus is placed on the decision maker to decide the weight to be given to the viability assessment 'having regard to all the circumstances in the case'.

## **Delivering a sufficient supply of homes (paras 59-79)**

The government's objective is to significantly boost the supply of homes (para 59). Significant changes are introduced in relation to the assessment of housing need and ensuring that housing sites with planning permission are developed for housing. This is reflected in:

- Identifying Local Housing Needs: The requirement in the NPPF 2012 to prepare a Strategic Housing Market Assessment to assess full housing needs over the housing market area has been replaced by the introducing of a 'standard method' of calculating housing for each council. The standard method is set out through Planning Practice Guidance (PPG). For Ashfield, the emerging Local Plan at Examination identifies a requirement of 480 dwellings per year. The Government released data as part of a consultation (Sept 2017) where, using the standard method, there was a requirement for Ashfield of 519 dwellings per year.

The standard method will identify local housing need based on household projection figures to be released in September 2018. However, the Government has made it clear that they will consider adjusting the standard method after the projections are released to ensure it is consistent with the goal of ensuring 300,000 homes are built per year by the mid-2020s. Consequently, the methodology may change following the release of September's household projections through amended PPG.

The assessment of housing requirements for the Council could include neighbouring areas requirements. The NPPF (para 60) set out that any needs that cannot be met by neighbouring areas should be taken into account in establishing the amount of housing to be planned for.

- Housing delivery test: A housing delivery test will impose sanctions on councils failing to meet housebuilding targets. Where the test indicates delivery of below 95 per cent, an authority should prepare an action plan "to assess the causes of under-delivery and identify actions to increase delivery in future years". If delivery falls below 85 per cent, councils must plan for an additional 20 per cent buffer on their housing land supply. From 2020, the presumption in favour of sustainable development (the tilted balance) will apply where delivery is below 75 per cent of the authority's housing requirement.
- Delivery –The new definition of "deliverable" in Annex 2 of the NPPF is significant. This sets out that sites with outline planning permission, permission in principle, allocated sites or sites identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
- Presumption in favour of sustainable development (5 Year Supply and the tilted balance): This is triggered where a council cannot demonstrate a five-year housing supply against their housing requirements or where delivery of housing has been substantially below the housing requirement over the previous three years (Housing Delivery Test).

### Affordable housing

There have been a number of changes in relation to affordable housing including:

- The definition of affordable housing has been revised (See NPPF Annex 2: Glossary, page 64). This widens the definition of affordable housing to include starter homes, discounted market sales housing (at 20% below the local market value) and "other affordable routes to home ownership". The NPPF reinserted "Social Rent or Affordable Rent" in the definition of "affordable housing for rent" which was omitted from the consultation draft NPPF.
- Affordable housing contributions should not be sought for developments of less than 10 dwellings or 0.5 ha. (Other than in designated rural areas). This is a change from the Ministerial Statement which set out that affordable housing should not be sought from

developments of 10 units or less and which is reflected in the Council's Affordable Housing Policy in the emerging local plan.

- It identifies that 10% of homes on major sites should be available for affordable home ownership (with certain exceptions).
- Pursuant to paragraph 62 and footnote 27 of the NPPF, where a need for affordable housing is identified planning policies should specify the type of affordable housing required by applying the definition of Annex 2 in the Framework.

Other aspect:

- Large Sites: It states, "The supply of large numbers of new homes can often be best achieved through planning for larger scale development such as new settlements and significant extensions to existing villages and towns." (Para 72).
- Smaller sites: The NPPF requires that at least 10% of sites allocated for housing in plans be accommodated on sites no larger than one hectare. (Para 68)
- Countryside and housing: The NPPF provides in para 71 for development of exception sites for entry-level homes (suitable for first-time buyers or those looking to rent their first home) on sites outside existing settlements, on land not already allocated for housing – unless the need for such homes is already being met within the local planning authorities area.

### **Building a strong, competitive economy (paras 80 -84)**

There are limited changes. The NPPF retains the emphasis on giving significant weight to support economic growth, however, this now includes productivity.

Specific reference is made to addressing the specific locational requirements of different sectors including the specific locational requirements of storage and distribution operations. Distribution Sector requirements were raised at the Local Plan Examination Hearing and would be a consideration in any future replacement plan in relation to employment land.

### **Ensuring the vitality of town centres (paras. 85-90)**

The challenges facing town centres is acknowledged within the NPPF. It recognises that diversification is key to the long-term vitality and viability of town centres to 'respond to rapid changes in the retail and leisure industries'. As such, planning policies should make clear 'the range of uses permitted in such locations, as part of a positive strategy for the future of each centre' This includes an emphasis on housing in town centres. (Para 85)

The sequential approach and the impact assessment in looking at the impact of out of town centre retail and leisure developments have been retained but with amended wording.

### **Promoting healthy and safe communities (paras. 91-101)**

There have been limited changes or additions. The NPPF maintains the requirements that great weight should be given to the need for schools. It identifies that policies and decisions

should consider the social and economic benefits of estate regeneration. Authorities should use their planning powers to help deliver estate regeneration to a high standard. Green infrastructure is recognised as part of the support for healthy communities.

### **Promoting sustainable transport (paras. 102-111)**

The chapter has been significantly reordered and rewritten. The NPPF retains that development should only be refused on highways grounds "if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". It is understood that PPG will be amended to set out further advice on this aspects.

### **Supporting high quality communications (paras. 112-116)**

The changes in this chapter relate primarily to the delivery of high quality digital infrastructure, including the next generation mobile technology (such as 5G) and full fibre broadband connections. 'Telecommunications' is now replaced with 'electronic communications'.

### **Making effective use of land (paras. 117-123)**

This new chapter largely reflects the proposals set out in the Housing White Paper. It includes the following:

- Brownfield Land: Substantial weight is given to the use of suitable brownfield land within settlements for homes.
- Housing Density: Avoiding building homes at low densities in areas of high demand, and pursuing higher-density housing in accessible locations (town and city centres and around transport hubs), while reflecting the character and infrastructure capacity of each area.
- Use of existing land and buildings: Promote and support development of under-utilised land and buildings e.g. empty space above shops, building on or above services yards, car parks and railway infrastructure.
- Reallocating land: Where there is no reasonable prospect of an application coming forward for the allocated use, sites (as part of plan reviews) should be reallocated for a more deliverable use that can help address identified needs.

### **Achieving well-designed places (paras. 124-132)**

The importance of design standards is emphasised. The creation of high-quality buildings and places is 'fundamental' to what the planning and development process should achieve. In particular, councils should try to "ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

### **Protecting Green Belt land (paras. 133-147)**

The Green Belt paragraphs are substantial the same. However, there are some changes including:

- An emphasis on strategic policies to identify the need for amendments to Green Belt. Any changes would have to be 'fully evidenced and justified' demonstrate that all other reasonable options had been examined.
- A material change of use of land that preserve openness is not inappropriate development in the Green Belt for certain uses.
- Allows for residential development that contributes to local affordable housing on brownfield sites, so long as it does not cause "substantial harm" to openness.

**Meeting the challenge of climate change, flooding and coastal change (paras. 148-169)**  
**Conserving and enhancing the natural environment (paras. 170-183)**  
**Conserving and enhancing the historic environment (paras. 184-202)**

These paragraphs substantial remain unchanged but with some reordering.

In relation to flood risk the NPPF specifically identifies that sustainable drainage system should be incorporated on major developments

There is amended wording to paragraph 170 in relation to protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils with the addition of “in a manner commensurate with their statutory status or identified quality in the development plan”. This reinforces the importance of the local plan in protecting local wildlife sites, which do not have national protection. Paragraph 170 also includes “recognising the intrinsic character and beauty of the countryside” which previously formed part of the Core Planning Principles.

The references to Local Planning Authorities should maintain or have access to a Historic Environment Records is retained and is located in paragraph 187. The NPPF retain the reference to non-designated heritage asset (para 197) which provided the basis for the additional requirements for non-designated heritage assets set out in the emerging Local Plan policy on the historic environment.

**Neighbourhood Plans**

There is now more emphasis on the need for development to comply with neighbourhood plans and for those plans to support the delivery of strategic plans.

Neighbourhood plans being enabled to alter Green Belt boundaries if a need for change has been identified through strategic policies. (Para136).

**Planning Practice Guidance**

PPG on viability assessments and assessing housing and economic development needs were update when the NPPF was published. The MHCLG response to the draft NPPF consultation identifies that further PPGs will be updated.

## **Implications**

**Corporate Plan:** The application of the NPPF in relation to planning policy and planning permissions will have an impact in relation to the Corporate Plan.

**Legal:** There are no Legal implications contained within the report.

**Finance:** There are no direct financial implication in relation to the report.

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

## **Risk:**

<b>Risk</b>	<b>Mitigation</b>

## **Human Resources:**

There are no direct HR implications contained within this report.

## **Equalities:**

*(to be completed by the author)*

## **Other Implications:**

*(if applicable)*

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## **Background Papers**

The NPPF amended Planning Practice Guidance and other documents are available on the Government's website at:

<https://www.gov.uk/government/collections/revised-national-planning-policy-framework>

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