

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Thursday, 20th September, 2018**

Time: **7.00 pm**

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

For any further information please contact:

Lynn Cain

l.cain@ashfield.gov.uk

01623 457317

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 16th August, 2018.** 5 - 10
4. **To receive and consider the attached planning applications.** 11 - 60
5. **Planning Appeal Decisions.** 61 - 64

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PLANNING COMMITTEE

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

on Thursday, 16th August, 2018 at 7.00 pm

Present: Councillor Chris Baron in the Chair;

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

Officers Present: Lynn Cain, Mike Joy, Samantha Reynolds,
Christine Sarris and Robbie Steel.

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

Councillor Helen-Ann Smith declared a Non Disclosable Pecuniary/Other Interest in respect of application V/2018/0206, Mr. S. Toye, six dwellings and detached garages including access, land at Hilltop Farm, Back Lane, Sutton in Ashfield. Her interest arose from the fact that she had met with the applicant (alongside planning officers) but in doing so had not expressed an opinion.

Councillor Cheryl Butler declared a Non Disclosable Pecuniary/Other Interest in respect of application V/2018/0195, Severn Trent Water Ltd, change of use of land from agricultural to operational and installation of a reservoir, two valve houses, land re-profiling and landscaping works and alterations to access, Diamond Avenue Service Reservoir, Diamond Avenue, Kirkby in Ashfield. Her interest arose from the fact that she had spoken with an objector and conversed via email with the applicant but in doing so had not expressed an opinion.

(During declarations of interest, Councillor Rachel Madden entered the meeting at 7.02 p.m.)

P.6 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 25th July, 2018 be received and approved as a correct record.

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

RESOLVED that

1. Application V/2018/0195, Severn Trent Water Ltd, change of use of land from agricultural to operational and installation of reservoir, two valve houses, land re-profiling and landscaping works and alternations to access, Diamond Avenue Service Reservoir, Diamond Avenue, Kirkby in Ashfield.

(Councillor Cheryl Butler had previously declared a Non Disclosable Pecuniary/Other Interest in respect of this item. In view of the nature of her interest she remained in the meeting and took part in the discussion and voting thereon).

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

A further objection had been received making a total of 9 communications from 2 residents. The concern was that Severn Trent Water had not addressed the water runoff problem. It was therefore requested that the application be deferred so that the water authority and landowner could address the issue. If not then the application should be rejected to allow Severn Trent Water authority to generate a robust solution, as it was considered the solution was an easy fix.

The Council had considered the issues but the works suggested lay outside that boundary and outside the control of the applicant. Any redress should therefore be with the existing landowner/farmer.

The Council had secured the provision of tree planting and the development would significantly reduce surface water run-off by the collection and infiltration of the reservoir roof water, using one of the decommissioned reservoir cells as a soakaway. This would inevitably alleviate some of the run-off currently affecting the local residents.

The ADC Drainage Team confirmed the landowner could put a drainage ditch in at the bottom of the field but the problem was that there was nowhere to discharge the water from the ditch. Even if the ditch ran through the fields it would eventually end up on the Green Acres estate and/or the cemetery as this was the natural flow downhill, potentially causing flooding issues in that area. The resident had been advised to contact the Nottinghamshire County Council Lead Local Flood Team.

Ms. J. Salt, agent for the applicant, took the opportunity to address the Committee in respect of this matter.

2. Application V/2018/0206, Mr. S. Toye, six dwellings and detached garages including access, land at Hilltop Farm, Back Lane, Sutton in Ashfield.

(Councillor Helen-Ann Smith had previously declared a Non Disclosable Pecuniary/Other Interest in respect of this item. In view of the nature of her interest she remained in the meeting and took part in the discussion and voting thereon).

Mr. S. Toye, the applicant, took the opportunity to address the Committee in respect of this matter.

It was moved by Councillor Helen-Ann Smith and seconded by Councillor Sam Wilson that the recommendation contained within the report be rejected and that conditional planning consent be approved.

It was considered by the Planning Committee that proposal would not adversely affect highway safety due to vehicular movements having been significantly reduced over previous years.

It was consequently agreed that the following standard conditions be attached to this permission:-

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans: Street Views Drg No. 29a0318/6/6 Rev A, Dwelling Design A Drg No. 29a0318/1/6, Dwelling Design B Drg No. 29a0318/3/6, Detached Double Garage Drg No. 29a0318/4/6 RevA, Dwelling Design A Drg No. 29a0318/2/6 RevA, Access Road Plan (Received 25/05/2018). Site Layout Drg No. 29a0318/5/6 Rev B (Received 22/06/2018) The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. No development shall take place until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation.
4. The development hereby approved shall not be occupied until full details of sites boundary treatments, including details of the access gate and fencing along the footpath have been submitted to and approved in writing.
5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the first occupation of the development 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.

6. No development shall take place until a scheme demonstrating how the hedges running along the northern and eastern boundary of site are to be protected during construction. This protection should accord with the recommendations laid out in BS 5837 2012.
7. No work shall commence until such time as a scheme indicating proposed floor levels of all buildings, and the relationship of such to the existing dwellings has been submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the agreed levels.
8. No part of the development hereby permitted shall be brought into use until details of the new internal road and associated infrastructure have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, parking provision, turning facilities, access widths, visibility splays (including pedestrian, junction and forward visibilities), street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services and any proposed structural works.
9. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
10. Prior to the occupation of the dwellings, details of the provision of bin stores shall be provided.

For the motion:

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

Against the motion:

Councillors Cheryl Butler and Keir Morrison.

Abstentions:

None.

Accordingly, the motion was duly carried.

3. Application V/2018/0385, Rippon Homes Ltd, 4 dwellings on land adjacent 179 Mansfield Road, Skegby, Sutton in Ashfield.

Mr. R. Jordan, an objector to the application, took the opportunity to address the Committee in respect of this matter.

P.8 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.

P.9 National Planning Policy Framework Update

The Assistant Director, Planning and Regulative Services, presented the report to inform Members of the implications arising from the revised National Planning Policy Framework (NPPF), published by the Government on 24th July 2018.

RESOLVED
that the report be received and noted.

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

The meeting closed at 8.20 pm

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 of Place and Communities or the Assistant Director, Planning and Regulative Services by 4pm 14th September 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 Director of Place and Communities

Tel: 01623 457365

E-mail: c.cooper-smith@ashfield.gov.uk

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Page	App No	Applicant	Recommendation	Proposal	Location
Hucknall West					
15-24	V/2018/0355	Linby Homes Ltd	Approval	Two Detached Dwellings with Integral Garages	Land to the Rear of 283 - 287 Watnall Road Hucknall
Kirkby Cross and Portland					
25-30	V/2018/0431	Mr P Crawford	Approval	Construction of Single Storey Side and Rear Extension and Porch to Front Elevation	49 Chestnut Avenue Kirkby in Ashfield
Selston					
31-38	V/2018/0291	Mrs K Topham	Refusal	Menage with Fencing	Woodnook Barn 254A Nottingham Road Selston
Stanton Hill and Teversal					
39-52	V/2017/0659	Harron Homes	Approval	Application to Vary Condition 7(iii) of Planning Permission V/2016/0208 to Allow a Single Principal Access as Opposed to a Dual Approach	Land Off Brand Lane Stanton Hill Sutton in Ashfield

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Underwood					
53-60	V/2018/0423	P. Hughes Construction Ltd	Approval	First Floor Extension Office Extension Over Existing Flat Roof Extension to the Rear of 21 Main Road. Change of Use of Part of Garden of 19 Main Road to Car Parking Area to Serve 21 Main Road.	19-21 Main Road Underwood



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The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

299a Watnall Road
Hucknall
Notts
NG15 6EX



Scale 1:1250

Supplied By: John E Wright
Serial number: 001095644
Plot Centre Coordinates: 452896, 348294

COMMITTEE DATE 20/09/2018 **WARD** Hucknall West

APP REF V/2018/0355

APPLICANT Linby Homes Ltd

PROPOSAL Two Detached Dwellings with Integral Garages

LOCATION Land to the Rear of
283 - 287
Watnall Road
Hucknall
Nottingham
NG15 6EX

BACKGROUND PAPERS A B C D E

App Registered 06/06/2018

Expiry Date 31/07/2018

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

This application has been referred to Planning Committee by Cllr Phil Rostance based on highways safety issues and the buildings being out of keeping with others in the area.

The Application

This is an application for two detached dwellings with integral garages.

Consultations

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

Four households have written a total of five letters objecting to the application. A further objection has also been received Ambleside Management Company, which was set up by the residents for maintenance of the road. Their concerns have been summarized below.

- The road is unsuitable for additional traffic - road width insufficient, no footpaths, lighting, lack of turning for larger and emergency vehicles.
- Limited visibility and trouble exiting on Watnall Road.
- The proposals may cause damage to the private drive at the resident's expense.
- Lack of parking and trouble manoeuvring from the driveways.
- The large houses are out of keeping with others on the road.

- Overdevelopment of the site.
- Disruption during construction.
- Failure to transfer rights to the access road to the management company.
- Block plan incorrect.
- Loss of light to a kitchen window.
- Loss of a view.
- The previous design and access statement noting the proposal was for up to five dwellings, this would increase the number on an un-adopted road.

A.D.C Drainage - No known drainage issues with this site. Percolation test are required to determine if the ground conditions are suitable for the use of soakaways to dispose of surface water, Severn Trent will need to be consulted on the foul water connection to the mains sewer from the development.

A.D.C Planning Policy – No comments

Highways Authority - As the road is a shared private drive, it does not need dedicated footways. Street lighting would be for residents, or the builder to provide and maintain. For public street lights to be justified the highway has to be adopted and meet the appropriate standards. This site is not designed to these standards, hence it being private.

The development would need to provide sufficient parking to accord with Ashfield District Council's standards and a facility at the end for turning/manoeuvring should be provided. It therefore maybe better to reduce the proposal to one large property. There is also very little room for visitor parking and it should also be considered how refuse/wheelie bins will be collected. Visibility splays should be provided at the junction with Watnall Road.

If the above issues can be agreed/accommodated, there is very little in terms of highway you could refuse this on as overall the highways impact is indiscernible.

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) 2018

- 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
- ST2 – Main Urban Area

HG5 – New residential development

Supplementary Planning Document – Residential Design Guide

Supplementary Planning Document – Residential Car Parking Standards

Relevant Planning History

V/2013/0609 – Demolition of existing bungalow. Erection of five detached bungalows. Consent. 08/01/2014

CD/2013/0609 – Conditional discharge application for demolition of existing bungalow. Erection of five detached bungalows. Condition Discharge.

Comment:

The main considerations in determining this application relate to visual amenity, residential amenity and highways safety. These are discussed in turn below:

Visual Amenity

Concerns have been raised from local residents regarding the proposals representing overdevelopment and their size being out of keeping with others on Ambleside. The proposals are however very similar in terms of layout and appearance to the existing properties on Ambleside. The dwellings would each be single storey with hipped roofs, featuring a driveway and garage to the frontage. The use of materials and finishes would also mirror the adjacent dwellings. The Councils standards for parking and garden sizes are each met and the proposals are therefore considered not to represent an overdevelopment of the site. It is accepted these would be larger four bedroom dwellings, however given that the design, layout and appearance of the dwellings mirrors those directly adjacent - the development would have no adverse impact upon the character and appearance of the area.

Residential Amenity

A concern has been raised regarding a loss of light to a kitchen window, which faces onto the site at No. 3 Ambleside. The applicant, has amended the plan to take the property at plot 2 farther away from No.3 and there would now be a separation distance of approximately 2m to the mutual shared boundary. The proposed dwelling would be single storey, with a roof pitching away from the boundary and is also set at a lower level (approx. 300mm) than No.3, accordingly any overbearing impact to the kitchen window is reduced considerably. The kitchen is also served by other windows and therefore the room would still receive an adequate amount of light and a reasonable outlook.

The dwellings are single storey with a separation distance well in excess of the Councils minimum required standard (12m) to the adjacent properties on Shortwood Avenue, consequently there would be no harm to the living conditions of these neighbouring occupiers. In terms of loss of privacy, as the proposals are bungalows, a standard rear garden fence of up to 2m in height would be sufficient to ensure there would be no overlooking to adjacent gardens. Overall, it considered the proposed dwellings due to their size, design and layout would result in no overbearing, overshadowing or loss of light to adjacent dwellings.

It is acknowledged that the proposal would increase the comings and goings along the access drive serving the development. The property at 299 Watnall Road has a rear garden running along the drive, however the existing boundary treatment is considered sufficient to protect their existing levels of amenity. It is also considered that the increase in comings and goings from an additional two residential properties would not materially harm the living conditions of neighbouring occupiers.

A concern has also been raised regarding disruption during construction and due to the level of concern, it is recommended that the applicant submits a construction management plan, which takes into account working hours, wheel washing, dust control, vehicular movements - before starting work. This construction management plan would assist in mitigating any disturbance to residents during construction phase.

Highways safety

A number of residents have raised significant concerns regarding the proposal adversely impacting upon highways safety. The existing access road measures a minimum of approximately 5m and acts a shared surface between pedestrians and vehicles accessing the dwellings it serves. The quality of the surface is very good and from the Officers site visit, it appeared that the road was quiet, due to it serving only the residents along the drive.

The road entering the site is of sufficient width for two vehicles to pass and also features a turning head at the end, allowing a car to enter and exit the road in forward gear. This road is straight with good visibility along its length and it is considered that the occasion(s) when larger vehicles would meet and there would be insufficient room to pass would be fairly infrequent, and in any case a vehicle having pull into an appropriate position, whilst another passes, would not adversely impact on highways safety. A number of residents have raised concerns regarding larger vehicles, including emergency service vehicles accessing the site. It is understood, these presently access the site and utilize the turning facility provided adjacent to No. 5 Ambleside. In addition, the increased vehicular movements associated with additional two dwellings along the private road are considered not to be so significant.

The Highways Authority have advised the proposal would need to meet the Councils parking standards and a turning facility provided. The proposed dwellings would have a width of 10m to the frontage, potentially allowing space for up to four vehicles to park. There would also be an integral garage. The proposals would therefore exceed of the Councils minimum required standard of three spaces for a four-bedroom dwelling and have sufficient parking for visitors. The amount of spaces being provided would negate any requirements to park on the highway and significantly reduce the likelihood of any conflict between neighbours over parking. There is an existing turning facility on the road and the distance of 6m between the off street-parking spaces to the front would be sufficient to allow a vehicle to enter and exit the front driveways in forward gear.

A concern has been raised regarding visibility at the access onto Watnall Road. This is an existing access onto Watnall Road used by the five properties along Ambleside. The Highways Authority have asked for additional information to be submitted showing visibility at the access. The applicant has submitted a plan showing visibility onto Watnall road is well in excess of the minimum required. The visibility at the access has previously found to be acceptable as part of application V/2013/0609 and there are no highways safety concerns, due to a lack of visibility at the junction.

The Highways Authority have requested additional information showing how refuse bins are to be collected. The Councils refuse vehicle presently reverses down the drive and collects bins from directly outside the existing properties. This method of collection will be the same for the two dwellings being proposed.

A number of residents have raised an issue with the maintenance of the private drive and them setting up a management company. This is not an adopted highway and any future maintenance would be a private matter between the residents. Observations from a site visit showed that the road is currently in an excellent state of repair. Concerns have also been raised regarding ownership of the road and rights of way. The applicant has provided evidence from the land registry showing that the private drive roadway remains within the ownership of the applicant. The red-line boundary of site has also been amended to include the access and the applicant has signed certificate A to declare that they are the owners.

Overall, it is considered that the addition of two dwellings on Ambleside would not result in any material risk to safety of users of the highway. Accordingly, the development would comply with Saved Policy ST1 of the Ashfield Local Plan Review (2002), which seeks to approve development where it will not adversely affect highway safety.

Other Issues

Trees, Hedges and Wildlife

There are trees located on the eastern boundary of the site, and a hedgerow, which separates the gardens of 287 – 285 Watnall Road. The vegetation is located in a rear garden with an urban area, does not hold any statutory protection and could be removed without the consent of the Local Planning Authority.

Notwithstanding, the applicant has submitted an updated plan showing the two trees to be retained on site. This would ensure the character and appearance of the area is protected from the footpath and also any wildlife living in the trees would remain largely undisturbed.

Public Footpath

A Public Right of Way runs along the eastern boundary of the site. The line of the footpath will not be affected by the development and the Rights of Way Team have raised no objections. A number of informatives are however recommended to ensure the footpath remains unobstructed.

Conclusion:

The proposed application would provide two bungalows within the main urban area of Hucknall. It is considered there would be no significant adverse impact upon the character and appearance of the area, highways safety, or residential amenity. The application would therefore be compliant with policy ST1 of the Ashfield Local Plan Review (2002) and guidance contained within the NPPF (2018)

Recommendation: - Conditional Consent

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans: Elevations, Floor Plan (23/05/2018), Elevations Unit 2, Floor Plans Unit 2 (05/06/2018), Site Location (Received 01/08/2018) Site Plan Proposed Rev C (Received 10/09/2018) The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. The development hereby permitted shall use the following materials:
Brick - Hanson Hampton Rural Blend
Tile - Marley Eternit Ashmore Smooth Grey
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 20155 (or any Order revoking and re-enacting that Order with or without modification) no development relating to Classes A, B, C, D and E of Part 1 of Schedule 2 (Erection of Extensions) shall be undertaken without the prior written approval of the Local Planning Authority.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development relating to class A of Part 2 of Schedule 2 (Erection of walls, fences or other means of enclosure) shall be undertaken without the prior written approval of the Local Planning Authority.
6. Prior to the development being started, the applicant shall submit a construction management plan. This shall take into account working hours, wheel washing, dust control and the numbers/types of vehicular movements.

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. In the interests of visual amenity.
4. In the interests of residential amenity.
5. In the interests of highways safety.
6. In the interests of residential amenity.

INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions, then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. 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.
3. In order to avoid impacts to nesting birds we also request that all tree/shrub/hedgerow/scrub and rough grassland removal work be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time then a suitably qualified ecologist should be on site to survey for nesting birds prior to any vegetation clearance. As you will be aware all nesting birds', birds' nests, young and eggs (except pest

species) are protected by the Wildlife and Countryside Act 1981 (and as amended). Nesting is taken to be from the point at which birds start to build a nest, to the point at which the last chick of the last brood of the season has fully fledged and left the nesting area.

4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

5. The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
6. There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.
7. The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
8. If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.
9. If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.
10. Structures cannot be constructed on the line of the right of way with the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.
11. The existing boundary hedge/tree line directly bordering the development/boundary etc. is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuring that it is cut back so as not to interfere with right of way.

12. Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption.

<http://www.nottinghamshire.gov.uk/transport/licences-and-permits/scaffolding-boarding-and-advertising-boards>

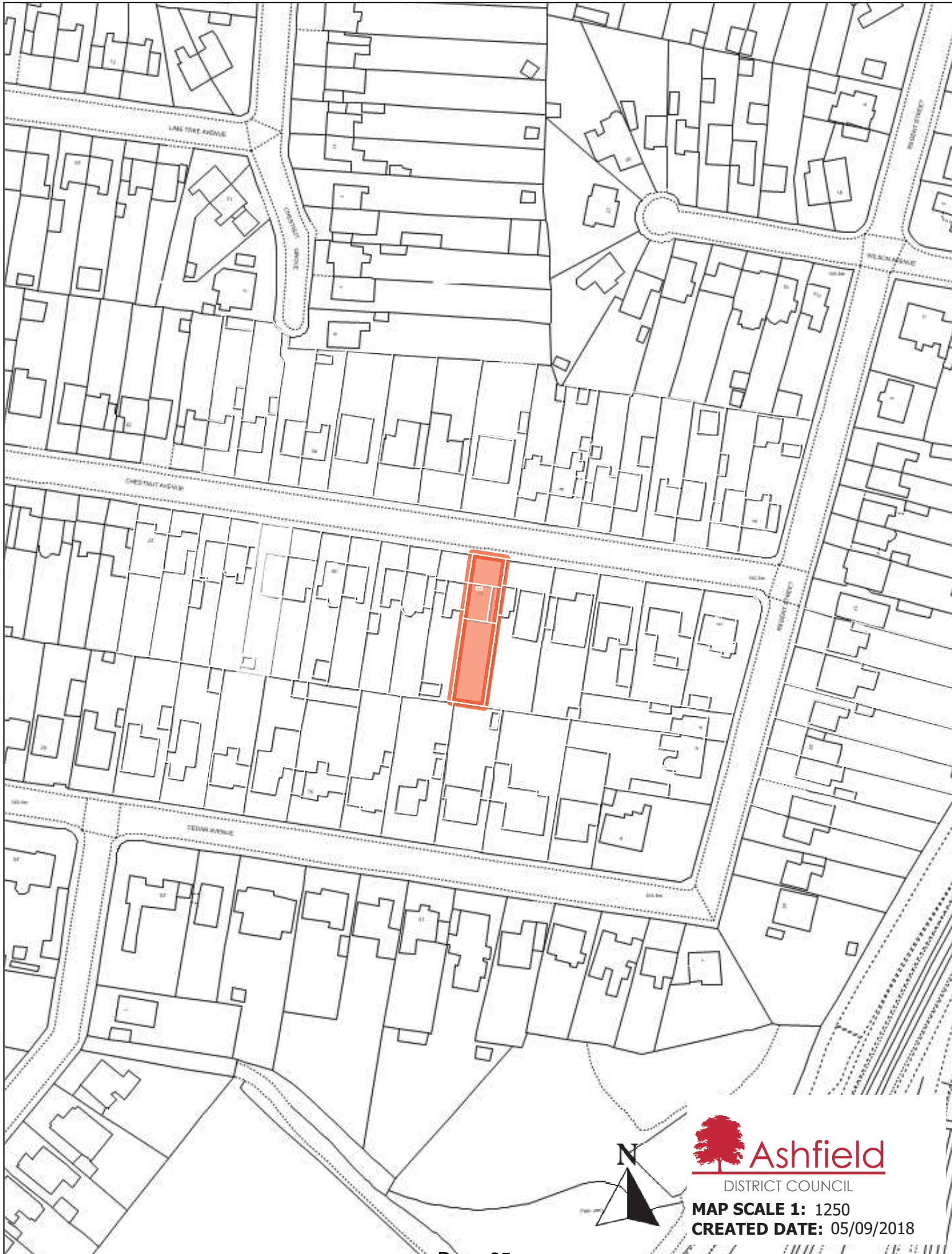
13. If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email

countryside.access@nottscc.gov.uk

14. If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit.

<http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit>

V/2018/0431 - 49 Chestnut Avenue, Kirkby



COMMITTEE DATE 20/09/2018 **WARD** Kirkby Cross and Portland

APP REF V/2018/0431

APPLICANT P Crawford

PROPOSAL Construction of Single Storey Side and Rear Extension and
Porch to Front Elevation

LOCATION 49 Chestnut Avenue, Kirkby in Ashfield, Nottingham, NG17 8BA

WEB-LINK [https://www.google.co.uk/maps/@53.0983143,-
1.2581121,166m/data=!3m1!1e3](https://www.google.co.uk/maps/@53.0983143,-1.2581121,166m/data=!3m1!1e3)

BACKGROUND PAPERS A

App Registered: 20/07/2018

Expiry Date: 21/09/2018

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

This application has been referred to Planning Committee as the applicant is a member of staff of the planning teams.

The Application

This is an application for construction of single storey side and rear extension, and a porch to the front elevation.

Consultations

Individual notification to surrounding residents has been sent.

No objections have been received from statutory consultees or residents in respect of the proposal.

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 (NPPF) 2018:

Part 12 – Achieving Well Designed Places

Ashfield Local Plan Review (ALPR) 2002:

ST1 – Development

ST2 – Main Urban Area

HG7 – Residential Extensions

SPD Residential Extensions Design Guide

Relevant Planning History

V/1975/0720

Details: Carport

Decision: Conditional consent

Date: 17/10/75

Comment :

The proposal is to remove the existing carport and rear extensions, and erect a single storey side and rear extension, and a new front porch at 49 Chestnut Avenue.

The extension is proposed to project from the rear of the property by approximately 2.5m, and will be roughly 8.5m in width, extending beyond the side elevation of the property by around 2.5m. The side element of the proposal will project forward from the rear down the side of the existing property by roughly 8m. The extension will have a maximum height of approximately 3.5m.

The property is located within the Main Urban Area of Kirkby in Ashfield, where the principle of development is acceptable under policy ST2 of the ALPR 2002.

Visual Amenity:

The side element of the extension is proposed to project around 0.5m forward from the principle elevation of the property, and comprises of a garage and a new front porch. The front elevation of the side extension also incorporates a dual pitched roof.

The garage and porch are proposed to be constructed in matching facing brick, whilst the remainder of the extension and main property is proposed to be rendered in White. Oak effect cladding is also proposed on the bay windows and on the front apex of the garage.

Within the immediate locality of the application site are numerous examples of residential properties of varying style and design. Render is also a common feature within the surrounding area. It is therefore considered that the proposal will not appear as a prominent addition or out of character in terms of appearance with the surrounding street scene.

Residential Amenity:

No objections have been received from local residents.

Whilst the extension is to be built up to the boundaries with neighbouring properties 47 and 51 Chestnut Avenue, the proposal is single storey in height and is therefore considered to not have a significant overbearing impact on neighbouring residents.

Loss of light to neighbouring property 47 Chestnut Avenue has been assessed using the BRE 45° Code. Whilst the code is breached in plan, it is not breached in elevation, indicating that there will not be a detrimental loss of light to number 47 arising from the proposed rear element of the extension.

There will be no overlooking impact on neighbouring residents arising from the development.

Conclusion :

Overall, the proposal is considered to be appropriate in terms of scale and siting within the site, and will not appear out of character within the surrounding street scene. The proposal is also considered to not have a significant detrimental overbearing, overshadowing or overlooking impact on the adjacent neighbouring properties. Approval is therefore recommended for this application, subject to the below conditions:

Recommendation: Grant – Conditional Consent

CONDITIONS

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The materials and finishes to be used for the external elevations and roof of the proposal shall match those detailed in the submitted Planning Statement and as detailed in the email received on 20/08/18 from the applicant.**
- 3. This permission shall be read in accordance with the following plans: Elevations, Drawing No. V1-2018, Received 18/07/18; Plan View, Drawing No. V2-2018, Received 18/07/18. The development shall thereafter be undertaken in accordance with these plans unless**

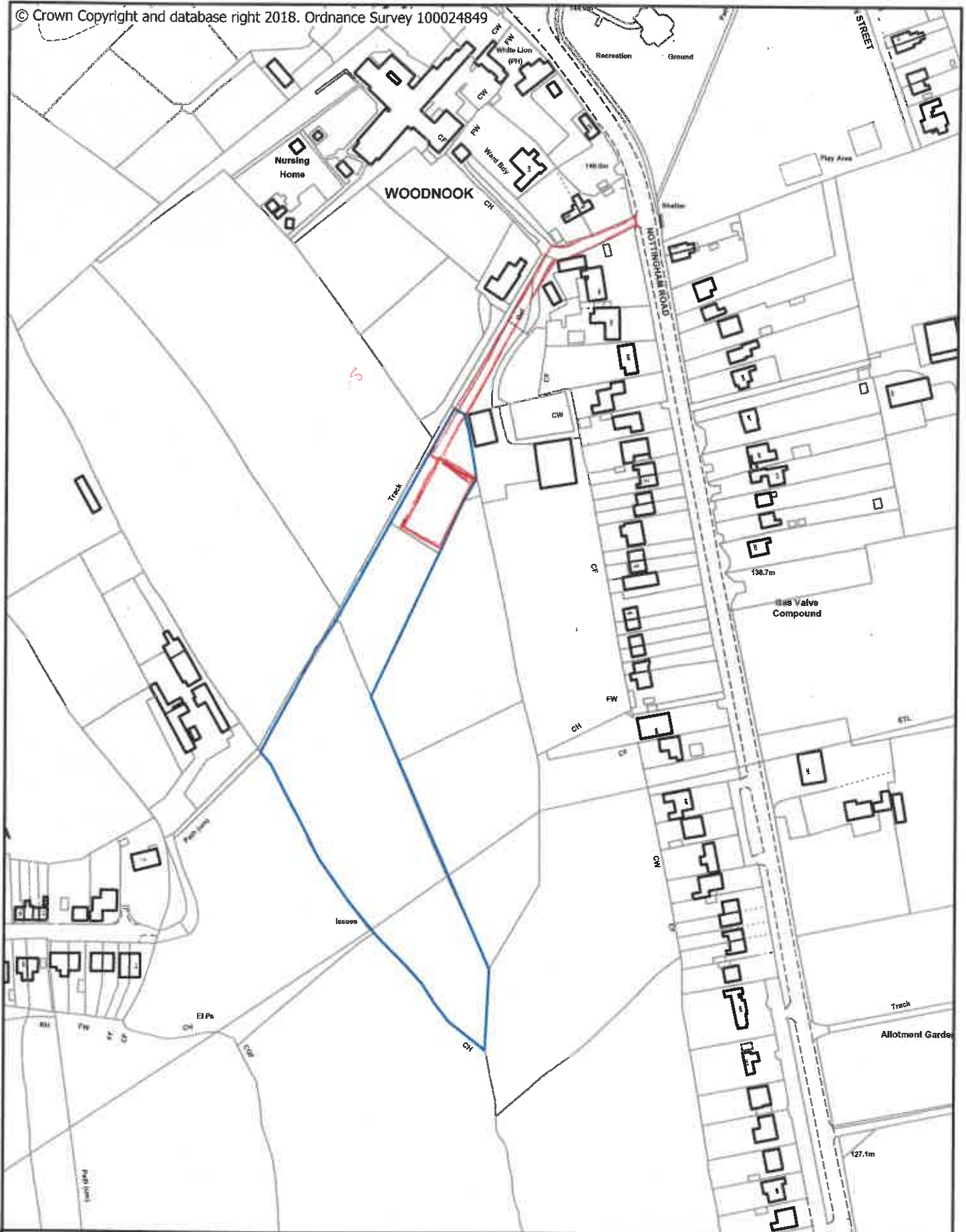
REASONS

- 1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.**
- 2. To ensure the satisfactory appearance of the development.**
- 3. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**

INFORMATIVE

- 1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).**

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V/2018/0291
Woodnook Barn
Menage with Fencing
Ashfield District Council
Urban Road
Kirkby in Ashfield
Nottingham NG17 8DA

Map sheet: SK4752

20 Jul 2018



Scale: 1 to 2500

COMMITTEE DATE 20/09/2018 **WARD** Underwood

APP REF V/2018/0291

APPLICANT K Topham

PROPOSAL Manège with fencing and 3x 6m high floodlighting columns

LOCATION Woodnook Barn
254A
Nottingham Road
Selston
Nottingham
NG16 6AD

BACKGROUND PAPERS

App Registered 09/05/2018 Expiry Date 03/07/2018

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

This application has been referred to Planning Committee by Cllr Sam Wilson to discuss the impact of Green Belt and highways safety.

The Application

The application proposes the construction of a manège (outside riding area) for the exercising of horses. The proposal will consist of a fenced area with a sand and rubber mix finish surface measuring approximately 20m x 40m and three, six-metre-high lighting columns. An additional section of track has also been laid to provide access to the field. The manege is intended for private use only.

Consultations

Site Notices have been posted together with individual notification of surrounding residents. A notice was also placed in the local press advertising the application as development which could potentially impact upon a public footpath. Responses from consultees are summarised below:

A.D.C Planning Policy - The proposed development is located within the Green Belt. New buildings are inappropriate in the Green Belt subject to specified exceptions. This includes facilities for outdoor sport and recreation but only as long as it is considered to preserve the openness of the Green Belt and does not conflict with its purpose. The key decision is whether the proposed development meets

this requirement. If it fails to preserve openness, it is inappropriate development. As such, by definition, it is harmful to the Green Belt and should not be approved except in very special circumstances.

Coal Authority – No objections.

Health and Safety Inspectorate – It is considered that the application does not fall within the criteria identified within the HSE consultation list of developments which fall within the statutory distance of a high press gas pipeline.

National Grid –No objections; but an informative should be applied making the applicant aware that there is a High Pressure gas pipeline running across adjacent field. The applicant is advised to contact Cadent Gas if the development moves any closer to the High Pressure gas pipeline.

NCC Highways – No objections.

Natural England – No comments.

Nottinghamshire Wildlife Trust (NWT) - The site lies within a designated Local Wildlife Site (Hand stubbing's Meadows LWS 5/904). The NWT originally objected to the application as it contained no Ecological Assessment. This has since been submitted and NWT have raised no objections, subject to a condition in accordance with the ecologists recommendation.

NCC Rights of Way – A Public Footpath (No.37) runs adjacent to the proposed site. The Rights of Way team initially offered no objections, subject to a list of advisory notes to the applicant.

During the processing of the application, the redline boundary of site needed to be amended to include the access, which the NCC Rights of Way queried whether this would affect the footpath. After a site visit was undertaken by a Rights of Way Officer no objections were made, on the basis the footpath is fenced off adjacent to the existing track.

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 (as amended by “Saved policies” 2007)

- Policy ST1: Development;
- Policy ST4: Remainder of the District; and
- Policy EV1; Green Belt Land;
- Policy EV6 Local Nature Reserves and SINCS (Now identified as Local Wildlife Sites).

Jacksdale, Underwood, Selston – Tomorrow Neighbourhood Plan, 2017-2032 (JUS-t NP)

- NP1: Sustainable Development
- NP2: Design Principles
- NP3: Protecting the Landscape Character

The National Planning Policy Framework, 2018 (NPPF)

- Part 4 – Decision-making
- Part 8 – Promoting healthy and safe communities
- Part 9 – Promoting sustainable transport
- Part 13 – Protecting Green Belt land
- Part 15 – Conserving and enhancing the natural environment

Relevant Planning History

The below applications relate to the land north east of the boundary of site. At the time that planning permission was granted for the stables, the fields identified in the currently application were in the same ownership.

V/1996/0244 – Manège for private use only. Condition Consent.

V/2008/0703 – Stables. Conditional Consent.

V/2010/0393 – Stables. Conditional Consent.

Comment:

The main considerations in the determination of this planning application are Green Belt, visual amenity, residential amenity and highways Safety. These are discussed in turn below:

Green Belt

The application site is located within the Nottingham Derby Green Belt as set out in the Ashfield Local Plan Review (2002). The NPPF (2018) at paragraph 145 identifies that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. One exception to this is the provision of appropriate facilities for outdoor sport/recreation ... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purpose of including land within it.

NPPF para 146 sets out that 'Certain other forms of development are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations and material changes in the use of land (such as changes of use for outdoor sport or recreation.

The proposed manège is considered to represent an appropriate facility for outdoor sport and recreation. The recently laid track is classified as an engineering operation. However, to fall within these exceptions, the proposals have to preserve the openness. The proposed manège measures 20m x 40m, which equates to 800m². It includes 1.8m high rail fencing, three 6-metre-high galvanised steel light columns and an alteration to the ground surface to include the provision of fibre sand and rubber mix. The post and rail fencing would have no impact upon the openness or character of the area. The change in surface would however alter the appearance of the development site from its present grassed state.

The 6-metre-high steel lighting columns would have a detrimental impact upon the openness and character of the Green Belt - both through the metal structures being erected in a presently open green field and through the lighting at night. These metal columns would be readily visible from the adjacent Public Right of Way and create a distinctly urbanising feature on the landscape - to the detriment of the openness and permanence of the Green Belt.

The planning history of the land round this area sets out that since 1996 a ménage and stables have been constructed. At the time that planning permission was granted for the stables, the land was within the same ownership as this current application. Since 2010, it appears the fields have moved into a separate ownership from the stables and manege. The application, if granted, will result in gradual encroachment of development within the countryside, which adversely effects the openness of the Green Belt.

As the proposal fails to preserve the openness of the Green Belt, it represents inappropriate development, which is by definition harmful and should not be approved except in very special circumstances. It is considered the special circumstances do not exist that would outweigh this harm and therefore the proposal is considered to be contrary to Part 13 of the NPPF (2012) and Policy EV1 of the Ashfield Local Plan Review (2002).

Visual Amenity

Under the ALPR, Policy ST1 development should not adversely affect the character of the environment. This is also reflected in the Neighbourhood Plan Policy NP3: Protecting Landscape Character, which sets out provisions where development proposal encroaches on the open countryside. The site is also situated within area NC03 (Selston and Eastwood urban fringe) of the greater Nottingham Landscape Character Assessment (2009).

The site is presently an open field bounded by a hedgerow to the north east, with fencing separating the site from the public footpath to the west. The proposal would involve the loss of an open area of green field, replacing this with a manège including a sand and rubber surface, post/rail fence and lighting columns. The manège would be readily visible from a Public Right of Way and positioned in an

open grassed field, with no other sources of lighting. The proposal therefore has an urbanising impact on a presently open landscape, which would be harmful to the openness and character of the countryside.

Ecology

The proposed development is located within Handstubbings Meadow's Local Wildlife Site (LWS). This area features a series of hay cut species and rich neutral grasslands. Protection for these sites is provided by Policy EV6 of the Ashfield Local Plan Review (2002). This is reinforced by the Neighbourhood Plan policy NP3: Protecting the Landscape Character, which requires sites adjoin the existing settlement to assess the impact of the proposals on local biodiversity.

The applicant has submitted an Ecological report, which recommends that mitigation is provided for the loss of part of the LWS - in the form of improved management to the area outside of the manège. This is proposed to be fenced and managed as a hay meadow. The applicant has submitted information showing the area to be managed, as well as management recommendations for the meadow. This approach is considered to be acceptable by Nottinghamshire Wildlife Trust, who have raised no objections.

Highways Safety

The applicant has stated that the manège would be for private use and as such the proposal would not involve any noticeable increase in traffic to the site. The Highways Authority have referred to standing advice and due to the minor nature of the proposal, there are no highways safety concerns.

Residential Amenity

The proposed manège, is approximately 60m away from the nearest residential property and is partially screened by an existing stable block to the west. It is for private use only and as such there would be no adverse impact upon the living conditions of neighboring occupiers through increased goings and comings, noise disturbance or light pollution.

Other Considerations

Gas Pipeline

There is a High Pressure gas pipeline running across the adjacent field. The National Grid have not objected to the planning application; however, an informative note would be required to make the applicant aware of its presence.

Rights of Way

A Public Right of Way runs adjacent to the western boundary of the site. The footpath is fenced off adjacent to the existing track and as such the proposal would have no impact upon the right of way. Advisory notes would however need to be included to ensure the applicant keeps this free of obstruction at all times.

Negotiations

The Planning Officer attempted to work proactively with the applicant and asked them to remove the floodlighting to substantially reduce the harm to the Green Belt. The applicant was however unwilling to amend the scheme.

Planning Balance:

There would be some environmental benefit through the creation of a wild meadow. However, the flood lit manège, due to its size, scale and siting would result in a harmful impact upon the openness and character of the Green Belt. Overall, the benefits of the proposal are considered not to outweigh the harm to the Green Belt - particularly due to the impact of the lighting columns. The proposal is considered to be contrary to Part 13 of the NPPF (2018) and Policy EV1 of the Ashfield Local Plan Review (2002)

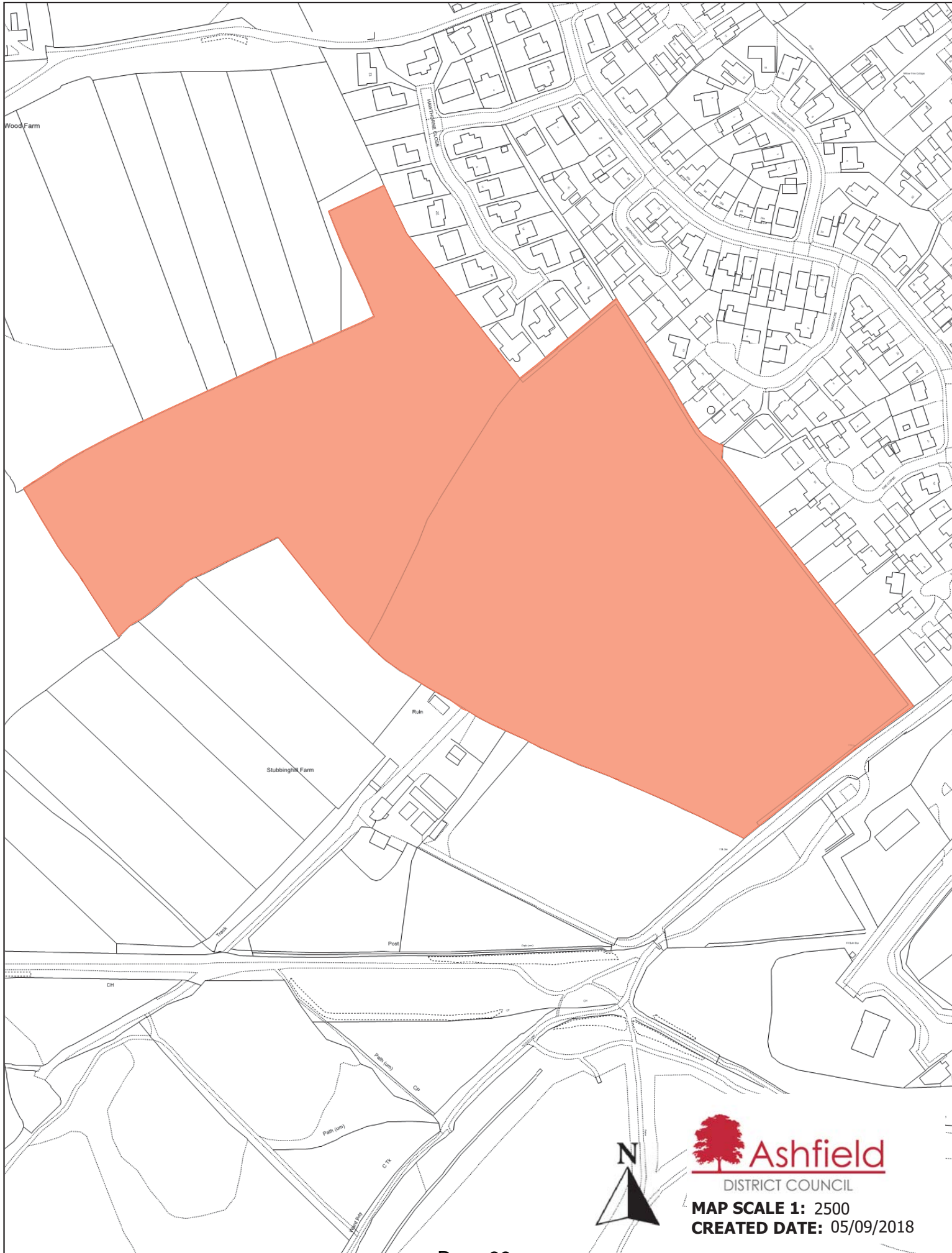
Recommendation: - Refuse

Reason

The proposed flood lit manège due to its size, scale and siting would result in a harmful impact upon the openness and character of the Green Belt at this location. There are no other considerations identified which clearly outweigh this harm, and as such, the necessary very special circumstances have not been demonstrated to justify approval of the application. The proposal is considered to be contrary to Part 13 of the National Planning Policy Framework (2018) and Policy EV1 of the Ashfield Local Plan Review (2002).

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V/2017/0659- Land Off Brand Lane, Stanton Hill



COMMITTEE DATE 20/09/2018 **WARD** Stanton Hill and Teversal

APP REF V/2017/0659

APPLICANT Harron Homes

PROPOSAL Application to Vary Condition 7(iii) of Planning Permission V/2016/0208 to Allow a Single Principal Access as Opposed to a Dual Approach

LOCATION Land at Brand Lane, Stanton Hill, Sutton in Ashfield, Nottinghamshire, NG17 3GH

WEB-LINK - <https://www.google.co.uk/maps/place/Brand+Ln,+Stanton+Hill,+Sutton-in-Ashfield/@53.1383445,-1.2812988,17z/data=!3m1!4b1!4m5!3m4!1s0x4879969727b7078b:0x55db6bd2b096554!8m2!3d53.1383445!4d-1.2791101?hl=en>

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

App Registered 17/11/2017

Expiry Date 11/01/2018

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

This application has been referred to Planning Committee by Cllr Helen Smith due to the impact upon Highways Safety

The Application

This application has been submitted under Section 73 of the Town and Country Planning Act 1990, to vary the wording of condition 7 of outline planning approval V/2016/0208 – to allow the scheme to be delivered via a single principal means of access from Brand Lane, as opposed to the dual approach previously agreed.

Consultations

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

A total of three letters have been received from neighbouring residents objecting to the planning application on the grounds of:

- Increased traffic generation;
- Loss of trees and vegetation;
- Drainage;
- Poor visibility;

- Highways safety concerns;
- Noise and dust from building works;

NCC Highways Authority – The Highways Authority initially objected to the planning application, however following extended discussions and the provision of additional details, the Highways Authority have withdrawn their objection.

A.D.C Tree Officer – The removal of an estimated 30m of hedgerow would not have a significantly detrimental impact on the area. The vegetation appears not to be of any significant size age or diversity of species.

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) 2018

- 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

Ashfield Local Plan Review 2002 (ALPR)

- ST1 – Development
- ST4 – The remainder of the district
- EV2 – Countryside
- EV8 – Trees and woodland
- HG3 – Housing density
- HG5 – New residential development
- RC8 – Recreational routes
- TR6 – Developer contributions for transport schemes

Teversal, Stanton Hill and Skegby Neighbourhood Plan 2016 – 2031

- NP1 – Sustainable Development
- AP1 – Road Safety and Public Transport

Residential Design Guide Supplementary Planning Document 2014

Residential Car Parking Supplementary Planning Document 2014

Planning History

V/1976/0292 – Temporary (5 years) Coal Stocking – Approved 17/06/76.

V/1981/0410 – Temporary (5 years) Coal Stocking – Approved 18/08/81.

V/2016/0208 - Outline Application With Some Matters Reserved for Residential Development of up to 181 Dwellings and Associated Acces. Approved.

V/2018/0120 - Application for approval of reserved matters following outline planning permission V/2016/0208 for residential development for 171 dwellings and associated access. PENDING.

V/2018/0243 – Applications for approval of details reserved by conditions 9, 10, 11, 12, 16, 17 and 18 of planning permission V/2016/0208.

Comment:

The main considerations in the determination of this planning application are the impact upon highways safety, visual amenity, the adjacent hedgerow and on residential amenity. These are discussed in turn below:

Highways Safety

The principle of residential development has been established by the Outline Planning Permission (V/2016/0208), this included approval of the access arrangement. The intention of this application is to vary the wording of condition 7 to allow the scheme to be delivered via a single principal means of access from Brand Lane, as opposed to the dual approach agreed as part of the outline approval.

The Highways Authority have confirmed that this design arrangement is a less favoured approach, and that their preference would be for the 2 points of access to be formed - with full highway improvements to Brand Lane along the frontage of the site. This is to ensure the urban boundary and associated highway facilities are comprehensively expanded.

Notwithstanding this, the applicant has confirmed that the single point of access is a reserve position and proposes to pursue the original dual access strategy, with the associated upgrades to Brand Lane and the entrance to Brierley Forest Park. The Highways Authority considers the latter to be the best option it will improve existing facilities and provide more community benefit.

The supporting letter included with the application states that the access arrangement was agreed at outline planning when 181 units were anticipated, with the Transport Assessment based on 216 units. The Highways Design Guide requires 2 points of access to developments of 150 units or more.

The current reserved matters application under consideration (Ref: V/2018/0120) proposes 171 units. The Highways Authority have, on this occasion, stated that a single oversized priority access would be suitable to cope with an additional 21

dwellings, over and above the 150 dwelling limit - subject to a suitable internal layout which supports this. The layout of the site would be dealt with under the reserved matters application.

The Highways Authority have been explicitly clear, in stating that any number greater than 171 would be unacceptable and give rise to highways safety concerns. Planning Officers have therefore raised substantive concern regarding the ability to restrict the number of dwellings, as the outline consent is for up to 181. A legal opinion has been sought as to the most appropriate means of restricting the number of units. The advice received demonstrates that it would not be possible, through the use of planning condition, to restrict the number of units. Although, it has been advised that this may be possible through the use of a S106 Agreement. However, this could be challenged after a five-year period.

The issue of restricting the number of dwellings further and in accordance with the Highways Design Guide was discussed with the applicant; however, on the basis of no objections being raised from the Highways Authority for 171 dwellings, the applicant considered 171 to be a suitable approach.

In line with the comments received from the Highways Authority and in terms of good planning practice, it is recognised that the site would be best delivered under a dual access approach. The Highways Authority have however not objected to the application - agreeing a compromise approach - in raising no objections on the basis of no more than 171 dwellings being provided from a single point of access. It must however be noted that, in the future, this could result in an incremental increase of numbers on the site, for which a singular approach would be unsuitable.

On the balance of the above, it is considered that the alteration to a single point of access, with a section 106 agreement limiting the number of dwellings, would not prejudice highways safety. Accordingly, the development would comply with Saved Policy ST1 of the Ashfield Local Plan Review (2002), which seeks to approve development where it will not adversely affect highway safety. It would also be compliant with part 9 of the National Planning Policy Framework (2018).

Impact upon hedgerow

A hedgerow along Brand Lane is required to be removed in order to facilitate the widening of Brand Lane and inclusion of footpaths. This necessitates the removal of a mature hedge adjacent to the existing dwellings and their garden accessed from the Paddock. The removal of the mature hedgerow is required whether a single, or double point of access would be required. This element, was previously presented to planning committee as part of the Outline planning application and found to be acceptable.

The Councils Tree Officer has raised no objection to the removal of the hedgerow as the vegetation appears not to be of any significant size age or diversity of species.

The applicant has also submitted a Hedgerow Assessment report to assess the removal of the hedgerow from an ecological standpoint. This concludes that the hedgerow is unlikely to be significant to any faunal groups and overall is of low limited ecological value. The mitigation for the loss of the hedgerow can be provided within the landscaping scheme as part of the reserved matters application.

Other Issues

Wildlife

A number of residents have raised concerns with regards to the impact of the proposed development on Wildlife on the wider site. The impact was thoroughly assessed during the Outline stage with the accompanying Ecological Appraisal and found to be acceptable.

Character and Appearance

The proposal would result in the allowance to provide a singular point of access, as opposed to a dual approach. There would be no significant adverse impact upon the character and appearance of Brand Lane, as a result of the change in this access arrangement.

Residential Amenity

The removal of the hedgerow to facilitate highway improvement works, will expose the existing rear garden fences of numbers 1-7, The Paddocks. The issue of a new boundary treatment(s), is to be dealt with at reserved matters stage, where it would be appropriate to agree a suitable new boundary treatment with the affected occupants - to create a higher quality street scene that maintains appropriate privacy. The residents along the Paddock have been written to specifically regarding the hedgerow removal and following these letters being sent, no formal responses have been received on this issue.

The issue of site levels, and the exact layout/size of the dwellings is also to be determined at reserved matters stage. The alteration of the access to a single priority junction is highly unlikely to adversely impact upon neighbouring residents.

Drainage

A resident has raised concerns regarding drainage at the site; a condition was applied to the outline permission and will be re-attached to this application for a full drainage scheme to be submitted. The sites drainage is currently being discussed as part of reserved matters submission.

Section 106

A Section 106 was submitted in support of the outline permission, which addressed the issue of affordable housing provision, as well as securing contributions toward healthcare, highways, libraries, regeneration and public open space. A deed of variation to the Section 106 will be required to ensure the contributions are secured with this application. A legal agreement will also be entered into, in order to restrict the number of units.

Conclusion:

The principle of residential development has been established by the outline planning permission (Ref: V/2016/0208). In terms of good planning, it is recognised that the site would be best delivered through a dual point of access, which would maximise the potential of the site to deliver its full housing potential. However, the Highways Authority have raised no objections to a singular approach on the basis of no more than 171 dwellings; consequently, there are no Highways Safety concerns associated with this application. In taking a balanced and pragmatic approach, the application is recommended for approval, subject to a satisfactory completion of a legal agreement.

Recommendation: - Approve subject to a Section 106 Legal Agreement.

1. The formal approval of the Local Planning Authority shall be obtained prior to the commencement of any development with regard to the following Reserved Matters:
 - a. Layout
 - b. Scale
 - c. Appearance
 - d. Landscaping
2. The reserved matters should indicate the proposed floor levels of all buildings, and the relationship of such to the existing dwellings to be approved. In writing, by the Local Planning Authority.
3. The reserved matters for each phase of the development hereby permitted shall include detailed plans and particulars relating to the following items appropriate for that phase, and shall be implemented in accordance with the phasing plan:
 - i. A detailed layout plan of the phase in context with the whole site (for the avoidance of doubt the submitted Master Plan (CAL031215/02H) and Design & Access Statement shall be considered to be for indicative purposes only) which shall be accompanied by a swept path analyses of a 10m refuse vehicle throughout for the residential development;
 - ii. Details of highways and private street works;
 - iii. Details of access from the approved spine road (for the avoidance of doubt, the current junction arrangements on the submitted masterplan drawing reference CAL031215/02H are considered to be indicative)

- iv. The layout and marking of car parking, servicing and manoeuvring areas;
 - v. Details of the means of foul and surface water drainage together with a programme of implementation;
 - vi. Cycle and bin storage facilities
 - vii. The means of access and highway route for construction traffic.
4. The development shall only be carried out in accordance with the agreed phasing plan unless otherwise agreed in writing by the Local Planning Authority.
 5. Application for approval of Reserved Matters shall be made to the Local Planning Authority before three years from 27/02/2017.
 6. The development to which this approval relates shall be begun not later than whichever is the later of the following dates:
 - a. The expiration of 5 years from 27/02/2017
 - b. The expiration of 2 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
 7. No development shall take place until such time as programme has been submitted to and approved by the LPA covering the following works:
 - i. The provision of pedestrian crossing upgrades including dropped kerbs and tactile paving across the minor arm of Victoria Street at its junction with New Lane, across the minor arm of Cross Row at its junction Brand Lane as shown for indicative purposes on plan reference 1600503A;
 - ii. The provision of all round puffin style pedestrian crossing facilities at the Brand Lane/Stoneyford Road/High Street/New Lane signal controlled junction, as shown for indicative purposes on plan reference 1600502;
 - iii. The provision of a single priority junction forming the access into the site with 6.75m wide access road width, a 2m wide footway on either side of the access road, and two footways provided along Brand Lane connecting with infrastructure to the north east of the site and a widening of Brand Lane along the frontage of the site to a minimum width of 5.5m as shown for indicative purposes on plan reference 1600501D
 - iv. The provision of an uncontrolled pedestrian crossing between the proposed footway located on the northern side of Brand Lane, and the opposite carpark access, including the construction of a short length of footway as shown for indicative purposes on plan reference 1600501a;
 - v. The provision of a pedestrian link to the existing PROW Footpath (1846) connecting to the site to Greenacre as shown for indicative purposes on plan reference: Master Plan (CAL031215/02h).
 8. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and

- approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
9. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
- The utilisation of holding sustainable drainage techniques;
 - The limitation of surface water run-off to equivalent greenfield rates;
 - The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
 - Responsibility for the future maintenance of drainage features.
10. The development shall be undertaken in accordance with the Arboricultural Method Statement produced by AWA Consultants Dated January 2018.
11. No development shall take place until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation.
12. Prior to the commencement of any works pursuant to this permission the applicant shall submit the following to the Local Planning Authority (LPA):
- i. A Desktop Study/Phase I Report documenting the historical use(s) of the site and its immediate environs. This shall include a conceptual site model indicating all potential pollutant linkages.
 - ii. A Site Investigation/Phase II Report where any previous use of the site indicates a potential contaminative use. The applicant/developer shall submit a Site Investigation/Phase II Report documenting the characteristics of the ground at the site. The Site Investigation should establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas monitoring and chemical analysis, identified as being appropriate by the Desktop Study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. All technical data must be submitted to the LPA.
 - iii. A Scheme of Remedial Works where the Site Investigation has identified the presence of significant levels of harmful ground gas and/or significant levels of chemical contamination. The scheme should include a Remediation Statement and Risk Assessment Strategy to prevent any significant risk arising when the site is being developed or subsequently occupied.

Any variation to the Remediation Scheme shall be agreed in writing with the LPA, in advance of works being undertaken. All remediation should be carried out safely, ensuring that no significant risk(s) remain. The applicant will need to have a contingency plan should the primary remediation or subsequent construction phase reveal any additional contamination. Where additional contamination is found the applicant must submit in writing, details of the contingency plan for written approval by the LPA.

On completion of remedial works and prior to the occupation/use of the development, the applicant must submit to the LPA:

- iv. A Validation Report with confirmation that all remedial works have been completed and validated, in accordance with the agreed details. The Validation Report must be submitted for the written approval of the LPA prior to the development being put to its intended use.
13. The development shall not be occupied or be brought into use until the owner or the occupier of the site has appointed and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in a Residential Travel Plan to be approved, in writing, by the Local Planning Authority.
 14. No part of the development hereby permitted shall take place until details of the widening of Brand Lane and new footway have been submitted to and approved, in writing, by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
 15. The development shall be carried out in accordance with the Construction Environmental Management Plan produced by Harron Homes and the working times shall be limited to the following:
 - a. 8.00am to 18.00pm (Monday to Friday)
 - b. 8.00am to 13.00 pm Saturday
 - c. No Sunday or Bank Holiday working.
 16. A Noise Impact Assessment shall be carried out to establish the impact of noise from Brierley Park Close industrial units; particularly at night. An appropriate mitigation plan shall be submitted to and approved in writing by the Local Planning Authority.
 17. The development shall be carried out in accordance with the Air Quality Assessment produced by Redmore Environmental Dated 6th November 2016.

REASONS

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
2. To protect the residential amenity of adjoining properties.
3. To ensure the development is designed and constructed to adoptable standards.
4. To ensure that the proposed measures are put in place so as not to create an unnecessary risk to users of the highway.
5. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
6. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
7. To provide sufficient capacity at the respective junctions and in the interest of pedestrian and general highway safety.
8. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating; or exacerbating a flooding problem, and to minimise the risk of pollution.
9. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.
10. To protect the existing trees during construction and to ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
11. To ensure the satisfactory appearance of the development.
12. To ensure that the site, when developed, is free from contamination, in the interests of safety.
13. To promote sustainable transport.
14. In the interests of highways safety.
15. In the interests of residential amenity.
16. In the interests of residential amenity.
17. To safeguard the amenities and health of future and existing residents living.

INFORMATIVE

1. The applicant is advised that unless the s106 agreement is agreed, executed and signed within 3 months of the date of this report, the proposal may be reconsidered.
2. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not

- hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
3. The applicant is advised that any open space within the application site may not be adopted by Ashfield District Council and may be the responsibility of the developer to maintain this land for the life of the development.
 4. The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative above ground sustainable drainage should be used.
 5. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.
 6. This permission shall not be construed as granting permission to close or divert any right or rights, of way which may be affected by the proposed development. The developer should contact the PROW officer to the Council to facilitate such a process, if required.
 7. To ensure the satisfactory overall appearance of the completed development and to help assimilate it into its surroundings reserved matters shall present a scheme of hard and soft landscaping. This should establish that all planting, seeding or turfing shall be carried out in the first planting and seeding season following completion of the development. 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. In addition, the landscaping scheme shall present proposals for allotment plots that can contribute to the current shortfall in their provision in Sutton.
 8. To safeguard the amenities of residents living in the vicinity of the application site, full details of the proposed treatment of the site's boundaries and a phasing scheme for the implementation of the agreed boundary treatment should be presented through reserved matters.
 9. In the interests of highway safety details with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage to comply with the County Council's Highway Design and Parking Guides should be submitted with reserved matters.
 10. The applicant is advised that careful consideration should be given to lighting within the application site, with particular regard to the site boundaries. The use of bat friendly light should be used where appropriate.
 11. In order to avoid impacts to nesting birds we also request that all tree/shrub/hedgerow/scrub and rough grassland removal work be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time then a suitably qualified ecologist should be on site to survey for nesting birds prior to any vegetation clearance. As you will be aware all nesting birds', birds' nests, young and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as

amended). Nesting is taken to be from the point at which birds start to build a nest, to the point at which the last chick of the last brood of the season has fully fledged and left the nesting area. For further information please contact Rachel Hoskin at Natural England Telephone 0300 0602343 or rachel.hoskin@naturalengland.org.uk

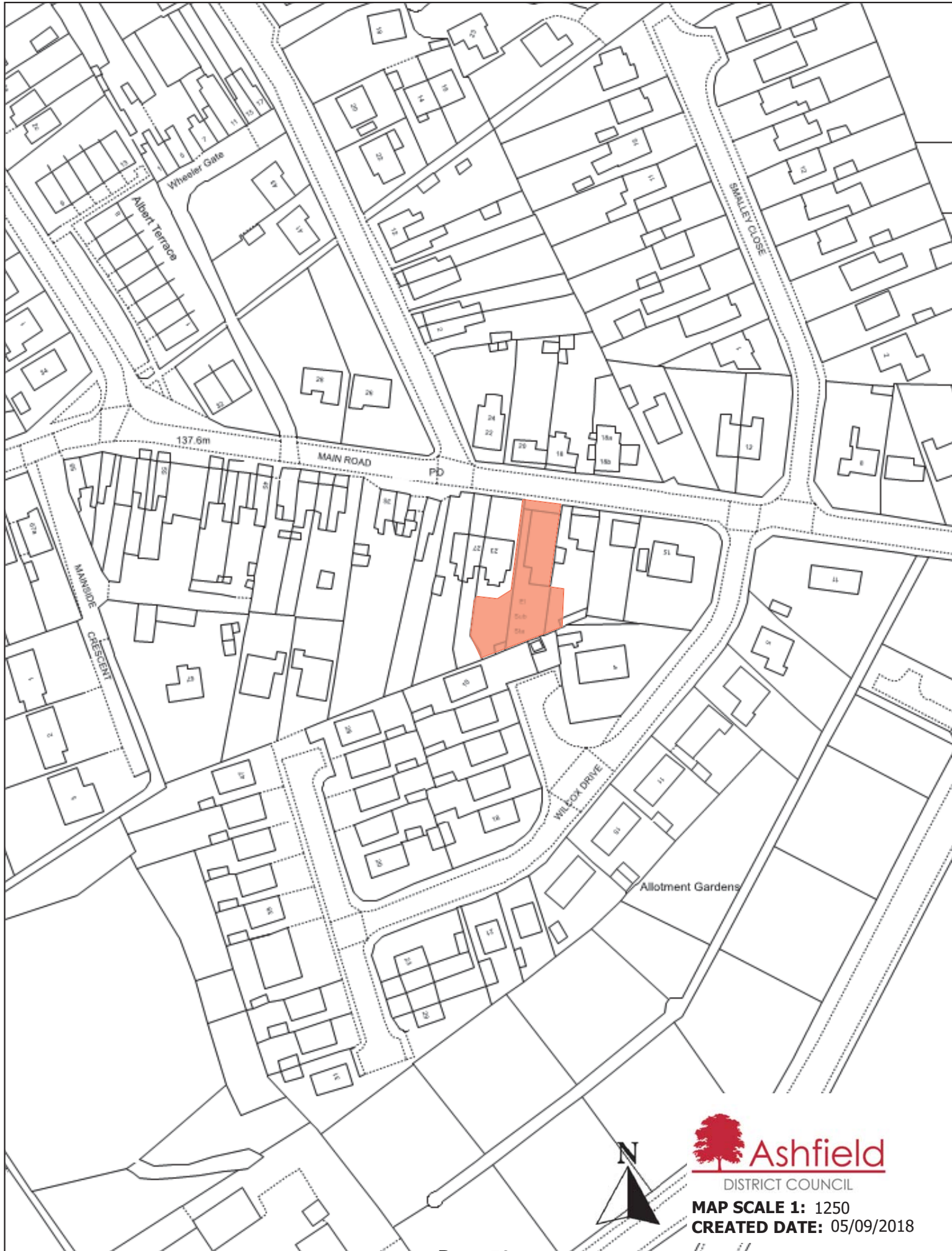
12. The applicant is advised that it is an offence to destroy habitats supporting protected species such as bats and nesting birds. It is recommended that the views of a qualified ecologist are obtained prior to carrying out any works on site.
13. Standing advice of the Coal Authority should be reviewed and applied, as appropriate. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. A small part of the site is located within a high risk area. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk
Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com
14. Reference in any condition contained in this permission/refusal of permission to any Statute, Statutory Instrument, Order, Regulation, Design Guide or other document shall be taken to include any amendment, replacement consolidation or variation that shall from time to time be in force and any reference to any body or organisation (public or private) shall be taken to include any successor-body or organisation exercising relevant functions in place of or alongside the body named.
15. This consent will require approval under Section 19 of the Nottinghamshire County Council Act 1985 and where the new streets are to be adopted an Agreement pursuant to **Section 38 of the Highways Act 1980** will be required. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. Please contact Nottinghamshire County Council to ensure that approvals and agreements are secured before commencement of works.
16. **Section 278 Agreement (Highways Act 1980)**. In order to carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary

alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the highway will not be permitted until the Section 278 Agreement is signed by all parties. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.

Contact hdc.north@nottscc.co.uk 011580-40022

17. To promote sustainable travel, the Travel Plan Coordinator should submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with Travel Plan monitoring periods. The monitoring reports should summarise the data collected over the monitoring period categorising trip types into new trips, pass-by-trips, linked trips, diverted trips, and transferred trips, and propose revised initiatives and measures where travel plan targets are not being met including implementation dates.
18. To promote sustainable travel, the Travel Plan Coordinator should, within 3 months of occupation, produce or procure a full travel plan that sets out final targets with respect to the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel. The Travel Plan should be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates.
19. Travel Plan - Advice regarding travel plans can be obtained from the Travel Plans Officer on telephone 0115 9774523.
21. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.
22. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.
23. The Design and Access Statement provided in support of a Reserved Matters application should clearly and unambiguously establish how the layout, scale, appearance and landscaping has responded to the Council's Residential Design Guide (2014).

V/2018/0423 - 19-21 Main Road, Underwood



COMMITTEE DATE 20/09/2018 **WARD** Underwood

APP REF V/2018/0423

APPLICANT P Hughes Construction Ltd

PROPOSAL First Floor Office Extension Over Existing Flat Roof Extension to the Rear of 21 Main Road. Change of Use of Part of Garden of 19 Main Road to Car Parking Area to Serve 21 Main Road.

LOCATION 19-21 Main Road, Underwood, Nottingham, NG16 5GP

WEB-LINK <https://www.google.co.uk/maps/@53.0493397,-1.2977793,19z>

BACKGROUND PAPERS A, C, D, K

App Registered: 16/07/2018

Expiry Date: 21/09/2018

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

This application has been referred to Planning Committee by Cllr. Sears-Piccavey on the grounds of flooding.

The Application

This is an application for a first floor office extension over an existing flat roof extension to the rear of 21 Main Road, and the Change of Use of part of the rear garden of 19 Main Road to a car parking area to serve 21 Main Road.

Consultations

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

The following consultation responses have been received:

Resident Comments:

2 letter of objection has been received from local residents. The grounds for the objections are:

- Noise
- Anti-social behaviour
- Overlooking
- Overbearing
- Decrease in property value

ADC Drainage:

There are no known drainage issues with the site. An informative in respect of drainage is required.

Local Lead Flood Team:

Have no comments to make as the site falls outside of a flood risk area.

NCC Highways:

The proposal is considered to be minor and will have a minimal material impact on the highway network.

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 (NPPF) 2018:

Part 6 – Building a Strong, Competitive Economy

Part 12 – Achieving Well Designed Places

Ashfield Local Plan Review (ALPR) 2002:

ST1 – Development

ST3 – Named Settlement

Relevant Planning History

V/2015/0683

Details: Change of use of existing garden at no. 23 to create extension to rear car park and alteration to associated access

Decision: Conditional consent

Date: 24/12/2015

Comment :

The application proposes the erection of a first floor extension to the rear of 21 Main Road, Underwood, and the change of use of part of the rear garden of 19 Main Road to a car parking area to serve the business operating at 21 Main Road.

The application site comprises of a large detached, two storey property utilised as commercial office space for a local construction business, within the named settlement of Underwood.

The proposed extension is to be built above the existing flat roofed rear element of the property, and will project from the rear wall by roughly 5m, and will have a width of just under. The extension will bring the total height of the rear of the property to around 8m.

Visual Amenity:

Whilst the proposed rear extension will not be visible from Main Road, the siting of the application site means that it will however be visible from Wilcox Drive, located to the rear.

The rear extension has been designed so that it incorporates a dual-pitched, gable ended roof, with a ridge height set roughly 1m lower than that of the main building. As such, it is considered that the proposal will appear subordinate to the existing property.

Furthermore, whilst it is acknowledged that the extension is increasing the height of the rear element of the property, the removal of the existing flat roof and the integration of a dual-pitched roof in to the design of the proposed extension, will further help to improve the visual amenity offered by the wider street scene.

Matching materials are proposed to be used in the scheme, including cream painted render and slate grey roof tiles.

It is therefore considered that the rear extension will appear sympathetic to the existing property, and will not have a significant detrimental impact on the appearance or character of the surrounding locality.

Residential Amenity:

Concerns have been raised by two local residents in respect of the proposal.

The extension will be sited approximately 4m from 23 Main Road, and approximately 20m or more from properties along Wilcox Drive, minimising any overbearing or overshadowing impacts on these properties. Whilst the extension will be built up to the boundary with 19 Main Road, the existence of a single storey garage directly adjacent to the proposal at the neighbouring property will help to minimise any overbearing impact that the extension will have on no. 19. The proposed extension will not exacerbate any overshadowing impacts currently experienced at 19 Main Road.

Overlooking impacts on neighbouring properties have also been raised. Windows are proposed to be sited in the rear elevation of the extension with an outlook towards properties along Wilcox Drive. The separation distance between the office windows and habitable room windows at neighbouring properties is approximately 20m. Due to the angling of the proposed extension in relation to the properties along Wilcox Drive, it is considered that there are no significant harmful overlooking impacts arising from the proposal.

Issues in relation to noise and anti-social behaviour have been raised in respect of the new parking facility. It is considered that there is no evidence to suggest that the parking area will be used to facilitate anti-social behaviour in the area, and an

additional three parking space will not result in a significant increase in comings and goings to the property, to the detriment of the amenity of neighbouring residents.

A 2m high close boarded fence has already been erected to the rear boundary of the application site. The existence of this fence will mitigate against the potential for vehicle lights shining into habitable rooms at properties along Wilcox Drive.

Highways:

The proposal incorporates a parcel of land to the rear of 19 Main Road, which is proposed to be converted from residential garden space into three additional car parking spaces in association with the business at 21 Main Road.

No objections have been received from the highways authority in respect of the proposal.

The parking facility is to be constructed using a permeable block paving system, and will match the parking facility approved in 2015 for additional car parking to the rear of 23 Main Road.

Flooding Risk:

The application was called in on the grounds that the parking area will exacerbate flooding in the area.

ADC Drainage have confirmed that there are no known drainage issues with the site, and raise no objections to the proposal.

Furthermore, the Local Lead Flood Team have also been consulted but have not provided comments on the application on the grounds that the site falls outside of any flood risk area.

As previously stated, whilst part of the rear garden area of 19 Main Road will be converted into a parking area, the parking area will be constructed using permeable block paving, which will not result in increased surface water runoff. A grassed garden area will be retained adjacent to the parking area, which will absorb any further surface water, should it materialise.

It is therefore considered that the proposal will not increase any surface water runoff or contribute to increased flooding in the local area.

Conclusion :

Overall, the proposal is considered to be appropriate in terms of size and scale. It is considered that the proposal will not result in any significant detrimental impact on the amenity of local residents through increased overbearing or overlooking, or increased noise and anti-social behavior. Additionally the scheme will not result in any increased flooding in the area. Approval is therefore recommended for this application, subject to the stated conditions:

Recommendation: Grant – Conditional Consent

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. The materials and finishes to be used for the external elevations and roof of the proposal shall match those used in the construction of the existing building and those detailed in the submitted application form.
3. This permission shall be read in accordance with the following plans: Site Layout Plan, Drawing No. 024/18/03, Received 12/07/18; Proposed Elevations and Floor Plans, Drawing No. 024/18/02, Received 12/07/18; East Elevations and Cross Section, Drawing No. 024/18/05, Received 12/07/18. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure the satisfactory appearance of the development.
3. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. 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.

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Report To:	Planning Committee	Date:	20th September 2018
Heading:	PLANNING APPEAL DECISIONS		
Portfolio Holder:	LEADER OF THE COUNCIL		
Ward/s:	UNDERWOOD		
Key Decision:	No		
Subject to Call-In:	No		

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 Decision.

Alternative Options Considered

(with reasons why not adopted)

N/A

Appeal Decisions

Planning Application - V/2017/0066

Site – Felley Alpacas, Felley Mill Lane South, Underwood

Proposal – Application for the erection of an agricultural dwelling and provision of package waste water treatment plant.

Appeal Decision – Allowed and partial award of costs

The Inspector confirmed that the proposal constitutes inappropriate development in the Green Belt, reducing its openness, and is therefore harmful and should only be approved if very special circumstances exist which may outweigh the harm. He assessed however that the impact upon the character and appearance of the Green Belt would be modest and capable of being addressed by way of landscaping measures and that view corridors towards Underwood Church would not be harmed.

He was persuaded that the financial tests support a sound ongoing business and that the functional need for a dwelling for a full time worker should be met on the site rather than by accommodation close by in Underwood, as suggested by the Council and in so doing, concluded that the essential need for a rural worker to live on the site clearly outweighs the harm to the Green Belt.

Accordingly, the appeal was allowed, subject to conditions including restriction of occupants to rural workers; provision of landscape scheme; and removal of permitted development rights.

Cost Award

The Inspector took the view that it was unreasonable for the Council to maintain the view that accommodation within nearby Underwood would fulfil the essential functional need for a full time worker, contrary to the opinion of the Inspector in the 2008 appeal decision on a temporary mobile caravan.

The Inspector therefore awards costs limited to that incurred in responding to the Council’s case in part that it would be possible for the applicant to live off-site in Underwood and be within sufficient proximity to care for his stock.

No claim has yet been received from the appellant in this respect.

Planning Application – X/2017/0049

Site – The Barn, Land at the Triangle, Felley Mill Lane South, Underwood, Nottinghamshire NG16 5GS

Proposal – Prior approval for a proposed change of use from agricultural to dwelling.

Appeal Decision – Allowed

A previous appeal was dismissed at this site for the same proposals - on the basis the site was being for the stabling of horses, which did not fall within the definition of Agriculture within the Town and Country Planning Act (1990). On this occasion, the applicant had submitted a sworn affidavit stating that whilst horses were grazed on the land between 2008 – 2016 – these were on the land for grazing purposes only, and were not housed in the stables, nor fed any hay whilst on the site. The Inspector gave the documents due weight in accordance with their legal standing and considered that, on the balance of probabilities, the site was solely used for an agricultural use as part of an established agricultural unit on 20 March 2013.

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
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General Fund – Revenue Budget	The award of costs, details of which have not been received can be met from the Planning Appeals Costs provision.
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:

None

Other Implications:

None

Reason(s) for Urgency

N/A

Reason(s) for Exemption

N/A

Background Papers

None

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Carol Cooper-Smith

INTERIM DIRECTOR – PLACE AND COMMUNITIES

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