

**ASHFIELD DISTRICT COUNCIL**



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

## Agenda

### Planning Committee

Date: **Thursday, 18th October, 2018**

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Time: **7.00 pm**

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

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For any further information please contact:

**Lynn Cain**

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

01623 457317

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# **PLANNING COMMITTEE**

## **Membership**

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

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

David Griffiths  
Rachel Madden  
Helen-Ann Smith  
Sam Wilson

## **FILMING/AUDIO RECORDING NOTICE**

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

## **SUMMONS**

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



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

## **AGENDA**

**Page**

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
3. To receive and approve as a correct record the minutes of a meeting of the Planning Committee held on 20th September, 2018. 5 - 8
4. To receive and consider the attached planning applications. 9 - 104

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## PLANNING COMMITTEE

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

on Thursday, 20th September, 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, Samantha Reynolds, Christine Sarris  
and Robbie Steel.

**In Attendance:** Councillor Robert Sears-Piccavey.

**P.10 Declarations of Disclosable Pecuniary or Personal Interests  
and Non Disclosable Pecuniary/Other Interests**

Councillor Sam Wilson declared a Non Disclosable Pecuniary/Other Interest in respect of application V/2018/0291, Mrs. K. Topham, ménage with fencing, Woodnock Barn, 254A Nottingham Road, Selston.. His interest arose from the fact that he had spoken to the applicant and a planning officer but in doing so had not expressed an opinion.

Councillor Keir Morrison declared that he was predetermined in respect of application V/2018/0355, Linby Homes Ltd, two detached dwellings with integral garages, land to the rear of 283-287 Watnall Road, Hucknall. His interest arose from the fact that he had previously expressed in public his opinion regarding the proposed application.

**P.11 Minutes**

RESOLVED

that the minutes of the meeting of the Planning Committee held on 16<sup>th</sup> August, 2018 be received and approved as a correct record.

**P.12 Town and Country Planning Act 1990;  
Town Planning Applications Requiring Decisions**

RESOLVED that

1. Application V/2018/0355, Linby Homes Ltd, two detached dwellings with integral garages, land to the rear of 283-287 Watnall Road, Hucknall.

(Councillor K.A. Morrison had previously declared that he was predetermined in respect of this application. He therefore left the room at 7.04 p.m. and took no part in the discussion and voting thereon).

Mr. M. Harrison, an objector to the application and Mr. R. Bayes, as agent for the Applicant, took the opportunity to address the Committee in respect of this matter.

It was moved and seconded that consideration of this application be deferred until the next meeting of the Committee to enable a site visit to be undertaken by Members.

2. Application V/2018/0431, Mr. P. Crawford, construction of single storey side and rear extension and porch to front elevation, 49 Chestnut Avenue, Kirkby in Ashfield.

It was moved and seconded that conditional consent be granted.

3. Application V/2018/0291, Mrs. K. Topham, ménage with fencing, Woodnook Barn, 254A Nottingham Road, Selston.

Mr. Topham, on behalf of the applicant, took the opportunity to address the Committee in respect of this matter.

It was moved by Councillor Sam Wilson and seconded by Councillor Cheryl Butler that the recommendation contained within the report be rejected and that conditional planning consent be approved.

It was considered by the Planning Committee that they could not concur with the Council's Planning Policy that the ménage development would fail to preserve the open space and were assured that the application did, in fact, align with the requirements of the current Greenbelt Policy EV6.

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

- The proposed lighting columns shall be painted green and a shield applied to the lighting heads.
- The hereby approved floodlights shall not be operated later than 20:30 hours daily.

For the motion:

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

Against the motion:

None.

Abstentions:

None.

Accordingly, the motion was duly carried.

4. Application V/2017/0659, Harron Homes, 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.

Mr. C. Dwan, the applicant, took the opportunity to address the Committee in respect of this matter.

It was moved by Councillor Jason Zadrozny and seconded by Councillor Helen-Ann Smith that the recommendation contained within the report be rejected and that planning consent be refused for the reasons set out below:-

The proposed alteration to a single point of access, as opposed to a dual approach, is considered to result in significant highways safety concerns for vehicles and pedestrians along Brand Lane. The proposals would also inhibit the site from reaching its full housing potential and making the most effective and efficient use of land at this location. The application would therefore be contrary to Saved Policies ST1 (c and d) and HG5 (e) and Paragraph 109 of the National Planning Policy Framework (2018).

Furthermore, delegated authority was granted to the Assistant Director Planning and Regulative Services, in consultation with the Chairman of the Planning Committee, to determine the exact wording for the reasons for refusal as now outlined above.

For the motion:

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

Against the motion:

None.

Abstention:

Councillor Keir Morrison.

Accordingly, the motion was duly carried.

5. Application V/2018/0423, P. Hughes Construction Ltd, 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.

In accordance with paragraph 9.1(c) of the Code of Conduct and Procedures in respect of the Planning Services, Councillor Robert Sears-Piccavey addressed the Committee in respect of this application.

It was moved and seconded that conditional consent be granted with the Assistant Director Planning and Regulative Services being requested to liaise with the applicant concerning any possible mitigation measures to address the ongoing flooding issues being experienced by neighbouring properties on Wilcox Drive.

**P.13 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 bring to Members' attention the recent Planning Appeal decisions.

(During consideration of this item, Councillor Helen-Ann Smith left the meeting at 8.33 p.m.)

The meeting closed at 8.35 pm

Chairman.



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

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

The background papers forming the planning application file include:

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

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

The full text of all correspondence is available to Members.

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

## **Site Visits Planning Committee**

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

Should any Planning Committee Member wish to visit any site on this agenda they are advised to contact either the Interim Director – Place and Communities or the Assistant Director of Planning and Regulatory Services by 4pm 12<sup>th</sup> October 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 – Place and Communities

Tel: 01623 457365

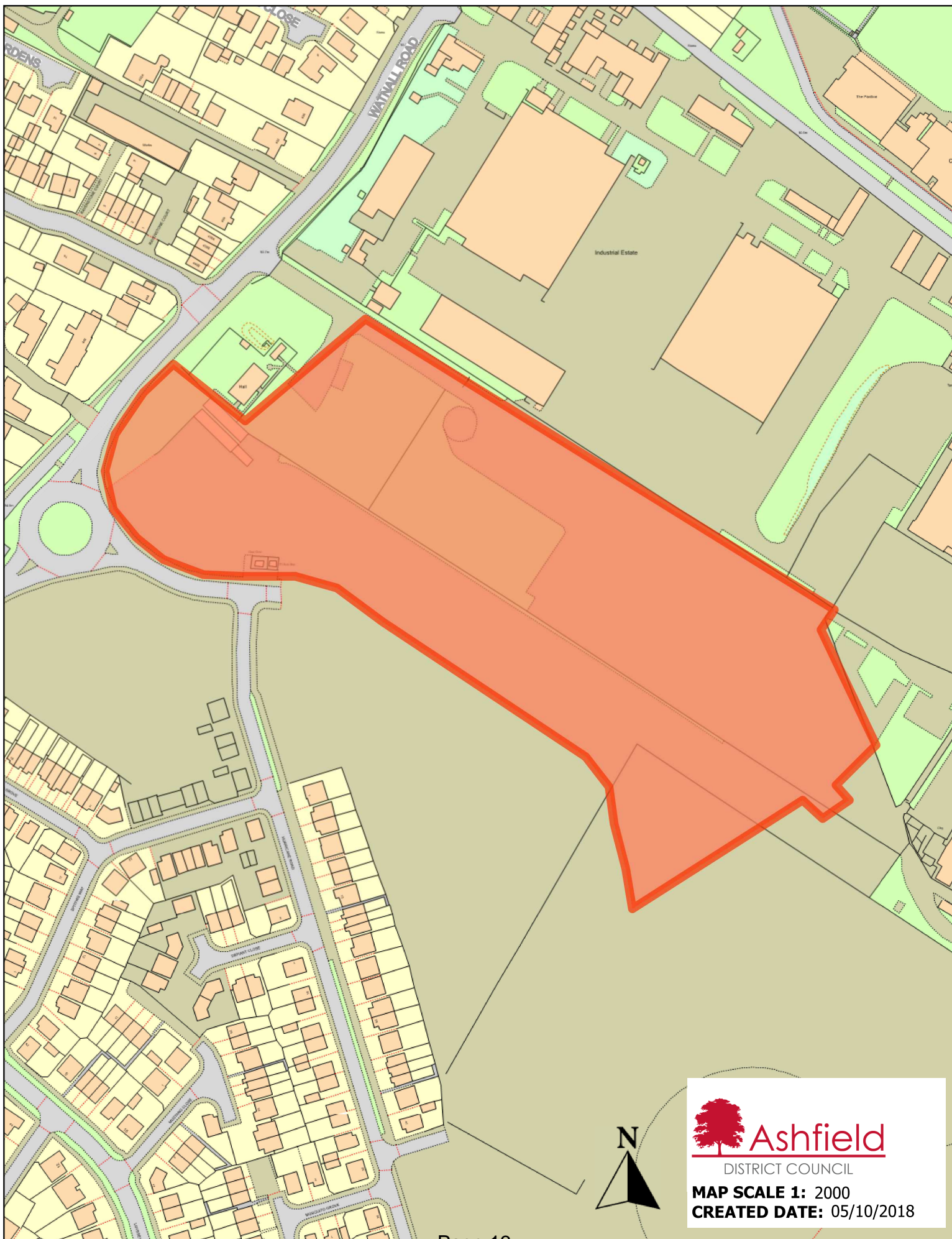
E-mail: [c.cooper-smith@ashfield.gov.uk](mailto:c.cooper-smith@ashfield.gov.uk)

**PLANNING COMMITTEE – 18<sup>th</sup> October  
2018**

<b>Page</b>	<b>App No</b>	<b>Applicant</b>	<b>Recommendation</b>	<b>Proposal</b>	<b>Location</b>
<b>Hucknall West</b>					
<b>13-38</b>	V/2018/0150	Persimmon Homes Nottingham & Muse Developments Ltd	Approval	Application for Approval of Reserved Matters following Outline Approval V/2013/0123 - Proposed Erection of 120 Dwellings and Associated Infrastructure including Access and Landscaping.	Land at Rolls Royce, Watnall Road, Hucknall
<b>39-54</b>	V/2016/0619	Bolsover Properties Ltd	Approval	Outline Application With Some Matters Reserved For Mixed Use Development Comprising of Residential Development and Business Use (B1)	Hucknall Town Football Club, Watnall Road, Hucknall
<b>55-62</b>	V/2018/0586	Bolsover Properties Ltd	Approval	Construction of West Stand, Clubhouse and 2 Community Changing Rooms	Land Off, Aerial Way, Hucknall

**PLANNING COMMITTEE – 18<sup>th</sup> October  
2018**

<b>63-74</b>	V/2018/0355	Linby Homes Ltd	Approval	Two Detached Dwellings with Integral Garages	Land to the Rear of 283 – 287, Watnall Road, Hucknall
<b>Selston</b>					
<b>75-88</b>	V/2018/0396	Wren Hall Nursing Home Ltd	Refusal	Extension to Rear of Existing Care Home and Change of Use from Residential Curtilage and Equestrian to Create Additional Car Parking to the North West of the Site in Association with the Care Home, and Construction of Steps from the Care Home to the Car Park Area.	Wren Hall Nursing Home, 234 Nottingham Road, Selston
<b>Larwood</b>					
<b>89-92</b>	V/2018/0630	Mr J Zadrozny	Approval	Fence and Posts	74 Sutton Road, Kirkby in Ashfield
<b>Skegby</b>					
<b>93-104</b>	V/2018/0092	Mrs L Bradley	Approval	Variation of Condition 2 of Planning Permission V/2015/0533 - Substitute House Type to Plots 5-9	Plots 5-9 Manor Croft Development, Mansfield Road, Skegby



**Ashfield**  
DISTRICT COUNCIL  
MAP SCALE 1: 2000  
CREATED DATE: 05/10/2018

**COMMITTEE DATE** 18/10/2018                      **WARD** Hucknall West

**APP REF** V/2018/0150

**APPLICANT** Persimmon Homes Nottingham & Muse Developments Ltd

**PROPOSAL** Application for Approval of Reserved Matters following Outline Approval V/2013/0123 - Proposed Erection of 120 Dwellings and Associated Infrastructure including Access and Landscaping.

**LOCATION** Land at Rolls Royce, Watnall Road, Hucknall, Nottingham NG15 6EU.

**BACKGROUND PAPERS** A; B; C; D; E; F; H; I; K

**WEBLINK** : <https://www.google.co.uk/maps/@53.0196117,-1.2245285,151m/data=!3m1!1e3>

**App Registered 09/03/2018**

**Expiry Date 31/7/2018**

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

***This application has been referred to Planning Committee by Councillor Chris Baron to discuss the departures from the outline approval.***

### **BACKGROUND**

A hybrid planning application, Ref. V/2013/0123, was Conditionally Approved on 14<sup>th</sup> November 2014, subject to the completion of a Section 106 Agreement. The application comprised a new business park on 27.8ha of land with access from the A611; 31.2ha of residential development, including affordable dwellings; two access points off Watnall Road; public open space provision; a one form entry primary school; provision for community facilities; local retail facilities; pub/restaurant; care home; strategic footpath & cycle link; and nature conservation enhancement on 58ha of green land.

The application was supported by a Parameter Plan which indicated the general layout of the proposals within the application site, including a Masterplan and Phasing Illustrations. The Parameter Plan envisaged that up to 900 dwellings could be accommodated within the allocated residential phases and that the community, retail and pub/restaurant facilities were more flexible and likely to change through the design of the reserved matters applications to follow.

The initial two phases of residential development have now been developed out to the south of the main site distributor road, by Harron Homes and Persimmon Homes.

## **THE SITE**

The application site is located on the edge of the urban fringe of Hucknall at the southern tip of the Ashfield District. It forms part of the expansive redevelopment of the former Rolls Royce site and Hucknall Airfield, located across the northern part of the site, adjoining and immediately south of the existing industrial / business park.

The site is approached from the A611 some 1250m to the north east along the B6009 Watnall Road, the site being on the southern side of Watnall Road. The development runs from the northern most roundabout junction on Watnall Road, adjoining the existing Air Cadet centre. A prominent development form to the roundabout frontage is proposed which will mirror the scale of the care home facility on the opposing corner and create an attractive entrance into the site from the west.

## **THE APPLICATION**

This is an application for the Approval of Reserved Matters following the hybrid Outline Approval under reference V/2013/0123. The application is for the Proposed Erection of 120 Dwellings and Associated Infrastructure, Access and Landscaping.

The application site extends to around 3.4 hectares and is located within the main urban area of Hucknall where, under the provisions of the Policy ST2 of the Ashfield Local Plan Review 2002, the principle of the development is acceptable. The principle of the development for residential purposes has been established by the approval of the hybrid outline planning permission.

The development proposes a mix of house types comprising 24 x 2 beds; 60 x 3 beds; 26 x 4 beds; & 10 x 5 beds. Within this, the required 10% affordable dwellings [ 12 in total, 6No. 2 and 6No. 3 beds ] will be provided. This equates to a site density of around 34 dwellings / hectare.

The proposed access into the development site will be taken from the existing main distributor at a point around 125m from the roundabout junction with Watnall Road. This access will serve the majority of the site, however a new distributor stub is to be created at the eastern end of the site to serve Plots 1-14. This link will future-proof the balance of the site to the north in terms of access.

The development is immediately north of the proposed site of the new primary school on Hurricane Road which has recently been granted permission by Nottinghamshire County Council.

## **CONSULTATIONS**

A Press Notice has been published and Site Notices posted together with individual notifications to surrounding residents and statutory consultees have been informed. The following representations have been received :-

### **Ashfield District Council Policy**

As the application is for the Approval of Reserved Matters following the previous grant of outline permission, the policy team have no comments to make.

### **Ashfield District Council Environmental Protection [ Contamination & Land Stability ]**

Contamination and land stability issues were dealt with under the 2013 outline application and a significant amount of communications have been ongoing up to January 2018. Phase 3 does not appear to be of main concern but we need to ensure, by condition, that the importation of topsoil is clean and suitable for purpose.

### **Ashfield District Council Environmental Protection [ Noise ]**

Condition 11 of the outline planning consent stated that noise from the adjacent Rolls Royce operations and potential noise from operations at the proposed business park shall not exceed a noise rating level of background +5dB, at any residential dwelling constructed as part of the proposed development.

Environmental Protection advise that they are currently working with Rolls Royce on noise assessment for their site since the activities and uses currently operating differ significantly from those at the time of the outline application and hence, the impact will differ.

Accordingly, they request that, prior to the advancement of construction beyond damp proof course level, on Plots 1-4; 43-49; 56-62; 69-72; 74-76; & 77-79 inclusively, a noise impact assessment be undertaken to ensure that at each dwelling, the noise from the commercial activities shall not exceed a noise rating level of background +5dB. The Noise Impact Assessment Report shall be submitted to and approved in writing by the Council and any mitigation measures recommended shall be carried out in full prior to the occupation of the dwellings and thereafter maintained in perpetuity.

### **Ashfield District Council Drainage**

The surface and foul water drainage strategy for this development needs to be approved by the Lead Local Flood Authority and the Severn Trent Water Authority.

### **Ashfield District Council Landscape**

We refer to the amended landscape scheme prepared by TBA Landscape Architects on behalf of Persimmon Homes, namely:-

- 5662.01 / Landscape Proposals, Sheet 1 of 2
- 5662.02 / Landscape Proposals, Sheet 2 of 2



These drawings show a typical landscape treatment well suited to new residential developments. They contain detailed landscape proposals and specifications for the soft landscaping, using a selection of ornamental and native trees and shrubs. The landscape proposals submitted are satisfactory subject to the below clarifications.

- a. It is recommended the landscape proposals are checked against the approved infrastructure drawings to avoid clashes between light columns and avenue trees already agreed in the highway verge. For example Birch tree planting in front of plot 98 & 99. Reform Ltd drawings RF13-110L01 Rev and others refer.
- b. The proposals deal solely with soft landscaping, no information has been provided for hard landscaping materials. It is assumed this will be secured by condition.
- c. The proposals do not show the proposed boundary treatments. Of particular interest are the boundaries along the primary highway frontage and neighbouring Industrial Estate. Again it is assumed these details will be secured by condition.

### **Ashfield District Council Heritage**

An assessment of the significance of the site was submitted with the original outline application (V/2013/0123). Conservation previously advised that the proposed residential development would be harmful to the setting of the Grade II listed hangars, although this harm would be less than substantial and public benefits must weigh in favour to approve development. The significance of the application site to the history and understanding of the listed hangars has been much reduced by the building of new residential development.

There is an opportunity to view the hangars from the new access road, but views are mostly limited to the distinctive roofs and southeast hangar doors of the south-eastern hangar. The proposed layout has indicated an attempt to capture views of the hangars but this is likely to be unsuccessful as for one of the viewpoints, a later 20th century building in between the north-western hangar and the proposed development blocks any view.

The opportunity to introduce new views of the hangars is welcomed and is likely to be the most practicable solution to ensuring the hangars maintain a degree of relationship with the former airfield land. The opportunity for a new view, and probably the best view, that reveals the full extent of the south-eastern hangar is from where plots 46-49 are proposed.

The opportunity for on site interpretation of the history of the site, should be taken, perhaps at an area where the view of the hangars is best. This could be the subject of a planning condition.

### **Natural England**

No objections in respect of statutory nature conservation sites. Standing advice for protected species should be applied.

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

[ Initial response ] STWA have no objections subject to the imposition of a condition requiring the submission of drainage plans for the disposal of surface water and foul sewage to be approved by the Local Planning Authority. The scheme shall be implemented in before the development is first brought into use.

[ Second response ] Following their receipt of full and satisfactory drainage details, STWA confirm that the condition is negated, subject to the developer entering into a Section 106 Sewer Connection agreement.

### **Environment Agency [EA]**

No objections to the development but would advise that the NCC Lead Local Flood Team be consulted.

### **Nottinghamshire County Council [NCC] - Lead Local Flood Team [LLFA]**

[ Initial response ] Due to the complexity and scale of this application the applicant is required to submit a supporting statement with the application that sets out the basics of their surface water proposals. This should provide sufficient detail to allow consideration to be given as to what is being proposed and how the proposals fit with the previously approved surface water drainage strategy for the wider site.

[ Second response ] The supporting statement provided by the applicant by email dated 31/7/18 is satisfactory and the LLFA have no further issues.

### **Nottinghamshire County Council [NCC] Planning Strategy**

In acknowledgement that contributions towards highway and transport facilities and education formed part of the initial outline approval and S106 Agreement, NCC have no further comments to make.

### **Nottinghamshire County Council [NCC] Highways**

The Highway Authority have been reviewing several iterations of the above proposed development layout. The applicant has now submitted another revision of the layout and it is this (drawing number TGDP/SWH-Ph3/PL2 Revision M) on which we now comment.

A major concern initially existed in that 'standard' Persimmon house types were included but with reduced bedrooms numbers [ swapping bedroom for study ], thereby reducing the car parking requirement to those dwellings. It is therefore essential that these house types are retained with the reduced bedroom numbers to ensure parking is not compromised.

Rear parking and parking which is 'unseen' from the dwellinghouse is less likely to be used by residents, with fears of remoteness and security, thereby potentially increasing on-street parking. Given the large areas of frontage parking, drive accesses, visibility splays, safe on-street parking space is extremely limited and any reluctance to use inconvenient/unsupervised on-plot parking will inevitably add to the pressure for on-street parking.

This may entail residents, visitors and service vehicles having to park in the vicinity of junctions and turning heads, contrary to highway and pedestrian safety. Furthermore, it will be on narrow carriageways, only designed to accommodate two passing vehicles. Such narrow roads will also encourage drivers to park on footways. The inclusion of the TRO around the site entrance will however control some of these issues.

The HA believe that there is greater demand for on-street parking space and this could lead to indiscriminate parking which requires control. Additionally, concern remains for the number of individual accesses proposed from the main spine road.

The development has been designed to address highway standards and as such, the Highway Authority would be unlikely to be able to maintain an objection. Therefore, if the Local Planning Authority are minded to grant permission for the development, we would request that conditions are included with the aim of maximising parking over the lifetime of the development.

#### **Nottinghamshire County Council Rights of Way**

No definitive paths are affected by this phase of the development.

#### **Nottinghamshire Wildlife Trust**

No comments.

#### **Broxtowe Borough Council**

Since the principle of residential development has already been granted and that this is an application for approval of reserved matters, the Council do not wish to raise any objections to the proposed development.

#### **NHS Nottingham North & East CCG**

They would not be expecting any additional S106 contribution as the houses are not additional to those considered under the previous outline permission.

#### **Community Representations**

9 representations have been received, 8 of which raise objections to the proposals.

## Objections

- The failure to provide the retail, community and pub/restaurant facilities promised as part of the previous outline approval is a failure of the development as a whole.
- Misleading to those who having seen the Masterplan and bought houses, believing that facilities were to be included.
- The increase in traffic generated by the additional dwellings.
- No retail / community / health facilities on a site comprising 900 houses will necessitate increased car journeys.
- Bus services still not in place.
- Walking to the Watnall Road facilities is too far for most residents.
- If no demand for commercial uses, leave the land as open space until demand increases.
- No need for more housing, will add to issues of anti-social behavior, burglaries and vandalism. They are also not 'affordable'

NB : For clarity, the omission of the commercial element, a small part of Phase 3, will only accommodate around 14 additional dwellings.

## Support

- The Air Cadets have been offered secure tenure of their facility through co-operation of the RAF; Rolls Royce and the developers and so support the scheme.

## **PLANNING POLICY CONSIDERATIONS**

### **National Planning Policy Framework [ NPPF ] 2018**

- **Part 5** - Delivering a sufficient supply of homes.
- **Part 6** - Building a strong, competitive economy.
- **Part 8** - Promoting healthy and safe communities.
- **Part 9** - Promoting sustainable transport
- **Part 12** - Achieving well-designed places.
- **Part 15** - Conserving & enhancing the natural environment.

### **Ashfield LP Review 2002 – Saved Policies**

- **HG3** - Housing Density
- **HG4** - Affordable Housing.
- **HG5** - New Residential Development
- **HG6** - POS in New Residential Developments
- **RC2** - Open Areas
- **ST1** - Development
- **ST2** - Main Urban Areas

**Ashfield Residential Design SPD 2014**  
**Ashfield Residential Car Parking Standards SPD 2014.**  
**Nottinghamshire County Council - The 6 C's Design Guide**

**PLANNING HISTORY**

**V/2013/0123** : Hybrid outline planning application for a business park; residential development; two access points off Watnall Road; public open space provision; a one form entry primary school; provision for community facilities; local retail facilities; pub/restaurant; care home; strategic footpath & cycle link; and nature conservation enhancement. Conditionally Approved and subject to a S106 Agreement, 14/11/14

**V/2014/0585** : Application for Reserved Matters following the hybrid outline consent for Phase 1 Infrastructure. Approved 19/3/15

**V/2014/0652** : Application for Reserved Matters following the hybrid outline consent, in respect of the Phase 1 development of 174 dwellings for Persimmon Homes. Conditionally Approved 5/6/15.

**V/2015/0267** : Application for Reserved Matters following the hybrid outline consent, in respect of the development of 99 dwellings for Harron Homes. Conditionally Approved 28/7/15.

**V/2016/0525** : Application for Reserved Matters following the hybrid outline consent, in respect of Phases 6 & 7, for a development of 113 dwellings for Harron Homes. Conditionally Approved 7/12/16.

**V/2018/0298** : Proposed 210 place primary school and 26 place nursery school. Conditionally Approved by the Nottinghamshire County Council on 6/7/18.

**ASSESSMENT**

The main considerations in assessing the application are the principle of development; layout & design; residential amenity; visual amenity; and highway safety. These are discussed below.

**Principle**

The application is located within the main urban area of Hucknall where, under the provisions of the ALPR 2002, Policy ST2, the principle of the development is acceptable. Moreover, the principle of development on the site for residential purposes has been established through the hybrid planning approval reference V/2013/0123.

**Provision of Local Centre**

The hybrid outline planning permission included within its description, ***“.....provision for Community Facilities; Local Retail; Pub / Restaurant.....”***

The accompanying Masterplan identified that these facilities would be provided along the Watnall Road frontage on either side of the proposed roundabout junction. The reserved matters for a care home has been granted permission, under reference V/2017/0139, on 3<sup>rd</sup> July 2017 for the area south of the roundabout and is currently under construction.

The loss of the local centre land allocation is supported by a marketing report by HEB Surveyors. This lists 42 retailers and operators including brewery and food chains, retailers and local amenity uses who were contacted with regard to the commercial elements of the scheme, in addition to adverts in the main commercial / retail property websites. The development of the Co-op store and rebuilding of the Masons Arms PH to a Sainsburys further north along Watnall Road are said to have impacted on any retail led scheme. Interest was apparently shown by Marston's but they ultimately considered that Watnall Rd was too secondary for a pub, preferring the A611 Hucknall Bypass. Other larger retailers [ Aldi, Lidl ] and the usual fast food outlets are also said to consider the site secondary.

The applicant has however confirmed their commitment to maximising the provision of community benefits by:-

- An early land sale to Adept Care Home Ltd, who intends to develop a high quality 80 bedroom residential care home.
- Making the first two secondary education contributions ahead of formal triggers of the S106 Agreement..
- As part of the Persimmon negotiations, Muse and Rolls-Royce have left the Air cadets in situ and have a programme of works to enhance their facility. By retaining the Air Cadets in their existing position rather than move them deeper into the development, the Air Cadets remain well placed to serve not only the new development but also the existing West Hucknall community.
- The entirety of the public open space requirement including the footpath, bridleways and play areas have been delivered earlier than required under the outline planning consent and Muse has established a proactive management regime in tackling vandalism, anti-social behaviour and numerous instances of trespass by travellers.
- The Primary School Land has been transferred to the County Council and notwithstanding that the planning consent requires a single form entry Primary School, for which planning has been secured, Muse has agreed in principle a proposal to transfer additional land to the County Council in order to accommodate a one and a half form entry Primary School. This will enable the site to not only to meet its own primary education needs but also help it address the shortfall in primary education provision which currently exists in Hucknall.
- Since the commencement of construction Muse have vigorously chased the County Council and bus providers for the provision of an improved bus service to the site. This finally seems to have resulted in a proposed new service which is due to commence shortly.

- Notwithstanding the fact that an occupier is yet to be secured for the business park, Nottinghamshire County Council, Muse and Rolls-Royce have invested expenditure of over £8m in delivering the estate road from the site boundary down to the new Rolls-Royce site entrance, providing initial utilities and infrastructure and a development plateau in order to facilitate delivery of the business park. This has delivered early the reduction of traffic along Watnall Road, something which local residents were very keen to achieve.
- On the matter of Rolls-Royce investment since the S106 Agreement was signed around 3 years ago, there has continued to be investment in the CBCC in new manufacturing equipment; continued investment in the OGV and 9 Hanger facilities; & investment in demolition of former 8 & 10 hangers paving the way for regeneration.

The failure to include retail / pub / restaurant facilities in this location seems to be driven by the lack of demand and the secondary nature of the location compared to the by-pass as opposed to a desire to simply increase housing numbers. The crescent of dwellings proposed for this prominent roundabout frontage, being three storey, will provide the attractive and imposing entrance to the site envisaged by the masterplan and will mirror the scale and appearance of the care home proposed opposite.

The provision of secondary school contributions early has enabled a local academy to have certainty to purchase New College Nottingham for 6<sup>th</sup> form provision which has created much needed additional space in secondary schools.

On balance therefore, the omission of these facilities compared to the measures already put in place by Muse towards community benefits is considered not to be a significant issue and does not preclude the inclusion of such community facilities in later phases of the overall development, in a more central location for the new residential community.

### **Layout & Design**

Consideration has been given to Part 12 of the National Planning Policy Framework 2018 on achieving well designed places, during the processing of this application. The scheme has been amended in terms of layout, house types and amenity provision in order to achieve an attractive and pleasing development. In terms of local policy, consideration has been given to saved Policy HG5 – New Residential Development, of the APLR 2002, which states that new development will be approved where it is acceptable in terms of appearance, scale and landscaping.

In efforts to maintain the anticipated overall site provision of around 900 dwellings, the developer was encouraged to maintain a high density figure on the site and, with the current layout and a development of 120 dwellings, has achieved around 34 dwellings per hectare. This figure is less than the 38 dwellings/ha approved under V/2014/0652 but more than that approved under V/2016/0525 which achieved 25

dwellings/ha. Moreover, as APLR 2002 Policy HG3 seeks a minimum of 30 dwellings per hectare, the scheme is seen to conform to policy.

The site is constrained by the alignment of the main distributor road and the wider site boundary to the north. The Highway Authority encouraged minimum road junctions from this spine road, which is also a planned bus route and equally, wished to minimize the number of direct driveway access points onto it. The latest layout, Revision 'M', has achieved this with the primary access being taken approximately 125m east of the roundabout junction on Watnall Road, from which the bulk of the estate is accessed. A second road off the main spine, at the eastern extreme of the site, will serve 14 units and additionally offer access future proofing for potential development land to the north.

The application proposes a mix of different property types including 2 and 3 bed short terraces and semi-detached; 3 bed semis and detached; and 4 and 5 bed detached in two and three storey designs. Certain types have been specifically included to address corner location and feature properties to enhance the visual amenity of the street scene.

The internal site layout has been the subject to scrutiny and significant improvements have been achieved in terms of highway safety; traffic calming measures; refuse vehicle manoeuvring and, crucially, on-plot and on-street parking, reflected in the Highway Authority's acceptance of the latest scheme.

An important element to the scheme design was the treatment of the western edge, adjacent to Watnall road and the roundabout junction. Through pre-application discussions, the Council have maintained the importance of providing a prominent and attractive frontage development, mirroring the scale of the proposed care home facility on the opposing corner and providing the site with an imposing entrance. This location on the site was initially earmarked on the outline masterplan for commercial / retail facilities which may have been more suited to achieving that aim. This aspect will be discussed in detail below.

The proposal now includes for the development of a crescent arrangement of 12No. 3 storey semi-detached dwellings, utilising the Leicester and Greyfriars types, with a single 2 storey Hatfield type on the eastern end of the 'row'. A deep landscaped frontage is proposed behind the footpath and verge through which limited pedestrian access to these dwellings is taken and parking provision is provided to the rear.

The remainder of the site layout primarily provides frontage car parking, principally for dwellings without garages, whilst maintaining as far as possible the private amenity space to dwellings. A balance has been struck between the need for car parking, manoeuvrability and housing density.



### **Impact upon Residential & Visual Amenity**

The proposed site will have little impact upon existing residential amenity by virtue of its location. The recently completed residential developments to the south are remote from this site and segregated by the proposed care home facility and new primary school. To the east, the residential phases are yet to be proposed. To the north, the site is bounded by the industrial / commercial estate.

The only dwellings potentially affected by the development are located on the western side of Watnall Road, Nos. 444 to 464. Plot 88 is the closest dwelling, a distance of 30m from No. 446 and 36m from No. 448 Watnall Road. No. 464 Watnall Road is around 100m from the nearest dwelling and views the site across the roundabout itself. Half of these dwellings are also separated from the site by a service road created by the re-alignment of Watnall road and provision of the roundabout junction.

Notwithstanding the fact that Plots 88 to 99 forming the crescent to the western site boundary are 3 storey dwellings, the floor heights are around 1m lower than the adjacent highway and given the separation distances to the existing Watnall Road properties, it is considered that there will be no adverse visual impact and/ or loss of residential amenity of these neighbouring properties.

In terms of wider visual impact, for like reasons, the effect will be limited due to the location of the site and the neighbouring uses.

Amenity afforded to future occupants is governed by the Council's Residential Design Guide SPD 2014. Separation distances and private garden sizes have been incrementally improved as the layout has evolved. Whilst some plots remain where the private amenity space is slightly below standard, the greater proportion of dwellings are now compliant with the standards advocated.

The intent of the outline permission was to ensure that the site entrances created imposing and attractive development frontages. Through negotiation with the developer, it is considered that the proposed crescent of 3 storey dwellings will satisfactorily achieve this, mirroring the scale and prominence of the proposed care home facility to be developed on the opposite side of the roundabout which completes the attractive visual impact of the site entrance.

The application is supported by a detailed landscaping scheme which is fairly typical of residential developments, with a pepper potting of appropriate frontage trees; the inclusion of turfed front and exposed side gardens; & ornamental hedging and fencing with climbers along boundary lines and street frontages. All of this will soften the street scene impact and provide some mitigation for the high percentage of frontage parking. Crucially, the frontage to the crescent of dwellings, plots 88 – 100 will be more substantially landscaped zone, linking in to the 'boulevard' aspirations for the spine road frontage.

The scheme has been assessed by ADC's Landscape Officer who confirms that the landscape proposals are considered satisfactory, subject to the provision of conditions as detailed in their consultation response, particular to ensure that there is no conflict with the previously agreed infrastructure, street furniture and spine road grass verge / tree lined boulevard intent.

### **Highway Safety**

The development has evolved to address original highway standard concerns and as such, the HA have requested that if the Local Planning Authority are minded to grant the application, conditions are included to maximise parking over the lifetime of the development.

This includes conditions to ensure that garages are not converted; walls/fencing are not erected which may obstruct the use of parking bays; that all bays be of appropriate size; and that garage door mechanisms do not prevent the use of the spaces in front

In order to relieve concerns as to the potential for casual on-street parking to Plots 88 to 100, fronting the roundabout junction with Watnall Road, a Traffic Regulation Order is proposed [ yellow lining ] around the road frontage to these plots.

### **Section 106**

#### **Affordable Housing**

As required by the S106 Agreement accompanying the outline planning permission a minimum of 10% of dwellings developed should be affordables, generally expected to be pepper-potted across the site. The application proposes a total of 120 dwellings of which 12 will be affordables, thereby meeting the requirements of the S106. The dwellings are provided in 4 blocks of 3 unit terraces, providing 6 x 2 bed [ social rented homes ] and 6 x 3 bed [ intermediate homes, i.e. shared ownership or low cost market ] dwellings, all located along the northern site boundary.

The developer has not identified the precise tenure arrangements and/or a Registered Provider for the management of the dwellings but this remains a requirement of Schedule 1 of the S106 Agreement.

Furthermore, the S106 requires that such affordable dwellings as agreed shall be constructed, available for occupation and transferred to a Registered Provider prior to the occupation of the 81<sup>st</sup> market dwelling on this phase.

#### **Financial Contributions**

The 2014 S106 Agreement includes, within Schedules 1 & 2 for financial contributions to be paid for items including Primary Education; Secondary Education; Libraries; Public Open Space; & Transport. Said contributions become due at

certain, varying trigger points, usually concerning the numbers of dwellings completed. The applicant will be advised by an informative of this decision of the outstanding obligations placed upon them by this Agreement.

## **Other Matters**

### **Heritage.**

The Council's Heritage & Conservation Officer raised objections to the outline planning application on the grounds that residential development of the land would be considered harmful to the setting of the Grade 11 aircraft hangars, although the harm is considered to be less than substantial. Notwithstanding, approval to the outline application was given.

The Heritage & Conservation Officer has raised similar concerns to the current application but states that the opportunities introduced to view the hangars, as depicted on the site layout, is welcomed and is likely to be the most practicable solution to ensuring the hangars maintain a degree of relationship with the former airfield land. The harm is considered to be less than substantial.

The scheme retains two open ended culs-de-sac facing north which will permit views beyond the site boundary and through to the listed hangars, thereby maintaining an element of connectivity between the hangars and the former airfield. The opportunity to provide on-site interpretation of the history of the site and the proximity to the hangars can be accommodated within an area to be adopted a highway land adjacent Plot 59 within the cul-de-sac facing the eastern hangar. A condition will be appended in this respect.

## **CONCLUSIONS**

It is considered that on balance the proposal is in accordance with both national and local planning policies as set out within the National Planning Policy Framework 2018; the Ashfield Local Plan Review 2002; supplementary planning documents; and is consistent with the principles of the outline planning approval.

The wider development has provided significant benefits for the community, although it is acknowledged that a formal local centre is not being provided. It has also makes an appropriate use of land with a well designed and attractive entrance and is therefore in accordance with the NPPF. In order to achieve this however, there has had to be adjustments to parking and gardens.

It is therefore recommended that the application is conditionally approved.

**RECOMMENDATION : Grant Reserved Matters Consent, subject to the following Conditions**

## **CONDITIONS**

1. The development to which this approval relates shall be begun not later than 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.

2. This permission shall be read in accordance with the following plans:-

- Location Plan No. TGDP/SWH-Ph3/LP1, Rev. A, received 4/7/18
- Planning Layout No. TGDP/SWH-Ph3/PL2, Rev M, received 8/10/18

### House Types

- Alnwick, 2 bedroom, No. AN-WD101, received 8/10/18
  - Chedworth, 3 bedroom, No.CD-WD101, received 8/10/18
  - Clayton Corner, 3 bedroom, No.CCA-WD101, received 8/10/18
  - Corfe, 4 bedroom, No. CF-WD101, received 8/10/18
  - Greyfriars, 3 bedroom, No. GF-WD101, received 8/10/18
  - Hanbury, 2 bedroom, No.HB-WD101, received 8/10/18
  - Hatfield, 3 bedroom, No. HT-WD101, received 8/10/18
  - Kendal, 4 bedroom, No. KL-WD101 Rev A, received 8/10/18
  - Leicester, 3 bedroom, No. LR-WD101, received 8/10/18
  - Longthorpe, 4 bedroom, No. LG-WD101, received 8/10/18
  - Middlesborough, 3 bedroom, No.-/Middlesborough/101, received 8/10/18
  - Moseley, 3 bedroom, No. MS-WD101, received 8/10/18
  - Rufford, 3 bedroom, No. RF-WD101, received 8/10/18
  - Souter, 3 bedroom, No. SU-WD101, received 8/10/18
  - Sunderland, 2 bedroom, No. -/Sunderland/101, received 8/10/18
  - Warwick, 5 bedroom, No. WK-WD101, received 8/10/18
- 
- Single/Double Garage, No. SGD-12, received 8/10/18
  - Landscape Proposals, sheet 1 of 2, No.5662.01, Rev. E, received 9/10/18
  - Landscape Proposals, sheet 2 of 2, No.5662.02, Rev E, received 9/10/18
  - Tree Protection Plan, No.5662.04, Rev C, received 9/10/18

The development shall thereafter be undertaken strictly in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

3. Prior to construction advancing beyond damp proof course level on Plots 1-4; 43-49; 56-62; 69-72; 74-76; & 77-79 inclusively, a Noise Impact Assessment shall be undertaken to ensure that at each dwelling, the noise from the commercial activities to the north and east, shall not exceed a noise rating level of background +5dB. The Noise Impact Assessment Report shall be submitted to and approved in writing by the Council and any mitigation measures recommended shall be carried out in full prior to the occupation of the dwellings and thereafter maintained in perpetuity.
4. Prior to the occupation of any dwelling, a report, based upon BS5930 - 'Code of Practice for Site Investigations', shall be submitted to and approval in writing by the LPA, confirming the potential level of contaminants within any site won soils and/or for any intended importation of top soils to be used on the garden areas and public areas of the development. The soils should be free from metals, plastics, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS3882:1994 - 'Specification for Topsoil'.
5. 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.
6. No development shall take place until the following matters have been submitted to and agreed in writing by the Local Planning Authority:-
  - (a) Full details of the proposed treatment of the site's boundaries.
  - (b) A phasing scheme for the implementation of the agreed boundary treatment.The boundary treatment shall be undertaken in accordance with the agreed details.
7. All proposed integral, attached and detached garages within the development shall be retained for the parking of vehicles at all times and shall not be converted for any other domestic or business purpose without the prior written consent of the Local Planning Authority.
8. The proposed development shall have finished floor levels as indicated on Drawing Nos. ADC1814/DR/501; 502; & 503, all Revs. P3 or as may be revised by the details required under Condition 12 below.
9. Trees and shrubs shall be planted in accordance with the landscaping scheme drawings, submitted to the Local Planning Authority, as follows:-
  1. Landscape Proposals, sheet 1 of 2, No. 5662.01, Rev. E, received 9/10/18

2. Landscape Proposals, sheet 2 of 2, No. 5662.02, Rev. E, received 9/10/18

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning authority gives written consent to any variation.

Notwithstanding the drawings detailed above and in advance of any commencement of these works, it is recommended that the landscape proposals are checked against the approved infrastructure drawings for the main spine road to avoid locational and species conflicts with any existing or proposed street furniture and tree planting already agreed in the highway verge.

10. No work shall commence on site until such time as the works, processes, recommendations and protection measures, as indicated on Drawing 'Tree Protection Plan' No. 5662.04, Rev. C, received 9/10/18; the Tree Survey Report, Ref. MG/5662/TSR/Feb18, received 6/3/18; & the Arboricultural Impact Statement & Method Statement, Rev. C, Ref. MG/5662/AIA&AMS/Rev C/Oct18, received 9/10/18, have been fully implemented and retained for the duration of the development, to ensure the protection of any retained and adjacent trees from damage before or during the course of development.
11. No dwelling shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard landscaping. All surfacing materials indicated on the approved scheme shall be carried out in advance of the occupation of the dwellings served or the completion of the development, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.
12. The development hereby permitted shall not commence until the drainage plans submitted, as detailed below, for the disposal of surface water and foul sewage, have been resubmitted to and approved in writing by the Local Planning Authority, utilising the approved site layout plan base No. TGDP/SWH-Ph3/PL2, Rev. M.:-
  - Drainage Details, sheet 1 of 2, No. ADC1814/DR/561, Rev. P1, received 24/5/18
  - Drainage Details, sheet 2 of 2, No. ADC1814/DR/562, Rev. P1, received 24/5/18
  - Surface Water Drainage Layout, sheet 1 of 3, No. ADC1814/DR/501, Rev. P3, received 24/5/18

- Surface Water Drainage Layout, sheet 2 of 3, No. ADC1814/DR/502, Rev. P3, received 24/5/18
- Surface Water Drainage Layout, sheet 3 of 3, No. ADC1814/DR/503, Rev. P3, received 24/5/18
- Foul Water Drainage Layout, sheet 1 of 3, No. ADC1814/DR/511, Rev. P3, received 24/5/18
- Foul Water Drainage Layout, sheet 2 of 3, No. ADC1814/DR/512, Rev. P3, received 24/5/18
- Foul Water Drainage Layout, sheet 3 of 3, No. ADC1814/DR/513, Rev. P3, received 24/5/18

The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

13. Prior to the commencement of any works on site, full details of the new roads shall be submitted to and approved in writing by the Local Planning Authority, including longitudinal and cross sectional gradients, street lighting, parking & turning facilities, access widths, gradients, surfacing, visibility splays, drainage & outfall proposals, construction specification, provision of and diversion of utilities services, materials and any proposed structural works. Drawings must indicate key dimensions. All details submitted for approval shall comply with the Nottinghamshire County Council's current Highway Design Guide and shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
14. Prior to the occupation of Plots 88 to 100 inclusive, an appropriate off-site traffic management scheme, to protect against the indiscriminate parking on Watnall Street / main development spine road, has been submitted to and approved in writing by the Local Planning Authority. Please refer to the Traffic Regulation Informative below.
15. All garage doors shall be set back from the highway boundary a minimum of 5.5 metres for sliding or roller shutter doors; 6.1 metres for up and over doors; or 6.5 metres for doors opening outwards. Prior to the occupation of dwellings with garages, details of the garage doors to be deployed shall be submitted to and approved in writing by the Local Planning Authority.
16. Plot 21 shall not be occupied until the existing traffic calming feature on the main development spine road has been re-sited in accordance with a drawing to be first submitted to and approved in writing by the Local Planning Authority.
17. Plots 1 to 14 (inclusive) shall not be occupied until a traffic calming scheme has been implemented in accordance with a drawing to be first submitted to and approved in writing by the Local Planning Authority.

18. Pedestrian visibility splays of 2.0 x 2.0 metres shall be provided on the accesses to Plots 1 to 22 (inclusive) and Plots 101 and 120, in accordance with a drawing to be first submitted to and approved in writing by the Local Planning Authority. The areas of land within these splays shall be kept free of all obstruction over 0.6 metres above the carriageway level at all times.
19. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel), for a minimum of 6 metres behind the highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
20. Notwithstanding the provisions of the Town & Country Planning [General Permitted Development][England] Order 2015 [or any Order revoking and re-enacting that Order with or without modification] no development relating to;
  - Schedule 2, Part 1, Class F
  - Schedule 2, Part 2, Class A, in so far as it relates to the frontage of all the dwellinghouses,
  - Schedule 2, Part 2, Class B, in so far as it relates to Plots 88 to 100 inclusively.shall be undertaken without the prior written approval of the Local Planning Authority.
21. No development hereby permitted shall commence until wheel washing facilities have been installed on the site in accordance with details first submitted to and approved in writing by the Local Planning authority. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on it's wheels before leaving the site so that no mud, dirt or debris is discharged or carried onto the public highway.
22. Any proposed soakaways shall be located at least 5m to the rear of the highway boundary.
23. Prior to the occupation of any dwelling, details of Integrated boxes for bats and birds, which should be incorporated into the fabric of all proposed garages, shall be submitted to and approved in writing by the Local Planning Authority.
24. No part of the development hereby permitted shall be commenced until a plan showing areas for site compound & offices; parking for site operatives & visitors; loading & unloading areas; storage of plant & materials has been submitted to and approved in writing by the Local Planning Authority.
25. Prior to the occupation of any dwelling, details of historic interpretation of the site and in particular the adjacent listed hangars shall be submitted to and



approved in writing by the Local Planning Authority. Such details shall include the form and location of interpretation which is suggested could be sited within one of the 'viewing' culs-de-sac, potentially alongside Plot 59 immediately adjacent to the highway boundary.

26. The development hereby permitted shall not commence until the vehicle tracking and visibility splay drawings submitted, as detailed below, have been resubmitted to and approved in writing by the Local Planning Authority, utilising the approved site layout plan base No. TGDP/SWH-Ph3/PL2, Rev. M.:-

- Vehicle Tracking, No. TGDP/SWH-Ph3/PL3, Rev. D, received 6/9/18
- Visibility Splays, Sheet 1, No. HUCK3/ENG/1, received 3/5/18
- Visibility Splays, Sheet 2, No. HUCK3/ENG/2, received 3/5/18

The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

## **REASONS**

1. To comply with Section 92 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To safeguard the amenity of the future occupants of the dwellings.
4. To ensure that the site, when developed, is free from contamination, in the interests of safety.
5. To ensure the satisfactory appearance of the development.
6. To protect and safeguard the visual amenity of the area, to safeguard the amenities of future occupiers of the dwellings and in the interests of highway safety.
7. To ensure that the development takes place as envisaged by the Local Planning Authority and in the interests of the amenities of the locality.
8. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
9. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
10. The tree(s) in question are considered to be features of significance. This condition is imposed to ensure that they are satisfactorily protected during the period when construction works take place on the site.

11. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
12. 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.
13. To ensure the development is constructed to adoptable standards and in the interest of highway & pedestrian safety.
14. In the interests of pedestrian and highway safety.
15. To ensure the maximum amount of on-plot parking is provided throughout the development, in the interests of highway safety.
16. To ensure vehicles can enter and exit Plot 21 in a safe and controlled manner, in the interests of pedestrian and highway safety.
17. In the interests of highway safety.
18. In the interests of highway safety.
19. To reduce the chances of deleterious materials and surface water being transferred to the public highway, in the interests of highway safety.
20. To ensure that the Local Planning Authority can fully assess the impacts of any means of enclosure in the interests of retained parking provision and in the interests of the amenities of residents and highway safety.
21. To reduce the chances of deleterious materials and surface water being transferred to the public highway, in the interests of highway safety.
22. To protect the structural integrity of the highway and to allow for future maintenance
23. To protect and encourage local wildlife
24. To ensure a satisfactory standard of development and in the interest of highway safety.
25. In the interests of local heritage.
26. In the interests of highway safety.

## **INFORMATIVES**

1. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act 1990 and dated 14th

November 2014, attached to the outline planning permission Referenced V/2013/0123

2. The applicant's attention is drawn to the planning conditions attached to this permission that require you to resolve certain matters BEFORE work commences. If work commences without first complying with the terms of the conditions then any work undertaken will be UNAUTHORISED and may be the subject of future Enforcement Action.
3. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
4. 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.
5. The proposed off-site highway works referred to in Condition 14 requires to a Traffic Regulation Order [ TRO ] required to be in place before the occupation of dwellings on Plots 88 to 100 inclusively. The Highway Authority considers it prudent that as part of the proposed development, a TRO will need to be undertaken to provide a safer highway environment. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact the Major Projects & Improvements Team on 0115 9773118 or nottinghamshire County Council's Customer Services on 0300 5008080. Please note that the assessment and implementation of a TRO is determined by a lengthy public consultation process and therefore the final outcome for implementation is not guaranteed.
  - 1) The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA. 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 road works.

a) 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 HA 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 HA as early as possible.

b) It is strongly recommended that the developer contact the HA at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance. It is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.

Correspondence with the HA should be addressed to [hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk) or in writing to:

Highways Development Control  
Nottinghamshire County Council,  
Highways North,  
Welbeck House,  
Darwin Drive,  
Sherwood Energy Village,  
Ollerton,  
Nottinghamshire,  
NG22 9FF.

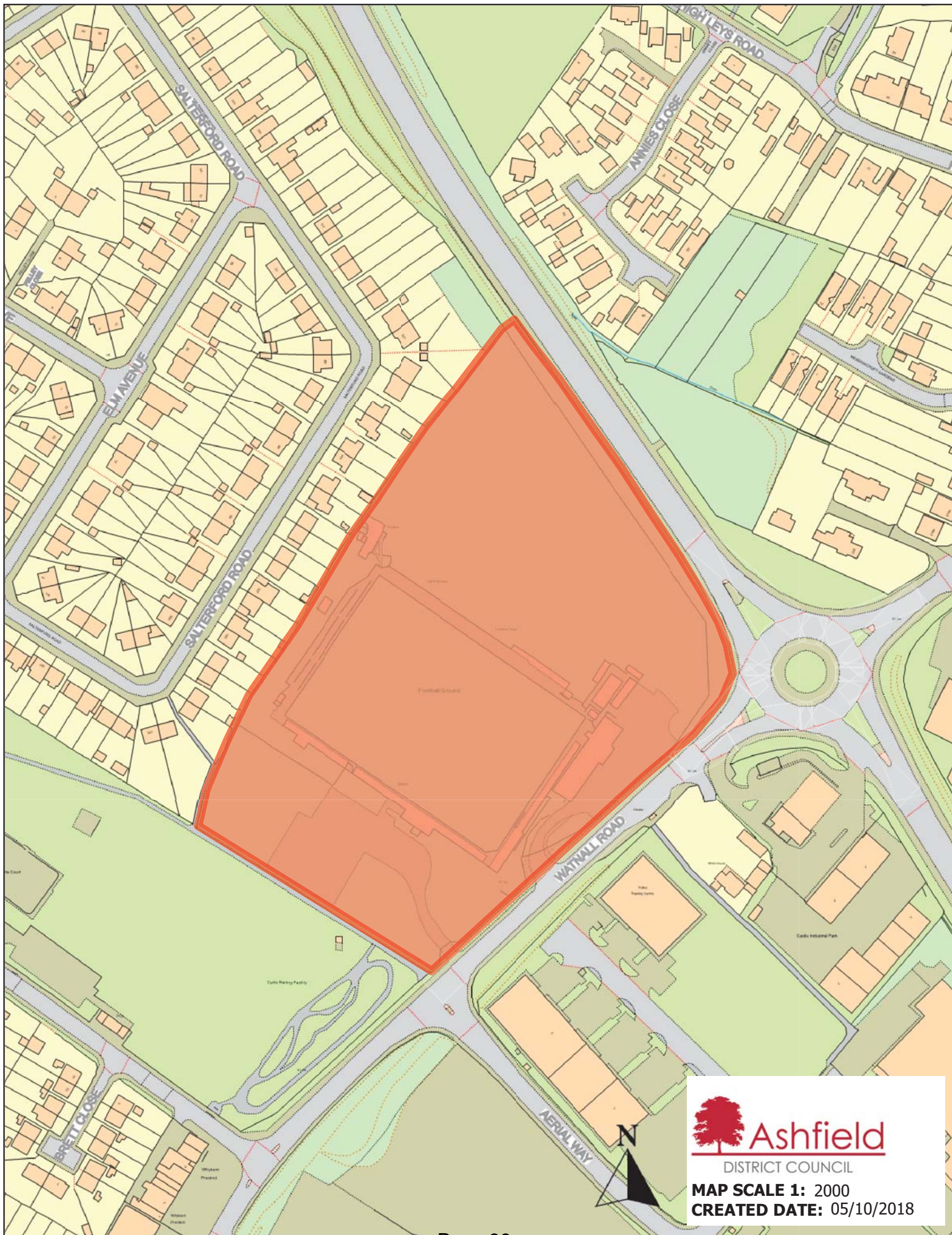
2) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code.

3) In order to carry out any off-site works approved, 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.

4) Any relevant details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be considered by the Highway Authority until after the relevant technical approval is issued.

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**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 2000**  
**CREATED DATE: 05/10/2018**

**COMMITTEE DATE**      18/10/2018                      **WARD**      Hucknall West

**APP REF**                      V/2016/0619

**APPLICANT**                      Bolsover Properties Ltd

**PROPOSAL**                      Outline Application With Some Matters Reserved for Mixed Use Development Comprising of Residential Development and Business Use (B1)

**LOCATION**                      Hucknall Town Football Club Watnall Road, Hucknall

**WEB-LINK**                      <https://www.google.co.uk/maps/@53.0282674,-1.2185602,17z>

**RECOMMENDATION**      Grant conditional outline consent subject to s106 agreement

**BACKGROUND PAPERS**      A, B, D, F

App Registered 28/09/2016      Expiry Date 22/12/2016

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

*This application has been referred to Planning Committee as it is contrary to the adopted Ashfield Local Plan Review (2002).*

### **Site Description**

The application site is 3.3ha presently used for sport and recreation by Hucknall Town Football Club (HTFC). The proposed development involves the demolition of the existing Hucknall Town Football Club ground, a replacement of which has been approved and partially implemented on Aerial Way through planning permission V/2016/0515. A further application for a revised scheme has been submitted and is presented for consideration by the Committee, the report follows this report on the agenda.

### **The Application**

This is an outline planning application with all matters reserved for future consideration, except the proposed vehicular access for which full details are provided. The application proposes a new vehicular access off Watnall Road to serve the development. Outline consent is sought for the erection of up to 108 dwellings and B1 business use on the land and an indicative layout has been provided.

### **Planning History for site**

**V/1998/0636** - Outline planning application for residential development and restaurant/pub/diner. **Refused 28 October 1999.**

**V/2006/0517** – Full application for residential development and relocation of Hucknall Town Football Club. **Refused 12 October 2006.**



**V/2009/0452** – Outline application for mixed use development comprising 108 dwellings with (B1) business units. **Approved on 12 January, 2012.** Subject to a S106 Legal Agreement which required the following:

1. The existing football stadium not to be demolished or rendered unfit for continued use until the new stadium is ready for use.
2. Open space contribution £270,000 (Triggers £135k - 1 dwell, £135k - 55 dwellings)
3. Public transport infrastructure £132,250 (Triggers £41,125 – 1 dwell, £41,125 – 55 Dwellings, £50k - 1 Office building)
4. 20 affordable housing units (18 rented, 2 Shared ownership)

**V/2017/0014** - A Reserved Matters Application for 108 Dwellings (outline V/2009/0452 refers) **NO DECISION** because there are issues outstanding and discussions have been taking place regarding viability which is linked to the following Section 106A application.

**V/2017/0239** - Section 106A Application Relating to Planning Permission V/2009/0452 to (1) Modify the Agreement in Relation to the Payment of Off Site Contributions As Set Out in the First Schedule and (2) Discharge the Requirements in Relation to Affordable Housing As Set Out in the Second Schedule **NO DECISION** because there has been discussions regarding the viability of the scheme.

### **Planning History on new football ground site**

**V/2009/0453** – Full application for construction of replacement football ground with training pitch, ancillary club area, changing facilities and car and coach park. New employment units for b1, b2 and b8 uses and engineering works. Approved on 12 January, 2012. Subject to a S106 Legal Agreement which required the following:

1. Transport infrastructure (£20,000 per each 1,000sqm of B1 buildings and £8,000 per each 1,000sqm of B2 and B8 buildings)
2. Footpath upgrade £11,400
3. Community use of facilities management committee and (20 hours per week for 80 years)

This planning permission lapsed and was replaced by V/2016/0515.

**V/2016/0515** – Full application for construction of football ground with clubhouse and spectator facilities. Including spectator stands, 3no. portable wc buildings, hospitality box, turnstiles and associated facilities incorporating training pitch, car and coach parking and servicing areas, groundsman's store proposed communal building for use with b1 or as a trade sale counter and showroom; engineering works to reprofile existing ground contours and formatting access road to remove turning head. (which has been partially implemented) Approved on 7 April 2017. Subject to a S106 Legal Agreement which required the following:

1. Transport infrastructure (£20,000 per each 1,000sqm of B1 buildings)
2. Footpath upgrade £11,400
3. Community use of facilities management committee and (20 hours per week for 80 years)

**V/2018/0586** - Construction of West Stand, Clubhouse and 2 Community Changing Rooms **NO DECISION** (see next report on agenda)

As seen from the above there are a number of outstanding applications, these have been submitted to protect the applicant's position because the outline planning permission would have expired if the reserved matters had not been lodged and there were considered to be significant issues regarding the viability of the housing development and the replacement football ground. If a new outline planning permission for the residential and business units is granted the other applications for reserved matters and S106A will be withdrawn. There has been extensive negotiations in respect of all these applications and the viability of the proposals assessed.

### **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 2** – Achieving sustainable development
- Part 4** – Decision-making
- Part 5** – Delivering a sufficient supply of homes
- Part 6** – Building a strong, competitive economy
- Part 8** – Promoting healthy and safe communities
- Part 9** – Promoting sustainable transport
- Part 11** – Making effective use of land
- Part 12** – Achieving well designed places
- Part 14** - Meeting the challenge of climate change, flooding and coastal change

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

- ST1** – Development
- ST2** – Main urban areas
- EM1** – Employment land allocations
- HG3** – Housing density
- HG4** – Affordable housing
- HG5** – New residential development
- HG6** – Open space in new residential developments
- RC3** – Protection of formal open space
- TR6** – Developer contributions for transport schemes

**Affordable Housing Supplementary Planning Document 2009**  
**Residential Design Guide Supplementary Planning Document 2014**

### **Consultations**

Site Notices have been posted together with individual notification of neighbours. The proposal has also been advertised in the local press. No comments have been received from local residents

The following representations have been received:

**Nottinghamshire County Council Lead Local Flood Authority (LLFA)**

No objection subject to conditions to manage surface water drainage.

**ADC Environmental Protection**

Recommends application of contamination condition to any favourable consent.

**Environment Agency**

NCC as Lead Local Flood Authority (LLFA) should be consulted.

**NCC - Education**

In terms of education; a proposed development of 108 dwellings would yield an additional 23 primary and 17 secondary places. The County Council would therefore wish to seek an education contribution of £263,465 (23 x £11,455) to provide primary provision and £293,420 (17 x £17,260) to provide secondary provision to accommodate the additional pupils projected to arise from the proposed development.

**NCC – Libraries**

In respect of libraries, a developer contribution for the additional stock that would be required to meet the needs of the 259 is requested for the residents that would be occupying the new dwellings. This is costed at 259 (population) x 1.532 (items) x £12.50 (cost per item) = £4,960.

**Nottingham North and East Clinical Commissioning Group**

A development of this nature would result in increased service demand, which would not be easily accommodated within existing primary care resources. The proposal would trigger the need to provide health related section 106 funding amounting to £58,247 which is proportionate to the housing development size.

The health contribution would be invested in enhancing capacity/infrastructure with existing local practices by reconfiguring existing space, extending existing premises or an appropriate new build.

In order to ensure that work can be commenced in advance of the population growth and ensure that the health infrastructure is in place to meet the increased demand on health services it is requested that the funding be payable on commencement of building.

**Nottinghamshire Wildlife Trust**

No comment.

**Natural England**

Encourages the incorporation of Green Infrastructure into this development. Opportunities to incorporate features into the proposal that are beneficial for wildlife should be taken.

**NCC - Highways**

Site access & Existing Highway

The proposed site access junction will provide a 5.5m wide access road with 10m radii and 2m wide footways on both sides of the access. The proposed junction will also incorporate a right-turn ghost-island, and two pedestrian refuges, as shown on the applicant's submitted plan (0914/GA/01 Rev A)

The applicant has carried out updated capacity assessments at the A611/Watnall Road. The assessment results indicate there were no capacity issues and the introduction of the proposed development would have a minimal impact.

The proposal includes a widening scheme along the site frontage on Watnall Road's approach to the roundabout with the A611. The widening scheme will significantly increase the length of flare (approximately 78m) on the approach to the roundabout. This will provide increased capacity and improve the operation of the A611/Watnall Road roundabout.

The applicant will need to provide and demonstrate the following:

- A right-turn ghost-island.
- Increase the width of the residential access road from 5.5m to 6.0m.
- Ensure that all ground levels are graded so as not affect visibility splays.
- The existing bus shelter near the roundabout will need to be repositioned and set back behind the existing cycleway/footway.

#### Internal Layout

The internal layout plan submitted is limited in detail and is only suitable for indicative purposes. It does not contain any technical details, as such the layout cannot be agreed.

#### Travel Plan

A development of this nature and scale will require a Travel Plan.

#### Planning Obligation

This proposal does not fully meet the core planning principle of promoting opportunities for sustainable travel. There are no proposals to improve surrounding facilities to achieve this. The scale of the development will trigger a requirement to provide for the extra demand on highway assets and infrastructure that would equate to a contribution of £120,533.

To assist with reducing car trips associated with this site, it is important that improvements are made to links between the site and local transport facilities.

Enhancements to the nearest four bus stops in the vicinity of the site located on Watnall Road (two stops outside the proposed site), Nabbs Lane, and south west along Watnall road (outside the Co-op supermarket) should be provided. Implementation of the above would be satisfactory to meet the contribution towards transport infrastructure.

In conclusion it would be unreasonable for the highway authority (HA) to offer any objections to this proposal. Therefore, should the local Planning authority make the decision to approve the HA would seek appropriate conditions.

### **NCC Planning**

#### Health

It is recommended to consult with Nottingham North and East Clinical Commissioning Group. The development needs to ensure that it is age friendly providing good access to health and social care facilities as per good practice outlined in the .....

#### Waste

As set out in Policy WCS2 of the Nottinghamshire and Nottingham Waste Core Strategy, the development should be 'designed, constructed and implemented to

minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development. The proposal is likely to generate significant volumes of waste through its construction and operational phases, it would be useful for the application to be supported by a waste audit.

#### Ecology

This application is supported by a Preliminary Ecological Appraisal (PEA) that confirms that the application site is of low ecological value. Nevertheless, recommendations are made that should be secured through conditions. A further condition requiring that integrated boxes for bats and birds are incorporated into the fabric of a proportion of the new dwellings would be welcome.

#### Contamination

Archive maps indicate that a quarry and lime kilns were located in the south western corner of the subject site. The application form states that the site is not known to be contaminated. This is optimistic as the maps indicate to the contrary. A site investigation, informed by a phase one desk study is recommended.

#### Flood Risk

The Flood Risk Assessment indicates that Sustainable Urban Drainage (SUDs) is proposed to discharge the surface water drainage to ground, whilst it acknowledges that infiltration / soakaway testing should be included in the site investigation.

#### **ADC Landscape**

S106 Contributions: Public Green Space -£108,000. Towards landscape improvements at Nabbs Lane Recreation Ground.

Public Realm - £216,000 towards the town centre improvements along the eastern part of the High Street and along Station Road/Portland Road.

It is suggested 1/3 is paid prior to commencement and the remaining 2/3 is paid on occupation of the 55th dwelling as per the previous agreement.

#### Layout, Design and Landscape

The general layout and approach to the landscape design appears to be satisfactory in principle. Exact details should be secured by condition.

#### Boundaries

A scheme showing all the boundary treatments and pedestrian linkages is required. This should be secured by condition.

#### Invasive Species

A large stand of mature Japanese Knotweed (*Falliopa Japonica*) is known to exist on the site at the south western boundary adjoining Nabbs Lane Park. It is recommended a scheme of eradication and management (including the eradication and reinstatement of the area beyond the site boundary within the neighbouring footpath and park) for up to 5 years is secured by condition.

#### Nabbs Lane

Consideration should be given to the enhancement of the highway at the lower part of Nabbs Lane adjacent to the open space by a contribution towards traffic claiming.

#### **ADC Planning Policy**

The principle of developing this site has been established through the previous planning approvals. However, there have been several changes since that time, notably the NPPF and a revised affordable housing policy.

#### Recreation and Open Space

The requirements of the earlier S106 agreement needs to be maintained in order to comply with policy RC3 and the NPPF. This requires a replacement football stadium is available for use before the demolition of the existing stadium and the provision of community use of these facilities through a management committee for at least 20 hours per week for 80 years.

#### New Housing Development

If it is proposed to approve the proposal, the application would need to be seen against: Affordable housing required under ALPR policy HG4, as updated by the Affordable Housing SPD, 2009. For Hucknall the affordable housing requirement would be 25%. This would amount to 27 units under current policy.

#### Infrastructure

Transport - ALPR Policy TR6, Developer Contributions to Transport Improvements may be applicable.

#### Education

It is recommended that the Education Department is approached in order to ensure that educational needs are being met.

### **Assessment**

In consideration of this application there are five main issues of:

1. Principle of development
2. Loss of Existing Ground/Formal Open Space
3. The Layout of the Site
4. Appearance, Scale and Impact on the Street Scene
5. Highways
6. S106 contributions and affordable housing

These are discussed below.

#### **The Principle of Development**

The proposal site is located within the main urban area of Hucknall where the principle of new development is considered to be acceptable under the provision of policy ST2 of the Ashfield Local Plan Review 2002 (ALPR) subject to there being no conflict with other policies. The site is however allocated partly for recreational use and partly for employment development this is discussed further below.

The District does not have a 5 year housing land supply; the 2018 Housing Land Monitoring Report provides full details and indicates a supply of 3.92 years. As such, under NPPF paragraph 11 the local plan policies for the supply of housing are considered to be out of date therefore there is a presumption to granting planning permission unless;

- i. The application of policies in the NPPF that protect areas of particular importance provides a clear reason for refusing the development proposed, or

- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This factor is a significant issue and materially affects any weight that can be attached in the judgement of the planning balance.

An overarching principle in the NPPF is sustainability. The application site is considered to be in a sustainable location in the urban area. It was considered sustainable when the previous planning application was considered. The proposed development site is therefore considered sustainable for these reasons.

### **Loss of Existing Ground/Formal Open Space**

The development of the site for housing/business units would result in the demolition of the existing HTFC ground. However, planning application V/2016/0515 approved on 7th April 2017 (that relates to land off Aerial Way which is nearby) proposes the construction of a new football ground which has been partially developed with the laying of the football pitch and erection of floodlights and a revised application V/2018/0586 for the Construction of West Stand, Clubhouse and 2 Community Changing Rooms is under consideration and subject to the next report on the agenda. Policy RC3 of the ALPR states that development that leads to the loss of formal open space (the existing ground is identified as formal open space HI) will only be permitted subject to certain criteria. Criterion C allows the loss of open space subject to adequate replacement provision of new formal open space being provided in the locality. Due to the close proximity of the new football ground to the existing site, on the opposite side of Watnall Road, the policy is considered to be met and this has been accepted in previous planning permissions and the development of the football ground has commenced.

### **The Layout of the Site**

The application has been submitted on the basis that the layout is indicative and is a reserved matter. The principles of the layout are such that the business units have been located close to the entrance to the site off Watnall Road to avoid non-residential traffic having to travel through the residential area. The indicative layout suggests the development proposed can be achieved on the site.

The existing access to the Hucknall Town football ground would be closed off and the development would be served by a new vehicular access point off Watnall Road. The application site of 3.3ha is considered to be of an acceptable size to accommodate 108 dwellings (at a density of 40 dwellings per hectare on the residential portion) and 2,500 square metres of B1a office floorspace .

The provision of the employment development is in accordance with Policy EM1Hd of the ALPR except for the fact that the employment land designation of 0.6ha has been slightly repositioned to minimise vehicle movements through the residential part of the site.

### **Appearance, Scale and Impact on the Street Scene**

There are no specific details of the design of the buildings. These would be subject to reserved matters consideration. The application site is located at the junction of the Hucknall By-pass and Watnall Road with existing residential properties to the north, open space to the west and commercial operations to the south east across the Hucknall By-pass. There are also residential properties to the north east beyond the Hucknall By-pass. The site is relatively level in nature and defined along its eastern and south eastern boundaries by a hawthorn hedge. At the present time the site contains

the floodlight pylons and a number of temporary buildings which are used in association with the football club. These are of no architectural merit and would be demolished to facilitate the proposed development. Apart from the main pitch and stands the remainder of the application site is mainly comprised of a training pitch and car parking area. A small number of trees would be lost within the site to accommodate the development but new planting is proposed. A landscape scheme will be secured as a condition.

The development of the site for housing and business units would provide an acceptable appearance to the street scene. The development will remove the temporary buildings. The existing hedge along the eastern and south eastern boundaries will be retained to provide a visual break between the Hucknall By-pass/Watnall Road, and the development site. The buildings proposed will not be dominant in visual terms when viewed from outside the site. The development will be subject to the formal approval of a landscaping scheme along with the scale and design of the buildings at the reserved matters stage.

### Highways

The HA considers the highway network is sufficient to accommodate this development and the proposals submitted which include the widening of Watnall Road will significantly increase capacity and improve the operation of the A611/Watnall Road roundabout. Further improvements will be achieved with the implementation of the scheme and a Travel Plan is required to ensure the development is sustainable as well as an internal layout which meets the HA and parking standards.

### S106 contributions and affordable housing

The planning permission granted in January 2012 was subject to a Section 106 Legal Agreement which required the existing football stadium not to be demolished or rendered unfit for continued use until a new stadium is ready for use and the following contributions were agreed:

Open space because none on site	£270,000
Public transport infrastructure based on residential and office development	£132,250
affordable housing units (18 rent, 2 shared ownership)	20

The total contributions were £402,250 and 20 affordable houses.

This amounts to approximately £500,000 with a Retail Price Index uplift as included in the agreement. There were no education, health or library contributions required at this time.

A reserved matters application has been submitted and is still outstanding therefore the original outline planning permission is considered to be a fall back position and if the reserved matters were to be subsequently agreed could be implemented. Following consultations on this new outline planning application the requests to ensure the development is considered sustainable include the following:

1. Education 23 Primary school places (23 x £11,455) £263,465
2. Education 17 Secondary school places (17 x £17,260) £293,420
3. Libraries £4,960
4. Health – Primary care infrastructure £58,247
5. Transport infrastructure £120,533 (or enhance 4 nearest bus stops)
6. Public Green space improvements £108,000
7. Public Realm Improvements £216,000



## 8. 27 affordable units (25%)

Total £1,064,625 and 25 % affordable housing

This amounts to over a 50% increase over what has previously been agreed. The figures have been the subject to viability assessments taking into account the cost of relocating and rebuilding the football stadium. The planning permission for the stadium is also subject to a legal agreement requiring a contribution towards a footpath improvement and the facilities being available for Community Organisations to use for up to 20 hours per week for 80 years.

The recent planning application for the West Stand, Clubhouse and 2 Community Changing Rooms (V/2018/0586) is a significantly reduced scheme, now proposing a single storey club house and reduced stands because of the costs and viability of developing the football ground site as well as with the current requirements of the football club.

The viability assessment has been checked independently and whilst there was a finding that the scheme is unable to meet the full policy requirements at was considered that the scheme could viably support £1,064,625 in S106 contributions, plus an on site affordable housing provision of 9 Units, or all 27 on site affordable units (25%) plus a contribution totalling £204,500.

The applicant has accepted these findings and agreed to the contributions as outlined above but wishes to have the amounts relative to the total number of units achievable on the site which could therefore increase or decrease depending on the reserved matters scheme.

This is a significant increase in contributions since the original planning permission and is recommended to be accepted.

On balance, taking into account that the fact that the policies of the ALPR in respect of housing proposals are out of date, the NPPF advocates granting permission where there are no significant adverse impacts that can be demonstrated to outweigh the benefits, the proposal is considered acceptable.

### **Other Issues**

#### **Drainage**

There are no concerns subject to conditions for a surface water drainage scheme, based on Sustainable Urban Drainage principles, and for details of foul sewage to be agreed.

#### **Biodiversity**

The siting and design of bird and bat boxes should be considered further within the reserved matters application.

#### **Contamination**

A four Phase Contamination Study is required because of possible historic mineral workings and Japanese Knotweed.

### **Conclusion**

The proposal with the replacement football ground and community facility being agreed through a Legal agreement is considered to comply with policy RC3 of the Ashfield

Local Plan Review 2002. It is also considered to accord with the National Planning Policy Framework in the delivery of a new and sustainable housing development.

The proposal will not result in any negative highway concerns and addresses sustainability issues with the delivery of contributions towards education and health requirements as well as public open space and regeneration. It will thus deliver housing in the future and will contribute to the need for housing although because of financial constraints, as explain above, affordable housing cannot be fully provided in accordance with policy requirements. With the increase in requested contribution requirements since the previous outline planning permission was granted and the provision of the community use of the new football ground it is considered reasonable to relax the requirement for affordable housing and this has been confirmed by an independent financial adviser.

Through appropriate conditions and the submission of reserved matters details residential amenity can be assured and appropriate ecological and drainage issues can be responded to.

The application for up to 108 dwellings is consistent with the approach of the National Planning Policy Framework, and taking into account all other material considerations, it is considered that, on balance, the proposal is acceptable.

If the S106 is not completed within 3 months the proposal will be returned to Committee for further consideration.

**Recommendation: That conditional outline consent is granted, subject to a satisfactory s106 agreement that secures the benefits pro-rata to the number of dwellings agreed in the reserved matters and as identified in the report.**

## **CONDITIONS –**

1. The formal approval of the Local Planning Authority shall be obtained prior to the commencement of any development with regard to the following Reserved Matters:
  - a) Layout
  - b) Scale
  - c) Appearance
  - d) 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 an approved phasing plan:
  - i. A detailed layout plan of the phase in context with the whole site which shall be accompanied by a swept path analyses of a 10m refuse vehicle throughout for the development;
  - ii. Details of highways and private street works;
  - iii. Details of access from the approved access road.
  - 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.
  - viii. Full details of the treatment of boundaries and when they are to be carried out.
  - ix. A demolition method statement.
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 the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
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 the date of the outline planning permission;
  - b) The expiration of 2 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
7. This permission shall be read in accordance with the following plans: site location plan (085048/PO3revA); Watnall Road access plan (0914/GA/01revA). The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
8. The landscaping reserved matters shall include a scheme of hard and soft landscaping. All planting, seeding or turfing indicated on the approved landscape scheme shall be carried out in the first planting and seeding season following the occupation of the building or 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 a similar size and species, unless any variation is agreed in writing by the Local Planning Authority.
9. The reserved matters shall include details of the new internal roads/footways and associated infrastructure. Which shall include longitudinal and cross sectional gradients, parking provision, turning facilities, access widths, visibility splays (including pedestrian, junction and forward splays), street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utility services, and any proposed structural works. All details shall comply with the current Highway Design and Parking Guidance and shall be implemented as approved. Any visibility splays shall be kept clear of any obstruction to visibility over 0.6m high for the life of the development.
10. Prior to the commencement of any works pursuant to this permission the applicant shall submit the following to the Local Planning Authority:
  - a. A desktop study/Phase I report documenting the previous history of

the site and its immediate environs.

- b. A site investigation/Phase 11 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 Local Planning Authority.
- c. 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 Local Planning Authority 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 the written approval by the Local Planning Authority:

- d. 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 Local Planning Authority prior to the development being put to its intended use.

#### Reasons

- 1) To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
- 2) To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
- 3) To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
- 4) To clarify the extent of the permission.
- 5) To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
- 6) To comply with Section 92 of the Town and Country Planning Act 1990 as amended.
- 7) To clarify the extent of the permission.
- 8) In the interests of ensuring the amenities of the area are enhanced.

- 9) To ensure the development is constructed to a satisfactory/adoptable standard for use by the public and in the interest of safety for all highway users.
- 10) To ensure that the site, when developed, is free from contamination, in the interests of safety.

### **Information for applicant /developer**

The applicant is reminded of the developer obligations agreed under the Section 106 Agreement attached to planning application.

Please 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).

Land required for visibility splays. All required access and forward visibility splays must be adopted and constructed using low maintenance engineered specification. The HA will not accept free hold title deeds' incorporating positive/restrictive maintenance covenants, as this invariably generates difficulties for successive owners.

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 the applicant will need to enter into an agreement under Section 278 of the Act.

Section 38 Agreement (Highways Act 1980). The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA, 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 road works.

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 HA 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 HA as early as possible.

It is strongly recommended that the developer contact the HA at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance. It is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.

Correspondence with the HA should be addressed to:-

Highways Development Control (North) Nottinghamshire County Council, Highways North,

Welbeck House, Darwin Drive,  
Sherwood Energy Village, Ollerton,  
Nottinghamshire,  
NG22 9FF  
[hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk)

Building Works shall not project over the highway. No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

Prevention of Mud on the Highway. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such the applicant should undertake every effort to prevent it occurring.

Network Co-Ordination. The applicant must contact Mr Heath Phillips, Principal Co-Ordination Officer (North), 01159 932547 for road space approval prior to any works commencing.

Commuted Sums. The applicant should note that any areas over the normal minimum, intended for adoption will require the payment of a commuted sum for future maintenance. (i.e. additional areas exceeding usual highway design requirements, additional street furniture, landscaping, Sustainable Drainage Systems, retaining walls, bollards and materials outside usual specification). The applicant is strongly advised to hold discussions with the relevant parties as soon as possible to agree sums, ownership and responsibility for perpetuity.

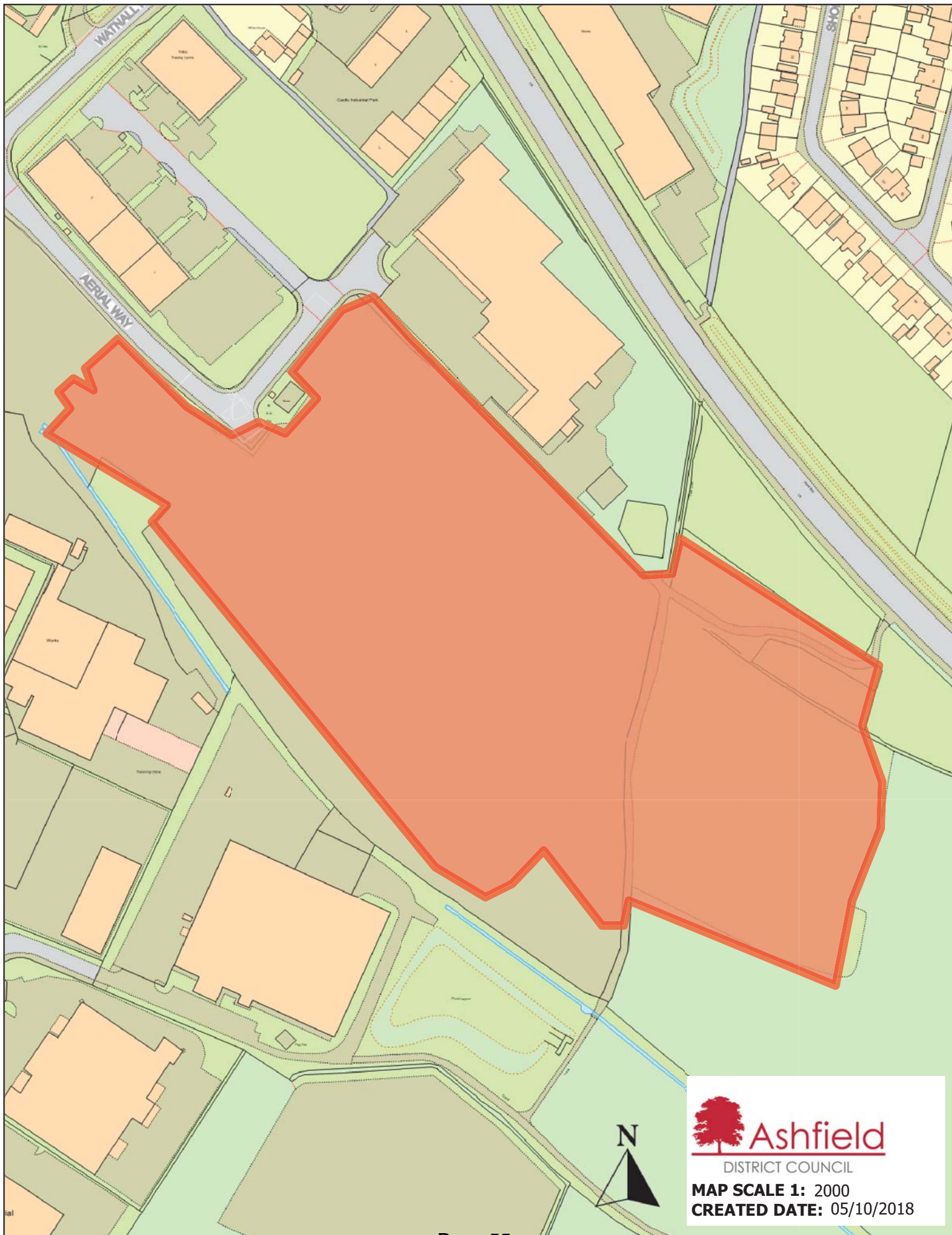
Further details can be found at the link below: [http://www.leics.gov.uk/index/6csdg/highway\\_reg\\_development\\_part\\_4.htm#section\\_mc18](http://www.leics.gov.uk/index/6csdg/highway_reg_development_part_4.htm#section_mc18)

Bus stop improvements. Any works affecting the public transport infrastructure will have to be agreed/commissioned with the HA & Public Transport provider. The applicant will need to contact Pete Mathieson 0115-9774760 to discuss and agree any works affecting these facilities. All works will be carried at the expense of the applicant/developer.

Part of the site is known to have been infested with a substantial amount of Japanese Knotweed. It is located along the south west boundary adjoining Nabbs lane Park. The stand is mature and encroaches onto the public open space and footpath. It is recommended a scheme of eradication and management for up to 5 years is undertaken. The management proposals should be in accordance with EA best practice guidelines and include the eradication and reinstatement of an area beyond the site boundary within the neighbouring footpath and park.

Proactive working.

The processing of this application has been undertaken in accordance with the requirements of the National Planning Policy Framework.



**COMMITTEE DATE**      18/10/2018                      **WARD**      Hucknall West

**APP REF**                      V/2018/0586

**APPLICANT**                      Bolsover Properties Ltd

**PROPOSAL**                      Construction of West Stand, Clubhouse, and 2 Community Changing Rooms

**LOCATION**                      Land off Aerial Way, Hucknall

**WEB-LINK**                      <https://www.google.co.uk/maps/@53.0261509,-1.2167899,17z>

**RECOMMENDATION**      Grant conditional outline consent subject to s106 agreement

**BACKGROUND PAPERS**      A, B, D, F

App Registered 28/08/2018      Expiry Date 27/11/2018

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

*This application has been referred to Planning Committee as it is of local interest.*

### **Site Description**

The application site is 4.93ha which comprises open land to the south east of Aerial Way. It formerly comprised part of Hucknall No1. Colliery. Works have commenced on site implementing the previous planning permission V/2016/0515 to create the football ground. The pitch is laid and the floodlights erected but work has not commenced on any of the buildings granted planning permission. To the north of the site land has been redeveloped for employment purposes in accordance with the Ashfield Local Plan Review 2002 (ALPR)

### **The Application**

This is a planning application seeking to erect smaller buildings than previously granted planning permission and to provide new community changing facilities along side the training pitch. In summary the changes are:

1. North stand 4 metres shorter (100.85m long). Painted steel profile sheeting
2. West stand 21 metres shorter (28.75m Long). Painted steel profile sheeting
3. Club house reduce to single storey (previously 2 storey) Facing brick and profiled metal cladding to walls and roof
4. Hospitality Box No change
5. Groundsman store No change
6. WC cabins No change
7. Community changing rooms (2no 11.65m x 3.7m Portable type buildings)

The main change therefore is the reduction in height to the club house the provision of community changing facilities.

### **Planning History for site**

V/2009/0453 – Full application for construction of replacement football ground with training pitch, ancillary club area, changing facilities and car and coach park. New employment units for b1, b2 and b8 uses and engineering



works. Approved on 12 January, 2012. Subject to a S106 Legal Agreement which required the following:

1. Transport infrastructure (£20,000 per each 1,000sqm of B1 buildings and £8,000 per each 1,000sqm of B2 and B8 buildings)
2. Footpath upgrade £11,400
3. Community use of facilities management committee and (20 hours per week for 80 years)

**V/2016/0515** – Full application for construction of football ground with clubhouse and spectator facilities. Including spectator stands, 3no. portable wc buildings, hospitality box, turnstiles and associated facilities incorporating training pitch, car and coach parking and servicing areas, groundsman's store proposed communal building for use with b1 or as a trade sale counter and showroom; engineering works to reprofile existing ground contours and formatting access road to remove turning head. Approved on 7 April 2017. Subject to a S106 Legal Agreement which required the following:

1. Transport infrastructure (£20,000 per each 1,000sqm of B1 buildings)
2. Footpath upgrade £11,400
3. Community use of facilities management committee and (20 hours per week for 80 years)

#### **Planning History for existing Football Ground Site**

**V/1998/0636** - Outline planning application for residential development and restaurant/pub/diner. **Refused 28 October 1999.**

**V/2006/0517** – Full application for residential development and relocation of Hucknall Town Football Club. **Refused 12 October 2006.**

**V/2009/0452** – Outline application for mixed use development comprising 108 dwellings with (B1) business units. **Approved on 12 January, 2012.** Subject to a S106 Legal Agreement which required the following:

1. The existing football stadium not to be demolished or rendered unfit for continued use until the new stadium is ready for use.
2. Open space contribution £270,000 (Triggers £135k - 1 dwell, £135k - 55 dwellings)
3. Public transport infrastructure £132,250 (Triggers £41,125 – 1 dwell, £41,125 – 55 Dwellings, £50k - 1 Office building)
4. 20 affordable housing units (18 rented, 2 Shared ownership)

**V/2016/0619** - Outline application with some matters reserved for mixed use development comprising of residential development and Business use (B1). **NO DECISION** (see previous report on agenda)

**V/2017/0014** - A Reserved Matters Application for 108 Dwellings (outline V/2009/0452 refers) **NO DECISION** because there are issues outstanding and discussions have been taking place regarding viability which is linked to the following Section 106A application.

**V/2017/0239** - Section 106A Application Relating to Planning Permission V/2009/0452 to (1) Modify the Agreement in Relation to the Payment of Off Site Contributions As Set Out in the First Schedule and (2) Discharge the Requirements in Relation to Affordable Housing As Set Out in the Second Schedule **NO DECISION** because there has been discussions regarding the viability of the scheme.

## **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 2** – Achieving sustainable development
- Part 6** – Building a strong, competitive economy
- Part 8** – Promoting healthy and safe communities
- Part 9** – Promoting sustainable transport
- Part 11** – Making effective use of land
- Part 12** – Achieving well designed places
- Part 14** - Meeting the challenge of climate change, flooding and coastal change

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

- ST1** – Development
- ST2** – Main urban areas
- EV1** – Green Belt
- EM1** – Employment land allocations
- EM5** – protection of existing employment sites and buildings
- RC2** – Open areas in main urban areas
- TR2** – Cycling provision in new developments
- TR3** – Pedestrians and people with limited mobility
- TR6** – Developer contributions for transport schemes

## **Consultations**

Site Notices have been posted together with individual notification of neighbours. The proposal has also been advertised in the local press. No comments have been received from local residents

The following representations have been received:

### **NCC Lead Local Flood Authority (LLFA)**

No objection.

### **ADC Drainage**

No known drainage issues with this site. The SUDS have already been constructed as part of the previous application for the site so should have been approved by the LLFA, Severn Trent should be consulted on the foul water drainage proposals for the development and any connection to the existing main sewer system. An informative is required to advise the land owner of their responsibility for maintaining the drainage of their land.

### **ADC Environmental Protection**

Earlier ground investigations have identified necessary remedial works at this site. In line with such works and to ensure the current proposals are made suitable for their intended use, the following two contamination conditions are required to be applied to any planning approval that may be subsequently granted.

- All new enclosed buildings i.e. Clubhouse and 2 Community Changing Rooms, shall be fitted with previously agreed gas protection measures. Prior to each building coming into use, the Applicant shall submit to the LPA, written confirmation from the approved building control provider that this has been done.
- Prior to their placement, the Applicant shall submit to the LPA, written confirmation from Severn Trent Water that the specification of all buried water service pipes is suitable for use in the prevailing ground conditions.

## **Assessment**

In consideration of this application there are five main issues of:

1. Principle of development
2. The layout, scale and appearance of the Site
3. Highways
4. S106 requirements

These are discussed below.

### **The Principle of Development**

The scheme has been partially implemented proposal site is located within the main urban area of Hucknall where the principle of new development is considered to be acceptable under the provision of policy ST2 of the Ashfield Local Plan Review 2002 (ALPR) subject to there being no conflict with other policies. The main part of the site is allocated for recreational use however a small area to the north west is allocated for employment development provision has been made for this area to be developed in the future but to enable shared car parking on match days. The south east part of the site is located in the Green Belt. This area of land was regraded in accordance with the previous planning permission and is not proposed to be changed in this application.

The proposal is for recreational and community use therefore it complies with policy. It has previously had planning permission and the pitch and floodlights are in place this current proposal is for different buildings and therefore the principle is considered to be sustainable and accords with the NPPF and Local Plan policies.

### **The Layout, scale and appearance of the Site**

The application submitted reduces the size of buildings previously granted planning permission as stated above but proposes two new, portable type, buildings to be used for changing facilities to serve the training pitch. These buildings are located within the area designated as open space but are buildings required to serve the recreational use and therefore consider to be appropriate and in accordance with policy RC3 of the ALPR. The buildings are all single storey and the materials and design are similar to those buildings previously granted planning permission. It is therefore considered that the scheme as presented will not adversely affect the character, quality, amenity or safety of the environment and therefore accords with policy ST1 of the ALPR.

### **Highways**

There are no proposed changes to the car parking arrangements that were previously granted planning permission and the access remains the same, there are therefore

considered to be no highway safety implications relevant to the consideration of this proposal.

### **S106 contributions and requirements**

The previous planning permission for the football ground V/2016/0515 required the applicant to enter into a section 106 legal agreement and this included the following requirements.

1. Transport infrastructure (£20,000 per each 1,000sqm of B1 buildings)
2. Footpath upgrade £11,400
3. Community use of facilities management committee and (20 hours per week for 80 years)

The fee for the footpath upgrade has been paid and the transport infrastructure is dependent on the development of the B1 business units. The outstanding issue relative to this application is the community use of the facilities and it is expected that this is to be provided through the scheme. It is therefore recommended that a deed of variation is entered into to include this application in the agreed S106 to ensure the requirements are delivered.

### **Other Issues**

#### **Drainage**

There are no concerns subject to the main sewer connection.

#### **Contamination**

There are no concerns subject to gas protection measures and any buried water service pipes being suitable.

### **Conclusion**

This revised scheme is considered to be acceptable in principle, layout, scale and appearance and complies with policies in the ALPR and NPPF. The proposal will provide a new high quality sporting facility for players, spectators, and to the benefit of the wider community. The applicant has stated that the original application for the relocated stadium was considered to be overly ambitious in the ability of the Club to sustainably maintain the financial overheads. The whole scheme has been reappraised to achieve a scale and form of football stadium, which is high quality and financially manageable for the Club to support.

**Recommendation: That conditional planning permission is granted, subject to a deed of variation to the s106 agreement to ensure the community benefits are secured and continue.**

### **CONDITIONS –**

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. No development comprising the construction of external walls and roofs shall take place until samples of the materials and finishes to be used for the external elevations and roofs 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.
3. Notwithstanding the submitted details no occupation of the 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 occupation of the building 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.

4. The development hereby approved shall only be carried out in accordance with the details and specifications shown on the following plans:
  - Location Plan - 1932(02)001.C. 18 August 2018
  - Proposed Clubhouse Floor Plan - 1932(08)034. 25 July 2018,
  - Spectator Stand Elevations - 1932(08)008.revO 27 November, 2017
  - Proposed Portaloo Cabins - 1932(08)009. 18 July, 2016
  - Proposed Hospitality Box and Groundsman Store - 1932(08)010. 27 July, 2016
  - Community Changing Block Proposed Elevations- 1932(08)030, 26 July 2018
  - Community Changing Block Floor Plans- A100, 17 July 2018
5. No part of the development hereby permitted shall be brought into use until two pedestrian refuges are provided on Watnall Road, located either side of Aerial Way, are available for use and constructed in accordance with the Highway Authority specification. Details should be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development.
6. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are provided in accordance with the approved plans. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.
7. The hours of working on site during construction, including deliveries, shall be between 8.00am and 6.00pm only, Monday to Friday, and 8.00am to 1.00pm on Saturdays with no working on Sundays and Public Holidays. Any variation to these hours must be agreed in writing by the Local Planning Authority prior to the change in working hours being implemented.
8. No occupation of the development hereby permitted shall be take place until such time as a cycle parking scheme, including phasing, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

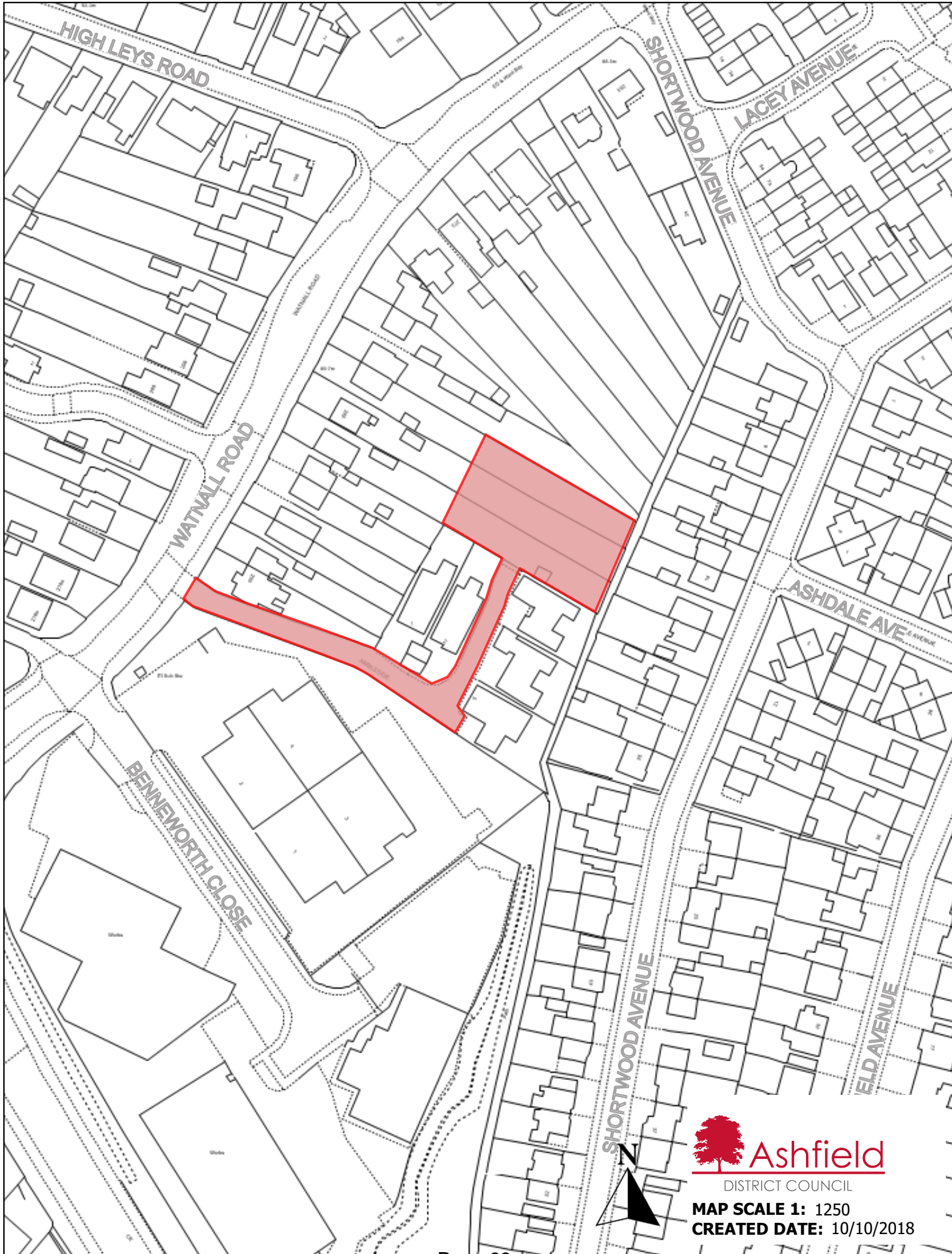
#### **REASONS:**

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 the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
4. To define the terms of this permission and for the avoidance of doubt.
5. In the interests of highway safety.
6. In the interests of highway safety
7. To safeguard the amenities of residents living in the vicinity of the application site.
8. In the interests of highway safety

## **INFORMATIVES**

1. The applicant is reminded of the developer obligations agreed under the Section 106 Agreement attached to planning application.
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. In order to carry out the off-site works required you 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 you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Highways Development Control North Office on 0300 500 80 80 for details.

# V/2018/0355 Land to the Rear of 283-287 Watnall Road, Hucknall



**MAP SCALE 1:** 1250  
**CREATED DATE:** 10/10/2018

**COMMITTEE DATE**    18/10/2018                      **WARD**            Hucknall West

**APP REF**                      V/2018/0355

**APPLICANT**                Linby Homes Ltd

**PROPOSAL**                Two Detached Dwellings with Integral Garages

**WEB LINK**                      <https://www.google.co.uk/maps/place/283+Watnall+Rd,+Hucknall,+Nottingham+NG15+6EX/@53.0295353,-1.2130651,164m/data=!3m1!1e3!4m5!3m4!1s0x4879eaaf9df7f0f3:0x297a0fface12d818!8m2!3d53.0299152!4d-1.2129122>

**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 was deferred for a site visit.*

### **The Application**

This application, for two detached dwellings with integral garages, was presented to the September Planning Committee; where it was resolved to defer the application to enable further discussion to be undertaken with the applicant, and to ensure all members had the opportunity to be present at any site meeting.

### **Consultations**

Since the application was last discussed at Committee, three letters of support have been received from landowners and residents; on the following grounds:

- Lack of new-built bungalows on housing estates;
- The bungalows are unlikely to cause problems to residents;
- The road was always left for further development;
- Their back garden is becoming too large to manage;
- The existing development at Ambleside was built adjacent to residential gardens.



## **Comment**

At the previous Committee, members discussed the potential for reducing the scheme - either in terms of number of dwellings, or size of properties. The applicant, however, considered the submitted scheme - in accordance with Officer recommendation - was commensurate to the size of the plots, would not result in an overdevelopment of the site, or lead to highways safety concerns.

Members and residents raised concerns over the amount of turning space provided between the parking areas of the properties. The applicant has however explained that the space provided for turning is very similar to the adjacent properties on Ambleside. The applicant has also been willing to alter roof tiles to a natural slate, as opposed to a concrete tile. This will ensure the use of materials is uniform throughout the development.

No further changes to the scheme are proposed and in line with the assessment detailed within the original report, which is attached for your convenience, approval is recommended.

## **Condition**

Condition 3 recommended on the original report, shall be amended to read as follows:

- The development hereby permitted shall use the following materials:  
Brick - Hanson Hampton Rural Blend  
Tile – Natural Slate

**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 of 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 Councils 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](http://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 ensuing that it is cut back so as not to interfere with right of way.

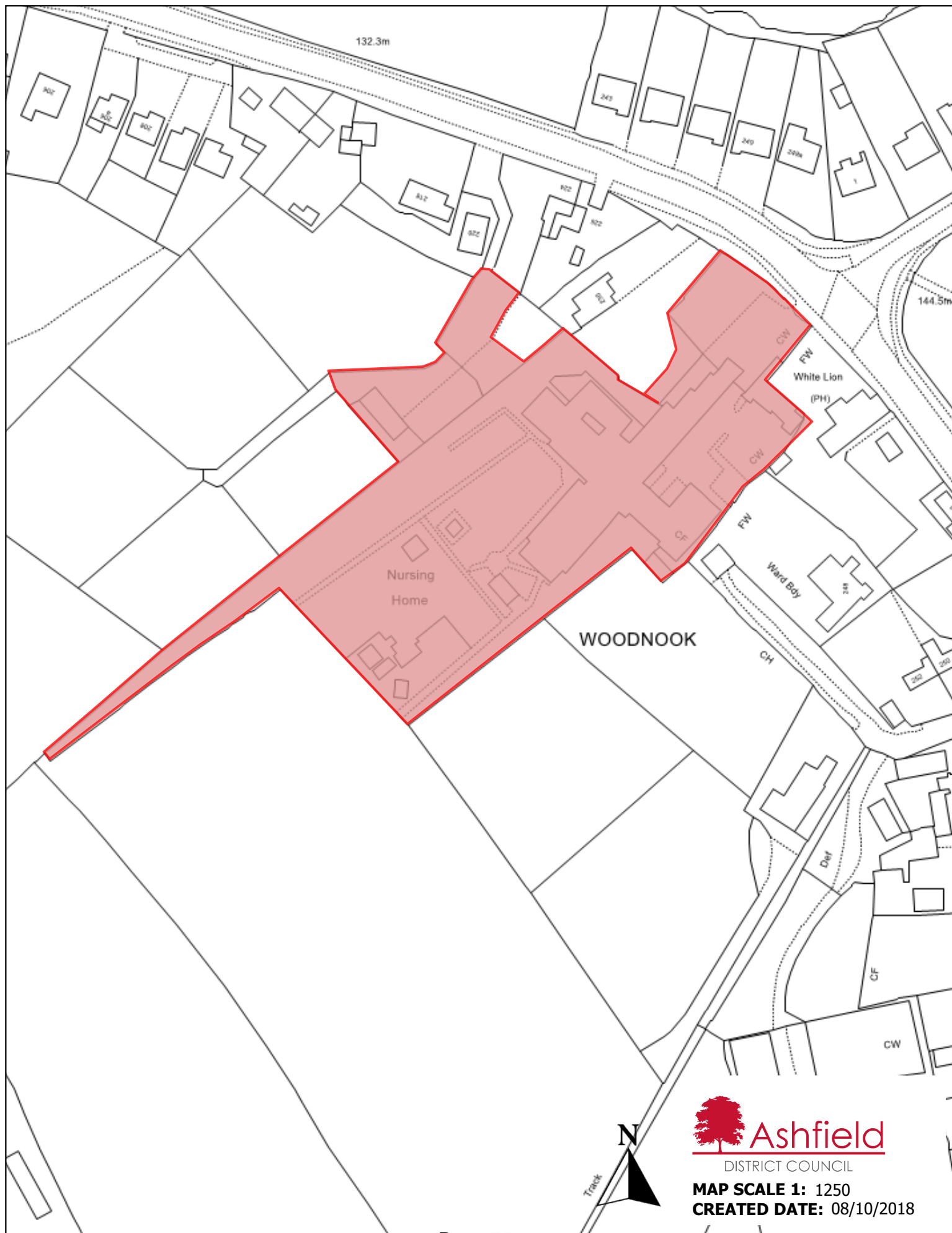
12. Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption.

<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](mailto: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>



**COMMITTEE DATE** 18/10/2018                      **WARD** Selston

**APP REF** V/2018/0396

**APPLICANT** Wren Hall Nursing Home Ltd

**PROPOSAL** Extension to Rear of Existing Care Home and Change of Use from Residential Curtilage and Equestrian to Create Additional Car Parking to the North West of the Site in Association with the Care Home, and Construction of Steps from the Care Home to the Car Park Area

**LOCATION** Wren Hall Nursing Home, 234 Nottingham Road, Selston, Nottingham, NG16 6AB

**WEB-LINK** <https://www.google.co.uk/maps/@53.068756,-1.2954645,18z>

**BACKGROUND PAPERS** A, B, C, D, G, K

App Registered: 26/06/2018

Expiry Date: 20/08/2018

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

*This application has been referred to Planning Committee by Cllr. Wilson on the grounds of Green Belt implications.*

### **The Application**

This is an application for the creation of a two storey extension to the rear of the existing care home, in addition to the change of use of the land adjacent to the north west of the care home from residential curtilage and equestrian, to create additional car parking in association with the care home, and the construction of steps from the care home to the car park area.

### **Consultations**

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

The following consultation responses have been received:

***Resident Comments:***

Two resident consultation periods have been carried out as part of this application, due to a necessary change in description part way through the application process.

*First Consultation:*

10x letters of objection received from residents in respect of the following:

- Development in the Green Belt
- Removal of trees
- Impact on wildlife
- Traffic on Nottingham Road & safety of access
- Appropriate access for emergency vehicles
- Overlooking & loss of privacy
- Noise from care home & car park
- Increased flooding
- Impact on local amenities (GP's etc.)
- Devaluing property

1x letter of support received from a resident in respect of the following:

- Outstanding nursing home and care provided
- Required due to ageing population
- Plans in line with best social care practice

*Second Consultation:*

10x letters of objection received from residents in respect of the following:

- As per first consultation and;
- Appropriate brownfield land elsewhere
- Continue to do works without planning permission
- Loss of views

13x letters of support received from residents and care associations/charities in respect of the following:

- As per first consultation and;
- Much needed addition to the care home
- Provide employment and training opportunities
- Demand for specialist dementia care
- Extension would have a local, regional and national impact on dementia care

All letters received in objection to the proposal are from residents of the settlement of Selston, whilst the majority of letters received in support for the proposal are from residents outside of the settlement of Selston.

***Ashfield District Council Planning Policy:***

Comments have been provided by the Council's policy team. These comments are outlined throughout the report.

***Ashfield District Council Environmental Health:***

The use of the car park, particularly by commercial vehicles is likely to cause disturbance to neighbouring residents.

***Selston Parish Council:***

Support the application in accordance with Part 15 (Housing Types) of the JUS-t Neighbourhood Plan 2017 and on the grounds that it will offer employment for 9 more people.

***Nottingham County Council Highways:***

The proposal seeks permission to extend the existing care home by 20 bedrooms which falls below the threshold for requiring a formal Traffic Impact Assessment. The number of parking spaces proposed to be provided as part of the scheme is considered appropriate. The proposed car park will be accessed via an existing domestic vehicular access, and appropriate visibility splays have been provided. The access is however served from a classified road carrying a daily average of 8,650 vehicles per day. There is therefore a risk of vehicular conflict occurring at the entrance to the site, to the detriment of the safety of other highway users.

***Nottingham County Council Sustainability and Transformation Partnership:***

The county councils strategy is to support local communities to be able to live as independently as possible. Having appropriate housing options such as nursing homes is vital to supporting people to retain their independence and links with their local communities.

***Nottinghamshire Wildlife Trust:***

*First Consultation:*

No ecological information has been submitted, however the removal of trees is planned which could impact on roosting bats and breeding birds, should they be present. Request a Preliminary Roost Assessment is provided. The replacement planting that is proposed is acceptable, as it includes species.

*Second Consultation:*

Satisfied with the methodology and conclusions drawn in the Preliminary Roost Assessment that there were no bat roosts recorded and the trees proposed to be removed were assessed as having a negligible or low potential for roosting

## **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 8 – Promoting Healthy and Safe Communities
- Part 12 – Achieving Well Designed Places
- Part 13 – Protecting Green Belt Land
- Part 15 – Conserving and Enhancing the Natural Environment

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

- ST1 – Development
- ST4 – Remainder of the District
- EV1 – Green Belt
- EV8 – Trees and Woodland
- HG8 – Residential Care Facilities, Houses in Multiple Occupation, Bedsits, Flats and Hostels

### **JUS-t Neighbourhood Plan 2017**

- NP1 – Sustainable Development
- NP2 – Design Principles
- NP4 – Housing Types
- NP9 – Supporting Local Businesses

## **Relevant Planning History**

**V/2018/0021** – Change of use of existing dwelling to care home (D1) and day nursery (D1) for use by members of the public – Conditional Consent 18/05/18

**V/2017/0653** – Extension to rear of existing care home and additional car parking to the north west of the site – Withdrawn

**V/2013/0615** – Replacement of and extension to existing decking area – Conditional Consent 13/01/14

**V/2010/0273** – Extensions and alterations to existing care home to include ancillary day care center – Conditional Consent 13/07/10

**V/2006/0669** – Renewal of permission for two-storey extension to nursing home and new garage – Conditional Consent 07/09/06

**V/2002/0543** – Ten bedroom unit – Conditional Consent 01/09/02

**V/2001/0417** – Two storey extension to nursing home and garage – Conditional Consent 23/07/01

**V/2001/0355** – Change of use from doctors consulting room and surgery to residential accommodation - Conditional Consent 15/06/01

**V/1998/0231** – Extensions and alterations – Conditional Consent 05/06/98

**V/1997/0124** – Double Garage – Conditional Consent 08/05/97

**V/1996/0146** – Extension to nursing home – Conditional Consent 02/05/96

**V/1995/0662** – Dayroom/dining room extension and re-siting of conservatory and additional car park – Refused 1995/0662

**V/1995/0507** – Extension to nursing home (8 bedrooms) – Conditional Consent 26/10/95

**V/1995/0310** – Extensions to nursing home – Conditional Consent 17/08/95

**Assessment:**

The current application seeks consent for the creation of a two storey extension to the rear of the existing care home, which comprises of an additional 20 en-suite bedrooms, 4 lounge areas, a plant room and external balcony space to the first floor eastern elevation. The change of use of the land adjacent to the north west of the care home from residential curtilage and equestrian, to create 13 additional car parking spaces in association with the care home is also proposed, as is the construction of a set of pedestrian steps from the care home to the car park area.

The premises, Wren Hall Care Home, is located on Nottingham Road within the named settlement of Selston. However due to the location of the Green Belt boundary, the proposed two storey extension and car park area are proposed to be constructed within the Nottinghamshire Green Belt, and as such, policies ST4 and EV1 of the ALPR 2002 apply to this application.

The main issues to consider in this application are the impacts on the Green Belt, ecology, visual amenity, residential amenity, economic development and highways.

***Green Belt:***

The area of land upon which the extension to the care home is proposed, is located within the Nottinghamshire Green Belt, and as such policy EV1 of the ALPR 2002 and Part 13 – Protecting Green Belt Land of the NPPF 2018 apply in this respect.

The main concern arising as part of this application, is the impact that the proposal would have on the openness of the Green Belt and its purposes. Paragraph 145 (c) of the NPPF 2018 identifies that the extension of a building is classed as appropriate



development in the Green Belt, provided that it does not result in disproportionate additions over and above the size of the original building.

The original building for the purpose of this application is considered to be the house and nursing home which were joined together following the approval of application V/1989/0287. The floorspace of the 'original building' is therefore considered to be 962sqm.

There is no clear guidance in the NPPF about what may amount to disproportionate additions. When considering disproportionate additions, regard should be had to the external dimensions, height, volume and floor area in relation to the original building.

It is considered that the proposed extension would result in 759sqm of new floorspace created within the Green Belt, amounting to a 79% increase in the floorspace of the original building.

When taking into consideration the additional 443sqm of floorspace created within the Green Belt by the two-storey extension approved under application V/2010/0273, if this application were to be approved, it would result in a 125% increase in the floorspace from the original building.

The further increase in floorspace by approximately 759sqm in addition to the previous expansion of 443sqm of new floorspace, is considered to result in a disproportionate addition to the original building, and is therefore considered to conflict with paragraph 145 (c) of the NPPF 2018. Although there is a lack of guidance in respect of what is considered as a disproportionate addition, the Council's own guidance determines that any home extension in the Green Belt above a 30% increase in floorspace is considered to be disproportionate.

Mature trees currently bound the area in which the extension is proposed to the north, which presently reduce views into the rear of the site. The area surrounding the application site is open in nature and largely comprises of agricultural fields and equestrian uses. Should the application be granted however, a number of trees along the northern boundary of the site are proposed to be removed, and subsequently the site will become very open in nature. In this respect, the extension will therefore be highly visible within the surrounding area, and as such, due to the overall size and scale of the proposed development, it is considered that the scheme would result in an intrusive extension within the Green Belt, which would result in significant harm on its openness, to the detriment of the appearance and character of the area.

In relation to the proposed car park, paragraph 146 (e) of the NPPF 2018 identifies that material changes in the use of land is not inappropriate development in the

Green Belt providing the proposal preserves the openness of the Green Belt and does not conflict with the purposes of it.

The parcel of land upon which the construction of the car park is proposed is presently used for equestrian, and is often used for the purpose of parking a handful of vehicles in association with the existing stables and ménage. As noted, the area surrounding the application site is open in nature. Therefore, any increase in the number of vehicles informally parked within this area will again undoubtedly impact on the openness of the Green Belt.

***Ecology:***

The proposed extension is to be sited within an area of garden space located to the rear of the premises. The majority of the garden space comprises of soft surfaces of shrub and tree planted areas, with smaller areas of grassland.

As part of the proposed scheme 16 individual trees and one tree group are proposed to be removed to achieve the extension. Of the trees to be removed, only four have been categorised as being of a high quality and value, with the remainder of the trees classed as being of either moderate or low quality and value. Despite their variable form however, the trees to be removed constitute a highly visible feature in the landscape and can clearly be seen from public view points. Their removal would as such result in the increase in the prominence of the extension within the surrounding area and further impact on the openness of the Green Belt.

Concerns were originally raised by Nottinghamshire Wildlife Trust in respect of the implications resulting from the removal of trees on roosting bats and nesting birds. Following the submission of a Preliminary Roosting Survey however, Nottinghamshire Wildlife Trust are satisfied with the methodology and conclusions drawn in the Preliminary Roost Assessment. No bat roosts were recorded in the trees proposed to be removed, and the trees were assessed as having a negligible or low potential for roosting. Conditions are however recommended should the application be approved.

***Visual Amenity:***

The extension is proposed to project from the rear elevation of the existing care home by approximately 33m, and will have a maximum width of approximately 20m. The extension will have a height of 5m to the eaves and 8m to the ridge, these heights are considered to be in keeping with the scale of the existing premises.

The proposed extension will be set back approximately 70m from the highway edge to the rear of the existing care home. Views of the extension will however be visible from surrounding residential properties.

Whilst the scheme proposes a considerably sized addition to the existing premises, the design of the scheme is contemporary in nature, and draws upon the use of

natural materials, such as timber cladding, where possible, and is similar in style to the large two storey extension approved in 2010, under application V/2010/0273.

As such, it is therefore considered that the proposal would be in keeping with the character of the existing premises, as a result of its design.

The area surrounding the application site is open in character. Whilst new shrubbery is proposed along the western elevation of the development, the proposed landscaping scheme lacks the planting of trees along this boundary. As such, is considered that the overall size and scale of the scheme would result in a visual intrusion on the wider area, to the detriment of the appearance and visual amenity offered by the wider locality.

***Residential Amenity:***

Concerns have been raised by local residents in respect of associated noise and loss of privacy arising from the proposed scheme.

The existing hard standing, located to the north west of the care home is proposed to be used as a car park to serve the care home. This parcel of land is sited directly to the rear of properties 220, 224, 226 and 230 Nottingham Road, and is proposed to be accessed via a private driveway located between 220 and 224 Nottingham Road.

The proposed access driveway will run within 1m of habitable windows sited along the front, rear and side elevations at 220 Nottingham Road. The proposed car parking area is to be open to visitors, staff and commercial vehicles 24 hours a day. Due to the nature of the business, many employees will work shift patterns which do not correspond with normal working hours, which is likely to result in the proposed car park being used by employees at unsociable hours of the day.

The noise from such comings and goings would undoubtedly have a significant detrimental impact upon the living conditions and residential amenity of the occupiers at 220 Nottingham Road. It is further considered that the proposed 1.6m high acoustic fence, proposed to be sited less than 1m from habitable room windows, is unlikely to give the desired effect, due to the overall proximity of the property to the access driveway, and will not reduce any noise experienced at first floor level.

Furthermore, the proposed car park area is on higher ground than the properties sited along Nottingham Road. This difference in ground level gives rise to further concerns in relation to loss of privacy at neighbouring properties.

Fundamental concerns are raised in respect of this impact on neighbouring property 220 Nottingham Road, as the proposed car park will be sited less than 7m from the rear of the property.

As no parking spaces have been delineated on the submitted plans, it can be assumed that parking within the proposed car park is likely to be informal in nature,

and thus there is effectively no restriction on the number of vehicles that can park in the proposed car park. This could therefore result in users of the care home parking within close proximity to the rear of 220 Nottingham Road, resulting in an unacceptable level of overlooking of their private amenity space and habitable rooms, as a result of the ground level changes. This once again would result in a serious detrimental impact upon their residential amenity.

There are no overlooking concerns arising from the proposed extension, due to compliance with minimum separation distances.

***Economic Development:***

The NPPF 2018 identifies that significant weight should be placed on the need to support economic growth and productivity. Paragraph 83 also stresses that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas through well designed new buildings.

The JUS-t Neighbourhood Plan 2017 identifies that Wren Hall Care Home is one of the largest local employers in the Neighbourhood Area. At present, Wren Hall employ 142 staff, and provide many with the opportunity to receive further training and education to progress in their careers. It is undisputed that Wren Hall provides exceptional care for individuals who reside at the care home, and the demand for places is ever present.

The submitted planning statement identifies that the care home is presently having problems filling its 7 shared bedrooms for the first time in 29 years, and the inability to occupy the shared bedrooms will impact upon the annual income of the business and will result in the loss of 8 jobs, should these rooms not be filled. Questions are however raised as to why internal reconfigurations cannot take place to overcome this issue to provide more single room bedspaces.

Furthermore, an application was recently received and approved to convert part of the premises into a day nursery. If there was an essential requirement for the additional bedspaces, then it is considered that this should have taken precedent over the proposed day nursery.

It is suggested that the proposed extension will generate a further 9 jobs, whilst retaining a further 8 in employment.

Both Part 6 – Building a Strong, Competitive Economy of the NPPF 2018 and policy NP9 – Supporting Local Businesses of the JUS-t Neighbourhood Plan 2017, seeks to support an increase in employment opportunities, particularly in rural areas.

Having said this, policy NP9 (part 2) of the JUS-t Neighbourhood Plan 2017 stipulates that *'development for business purposes will need to demonstrate that .... the nature of the operation does not affect the amenity of the surrounding area.'* As already raised, it is considered that the proposed scheme would result in an

unacceptable harm on the Green Belt and on the amenity of neighbouring residents, to the detriment of the existing visual and residential amenity experienced by local residents.

**Highways:**

The scheme proposes that the creation of the car parking area to the north west of the site will generate an additional 13 off-street car parking spaces for users of the care home, such as visitors and employees. The Highways Authority have confirmed that they are satisfied that the proposed car park will provide appropriate levels of off-street parking in line with the proposed expansion of the premises.

The proposed car park area will be accessed via an existing vehicular access, and appropriate visibility splays have been provided in the submitted plans.

Concerns have however been raised by the Highways Authority and local residents, that as the access is served from a busy classified road, carrying a daily average of 8,650 vehicles per day, there is a risk of vehicular conflict and an impediment of the adjacent highway, to the detriment of the safety of highway users. This conflict is likely to arise due to the informal access arrangement. This concern could however be overcome through the submission of a formalised access arrangement at the entrance to the car park.

**Other Matters:**

Whilst it is acknowledged that there is a demand for places specifically at Wren Hall Nursing Home. The need for new bedspaces in residential care homes across the District therefore needs to be assessed.

Having said this the Strategic Housing Market Assessment (SHMA) indicates that there is a need for 650 bedspaces in residential care homes (C2 use) across Ashfield District for the period 2013 to 2033.

Between 2013-2017, 124 new bedspaces were delivered across the District, and a further 163 bedspaces on C2 schemes have outstanding planning approval.

This gives a final requirement for 363 bedspaces to be provided for the period 2018 to 2033.

Evidence held by Nottinghamshire County Council and information supplied by the Clinical Commissioning Groups indicate a current over-provision of C2 development within the Ashfield District at the present time, and concerns are raised that this over capacity of residential places is causing a challenge to the provider market as some homes are struggling to maintain viable occupancy rates. Furthermore, it also needs to be noted that the strategic direction of both the Clinical Commissioning Groups and the County Council is to support people in their own homes for as long as is possible and feasible rather than placement in a care home. This delay in

admissions into care homes is supported by assistive technology. These schemes are able to provide an element of care in an individual's own home, which would otherwise be provided by specialist housing schemes and care homes. As such, it is considered that the demand for bedspaces is likely to decrease in the future.

### **Conclusion :**

The scheme comprises of a large-scale expansion at an existing, well established residential care home within the rural settlement of Selston. An economic argument for the development exists, as the scheme will facilitate in supporting the growth of a local business and will contribute to the creation of a further 9 jobs within the community.

Having said this, the majority of the expansion is located within the Nottinghamshire Green Belt, resulting in a 125% increase in floorspace, which is considered to be a significant disproportionate addition to the original floorspace of the dwelling and care home. Furthermore, the removal of the mature trees along the northwestern boundary of the site will result in the extension appearing as a prominent addition within the surrounding landscape, consequently having a detrimental impact on the visual amenity of the wider area and impacting on the openness of the Green Belt.

In addition to this, the access driveway to the proposed car parking area will be sited within 1m of habitable room windows at 220 Nottingham Road, resulting in an unacceptable level of disturbance through increased comings and goings, and associated noise. The existing ground level changes are also considered to result in an unacceptable loss of privacy to neighbouring occupiers arising from the car park area.

On balance therefore, it is considered that no very special circumstances have been demonstrated to justify the impact that the development would have on the visual amenity of the area, the amenity of neighbouring residents, and the openness of the Green Belt. It is therefore considered that the harm created by the development significantly outweighs the economic contribution that the development would have on the local area.

It is therefore recommended that this application is refused on the following grounds:

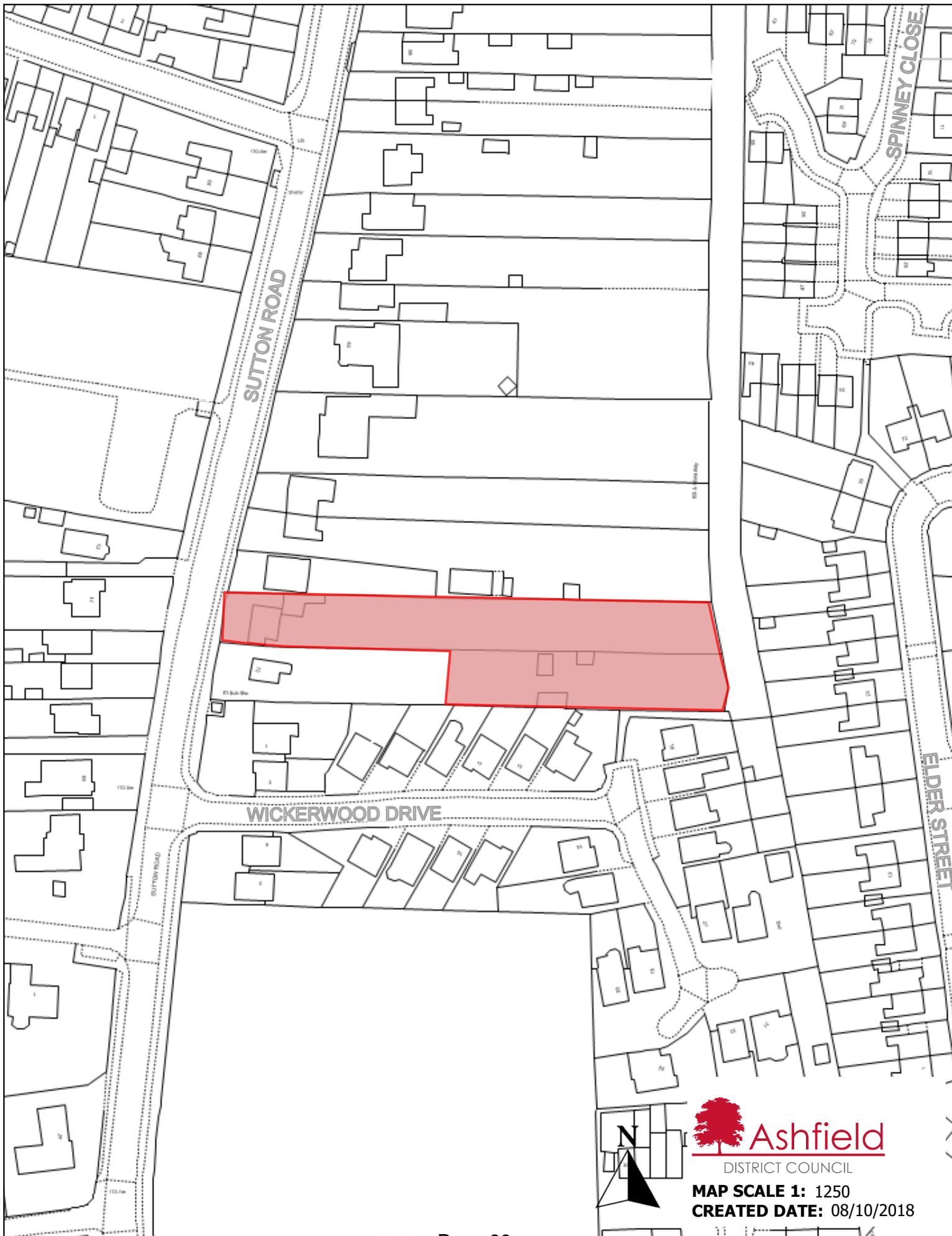
**Recommendation: Refuse**

**REASONS**

- 1. The proposal constitutes inappropriate development within the Green Belt, as the proposed extension represents a disproportionate addition to the size of the original building, resulting in a 125% increase in external floor space and additional volume created within the Green Belt. The proposal would result in harm to the openness and permanence of the Green Belt through the creation of additional built form and volume in this location. The substantial weight given to the Green Belt harm is not outweighed by any other matters, and consequently the very special circumstances required to allow the development do not exist. The proposal therefore conflicts with policy ST1 and EV1 of the Ashfield Local Plan Review 2002, and Part 13 – Protecting Green Belt Land of the National Planning Policy Framework 2018.**
- 2. The location of the proposed car park and access driveway would have an adverse impact upon the living conditions of neighbouring occupiers by virtue of additional comings and goings over and above what can reasonably be expected. Furthermore, the noise associated with the increased comings and goings would also give rise to an unacceptable level of disturbance on neighbouring residents. The proposal is therefore contrary to saved policies ST1 and HG8 of the Ashfield Local Plan Review 2002.**

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**COMMITTEE DATE** 18/10/2018                      **WARD** Larwood

**APP REF** V/2018/0630

**APPLICANT** J Zadrozny

**PROPOSAL** Fence and Posts

**LOCATION** 74 Sutton Road, Kirkby in Ashfield, Nottingham, NG17 8GZ

**WEB-LINK** <https://www.google.co.uk/maps/@53.1050876,-1.269954,19z>

**BACKGROUND PAPERS** A, C

App Registered 17/09/2018                      Expiry Date 11/11/2018

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

*The applicant is a councilor – Jason Zadrozny.*

**The Application**

This is an application for the erection of timber fencing panels and posts approximately 2.15 in height and which have a total combined length of approximately 154m, to enclose a rear garden.

**Consultations**

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

Two objections have been received from local residents, relating to the following:

- Works completed before planning consent granted; and
- Height of fencing considered too high.

**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 ALPR (2002)**

ST1 – Development  
ST2 – Main urban area

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

Part 2 – Achieving sustainable development  
Part 12 – Achieving well designed places

### **Relevant Planning History**

None

### **Comment :**

#### **Visual Amenity**

The site 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).

The application proposes the erection of approximately 2.15m high wooden panel fencing and posts that border the rear gardens of 74 and 72 Sutton Road. The proposed fencing and posts encloses land to the rear of these properties and are bordered by 78 Sutton Road (north) and one property on Wickerwood Drive (south). Due to the siting of the proposed fencing and posts to the rear of several residential rear gardens the site is almost not visible from any nearby street scene.

The most visible public vantage point of the proposal will be off Wickerwood Drive off towards the end of a disused pathway. From this view, approximately 2m of the proposed fencing would be visible.

The proposed fencing and posts are located approximately 55m from Sutton Road and approximately 14m from Wickerwood Drive. Due to this separation distance the proposed fencing and posts are considered not to adversely impact the street scene and therefore will not be detrimental to the visual amenity of the neighbourhood. Taking this into account, it is considered that the overall design of the proposal would not result in significant harm to the character and appearance of the area.

#### **Residential Amenity**

Both written representations received were from local residents who live nearby the site. Some of the proposed fencing and posts have already been erected which has caused concern however, a full application has been submitted which includes all proposed fencing and posts and therefore the application is required to be determined on its own individual planning merits.

Approximately 9m of the proposed fencing and posts are located to the rear of 72 Sutton Road and this will be most visible from the rear of properties of Wickerwood Drive. This particular part of the proposal adjoins the existing rear boundary at 90 degrees of 7 Wickerwood Drive. Where both existing and proposed fencing meet there will be an approximately 0.3m height difference. The height difference alone is considered not to amount to a reason to refuse the application. The proposed

fencing and posts are considered not visually intrusive or to create significant overbearing or overshadowing impact for residents of Wickerwood Drive. As a result, the proposal is not detrimental to the residential amenity of surrounding residential properties and therefore does not warrant refusal of the application.

### **Highway Safety**

There are no highway safety concerns associated with this proposal.

### **Conclusion**

Having reviewed all the submitted information, and assessing this against all relevant policies and material planning considerations, conditional consent is recommended for this application.

**Recommendation:** - Full application conditional consent

### **CONDITIONS**

- 1. This permission shall be read in accordance with the following plans: 1:1250 location plan, 1:1250 proposed fencing plan, . The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**

### **REASONS**

- 1. 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).**

# Plots 5-9 Manor Croft, Mansfield Road, Skegby



**COMMITTEE DATE** 18/10/2018                      **WARD** Skegby

**APP REF** V/2018/0092

**APPLICANT** L Bradley

**PROPOSALS** Variation of Condition 2 of Planning Permission V/2015/0533 -  
Substitute House Type to Plots 5

**LOCATION** Land between Pleasley Road & North of Mansfield Road  
Skegby

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

**BACKGROUND PAPERS** A B C D E

App Registered 07/02/2018                      Expiry Date 09/05/2018

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

**The Application**

This application is seeking to vary the approved plans (condition 2) of Reserved Matters planning approval V/2015/0533. The application was previously reported to Planning Committee, and it was resolved to grant conditional approval, subject to the completion of a Section 106 Agreement. The previous Committee Report has been attached to this addendum report as Appendix A.

The original reserved matters application (V/2015/0533) was submitted with a plan, which contained a list of floor levels; however, no such plan was submitted to support this application. In the interests of transparency, it was decided to return the application to Committee in order to request an additional plan is included within the list of conditions to approve the finished floor levels.

**Planning Policy**

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are set out within the previous report. However, since the application was presented to Planning Committee, a revised National Planning

Policy Framework (2018) has been brought into effect. These are the policies considered relevant:

**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

**Comment**

***Residential Amenity***

The main issue to be considered in terms of floor levels is the impact upon neighbouring residents. The plan approved as part of the reserved matters application stated that plots 5 and 6 would set at 149.40m Datum. The finished floor levels of plots 5 and 6 will remain at the same height (149.40m Datum).

It is however noted that the dwelling at plot 6 has been moved closer to the shared boundary to the east (approx. 3.5m), and this would be at a higher level than the previously approved dwelling at plot 7 (approx. 0.45m). However, as part of this application the dwelling at plot 7 was removed from the layout - in order to reduce the impact of the proposal on neighbouring residents.

The separation distance of plot 6 to the neighbouring properties to the east is a minimum of approx. 14m to the rear 4 Eyres close and approx. 17m to the rear of 2 Eyres Close. This overall separation distance is greater than the previously approved scheme and the distance complies with the Councils Residential Design Guide SPD (2014) - minimum distance of 12m between side and rear elevations. The roof at plot 7 is also hipped to help minimize any overbearing impacts. There is a marginal variance in floor levels from the approved development, as described above; however, the separation distance - in connection with the design - is considered sufficient to ensure there would be no overbearing or overshadowing from the proposed dwellings. As agreed previously, a 2.4m high boundary fence is to be erected along the boundary plots 5 and 6 shared with those on Eyres Close. This will provide the adjacent residents with adequate levels of privacy and is shown on the latest site plan.

The levels of plots 7 – 9 are set at 149.20m (Datum), this is lower than the approved floor levels of plots 8 -9 (149.40m datum), which previously occupied a similar position within the site. Consequently, the finished floor levels are considered acceptable.

## **Other Issues**

### *Drainage and Maintenance*

Concerns have been raised surrounding drainage at the site due to the difference in levels. An overall drainage strategy for the site has been approved as part of condition discharge application reference V/2017/013; this included proposed levels for the access road, which are in accordance with those shown on the latest submitted drainage plan. The proposed drainage strategy for this application includes a large create soak-away on the access road and a drain channel at the end to catch any additional surface water runoff.

Further concerns have also been raised regarding maintenance of the adjacent access road and drain channel; this is to remain the same as the previous approval. In addition, the adoption of the highway is not a matter for the District Council.

### *Proposal being built in accordance with the plans*

Concerns have also been raised regarding the finished floor levels potentially not being constructed in accordance with the approved plan. Plots 5 - 9 have been constructed to finished floor level. A check has been undertaken by the Council, where it found these to be accurate.

## **Conclusion**

In conclusion, the proposal would not result in a detrimental impact upon the living conditions of neighbouring residents and in light of the above, the application is recommended for approval, subject to the satisfactory completion of a legal agreement.

**Recommendation: - Approve, subject to satisfactory completion of a S106 agreement.**

The conditions shall remain the same as per the original report; however, condition 9 is to be amended to read as follows:

9. External Works & Private Drainage Layout Plots 1-7 & 23-26 Rev L, Site Layout inc FFL Rev G, Drawing 181.06.102 Rev 0. House types: 3D6, 3D7, 3S6 Semi, 3S6 - 3S27, 3S22 - Semi, 3S24 - 3S25 Terrace Rev B, 3S27 Detached, 4Bl Spec, 4D29, 4D32, 4D36 Standard, 4D36 - Special, 4D44X, L2 - Semi Rev F; Garages: GS5F, GD7F AND GD8H.



**COMMITTEE**                      17/05/2018                      **WARD**                      Skegby

**DATE APP REF**                      V/2018/0092

**APPLICANT**                      Rippon Homes Ltd

**PROPOSAL**                      Variation of Condition 2 of Planning Permission V/2015/0533 -  
Substitute House Type to Plots 5-9

**LOCATION**                      Land between Pleasley Road & North of Mansfield Road  
Skegby

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

**BACKGROUND PAPERS**    A B C D E

App Registered 07/02/2018                      Expiry Date 03/04/2018

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

*This application has been referred to Planning Committee by Councillor Helen-Ann Smith to discuss highways issues and intensification. It has also been referred by Councillor Paul Roberts.*

**The Application**

*This application is seeking to vary the approved plans (condition 2) of Reserved Matters planning approval - V/2015/0533. This application was approved, on appeal, following an outline permission up to 37 dwellings at this site.*

*The proposal has arisen following negotiations between developers and residents and seeks to alter the house types to plots 5 – 9.*

**Consultations**

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

*1 x Letter of support has been received from a local resident stating that negotiation has taken place to formulate a design, which is more sympathetic to their property.*

*1 X Letter of objection has also been received from a local resident raising concerns over the access, highways safety and parking to the development as a whole.*

## **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)**

Paragraphs 7-9 – Achieving sustainable development  
Paragraphs 11-17 – The presumption in favour of sustainable development  
Part 4 – Promoting sustainable transport  
Part 6 – Delivering a wide choice of high quality homes  
Part 7 – Requiring good design  
Part 8 – Promoting healthy communities  
Paragraphs 186-206 – Decision-taking

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

ST1 – Development  
ST4 – The remainder of the District  
EV2 – The countryside  
HG3 – Housing density  
HG5 – New residential development  
HG6 – Public Open Space in new residential developments

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

S1 – Sustainable Development Principles  
S2 – Overall Strategy for Growth  
SKA3 – Sutton & Kirkby Housing Allocations  
HG4 – Housing Mix  
HG5 – Housing Density

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

NP1 - Sustainable Development  
NP2 - Design Principles for Residential Development  
NP3 - Housing Type

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

## **Relevant Planning History**

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

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

**V/2016/0462** - Application For Approval of Reserved Matters  
Application V/2012/0556 For Residential Development. Approved.

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

*V/2017/0645 – Variation of condition 2 of planning application V/2015/0533 – Substitute house type to plots 14 – 15. Refused.*

*V/2017/0646 – Erection of dwelling. Ongoing (Awaiting completion of legal agreement).*

**Comment:**

*The table below provides an overview of the intended changes to plots 5 – 9.*

<b>Plot Number</b>	<b>Approved House Type</b>	<b>Substitute House Type</b>
5	3S24 – 3 Bedroom Terrace	L2 – 2 Bedroom Semi
6	3S25 – 3 Bedroom Terrace	L2 – 2 Bedroom Semi
7	3S24 – 3 Bedroom Terrace	3S24 – 3 Bedroom Terrace
8	L2 – 2 Bedroom Semi	3S25 – 3 Bedroom Terrace
9	L2 – 2 Bedroom Semi	3S24 – 3 Bedroom Terrace

*House type L2 is an affordable unit; however, as identified above, the amount of affordable units will remain the same.*

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

**Residential Amenity**

*Existing Residents*

*The developer (Rippon Homes) has been in negotiations with the neighbouring residents on Eyres Close to assist in the formulation of a scheme, which is more sympathetic to their properties.*

*The change in house type involves swapping a row of three terraced properties with two semi-detached dwellings. As a result plot 6 would be located at a greater distance from numbers 2 and 4 Eyres Close. There is now a separation distance of approximately 14m between the side elevation of the dwelling at plot 6 and the rear of No.4. As with the previously approve scheme, this distance complies with the Councils Residential Design Guide SPD (2014) minimum separation distance of 12m between side and rear elevations.*

*The dwellings at plot 6 and 7 have also been amended to include a hipped roof which reduces their massing; the applicant is also to provide a 2.4m boundary fence to adjacent properties on Eyres Close – to improve privacy.*

*Consequently, due to the separation distance, design and boundary treatments it is considered there would be no adverse impacts to No. 2 and 4 Eyres Close by way of the development being overbearing, overshadowing or through loss of privacy.*

*Following concerns raised by the case officer, the terraced row at plots 7- 9 has been reconfigured to provide a minimum separation distance of approx. 19.4m from plot No. 7 and approx. 19.6 from plot No. 8 - to the rear of 6 Eyres close. The dwellings have also been angled to help reduce any overlooking impacts and the roof of plot No.7 has been hipped. Although the separation distance would fall marginally below the Councils minimum required standard, it is similar to that already approved and it is considered that the distance would be sufficient to ensure there would be no significant loss of light, overbearing impacts or loss of privacy - which would significantly worsen the living conditions of the occupants at 6 Eyres Close.*

#### *Future Residents*

*In terms of living conditions of future occupants, these would be consistent with the other housing across the site, which were approved by the Planning Inspectorate. As such these are considered to provide a good standard of living for any future occupants.*

#### **Character and Appearance**

*The newly proposed terraced row features a design containing a mixture of a gable end and hipped roof, with an extended gable section to the front. The semi-detached properties have also been altered to have a hipped roof. Overall the modern design of the proposals are considered acceptable and would be in keeping with others at the site.*

*The alterations to the parking arrangements and layout to accommodate the changes would result in no harm to the character and appearance of the area and proposal is therefore considered to accord with NPPF Part 7, which places an emphasis on achieving an attractive design.*

#### **Highways**

*The proposal would not increase the number of bedrooms within the dwellings and as such there would be no intensification in the use of the sites access. The creation of the new site access off Mansfield Road is a major concern to local residents, however this has been thoroughly assessed by the Planning Inspectorate in two appeal decisions and found to be acceptable. Consequently, this is not a factor that could amount to a reason for a refusal of planning permission.*

The new layout would provide sufficient off street parking to accord with the Councils Residential Car Parking Standards (2014) and it is considered this current application would result in no material harm to highways safety at this location.

### **Foot Path**

There is a footpath which crosses the site, connecting Back Lane and Mansfield Road. The proposed change in house type means that the built form of the properties no longer intersects the footpath, rather it would now run adjacent to the side of plot 5. The footpath is to be subject to a diversion order and an appropriate condition has been applied.

### **Section 106 undertaking**

The applicant has agreed to enter into a legal undertaking, which is to be made under section 106 of the 1990 Act. This is required to ensure the application would tie into the original Unilateral Undertaking, which addressed the issue of affordable housing and secured contributions towards open space, education and transport improvements.

### **Conclusion**

In conclusion, the proposed substitution of house types is considered to be acceptable. The proposal would not result in a significant detrimental impact upon the living conditions of neighbouring residents, highways safety or the character and appearance of the area. In light of the above the application is recommended for approval, subject to a satisfactory completion of a legal agreement

**Recommendation:** - Approve subject to the satisfactory completion of a S106 legal agreement.

### **CONDITIONS**

1. No development shall take place until samples of the materials and finishes to be used for the external elevations and roofs of the development 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
2. 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.*
3. *No development shall take place until the following matters have been submitted to and agreed in writing by the Local Planning Authority:*
    - A. *Full details of the proposed treatment of the site's boundaries.*
    - B. *A phasing scheme for the implementation of the agreed boundary treatment.*

*The boundary treatment shall be undertaken in accordance with the agreed details.*
  4. *No part of the development hereby permitted shall be brought into use until details of the new internal roads and associated infrastructure have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross section 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. All details submitted to the Local Planning Authority shall comply with the County Council's current Highway Design & Parking Guides and shall be implemented as approved. Any visibility splays shall be kept clear of any obstruction to visibility over 0.6m high for the life of the development.*
  5. *Before the development is brought into use the off-site traffic management works comprising a Traffic Regulation Order to provide enforceable double yellow lines on the junction of the site access with Mansfield Road will be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.*
  6. *The development will require the diversion of a public right of way and no part of the development hereby permitted or any temporary works or structures shall obstruct the right of way until approval has been secured and the diversion has been constructed in accordance with a detailed design and specification first submitted to and approved by the Local Planning Authority.*
  7. *No part of the development shall be occupied until all noise mitigation measures shown to be necessary with the Noise Impact Assessment by Kirby Charles Associates Ltd Reference KCA261112/2400 have been installed and a validation report submitted to and approved in writing by the local planning authority.*
  8. *No development shall take place until there has been submitted to and approved by the Local Planning Authority a landscaping scheme which should include details of all trees and hedgerows on the site to be retained together with measures for their protection during the course of the development.*
  9. *Drawing 181.06.110 Rev F. House types: 3D6, 3D7, 3S6 Semi, 3S6 - 3S27, 3S22 - Semi, 3S24 - 3S25 Terrace Alt Format, 3S27 Detached, 4BI Spec, 4D29, 4D32, 4D36 Standard, 4D36 - Special, 4D44X, L2 - Semi Rev F; Garages: GS5F, GD7F AND GD8H.*

## **REASONS**

1. *In the interests of visual amenity.*
2. *In the interests of visual amenity.*
3. *In the interests of visual amenity.*
4. *In the interests of highways safety.*
5. *In the interests of highways safety.*
6. *To protect the integrity of the public footpath.*
7. *In the interests of residential amenity.*
8. *In the interests of visual amenity.*
9. *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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