

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Thursday, 24th January, 2019**

Time: **7.00 pm**

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

For any further information please contact:

Martin Elliott

m.elliott@ashfield.gov.uk

01623 457316

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 457316.

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 13 December 2018** 5 - 10
4. **To receive and consider the attached planning applications.** 11 - 76
5. **Planning appeal decisions** 77 - 80
Summary of recent planning appeal decisions

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PLANNING COMMITTEE

**Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,
on Thursday, 13th December, 2018 at 7.00 pm**

Present: Councillor Chris Baron in the Chair;

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

Apologies for Absence: Councillor Phil Rostance

Officers Present: Martin Elliott, Sarah Hall, Mick Morley and Christine Sarris.

P.23 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.

There were no declarations of interest.

P.24 To receive and approve as a correct record the minutes of a meeting of the Planning Committee held on 14 November 2018

The Minutes of the meeting held on 14 November 2018 were approved as a correct record and signed by the Chairman.

P.25 To receive and consider the attached planning applications.

- 1. V/2018/0221 - Erection of Retail Store with Car Parking and Landscaping - Land Off Mansfield Road and Eastfield Side, Sutton in Ashfield, Nottinghamshire.**

In accordance with the Council's Policy for dealing with late matters in relation to planning applications (Minute No. D4.17, 1993/94), the Assistant Director for Planning and Regulatory Services gave a verbal report on additional comments received in relation to the application after the agenda had been finalised as follows:

The applicant had submitted a further email in support of the application. This explained that Lidl would not be making an offer on the Northern Bridge Road site as:

- The site was not in a suitable location for a second store in the Town Centre and it would be detrimental to the turnover of the existing store.
- Asda would not sell to a competitor, and had supported this with advice from a property agent (Frank Knight). Building a store that close to Asda would also be unviable.
- Lidl had an immediate requirement in Sutton and works would commence early 2019.

The applicant contended that the Impact Test showed that the proposal was acceptable, the sequential test was passed and that the proposal would not affect amenity, design or transport. It was also confirmed that an offer of £100,000 had been made to mitigate the limited impact of the proposal and that Lidl planned to retain their existing store.

An additional letter of objection had also been received from a resident. This raised concerns over highways safety, sufficient retail stores already in Sutton-in-Ashfield, and that they would prefer bungalows to be built on the land.

Officer Comment in response:

The Council still contended, that Lidl's failure to make an offer for the Northern Bridge Road site meant that the Sequential Test had not been passed.

It was noted that all the other issues raised by Lidl, and the resident, had been covered within the Committee report.

In accordance with the Council's procedure for speaking at Planning Committee Mr Alan Jones of Asda Stores and Mr Matthew Williams of Williams Gallagher (objectors), Mr A Ranji (objector), Ms Julie White of Indigo Planning (agent for the applicant) and Ms Jo Hawley (the applicant), addressed the meeting.

Members of the Committee were of the of the view that while the store would have an impact on Sutton in Ashfield town centre and on the Outram Street local centre, the impact was not substantially adverse enough to refuse the application and could be mitigated by contributions to schemes outlined in the report. Members were also of the view that the proposed development represented an opportunity to develop a site that had been derelict for many years despite planning permissions for residential development being previously granted on the site that had not been brought forward to development.

It was moved by Councillor Wilson and seconded by Councillor Anderson, that against officer recommendation subject to a Section 106 contribution of £120,000 in order to mitigate the impact of the development on Sutton-in-Ashfield town centre and the Outram Street local centre that planning permission be **GRANTED**, subject to conditions being agreed between the Council as the Planning authority and the applicant as follows:

Conditions

1. Development of the site to begin within 3 years of the granting of planning permission.
2. A list of plans to be submitted before the commencement of development.
3. A scheme of hard and soft landscaping to be submitted for approval.
4. Noise mitigation measures, including an acoustic fence to be submitted for approval.
5. Site contamination reports to be submitted for phases 3 and 4 for approval.
6. Surface water and foul sewage plans to be submitted for approval.
7. That no deliveries are made to the store after 19:00 Monday – Sunday.
8. That five electric vehicle charging points are installed in the car parking area.
9. That a barrier is installed at the entrance to the car park to prevent unauthorised access outside of store opening hours.
10. That details of the lighting scheme for the access footpath to be submitted for approval.
11. That details of the highways scheme for the access and egress on the site and other highway related matters be submitted for approval.

and for the Assistant Director - Planning and Services, in consultation with the Chairman of the Planning Committee, to be delegated authority to determine any further conditions as deemed necessary in order to facilitate the delivery of the site.

For the motion: Councillors Anderson, Baron, Hollis, Griffiths, Madden, K Morrison, H Smith, M Smith and Wilson

Against the motion: Councillor Butler

Abstentions: Councillor Zadrozny

Accordingly, the motion was declared as **CARRIED**.

2. V/2018/0408 - Erection of 4 Five Bedroom and 2 Six Bedroom Dwelling Units, (Class C4) within a Two Storey Block with Ancillary Car Parking and New Vehicular Access - Land at Junction of Outram Street and Park Street, Sutton in Ashfield, Nottinghamshire.

In accordance with the Council's Policy for dealing with late matters in

relation to planning applications (Minute No. D4.17, 1993/94), the Development Management Team Leader gave a verbal report on additional comments received in relation to the application after the agenda had been finalised as follows.

The applicant had submitted a statement to help address concerns that Committee members may have had about potential anti-social behaviour by residents of the proposed developments.

Members of the Committee were of the view that the proposed development with regards to its mass and size represented an over intensive development of the site which would create an over dominant presence in the street scene. Members of the Committee were also concerned that the proposed development had insufficient parking provision included for the number of dwelling units proposed which would create an unacceptably adverse impact on the amenity or the residents of the surrounding streets where car parking provision was already very limited. Members were also of the view that increased amounts of on street car parking as a result of the development would have a detrimental impact on highway safety in the surrounding area.

It was moved by Councillor H Smith and seconded by Councillor Wilson that against officer recommendation planning permission be **REFUSED** for the following reasons.

REASONS

1. The Council considers the development would result in an over intensive development of the site with an adverse impact on the street scene and a lack of off street parking provision which would lead to parking on the adjacent highway, thus causing detriment to highway safety. There is a school at the end of Park Street, a cul-de-sac with restricted turning space and parking, the proposal would therefore result in the potential to exacerbate the conflict between pedestrian and vehicular movements and add to further indiscriminate parking within the area. It would therefore be contrary to saved Policies ST1 a), b), c); HG5 c), f) and g); and HG8 b), d), and g) of the Ashfield Local Plan Review 2002 and parts 9 and 12 of the National Planning Policy Framework.

For the motion: Councillors Anderson, Butler, Hollis, Madden, K Morrison, H Smith, M Smith, Wilson and Zadrozny

Against the motion: Councillor Griffiths

Abstentions: Councillor Baron

Accordingly, the motion was declared as **CARRIED**.

3. V/2018/0262 - Outline Application for A Maximum of 24 Apartments and Associated Works

It was moved by Councillor Wilson and seconded by Councillor Baron that

consideration of the item be deferred to the next meeting of the Planning Committee to enable officers to have discussions with the applicant regarding details of the proposed scheme.

For the motion: Councillors Anderson, Baron, Butler, Griffiths, Hollis, Madden, K Morrison, H Smith, M Smith, Wilson and Zadrozny

Against the motion: None

Abstentions: None

Accordingly, the motion was declared as **CARRIED**.

P.26 TPO 64 Plainspot Road, Underwood

The Interim Director of Place and Communities submitted a report to advise the committee of an objection that had been received in response to the making of a Tree Preservation Order at 64 Plainspot Road, Underwood. It was noted that the consideration of this item had been deferred from the meeting of the Planning Committee held on 14 November, 2018 in order to allow members of the Planning Committee the opportunity to carry out a site visit.

At 8:50pm it was moved by Councillor Baron, seconded by Councillor Butler and **RESOLVED** that in accordance with Rule of Procedure No.23 (The Conclusion of Proceedings) that the meeting be extended to 9:30pm.

After consideration, Members of the committee were of the view that the trees did not contribute significantly to the visual amenity of Plainspot Road and the wider area.

It was moved by Councillor Baron, seconded by Councillor Anderson and **RESOLVED** that against officer recommendation, that the TPO at 64 Plainspot Road, Underwood should not be confirmed.

For the motion: Councillors Anderson, Baron, Butler, Griffiths, Hollis, Madden, K Morrison, H Smith and M Smith

Against the motion: None

Abstentions: Councillors Wilson and Zadrozny

P.27 Consultation - Planning reform: supporting the high street and increasing the delivery of new homes

The Interim Director – Place and Communities submitted a report which was presented by Assistant Director – Planning and Regulatory Services, to inform the Committee of the possible implications for Ashfield, as set out in the Government’s consultation “Planning Reform: supporting the high street and increasing the delivery of new homes”. The report also set out a proposed response from the Council to the consultation. The full proposed response was included as an appendix to the officer’s report.

It was **RESOLVED** that:

- a) the proposed response to the Government consultation “Planning Reform: supporting the high street and increasing the delivery of new homes” as set out at appendix one of the officer’s report be approved.
- b) authority be delegated to the Assistant Director Planning and Regulatory Services, in consultation with the Chairman of the Planning Committee, to make additions and amendments to the response.

The meeting closed at 9.03 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.

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Site Visits Planning Committee

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

Should any Planning Committee Member wish to visit any site on this agenda they are advised to contact either the Interim Director – Place and Communities or the Corporate Manager by 4pm on Friday 18 January 2019.

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

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

C. Cooper-Smith

Interim Service Director – Place and Communities

Tel: 01623 457365

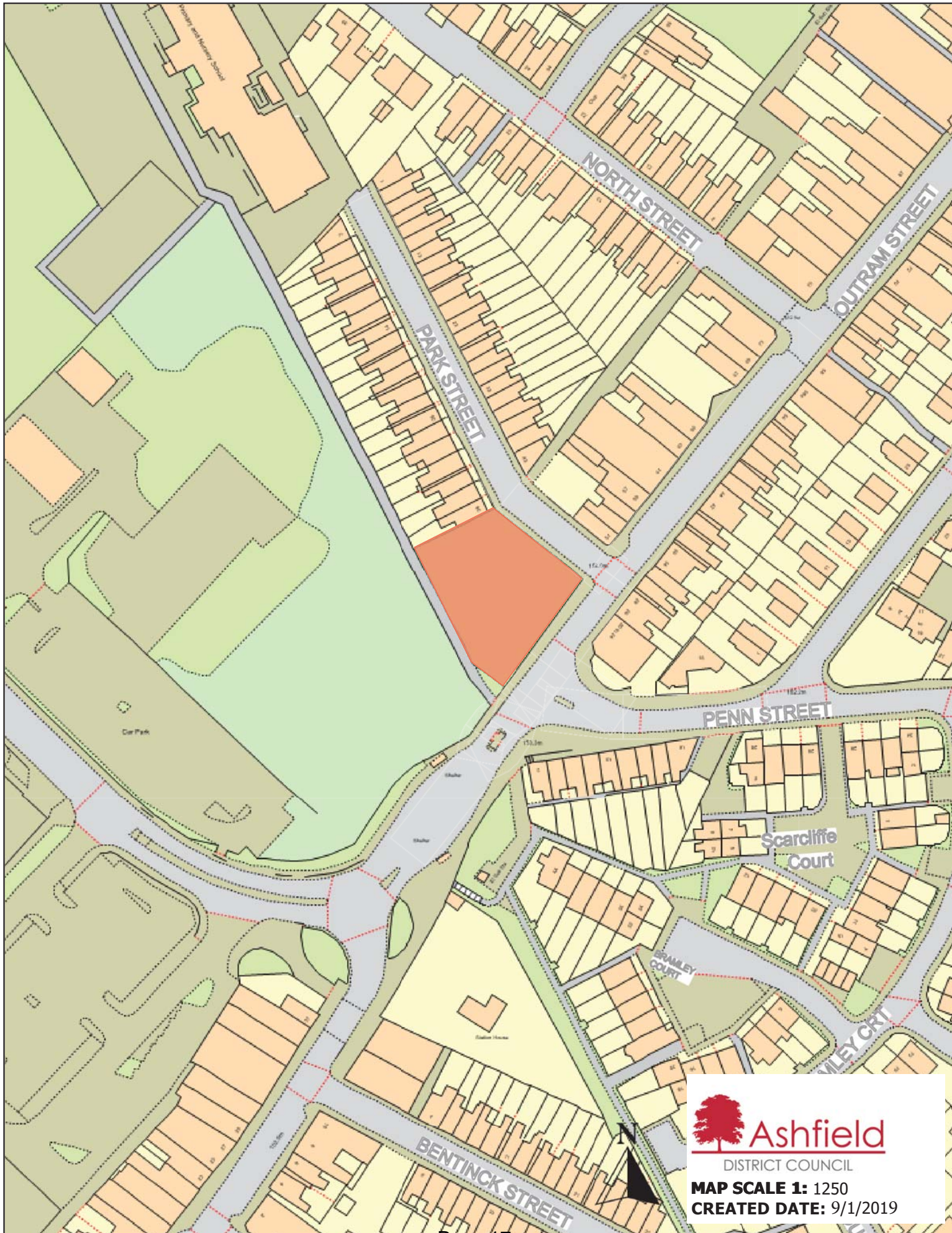
E-mail: c.cooper-smith@ashfield.gov.uk

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Planning Committee – 24 January 2019

Page	App No	Applicant	Recommendation	Proposal	Location
Central and New Cross					
	V/2018/0262	Chardstock Management Services Ltd	Approval	Outline Application for a Maximum of 24 Apartments and Associated Works	Land at Junction of Outram Street and Park Street, Sutton in Ashfield
St Marys					
	V/2018/0710 & V/2018/0709	Mr D Rolfe	Approval (both applications)	Application for Removal of Condition 3 of Planning Permission V/1987/0739 and Condition 2 of Planning Permission V/1986/0343 - Premises to be used for a residential home for the elderly only	Bank House, Church Street, Sutton in Ashfield
	V/2018/0416	Mr D Rolfe	Approval	Decking, Office, Shed and Erection of Fencing.	Bank House, Church Street, Sutton in Ashfield
Kirkby Cross and Portland					
	V/2018/0732	Ms K Holden	Approval	Construction of Outbuilding for Dog Grooming Salon	2a Wilson Avenue, Kirkby in Ashfield
	V/2018/0794	Ashfield District Council	Approval	Display of 4 Banner Signs	Festival Hall, Hodgkinson Road, Kirkby In Ashfield
Sutton Junction and Harlow Wood					
	V/2018/0795	Ashfield District Council	Approval	Display of 10 Banner Signs	Kingsmill Reservoir, The Mill Adventure Base, Sherwood Way South, Sutton in Ashfield
Stanton Hill and Teversal					
	V/2018/0693	Mrs V Swaisland	Refuse	Outline Application for a Maximum of 2 Dwellings	Spencer View, 182 Wild Hill, Teversal

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Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 9/1/2019

COMMITTEE DATE 24th January 2018 **WARD** Central and New Cross

APP REF V/2018/0262

APPLICANT A McGivern
Chardstock Management Services Ltd

PROPOSAL Outline Application for a Maximum of 24 Apartments and Associated Works

LOCATION Land at Junction of Outram Street and Park Street Sutton in Ashfield Nottingham NG17 4BB

WEB-LINK <https://www.google.co.uk/maps/@53.1275873,-1.2580441,160m/data=!3m1!1e3>

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

App Registered 30/04/2018 Expiry Date 30/07/2018

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

This application has been referred to Planning Committee as previous applications on this site were Committee decision

The Application

This is an outline application with all matters (except access) reserved for further approval for the erection of up to 24 one and two bedroom flats with associated works.

Comment

At the previous Planning Committee, members deferred the application, seeking to ascertain if the applicant would be willing to restrict the occupancy of the flats to persons over 55 years only. The applicant has considered this request and is unwilling to limit occupation of the dwellings. The applicant has stated that:

- An identical scheme was resolved to be approved by Ashfield District Council, save for a Section 106 agreement,
- an independent surveyor has confirmed that the viability assessment demonstrates the development is not viable if it includes contributions under Section 106 and;

- that permission should be granted, unless there has been a change in planning policy, since the Committee resolved to grant the previous scheme.

The Planning Committee resolved to grant an almost identical scheme at Committee on 2nd March 2017. Since this time, the two main changes in planning policy terms are the introduction of the revised NPPF and the withdrawal of the Councils Emerging Local Plan. However, neither of these changes would give grounds to refuse the application. The proposals have been assessed against the NPPF, Adopted Local Plan and Supplementary planning guidance within the original Committee report.

A restriction placed on the occupancy of the units to over 55's, serves no planning purpose in this location. Any condition used to restrict occupancy on these terms would fail to meet paragraph 56 of the NPPF, due it being unnecessary to make the development acceptable in planning terms. It is also considered that such a restriction would be entirely unreasonable.

Conclusion

The applicant is unwilling to restrict the occupation of the flats to over 55's, considering this be an unnecessary and onerous condition. The site has previously been granted permission for 28 and 37 flats in 2004 and 2005 respectively, with members also resolving to grant an identical scheme in March 2017.

An assessment of the proposal is detailed within the original report, where it considered the proposals would result in no harm to visual amenity, residential amenity or highways safety. The report is attached for your convenience.

On the basis of the above, it is considered there would be no substantive grounds on which to refuse planning permission. Approval is therefore recommended, subject to the conditions detailed within the original report.

COMMITTEE DATE 13 December 2018 **WARD** Central and New Cross

APP REF V/2018/0262

APPLICANT A McGivern Chardstock Management Services

PROPOSAL Outline Application for A Maximum of 24 Apartments and Associated Works

LOCATION Land at Junction of Outram Street and Park Street Sutton in Ashfield Nottingham NG17 4BB

WEB-LINK <https://www.google.co.uk/maps/@53.1275873,-1.2580441,160m/data=!3m1!1e3>

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

App Registered 30/04/2018

Expiry Date 30/07/2018

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

This application has been referred to Planning Committee as previous applications on this site were Committee decisions

The Application

This is an outline application with all matters reserved (except access). It seeks permission for the erection of up to 24 one and two bedroom flats with associated works. The illustrative plans accompanying the submission have been amended to indicate how the development could be accommodated on the site with access from Park Street.

Location of the Site

The site is located at the junction of Outram Street and Park Street close to the centre of Sutton in Ashfield. It lies immediately outside of the District Centre as identified by the Ashfield Local Plan Review 2002 but within the identified Outram Street Local Centre although the site has no previous history of retail use.

The site is currently vacant and has been so for some years. It is surrounded by close boarded fencing to Outram and Park Street, with an adjacent residential property to the north west. The fourth boundary, which is a public footpath/cycleway, is formed by galvanised steel fencing.

Consultations

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

ADC Drainage

No known drainage issues with this site.

ADC Policy

The site lies within the Main Urban Area of Sutton in Ashfield as identified under saved policy ST2 of the Ashfield Local Plan Review (ALPR), which aims to concentrate development within existing urban areas (defined on the Proposals Map). Policy ST1 of the ALPR 2002 recommends that development will be permitted where it will not conflict with other policies in the Local Plan, and it will not adversely affect the character, quality, amenity or safety of the environment. The proposal site also lies within a secondary shopping area as set out in saved ALPR policy SH4.

Outline planning consent for residential development was granted in 2005 (V/2004/0653). There has been no material change in circumstances since this permission to suggest that the site is no longer suitable; therefore, it is considered that the principle of development is established. Being located within the secondary shopping area does not preclude residential development, and furthermore NPPF Para. 85 recognises that such development can play an important role in ensuring the vitality of town centres.

Affordable housing requirements are set out in the Affordable Housing SPD 2009 which updates and supplements 'saved' ALPR policy HG4. 10% of dwellings should be affordable on sites of 15 dwellings or more. Similarly, Para. 64 of the NPPF expects at least 10% of the homes to be affordable unless this exceeds the amount required locally.

ADC Housing Policy

10% affordable housing provision is required on this site through a S106 legal agreement, which should include the option to have units on site on the ability to negotiate a commuted sum for providing Affordable homes elsewhere in the District.

ADC Landscaping

- A full landscape scheme will be required for the application, should it be approved, showing car park / boundary treatments, hard landscaping details and planting proposals.
- The parking bays and hard standing areas should be permeable to minimise surface water runoff.
- Further consideration should be given to the positioning and storage of bins within the parking court. The ones in front of parking spaces 17-19 are going to be a prominent feature, better positioning and / or screening is required.

- The boundary next to the footpath access (Priestsic Road to Outram Street link) requires sensitive treatment to ensure privacy for the residents but also visibility for pedestrians using this narrow access way.

The following Section 106 contributions are requested:

Sutton Lawn improvements £24,000 - required for sports facilities and / or lower park natural play provision as identified in the park management plan. Sutton Lawn will be used by future residents as it is the nearest open space.

A contribution of £48,000 towards public realm improvements is sought from this site in line with Ashfield District Council's adopted plans and policies, for one of the following projects -

- a) Improvements to Low Street for the resurfacing, street furniture and public art.
- b) Improvements to Albert Square for the resurfacing works and street furniture to promote this entrance to the town centre.

ADC Environmental Health

Recommend a full four phase contamination condition be applied to any favourable planning consent granted for this application.

Nottinghamshire County Council Highways

The Highway Authority (HA) has appraised the revised proposals and supporting information and provides the following comment;

- The requisite visibility splays at the entrance onto Park Street can be achieved.
- At 5.8m wide for the first 5m the entrance is in accordance with the 6C's highway design guidance and is sufficient to allow two vehicles to enter and exit simultaneously
- The indicative plans show sufficient off street parking provision at 1 space per property, however, the HA recognises that current ministerial policy indicates that car parking levels should be set and determined by Local Planning Authorities (LPA) through appropriate supplementary planning documents (SPG). Therefore, the HA expects the LPA to thoroughly consider this when determining this application.
- There are also Traffic Regulation Orders (double yellow lines) which prevent drivers parking on the street adjacent to the site.

When taking the above points into consideration the HA has no objection to the proposed access out onto Park St, subject to conditions being applied to any planning approval.

Nottinghamshire County Council – Strategic Planning

The site is small in size, not covered by any ecological designations and has previously been developed. It is unlikely to support any notable habitats or protected

species although no preliminary ecological appraisal has been submitted to verify this. Standing Advice would therefore seek to ensure that conditions are used to control vegetation clearance during the bird nesting season and the provision of bat / bird nesting boxes into the fabric of buildings to encourage wildlife.

In terms of waste, an application of this scale would not attract the need for a waste audit. However, details of the bin storage areas should be required by condition.

Nottinghamshire County Council - Education

The County Council require that both primary and secondary education contributions are required in order to make this development acceptable, suggesting that a development of 24 dwellings would yield an additional 5 primary and 4 secondary places at £11,455 and £17,260 per place respectively.

NCC would therefore wish to seek an education contribution of £57,275 for primary and £69,040 for secondary provision, to accommodate the additional pupils projected to arise from the proposed development.

Nottinghamshire County Council Local Lead Flood Authority

Raise no objections subject to conditions

Nottinghamshire County Council – Rights of Way

No definitive paths affected.

Severn Trent Water Authority

Raise no objections subject to the development not commencing until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Community Representations

6 responses have been received from local residents, concerned at the following: -

- On-street parking along both sides of Park Street is horrendous especially during school term when staff from Priestsic Primary School park there. Shoppers / delivery vehicles on Outram Street do the same. We have no turning facility on Park Street, it is a dead end!
- Additional dwellings will create further problems with overspill parking from residents and visitors alike.
- Construction traffic/workers parking/material stores will be an issue.
- Safety of schoolchildren walking past the site
- Who is the accommodation for? Similar local developments are regularly visited by police due to anti-social behaviour.
- Development higher than surrounding properties, leading to loss of light, privacy.
- Site contains several trees and bushes and is a haven for wildlife.

Policy

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

National Planning Policy Framework 2018

Part 2 – Achieving Sustainable Development
Part 5 – Delivering a Sufficient Supply of Homes
Part 7 – Ensuring the Vitality of Town Centres
Part 8 – Promoting Healthy & Safe Communities
Part 9 – Promoting Sustainable Transport
Part 11 – Making Effective Use of Land
Part 12 – Achieving Well-Designed Places

Ashfield Local Plan Review 2002 [Saved Policies]

EM5 - Protection of Existing Employment land and Buildings
HG3 - Housing Density
HG4 - Affordable Housing
HG5 - New Residential development
HG6 - Public Open Space
SH2 - Local Shopping Centre
ST1 - Development
ST2 - Main Urban Area

SPD Residential Design Guide
SPD Residential Car Parking Standards
6C's Design Guide

Relevant Planning History

V/2004/0653 : The development of site by the erection of 28 no flats with car parking – approved

V/2005/1073 : The development of site by the erection of 37 apartments – application refused, allowed on appeal

V/2016/0737 : Outline application for up to 24 apartments. Committee resolved to grant subject to conditions and the signing of a section 106 agreement at Committee on the 2nd March 2017. The applicant refused to reimburse the Council's costs to have their viability independently assessed by the District Valuer and hence refused to enter into the S106 Agreement. Accordingly, the matter was referred back to Members on 14th December 2017 and was Refused Permission.

Comment:

The main issues for consideration in the determination of this application are as follows:

- Principle of development
- Visual Amenity
- Residential Amenity
- Highways Safety and
- Viability.

Principle of Development

The site is located close to Sutton in Ashfield Town Centre in an area containing a mixture of commercial, retail and residential uses. As such it has good access to the range of services and facilities afforded by its central location as well as being served by well-defined pedestrian routes and crossing facilities. The site also has good access to public transport facilities with bus stops close by.

Planning permission has previously been granted on two separate occasions for the development of the site for the erection of dwellings and flats. A third application for an identical development was agreed in principle by the Committee but was eventually refused as the applicant would not fund the cost of a viability assessment and hence would not sign up to the S106 Agreement.

It is therefore accepted that in principle the development of the site for residential purposes would be in accordance with both national and development plan policies.

Visual Amenity

Although this is an outline proposal illustrative plans have been submitted with the application. These indicate the development of the site by the erection of a part three, part four storey flat roof building which is situated towards the front of the site facing towards Outram Street. Although a plain elevational treatment is indicated, it is considered that the detailed design should incorporate design/fenestration features that would create interest and character to the benefit of the locality.

In terms of landscaping, this is a high density scheme providing smaller 1 and 2 bed flats accommodation. As such there are limited opportunities within the site for landscaping, however the illustrative plan does suggest that some ancillary landscaping could be undertaken both within the central courtyard and along the street frontages to enhance the character of the development.

Residential Amenity

The location of the building towards the front of the site results in its separation from the rear boundary with the adjacent end terraced property on Park Street such that there would be minimal impact on the amenities and privacy currently enjoyed by the residents. The scheme does however include on-site parking (see Highways considerations) which would extend up to the boundary of this neighbouring

property. It is considered that any adverse impacts due to the proximity of the parking could be successfully mitigated through the provision of a suitably designed boundary treatment.

Highway Safety

Visibility at the access is sufficient and wide enough to allow two vehicles to enter and exit simultaneously. The gate is also set back sufficient distance to ensure that vehicles can pull into the site, without affecting the flow of traffic on Park Street.

The proposals would provide one parking space per property, which is considered sufficient for this type of property, located adjacent to the town Centre in close proximity to shops and public transport links. Double yellow lines also surround much of the perimeter of the site on Outram Street and Park Street, which would help alleviate indiscriminate parking.

This is an Outline application with “some matters reserved” in this case the reserved matter is for the access. When taking the above points into consideration the HA has no objection to the proposed access out onto Park St, subject to the conditions being applied to any planning approval given by the LPA.

S106 Agreement and Viability

For a development of this size, it would usually be expected that the applicant enters into a Section 106 agreement to provide for affordable housing, education, regeneration, open space etc.

The Committee initially resolved to grant approval for a similar scheme, subject to a S106 agreement, however the applicant did not sign the agreement and questioned the viability of the scheme. The applicant refused to reimburse the Councils costs to have the Viability Appraisal independently assessed by the District Valuer (DV). As a result, the application was brought back before committee and refused on the basis of being unsustainable.

The applicant has now covered the Councils costs and the Viability Appraisal has been assessed by the District Valuer. The conclusion of the DV is that the scheme is unviable to provide any affordable housing, or 106 Contributions. He has identified differences between his assessment and that of the applicant, but still concludes in his independent assessment that the scheme is unviable.

The applicant concluded that the scheme would only result in a profit of 4.4%, which is significantly below the minimum expectations. Based on the information provided by the DV, even without affordable housing and 106 contributions, the scheme is unviable. In view of the comments received by the DV, a refusal on the grounds of failing to provide S106 contributions would be difficult to sustain.

Other Issues

Wildlife

A resident has raised concerns over potential wildlife at the site. Nottinghamshire County Council Ecology have noted that the site is small in size, not covered by any ecological designations and has previously been developed. It is unlikely to support any notable habitats or protected species although no preliminary ecological appraisal has been submitted to verify this.

Conclusion

The principle of the proposal and the access arrangement as amended is considered to provide a suitable and acceptable form of development in this location. Although this is an outline application the amended illustrative plans showing on-site car parking and cycle storage together with revised illustrative layout providing suitable on site surveillance are considered to be acceptable.

Although an outline proposal the illustrative plans and elevations suggest that the detailed scheme can come forward which would be in keeping with the existing character of the area and result in a good quality building for this site. The location of the building within the site fronting onto Outram Street and Park Street reduces any impact on neighbouring amenity from massing and overshadowing and the orientation of windows etc. will minimise the opportunity for overlooking.

This proposal will provide an additional 24 dwellings within the District, supporting the Core Principles of the NPPF in re-using land that has previously been developed and Part 5 of the NPPF which seeks to boost housing delivery.

Recommendation: - Grant Outline Planning Permission

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. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development to which this permission 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.

4. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
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. Prior to the commencement of any works pursuant to this permission the applicant shall submit the following to the Local Planning Authority:
 - i. A desktop study/Phase I report documenting the previous history of the site and its immediate environs.
 - ii. A site investigation/Phase II report where any previous use of the site indicates a potential contaminative use. The applicant/developer shall submit a Site Investigation/Phase II Report documenting the characteristics of the ground at the site. The Site Investigation should establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas monitoring and chemical analysis, identified as being appropriate by the Desktop Study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. All technical data must be submitted to the Local Planning Authority.
 - iii. A Scheme of Remedial Works where the Site Investigation has identified the presence of significant levels of harmful ground gas and/or significant levels of chemical contamination. The scheme should include a Remediation Statement and Risk Assessment Strategy to prevent any significant risk arising when the site is being developed or subsequently occupied.

Any variation to the Remediation Scheme shall be agreed in writing with the 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.

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

- iv. A Validation Report with confirmation that all remedial works have been completed and validated, in accordance with the agreed details. The Validation Report must be submitted for the written approval of the Local Planning Authority prior to the development being put to its intended use.
7. The access shall be constructed and surfaced in a bound material in accordance with (Drawing Number: 1642/04 Rev B- Simmons Building Design, November 2016) and no other part of the development shall be commenced until the access has been completed in accordance with those plans.
 8. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway, parking, and turning areas to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
 9. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
 - a) details of the parking arrangements for vehicles of site operatives, delivery vehicles and visitors;
 - b) details of arrangements for loading and unloading of plant and materials;
 - c) details of the arrangements for storage of plant and materials used in constructing the development;
 - c) details of wheel washing facilities;
 - d) measures to control and minimise noise from plant and machinery;
 - f) details of the hours the of construction;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

REASONS

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
4. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
5. To ensure the satisfactory appearance of the development.
6. To ensure that the site, when developed, is free from contamination, in the interests of safety.
7. In the interests of highway safety.
8. In the interests of highways safety.
9. To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and to accord with Ashfield Local Plan Review 2002; Policy ST1

INFORMATIVE

1. To ensure the satisfactory overall appearance of the completed development and to help assimilate it into its surroundings reserved matters shall present a scheme of hard and soft landscaping. This should establish that all planting, seeding or turfing shall be carried out in the first planting and seeding season following completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. In addition, the landscaping scheme shall present proposals for allotment plots that can contribute to the current shortfall in their provision in Sutton.

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. To safeguard the amenities of residents living in the vicinity of the application site, full details of the proposed treatment of the site's boundaries and a phasing scheme for the implementation of the agreed boundary treatment should be presented through reserved matters.
4. The Design and Access Statement provided in support of a Reserved Matters application should clearly and unambiguously establish how the layout, scale, appearance and landscaping has responded to the Council's Residential Design Guide (2014).
5. The developer must produce a comprehensive drainage strategy for the site. This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means. Surface water should be drained using sustainable techniques.
6. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - a. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b. Include a timetable for its implementation; and
 - c. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
 - d. The strategy will also demonstrate how any land drainage issues will be resolved. The developer may have to commission a hydraulic modelling study to determine if the proposed flows can be accommodated within the existing system. And if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.
 - e. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.
 - f. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

7. Reference in any condition contained in this permission to any Statute, Statutory Instrument, Order, Regulation, Design Guide or other document shall be taken to include any amendment, replacement consolidation or variation that shall from time to time be in force and any reference to anybody or organisation (public or private) shall be taken to include any successor-body or organisation exercising relevant functions in place of or alongside the body named.
8. 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.
9. In order to carry out the off-site works (access/entrance) onto Park Street 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



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 9/1/2019

The following consultation responses have been received:

Resident Comments:

8x Letters of objection have been received from 7 local residents for each of the two applications, raising the following concerns:

- Noise disturbance to neighbouring residents
- Anti-social behaviour from the premises - users do not exercise respect for neighbours
- Overlooking impact
- Turnover of users much higher than when the site was used as a care home for the elderly
- Increased coming and goings – taxis to take residents to external activities, visitors, ambulances, delivery vans
- Smoking shelter not used by residents – residents congregate at the front of the premises
- Internal and external lighting a nuisance
- Increase in on-street parking
- Movement of office to garden shed to make way for additional bedrooms
- Outdoor space inappropriate size for use
- Unnecessary strain on local services – ambulance service, doctors, hospital
- Use at the premises operating since 2017
- Site located in a conservation area
- Previous condition imposed for a reason
- Proposed use not acceptable due to nature and patterns of the use and users
- Devaluation of property

Ashfield District Council Community Protection:

Whilst no objections have been raised in respect of the proposal, it is understood that the community protection team have received a number of complaints from local residents in respect of the premises and the operations undertaken there.

Such nuisance complaints have related to internal and external lighting, and noise.

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 8 – Promoting Healthy and Safe Communities

Part 12 – Achieving Well Designed Places

Part 16 – Conserving and Enhancing the Historic Environment

Ashfield Local Plan Review (ALPR) 2002:

ST1 – Development

ST2 – Main Urban Area

EV10 – Conservation Area

HG8 – Residential Care Facilities, Houses in Multiple Occupation Bedsits, Flats and Hostels

Relevant Planning History:

V/1984/0288

Details: Residential home for the elderly

Decision: Conditional consent

Date: 05/06/84

V/1986/0343

Details: Alterations and extensions to form home for the elderly

Decision: Conditional consent

Date: 31/07/86

V/1987/0739

Details: Bedroom extensions and conservatory

Decision: Conditional consent

Date: 04/02/88

V/2002/0035

Details: Conservatory to rear

Decision: Unconditional consent

Date: 18/02/02

Comment:

These two applications seek consent for the removal of Condition 2 of planning permission V/1986/0343 and Condition 3 of planning permission V/1987/0739. These two conditions restrict the use of the premises, known as Bank House, for a residential home for the elderly only.

The proposed removal of the two conditions, would allow the premises to be used freely for any purpose falling within the C2 Use Class (Residential Institution). Such purposes would include the use of the property, amongst other things, as a residential care home. As previously defined in the Town and Country Planning (Use Classes) Order 1987 and subsequent amendments, care is defined as the:

“Personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or past or present mental disorder”

The applicant proposes to use the premises as a privately run, drug and alcohol rehabilitation centre, where residents are charged approximately £9000 for a 28 day period at the unit. This is not a drop-in health care service, and neither is it run or subsidised by the NHS. Residents at the unit undertake a vigorous pre-admission assessment, to ensure the centre can meet the needs of the patient, and a treatment contract is also signed by all users, which outlines the rules to be adhered to. Failure

to adhere to the rules will result in the immediate discharge of the resident from the premises and service.

The use of the premises as a drug and alcohol rehabilitation centre has been operating since August 2017, with the proprietor unaware that they were contravening previous planning conditions placed on the premises.

It is imperative to note, that the removal of the two conditions would not permit the use of the property to be used for purposes falling within the C2a Use Class (Secure Residential Institutions).

The application site is located within the main urban area of Sutton in Ashfield, where the principle of development is considered acceptable as set out within policy ST2 of the ALPR 2002. The site also falls within the designated Sutton in Ashfield Church and Market Place conservation area.

Principle of Development:

Permission was granted by the Local Planning Authority in 1984, under application reference V/1984/0288, for the change of use of the premises from C3 (Dwellinghouse) to C2 (Residential Institution). It would appear however that this application was superseded by an application received in 1986, under reference V/1986/0343, which sought permission for alterations and extensions to form a home for the elderly, which included re-applying for the change of use of the property. Conditions attached to this application, and succeeding application V/1987/0739 subsequently restricted the use of the site for any other purpose, other than for the use of a care home for the elderly, as applied for by the applicant at the time.

The condition, restricting the use of the premises, would have at the time been attached to the decision notices to give the Local Planning Authority the opportunity to assess any other proposed use within the C2 Use Class at the premises.

Any change in the type of care provided at the premises, such as the proposed for an alcohol and drug rehabilitation unit, is therefore required to be considered on its own planning merits.

Residential Amenity:

The premises in the past was used as a residential care home for the elderly. Essentially, there is no change in the operation of the use, with both the previous and existing proprietors, providing full-time residential care at the premises. The key change is the users of the residential care home.

A series of objections have been received from local residents in respect of the use of the premises as a drug and alcohol rehabilitation centre.

One of the main concerns raised is in respect of the noise generated by users of the centre, particularly in the summer months, when users frequent the garden space to

the rear. Concerns have also been raised that the garden space is not large enough to accommodate users.

A series of extensions, as detailed in the planning history, at the site has resulted in the garden space being reduced in size. The size of the garden is however no smaller than when the premises was used a care home for the elderly.

Prior to the centre being used for its current purpose, the premises had the provision to accommodate up to 11 residents. Following internal alterations at the property, which did not require planning permission, the applicant has confirmed that the centre now has the provision to accommodate 17 residents at any one time, across 11 single and 3 double bedrooms. Assumptions have been made by residents that a new office building to the rear of the property (which does not form part of this application), has been erected to create additional bedroom space internally. This is factually incorrect, with the old office space now comprising of a new group therapy room.

In regards to noise, whilst it is acknowledged that some noise may be generated from residents congregating in the garden space from time to time, all residents have a strict timetable to adhere too, as per the treatment contract. This involves a detailed schedule of daily activities, starting between 6:45-9:00am, and finishing between 21:00pm-21:30pm, with an hour for lunch and dinner. The provision of the weekly timetables subsequently reduces the likelihood of residents using the outdoor garden space for any prolonged periods of time, lessening noise nuisance to neighbouring residential occupiers.

After 12 months of trading at the premises, the applicant undertook a small survey with neighbouring residents to see if they had any concerns with the premises and its use. One resident raised the issue of noise from the garden area. Action was taken to resolve this complaint, by erecting signs in and outside the building asking users to respect neighbours and to keep their noise levels down.

Concerns have also been raised in regards to increased comings and goings to the site as a result of the use. As previously stated, residents stay at the premises for a 28-day period. Residents are not permitted to have a motor vehicle during their stay, and the majority of the daily activities timetabled take place at Bank House, or where external and not within walking distance, are accessed via pre-arranged taxis. It is reasonable to assume that these comings and goings by patients is similar to that previously experienced at the premises, whereby external activities, requiring the use of a vehicle, would have been organised for the residents.

The applicant has confirmed that visitors are welcome to the property, however this is strictly controlled to Sundays between the hours of 13:30pm-17:30pm only. These visiting times are greatly restricted in comparison to the visitor hours associated with the previous use as a care home for the elderly, where by visitors would have been permitted to visit on any day, at any time, within reason.

In regards to staff numbers, the use currently employs 23 members of staff. A number of the staff work on shift patterns of 7:30am-19:30pm, and vice versa, whilst the remainder of the staff work 9:00am-17:00pm. It can reasonably be assumed that the number of staff and shift patterns would be comparable to those when the premises was used as a care home for the elderly.

As such, any increase in comings and goings to the premises as a result of the proposed use is therefore considered to be negligible, when compared to what was previously experienced when the premises was used as a home for the elderly, and therefore is considered to have a minimal impact on the living conditions of neighbouring residents.

Objections have been raised in regards to the nuisance caused by the internal and external lighting at the property, and the subsequent impact on the amenity of neighbouring residents. Such matters are currently being investigated and dealt with by the Council's Community Protection team.

In regards to the internal lighting, it has been raised that internal lights are left on inside the property 24/7, subsequently shining light into neighbouring properties, particularly during periods of darkness, resulting in a detrimental impact upon the living conditions, and health and well-being of neighbouring occupiers.

There is however a simple solution to this, which would involve the installation and use of blinds and/or curtains within the application premises at all windows, to reduce the transmission of artificial light from the property into that of neighbouring residents. This however could not be dealt with by way of planning condition, and would generally be dealt with under statutory nuisance legislation.

Furthermore, a number of external motion censored security lights have been installed to the external façade of the premises. These lights are also causing a nuisance to neighbouring residents. The Council's Community Protection team are currently investigating this issue, and have suggested a number of solutions to the issue, such as reducing the sensitivity of the lights, using lower wattage light bulbs, and possibly screening the lights from neighbouring properties.

The above are very minor changes which the applicant could undertake, which would drastically improve the living conditions of neighbouring residents. It is however considered that this issue is not directly related to the use of the site, and similar issues could easily transpire at the premises, even if used as a home for the elderly.

As part of the objections, it has been raised that the smoking shelter, erected to the western external elevation of the premises, is only used during periods of bad weather, with users otherwise utilising the area to the front of the property to

congregate to smoke. Whilst not ideal, it is considered that again this issue could occur at the premises regardless of use.

Highway Safety:

Concerns have been raised by residents in respect of increased on-street parking as a result of the use at the premises.

The applicant has confirmed that the site has the provision to accommodate four vehicles off-street, and also possesses four parking permits for use on the adjacent highway, known as Church Street, where on-street parking restrictions exist, limiting parking to a maximum of two hours, without a parking permit.

One of the issues raised in the 12-month survey with neighbouring residents was in respect of on-street parking, and the difficulties it was causing for local residents. The proprietor subsequently advised all staff to park in public car parks in Sutton town centre, away from the premises, to reduce on-street parking in the area. In addition to this, some staff have consequently taken to walking, car sharing or catching the bus to work.

Whilst on-street parking may be more apparent in the area on a Sunday, it is reasonable to assume that this is no greater than what would previously have been experienced when the premises was used as a care home for the elderly.

It is therefore considered that the proposed use of the premises does not give rise to any significant increase in on-street parking, above what would have previously been experienced.

Other Matters:

Whilst the application premises was once a residential dwelling, and is located within a predominantly residential area, it is considered that due to the extensive external and internal alterations, the property would be difficult to convert back to a C3 residential use.

Conclusion:

Whilst local residents have raised a series of objections to the proposal on various grounds, on balance, it is considered that the issues experienced by local residents as a result of the proposed use, is negligible in planning terms when compared to when the premises was used as a care home for the elderly.

Where problems do exist, for example the artificial light nuisance to neighbouring properties, these issues are considered easily rectifiable to improve the living conditions of neighbouring residents.

Furthermore, comments received from local residents suggest that when the manager of the centre is present, no unacceptable behaviour is seen to occur at the site. However when the manager is not present, this is the period in time in which the neighbouring residents appear to be experiencing issues with the use of the site.

Therefore, as such, it is considered that the use of the site as a drug and alcohol rehabilitation centre is not an issue, however the management of the premises is, which is not a material planning consideration.

Recommendation: Approve the Removal of Condition 2 of Application V/2018/0709 and Condition 3 of Application V/2018/0710

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Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 9/1/2019

COMMITTEE DATE 24/01/2019 **WARD** St Mary's

APP REF V/2018/0416

APPLICANT D Rolfe

PROPOSAL Decking, Office, Shed and Erection of Fencing

LOCATION Bank House, Church Street, Sutton in Ashfield, Nottingham,
NG17 1EX

WEB-LINK <https://www.google.co.uk/maps/@53.1240781,-1.2692164,18z>

BACKGROUND PAPERS A, C

App Registered: 11/07/2018 Expiry Date: 28/01/2019

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

This application has been referred to Planning Committee by Cllr. H Smith on the grounds of overlooking and over intensification of the site.

The Application

This is an application for the construction of decking, an office, storage shed and the erection of fencing located in the rear garden of Bank House, located within the Sutton in Ashfield Church and Market Place Conservation Area.

Consultations

The application has been advertised in the local newspaper, by site notices and with individual notification to surrounding residents.

The following consultation responses have been received:

Resident Comments:

9x Letters of objection have been received from 6 local residents. The grounds for the objections are as follows:

- Noise & anti-social behaviour
- Overlooking/loss of privacy
- Overbearing
- Eyesore
- Lighting
- Increase in bedrooms due to re-location of office

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 8 – Promoting Healthy and Safe Communities

Part 12 – Achieving Well Designed Places

Part 16 – Conserving and Enhancing the Historic Environment

Ashfield Local Plan Review (ALPR) 2002:

ST1 – Development

ST2 – Main Urban Area

EV10 – Conservation Area

HG8 – Residential Care Facilities, Houses in Multiple Occupation Bedsits, Flats and Hostels

Relevant Planning History

V/1984/0288

Details: Residential home for the elderly

Decision: Conditional consent

Date: 05/06/84

V/1986/0343

Details: Alterations and extensions to form home for the elderly

Decision: Conditional consent

Date: 31/07/86

V/1987/0739

Details: Bedroom extensions and conservatory

Decision: Conditional consent

Date: 04/02/88

V/2002/0035

Details: Conservatory to rear

Decision: Unconditional consent

Date: 18/02/02

Comment:

This application proposes a decking area, timber office, and timber storage shed to the rear of the property.

The application site is currently occupied and utilised as a residential institution. Planning permission was granted in 1986 for the change of use of the property from a dwellinghouse (C3) to a care home for elderly only (residential institution) (C2).

A further two planning applications are currently being deliberated to remove Condition 2 of planning permission V/1986/0343 and Condition 3 of planning permission V/1987/0739. These two conditions restrict the use of the premises, known as Bank House, for a residential home for the elderly only, and their removal, would subsequently permit the premises to be operated for any purpose falling within the C2 Use Class.

The applicant has erected the decking and outbuildings based on an assumption that the site benefited from permitted development rights

The application site is located within the main urban area of Sutton in Ashfield, where the principle of development is considered acceptable as set out within policy ST2 of the ALPR 2002.

Principle of Development & Visual Amenity:

Since its conversion to a residential institution, the application site does not benefit from permitted development rights, as it is no longer a dwellinghouse.

Having said this, it is pertinent to mention due to its setting in a residential area, that should this property have been a dwellinghouse, the decking area and smaller storage shed would have been classed as permitted development. The larger timber office shed used as an office space, would however have required permission, due to it being over 2.5m in height and within 2m of a boundary.

Whilst this property does not benefit from permitted development rights outbuildings are a common feature observed within the curtilage of surrounding properties. In this respect, the timber office building and shed are considered to not be out of keeping in terms of what is commonly found within the immediate area of the site, and assimilates into the residential setting.

It is acknowledged that the timber office building and decking is visible from the grounds of the immediate neighbouring properties, the abundance of existing boundary treatments and vegetation, including mature trees, hedges and shrubbery, largely reduces the visibility of such built form from the neighbouring properties.

It is therefore considered that the development will not have a significant impact on the appearance of the wider area.

Conservation Area:

As previously mentioned, the application site falls within a designated conservation area. A key consideration in assessing the proposal is whether the new development impacts or enhances the character and appearance of the conservation area.

The decking and outbuildings have been erected in the rear garden space in an area which is not visible from the adjacent public highway.

The majority of the works have been constructed using materials natural in appearance, such as timber.

It is therefore considered that the development does not have a detrimental impact on the setting, appearance or visual amenity offered by the wider conservation area.

Residential Amenity:

One of the primary concerns raised by local residents is in respect of the noise and anti-social behaviour generated by the users of the residential institution. Since receiving complaints from local residents in respect of such behaviour, action has been taken by the applicant to resolve such issues, by erecting signage inside and outside the property reminding users to keep their noise levels down.

Whilst it is acknowledged that some noise may be generated from the rear garden whilst users congregate in this area, information provided by the applicant indicates that such periods of times are likely to be limited, due to the existence of a strict daily timetable. It is essential to note however that such behaviour and noise would still exist, even if the decking area and sheds were not erected, as the area would still be garden space which the users could use and frequent. As such, the development does not exacerbate this concern.

Furthermore, despite claims being raised by local residents that the movement of the office space to the timber building has resulted in the creation of additional space to accommodate more clients, this is factually incorrect. The previous office space, has in fact been converted into a group therapy room, and as such, does not result in an increase in users at the property.

Issues have been raised in regards to the overbearing impact that the office space has on neighbouring properties. The office shed is just over 3m in height, and measures approximately 1m higher than that of existing boundary treatments. Furthermore, the office building is sited over 10m from the nearest residential property. It is therefore considered that the proposal does not create any significant overbearing impact on neighbouring properties.

Overlooking concerns and loss of privacy have also been raised in resident objections. It is acknowledged that the decking area does raise users higher than the original ground level of the garden, and views into the garden of the neighbouring property to the east of the site are possible, however they are limited due to the abundance of boundary treatments, both hard and soft, which are further proposed to be improved through the addition of a 0.4m high piece of fencing on top of the existing 2m high eastern boundary wall, between the two properties.

In terms of the overlooking impact arising from the office space specifically, the office windows are sited around 15m from windows at neighbouring property Brookhill.

Views into the ground floor rooms from the office space are generally obscured by existing boundary treatments and vegetation, which again would be completely eliminated through the erection of the proposed fencing. Views from the office building into the first floor rooms at the neighbouring property are considered to be limited because of the distance from the neighbouring property, landscaping and differences in levels.

Partial views of the office building from the neighbouring property are however possible, particularly at first floor level.

The applicant has advised that the office is only used 9.00am – 5.00pm Monday – Friday. To reduce the impact of the office on neighbouring residents from overlooking, noise and disturbance, a condition could be imposed to restrict the use of the office to certain days and times.

Furthermore, the proposed erection of a 0.4m high piece of fencing on top of the existing 2m high eastern boundary wall between the application site and neighbouring property, will further help to reduce any significant overlooking impact arising from the development. It is considered that the proposed erection of fencing would not give rise to any substantial overshadowing impact, due to the proximity of existing built form to the boundary, which is of a greater height.

An issue with security lights has also been raised by a local resident. It should be noted that these are installed to the front and side elevation of the property, and does not form any part of this proposal, and is already under investigation with the Council's Community Protection team.

Other Matters:

The over intensification of the site has also been raised as a concern. It is acknowledged that the premises has been extensively extended over many years, but primarily so when the property was first converted into a residential institution in the 1980's. Since then, the only extension to take place since has been a rear conservatory, some 15 years ago.

The applicant has further stated that two sheds had been in situ in the same position of the newly erected sheds, prior to their occupation of the premises.

It is considered that the erection of two small sheds does not lead to the over intensification of the site.

Conclusion:

Having assessed the development from the application site and neighbouring properties, it is considered on balance that the development of the decking area, and two timber shed buildings, does not give rise to any significant detrimental impact on the appearance of the conservation area or visual amenity of the immediate locality,

due to the overall appearance of the development and the materials used in the scheme.

The amenity of neighbouring residents may occasionally be affected when users frequent the garden space to the rear of the premises, however this impact is likely to be no greater than if the premises was used as a residential dwelling or a care home for the elderly. As such, it is considered that the erection of the decking and sheds does not exacerbate this concern.

Views into the ground and first floor rooms at neighbouring properties from the office space is limited, however the proposed erection of the fencing on top of the existing boundary wall would eliminate any overlooking of neighbours garden space and ground floor rooms. Therefore, the overlooking impact on neighbouring residents would be limited and subsequently cannot be reason to justify the refusal of the application.

Furthermore, the erection of the decking, sheds and boundary fencing is considered to not give rise to any significant overbearing or overshadowing impacts on neighbouring residents.

Approval is therefore recommended for this application, subject to the below conditions:

Recommendation: Approve – Conditional Consent

CONDITIONS

- 1. This permission shall be read in accordance with the following plans: Floor Plans & Elevations, Drawing No. 18-006-101, Received 09/07/18. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**
- 2. The hereby permitted boundary treatments shall be erected within 30 days of this permission, and retained as such in perpetuity.**
- 3. The use of the hereby permitted office shall take place during the following hours only:**

08.30 to 17.30 Monday to Fridays


REASONS

- 1. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**

2. To safeguard the amenities of residents living in the vicinity of the application site.
3. To safeguard the amenities of residents living in the vicinity of the application site.

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).



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 09/01/2019

COMMITTEE DATE 16/08/2018 **WARD** Kirkby Cross and Portland

APP REF V/2018/0732

APPLICANT Karen Holding

PROPOSAL Construction of Outbuilding for Dog Grooming Salon

LOCATION 2A Wilson Avenue, Kirkby in Ashfield, NG17 8AZ

WEB-LINK <https://www.google.com/maps/@53.0989666,-1.2556552,19z>

BACKGROUND PAPERS A, C,

App Registered: 19/11/2018

Expiry Date: 28/01/2019

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

This application has also been referred to Planning Committee by Cllr. Madden.

The Application

This is an application for the construction of a single storey outbuilding for a dog grooming business (use class sui generis). The proposed building is located to the rear of 2a Wilson Avenue, Kirkby in Ashfield.

Consultations

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

The following consultation responses have been received:

Resident Comments:

47 comments have been received from local residents. 32 comments were in support and 15 objections.

Supporters to the development made the following comments:

- Development supports local businesses
- Visitor on street parking is for quick drop off and collection periods only.
- Dog littering can be found on any street and it is the obligation of any dog owner to clear foul waste.

Objectors to the development raised the following concerns:

- Increased traffic
- Value of properties negatively impacted

- Noise disturbance
- Unauthorized signage
- Inadequate visitor parking facility
- Dog littering
- Outbuilding built without planning consent
- Disposal of dog grooming shampoo
- Odour pollution
- Inadequate capacity of building for proposed use

ADC Drainage:

There are no known drainage issues with the site.

NCC Highways:

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

Policy

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

National Planning Policy Framework (NPPF) 2018:

Part 6 – Building a Strong, Competitive Economy

Part 12 – Achieving Well Designed Places

Ashfield Local Plan Review (ALPR) 2002:

ST1 – Development

ST2 – Main urban area

Relevant Planning History

v/1977/0908

Details: Erection of concrete double garage

Decision: Conditional consent

Date: 10/01/1978

Comment:

The application seeks permission the erection of a single storey outbuilding to facilitate a dog grooming business to the rear of 2a Wilson Avenue. The application site comprises of a detached bungalow located at the end of a cul de sac, within the main urban area of Kirkby in Ashfield.

The building is approximately 3.2m in width, 3.8m in length and includes a maximum height of 2.7m and features a mono pitch roof. One single door and a window are located in the front elevation and one window is located in the east side elevation.

Visual Amenity:

The building is located to the rear of the property and is screened by a double garage to the west and the bungalow of 2a Wilson Avenue to the south. The building is separated from the edge of the highway by approximately 21m and will not be visible from the street scene.

The proposed materials used in the construction of the building include breezeblock and a green paint finish.

It is considered that the proposed extension due to its size, siting and design will not have a significant detrimental impact on the street scene.

Residential Amenity:

Several issues have been raised by local residents in respect of this proposal.

The proposed development includes a purpose built outbuilding that facilitates a dog grooming business. The application was originally submitted for the use only but has been amended to include the construction of the building and neighbouring properties were re-consulted on 31st November accordingly.

The proposed building, due to its size and siting, is limited in any overlooking, overbearing or overshadowing impact.

The applicants proposed hours of use are 09:00am-4.30pm Tuesday to Friday and 09.00-03.00pm on alternate Saturdays. The applicant estimates 1-5 clients per day which may equate to between 2-6 dogs as some clients may have more than one dog. Appointments are pre-arranged and vary in length between approximately 1-4 hours. The applicant has declared she will be the main operator of the business who will be assisted by one part-time employee who will work on Saturdays. A condition has been proposed restricting the number of workers to only the applicant and one part-time member of staff on permitted alternate Saturdays.

Concerns have been raised regarding the potential noise and odour impacts of the proposed business use within a residential location. The building is separated from neighbouring property 4 Wilson Avenue by approximately 11m and is screened by a double garage. The proposed building is separated from 103 Victoria Road to the north by approximately 24m with a 2m high wall in between.

Each dog grooming appointment will be carried out only within the building during the proposed hours of use, therefore limiting any potential noise concerns which could significantly impact the amenity of neighbouring properties caused from the barking of dogs. The proposed hours of use are within normal day time working hours 09.00-4.30pm therefore reducing the impact the proposed development would have on the amenity of neighbouring residents. Alternate Saturday working is also proposed during the hours of 09.00-3.00pm. A condition is proposed to restrict the business activity operating during these times. A further condition is proposed to restrict all

operations of the business to be concerned with the building as shown on the submitted plans. These conditions are to ensure the amenity of neighbouring properties are protected and if such conditions are not complied with enforcement action could be taken in the form of a breach of condition notice.

Waste shampoo resulting from the dog grooming process will drain into the local drainage system of the bungalow that is located to the rear of the bungalow.

Concerns relating to potential increased traffic flows have been raised by residents of Wilson Avenue. Wilson Avenue is a cul de sac which includes a round headed turning point at the end of the road. Clients may either walk or travel by car to visit the site. There are 3 on site car parking spaces and a double garage but because there are no turning facilities within the site, the applicant has encouraged clients who travel by car, to carry out a quick drop off and collection of their dogs. The impact of a visiting car parked on-street for such a short period of time is considered to not be significantly detrimental to highway safety. Such visitors would mirror any normal visiting vehicle that may be parked on-street such as for deliveries or visiting friends or family. Therefore, the proposal is unlikely to significantly affect the capacity of Wilson Avenue. The business owner has proposed 15 minute breaks and pre-arranged visits which will limit the number of cars visiting at any one period and therefore lessen any potential traffic conflict. A condition has been proposed ensuring all appointments must be pre-arranged allowing a minimum of 15 minutes between following scheduled appointments. Additionally, as part of this condition a record must be kept by the applicant of all appointments for the Local Planning Authority to view on request.

Although raised as an issue it should be noted that all dog owners who take their dogs to Wilson Avenue or any other street have an obligation to clean up any foul littering.

A sign on the front gate identifies a business use and is considered reasonable and does not require advertisement consent.

Any potential impact on the value of properties is not a material planning consideration and therefore will carry less weight in determination of this application.

Highways:

Due to the short duration periods for drop off and collection of dogs the potential impact of the use is considered not to be detrimental to the safety and capacity of Wilson Avenue.

Flooding Risk:

The addition of the building and the use would not result in any adverse impact on the drainage from the site with surface water going to a soakaway and foul drainage to the main drainage system.

Conclusion:

Overall, the proposed outbuilding is considered to be appropriate in terms of size and design and is limited in any potential adverse impact on the street scene. Due to the siting of the proposal and scale of proposed operation the application is considered not to result in any significant detrimental impact on the amenity of local residents through potential disturbances. On the basis that the application proposes pre-arranged appointments including 15 minute breaks, in between short drop off and collection periods, the development would not result in a significantly detrimental impact on the highway safety and capacity of Wilson Avenue. Granting planning consent for the application contributes to supporting local businesses within the district. Approval is therefore recommended for this application, subject to the stated conditions:

Recommendation: Grant temporary consent to enable further monitoring to ensure a satisfactory form of development.

CONDITIONS

- 1. This grant of consent is given for a period of 12 months from the date of this permission.**
- 2. This permission shall be read in accordance with the following plans: Site Plan 1:1250, Proposed Block Plan 1:500 Received 12/11/18, Proposed Elevations and Floor Plans Received 28/11/18. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**
- 3. The use of the hereby permitted development shall take place during the following hours only: 09.00 to 16.30 Tuesday to Fridays and 09.00 to 15.00 on Alternate Saturdays.**
- 4. The hereby permitted use shall only be operated within the proposed outbuilding as detailed within the submitted plans [28/11/2018].**
- 5. All appointments must be pre-arranged allowing a minimum of 15 minutes between following scheduled appointments. A record must be kept by the applicant of all appointments for the Local Planning Authority to view on request.**
- 6. The planning permission hereby granted shall be for the benefit of only Mrs. Karen Holding (the applicant) and one part-time member of staff to work on permitted alternate Saturday opening hours.**

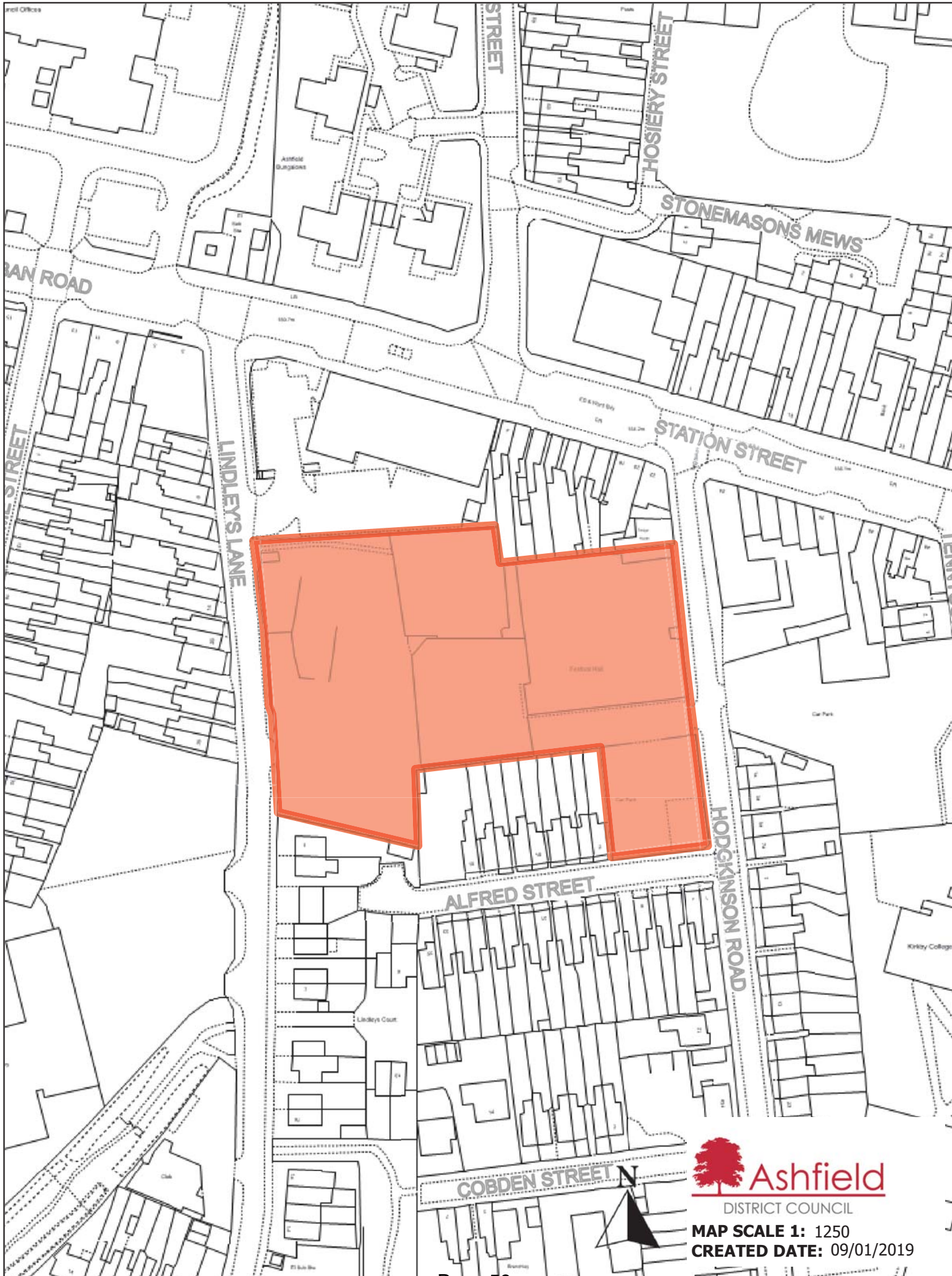
REASONS

- 1. To enable the council to review the permitted use in the aim of protecting the amenity of local residents.**
- 2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**
- 3. To safeguard the amenities of residents living in the vicinity of the application site.**
- 4. To safeguard the amenities of residents living in the vicinity of the application site.**
- 5. To safeguard the amenities of residents living in the vicinity of the application site.**
- 6. To safeguard the amenities of residents living in the vicinity of the application site.**

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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COMMITTEE DATE 24/01/2019 **WARD** Kirkby Cross and Portland

APP REF V/2018/0794

APPLICANT Ashfield District Council

PROPOSAL Display of 4 banner signs

LOCATION Festival Hall, Hodgkinson Road, Kirkby in Ashfield, NG17 7DJ

WEB-LINK <https://www.google.com/maps/@53.0986363,-1.2484682,18z>

BACKGROUND PAPERS A

App Registered: 21/12/2018

Expiry Date: 14/02/2019

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

This application has been referred to Planning Committee as the applicant is the Council.

The Application

The application proposes 4 temporary banner signs that vary in size and siting that will promote forthcoming projects.

Consultations

One comment was received which raised no concern regarding the proposed signage.

Policy

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

National Planning Policy Framework (NPPF) 2018:

Part 12 – Achieving Well Designed Places

Ashfield Local Plan Review (ALPR) 2002:

ST1 – Development

ST2 – Main Urban Area

SH1 – District shopping centre

Comment:

The application proposes 4 temporary banner signs that vary in size and siting that will promote Council projects. Sign 1 will be positioned on the existing leisure center

building facing Hodgkinson Road. Sign 2 is a V shaped banner sign and will be positioned on a wooden frame sited off Lindleys Lane. Signs 3 and 4 will both be erected on existing post and rail fencing 2.7m apart off Lindleys Lane.

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.

Visual Amenity:

Sign 1 includes a banner that is 4m x 2.5m in size and will be visible along the street scene of Hodgkinson Road.

Sign 2 includes a PVC banner that is 2m x 5.4m in size V shaped and will be visible along the street scene of Lindleys Lane. Details of this frame have been submitted. The proposed timber frame to be erected is approximately 5.4m wide x 2.8m in height.

Signs 3 and 4 are both 1.2m x 2.7m in size and will be erected on existing post and rail fencing 2.7m apart. Both signs will be visible from the street scene along Lindleys Lane.

Such banners are located within the district shopping centre of Kirkby in Ashfield. Granting permission for the proposed banners in a central location will increase the opportunity to raise awareness regarding forthcoming projects.

Residential Amenity:

One comment was received which raised no concern regarding the proposed signage.

The application is considered not to significantly impact the amenity of neighbouring properties.

Conclusion:

Overall, the proposal is considered to be appropriate in terms of siting, size and design and will not adversely impact the street scene. The proposal is limited in any impact on the amenity of neighboring residents. Approval is therefore recommended for this application, subject to the below conditions:

Recommendation: Grant – Conditional Consent

CONDITIONS

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. This permission shall be read in accordance with the following plans: site plan 1:1250, block plan 1:500, proposed site plan 1:500, proposed**

billboard frame plan 1:50. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

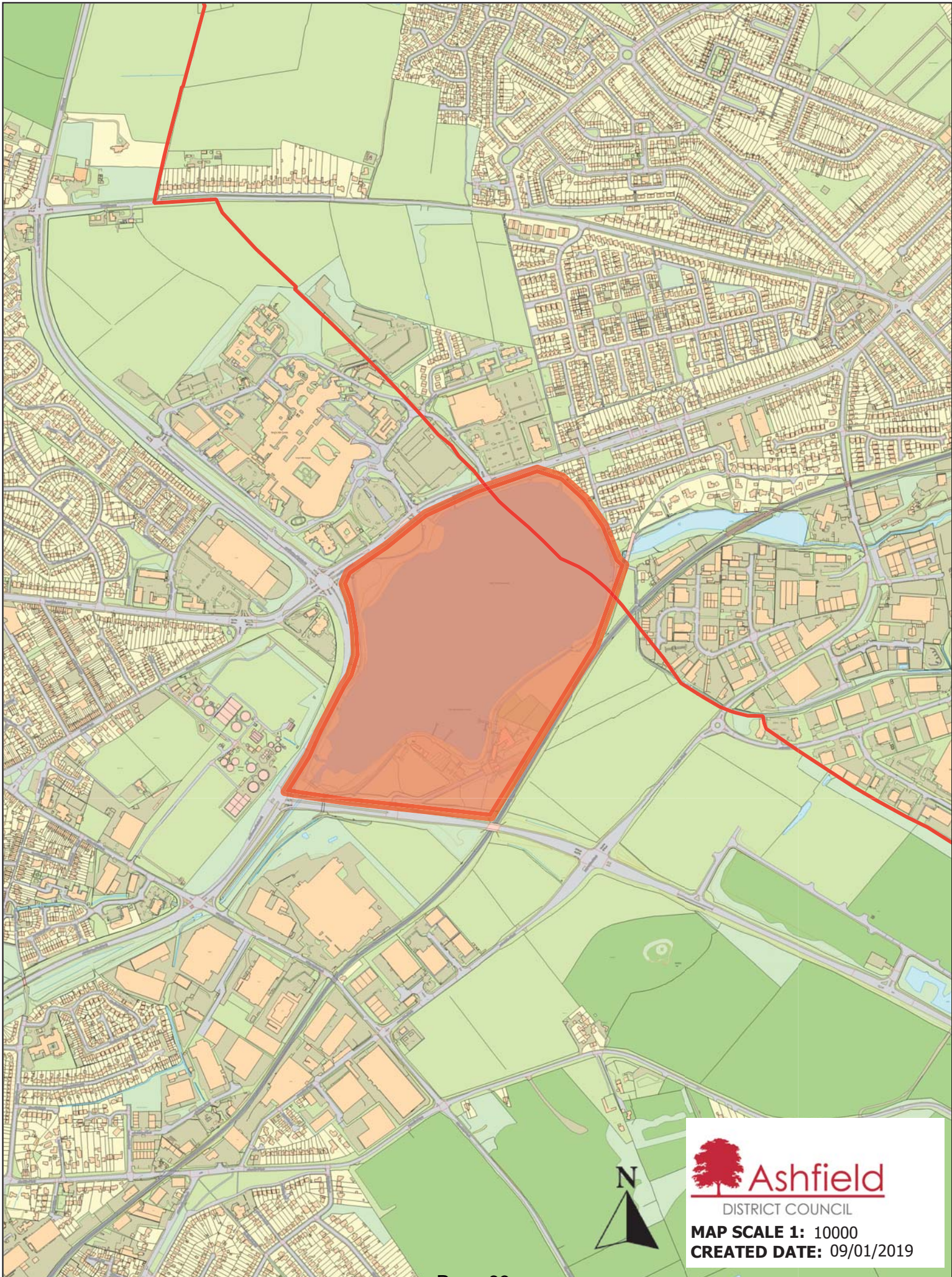
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under Schedule 2 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 to be removed; the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To comply with the requirements of the Town and Country Planning (Control of Advertisement) Regulations 2007.
4. To comply with the requirements of the Town and Country Planning (Control of Advertisement) Regulations 2007.
5. To comply with the requirements of the Town and Country Planning (Control of Advertisement) Regulations 2007.

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).



COMMITTEE DATE 24/01/2019 **WARD** Sutton Junction and Harlow Wood

APP REF V/2018/0795

APPLICANT Ashfield District Council

PROPOSAL Display of 10 banner signs

LOCATION Kingsmill Reservoir, The Mill Adventure Base, Sutton in Ashfield, NG17 4PA

WEB-LINK <https://www.google.com/maps/@53.130918,-1.2319995,16z>

BACKGROUND PAPERS A

App Registered: 21/12/2018

Expiry Date: 14/02/2019

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

This application has been referred to Planning Committee as the applicant is the Council.

The Application

The application proposes 10 PVC temporary banners approximately measuring 1.2m x 3m in size. The proposed signs will be attached to existing post and rail timber fencing around the site boundary to promote the Heritage Lottery funded project of the site.

Consultations

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

Policy

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

National Planning Policy Framework (NPPF) 2018:

Part 12 – Achieving Well Designed Places

Ashfield Local Plan Review (ALPR) 2002:

ST1 – Development

ST2 – Main Urban Area

Comment:

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

Visual Amenity:

The proposed signage will be erected on the outside of the perimeter of the site and therefore will be visible from the following adjacent public highways: Mansfield Road to the north, Kings Mill Road East to the west and Sherwood Way South to the south.

Given the temporary use of the proposal, a condition has been proposed to ensure the proposed signs are erected for a limited time of 12 months only.

Residential Amenity:

No objections have been received from local residents.

The application is considered not to significantly impact the amenity of neighbouring properties.

Conclusion:

Overall, the proposal is considered to be appropriate in terms of siting, size and design and will not adversely impact the street scene. The proposal is limited in any impact on the amenity of neighboring residents. Approval is therefore recommended for this application, subject to the below conditions:

Recommendation: Grant – Conditional Consent

CONDITIONS

- 1. This grant of consent is given for a temporary period of 12 months from the date of this permission and by this date the advertisement must be removed from the site.**
- 2. This permission shall be read in accordance with the following plans: site plan 1:2500 and proposed site plan 1:2500. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**

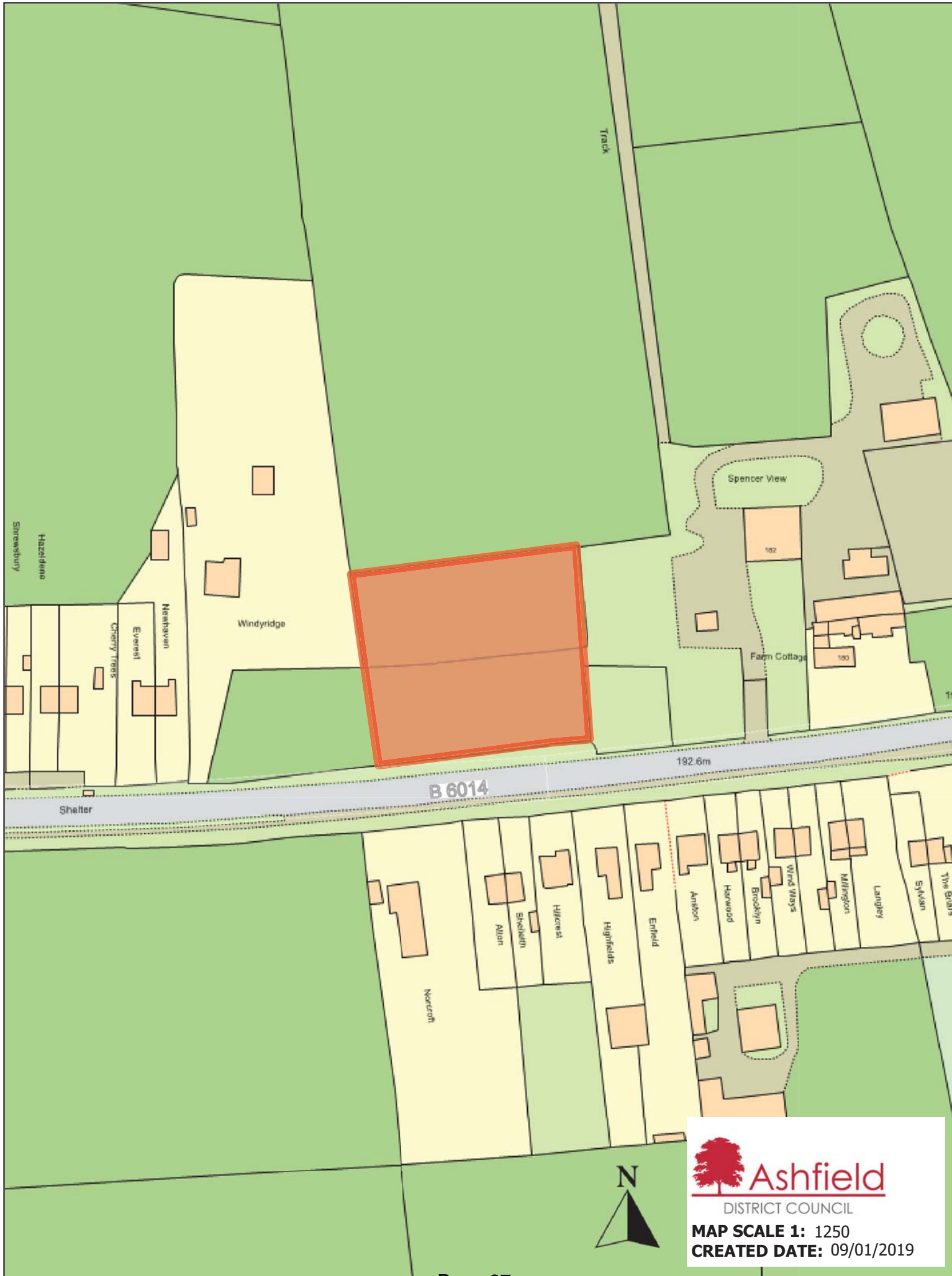
REASONS

- 1. To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.**

2. 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).



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 09/01/2019

COMMITTEE DATE 24 January 2019 **WARD** Stanton Hill and Teversal

APP REF V/2018/0693

APPLICANT V Swaisland

PROPOSAL Outline Application For a Maximum of 2 Dwellings

LOCATION Spencer View, 182 Wild Hill, Teversal, Sutton in Ashfield, Nottinghamshire, NG17 3JF

WEB-LINK <https://www.google.com/maps/@53.1443552,-1.3157796,664m/data=!3m1!1e3>

BACKGROUND PAPERS A, B, C, D, K

App Registered: 26/10/2018 Expiry Date: 28/01/2019

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

This application has been referred to Planning Committee by Cllr. Smith on the grounds of policy implications.

The Application

This is an application seeking outline planning consent with all matters reserved for the erection of a maximum of two dwellings on land adjacent to 182 Wild Hill, Teversal. The application site measures approximately 60m in width and has a depth of approximately 50m, and is sited centrally within a gap of 140m between existing residential development.

Consultations

Site notices and press notices have been posted together with individual notification of surrounding residents.

The following consultation responses have been received:

Resident Comments:

3x letters of objection received from local residents in respect of the following:

- Site located in countryside
- Trees and hedgerows create a habitat for wildlife including bats and badgers
- Increase in traffic

- Will set a precedent for further development
- Previous applications refused here for similar development

2x letter of support received from local residents in respect of the following:

- Bats and badgers do not live on the site
- Would help to reduce speed limit on Wild Hill from 50mph to 30mph
- Previous works and applications should not be taken into consideration
- Would aid security
- Land is neglected and derelict, creating an eyesore

Ashfield District Council Planning Policy:

The application does not meet the provisions of policy ST4 and EV2 of the ALPR 2002. The proposal therefore constitutes inappropriate development in the countryside.

Ashfield District Council Drainage:

No known drainage issues with the site. Severn Trent would need to be consulted to establish if there is a main sewer in the area to discharge surface and foul water into.

Ashfield District Council Landscaping:

A management plan would be required for the retainment of the boundary hedgerows and trees.

The design of the development should have due regard to the visual amenity of the surrounding landscape. A full landscaping scheme would be required of both hard and soft landscape.

Nottinghamshire County Council Highways:

The proposal will have a minimal material impact on transportation or the highway network, therefore the application can be dealt with by Nottinghamshire County Council's 'Standing Advice'.

Natural England:

No comments to make on the application.

Policy

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

National Planning Policy Framework (NPPF) 2018:

Part 5 – Delivering a Sufficient Supply of Homes

Part 12 – Achieving Well Designed Places

Part 15 – Conserving and Enhancing the Natural Environment

Part 16 – Conserving and Enhancing the Historic Environment

Ashfield Local Plan Review (ALPR) 2002:

ST1 – Development
ST4 – Remainder of the District
EV2 – Countryside
EV14 – Historic Parks and Gardens
HG5 – New Residential Development

Teversal, Stanton Hill, and Skegby Neighbourhood Plan 2016:

NP1 – Sustainable Development
NP2 – Design Principles for Residential Development
NP3 – Housing Type
NP4 – Protecting the Landscape Character

Supplementary Planning Guidance Notes

Residential Design Guide SPD 2014
Residential Car Parking Standards SPD 2014

Relevant Planning History

V/2003/0502 - Outline for two dwellings – Refusal 03/07/03

V/2017/0555 - Outline for a maximum of five dwellings – Refusal 20/11/17

Comment:

The current application seeks outline planning consent with all matters reserved for the erection of a maximum of two dwellings on land adjacent to 182 Wild Hill, Teversal. The application site measures approximately 60m in width and has a depth of approximately 50m, and is sited centrally within a gap of 140m between existing residential development. The application site is therefore sited approximately 40m on either side from any other built development.

Properties within the immediate vicinity of the application are typically semi-detached in design, sited within plots measuring approximately 10-15m in width.

The application site is located outside of the districts main urban areas or named settlements, in an area designated as countryside, as set out within policy ST4 and EV2 of the ALPR 2002. There is however some limited ribbon development along the road at Wild Hill.

The submitted application form states that the area proposed for development comprises of unused former garden land. The land however does not appear to be within the domestic curtilage of a dwellinghouse, and instead appears to comprise of small paddocks which are overgrown and unused.

The main issues to consider in this application are the principle of development, and the impacts of the development on the character and appearance of the area, residential amenity, highways and conservation and heritage.

Principle of Development:

The application site is located within an area designated as countryside as outlined within policy ST4 of the ALPR 2002. Under policy ST4, permission will only be granted for sites allocated for development, or development appropriate to the countryside, as outlined in policy EV2 of the ALPR 2002.

Policy EV2 of the ALPR 2002 restricts development in the countryside to defined appropriate forms of development. It also emphasises that development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness. Policy EV2 identifies various forms of development, which comprise of appropriate development in the countryside, and amongst the forms of appropriate development, EV2(g) identifies that infill development is acceptable if it does not harm the scale and character of the area. The supporting text identifies that infilling may be acceptable within small settlements or hamlets, and that infill development will normally comprise of one or two dwellings within a small gap in the existing pattern of development.

The local plan in various policies identifies the Districts settlements, however Wild Hill is neither referred to as a settlement or hamlet within the development plan.

Furthermore, the application site is located on a paddock to the east of a small limited ribbon development of eight dwellings, the majority of which are semi-detached dwellings and to the west of 182 Wild Hill. On the opposite side of the road to the application site is a further ribbon development of 15 dwellings, again largely of semi-detached form.

As previously mentioned, the application site is approximately 60m in width, and the eastern and western boundaries of the site are some 40m away from the nearest residential development on either side.

Due to the size of the application site and its proximity to neighbouring development, it is considered that the proposed site does not meet the definition to be classified as an infill development.

It is therefore considered that the proposed development does not fall within the remit to be classed as appropriate development, as identified by policy EV2 of the ALPR, as it does not meet the requirements outlined in EV2(g).

The Council's 2017-18 Housing Monitoring Report identifies that Ashfield District has a housing land supply of 3.92 years. Consequently, under the NPPF 2018, the policies which are most important for determining the application are out of date in relation to housing supply. The application site is not identified as a protected area or asset of particular importance where the Framework sets out this presumption should not apply. Paragraph 11 of the NPPF 2018 sets out the presumption in favour of sustainable development, and that the tilted balance should be applied to decision making. This means that planning permission should be granted for development

unless 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 or where specific policies in the NPPF indicate that development should be restricted.

It is acknowledged that the proposal would result in two dwellings, which will have benefits in contributing towards the housing supply, although the extent would be limited.

Paragraph 170(b) of the NPPF 2018 makes clear that the countryside, although not designated and with no specific policy protection, nevertheless has worth in the planning balance, given that the countryside is said to have intrinsic character and beauty.

Furthermore, Part 15 – Conserving and Enhancing the Natural Environment identifies that decisions should protect and enhance valued landscapes. Under the Greater Nottingham Landscape Character Assessment 2009, the site is within NC07 Stanley and Silverhill. The landscape strength is identified as moderate-good, and the assessment identifies that Fackley and Stanley are small settlements on lower grounds between hills. The emphasis is on conserving the undeveloped character of the area with any future changes reflecting existing development patterns and primarily focused within settlement areas.

Given the location of the application site, it is considered that the proposed development would result in a piecemeal development in a series of isolated groups of sporadic residential development along Wild Hill, separated by an area of garden land/countryside. The proposal would also give the impression of additional urbanisation within the countryside, as it would result in the loss of paddocks forming part of the verdant and open appearance of the area.

Paragraphs 78 and 79 of the NPPF 2018 sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated new homes should however be avoided in the countryside.

Whilst the application site does not form part of a settlement, it is acknowledged that the site is situated relatively close to a limited ribbon development along the B6014. The site is however located approximately 1.5 km away from the village of Fackley, which has very few facilities, approximately 2.7 km from the services at the center of Huthwaite and approximately 1.6 km from the High Street at Tibshelf. It is understood that there is a footpath to Fackley and Tibshelf, however, neither of these settlements are within easy walking distance, and whilst there is a local bus service, it is understood to be limited.

Part 9 – Promoting Sustainable Transport of the NPPF 2018, looks to maximise sustainable transport options but recognises that this will vary between urban and

rural areas. However, given the location of the application site, any future occupiers of the proposed dwellings are likely to be highly dependent upon private transport to access the majority of services not available in the immediate vicinity of the site.

Taking into account all these aspects, it is considered that the proposal would result in the development of two isolated dwellings, and fails to meet any of the closed list of exceptions for rural dwellings, as set out in paragraph 79 of the Framework. Furthermore, the proposal does not meet paragraph 103 of the NPPF, which states that planning should actively manage patterns of growth to support the use of public transport, walking and cycling.

Whilst the proposal would make a small contribution to the supply of housing within the District, it is considered that the development in the proposed location would result in the construction of two isolated dwellings within the countryside, creating an urbanising impact on the appearance of the wider environment, and would result in the dependence on private transportation to access essential services. The proposal therefore does not amount to appropriate development in the countryside, and would be contrary to policy EV2 of the ALPR 2002 and policies contained within the NPPF 2018.

Character and Appearance:

The application site is located in Wild Hill, with a frontage onto the B6014. The site frontage is presently characterised by the existence of an established mature hedgerow, which is considered to be a significantly positive visual attribute within the surrounding street scene, and facilitates in 'breaking up' the appearance of the existing built form along the highway.

As previously mentioned, within the vicinity of the application site, residential properties are typically semi-detached, and are sited on plots approximately 10-15m in width. The application site has an approximate width of 60m. It can therefore be reasonably assumed that each of the two dwellings would be sited on a plot measuring roughly 30m in width. This plot size would be significantly out of keeping with the typical pattern of the ribbon development found within the immediate vicinity of the application site, resulting in a detrimental impact upon the character and appearance of the immediate area.

Whilst the application seeks outline consent for two dwellings with all matters reserved, and as such, no details have been provided in respect of the access, layout, scale and appearance of the proposed dwellings, it is considered that approval of the application is likely to result in an urbanising appearance of the site, resulting in a detrimental impact upon the verdant appearance of the wider environment, due to the loss of the existing paddock area, which forms part of the countryside character and facilitates the openness of the area.

Residential Amenity:

If the principle of residential development on the site was considered to be acceptable, it is considered that the dwellings could be appropriately designed to limit any potential impact in terms of massing, overshadowing or overlooking upon the immediate neighbouring properties.

A residential development in this location also has the ability to provide a good standard of living accommodation and amenity space for any future occupiers.

Highways:

The highway authority have raised no objections to the proposal, in relation to the impact that it would have on the highway network.

It is considered that due to the size of the application site that the provision for appropriate off-street parking and turning facilities could be adequately provided and designed to allow vehicles to leave the site in a forward gear and that adequate visibility could be achieved at the access point for vehicles.

Conservation and Heritage:

The application site is sited approximately 2.5km from the Grade 1 Listed Building known as Hardwick Hall, and the scheduled ancient monument known as Hardwick Old Hall, both of which are set within the registered historic park and garden, as outlined in policy EV14 of the ALPR 2002. Paragraph 193 of NPPF 2018 states that when considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

From viewing the site from the street scene of Wild Hill, views of Hardwick Hall are limited. Due to the significant distance between the application site and Hardwick Hall, it is considered that the proposal would have a very limited impact on the setting of the designated and non-designated heritage assets found within the grounds of Hardwick Hall, and therefore any development would not give rise to any significant impacts on existing heritage assets.

Conclusion :

As the Council cannot identify a 5 year housing land supply, the policies which are most important for determining the application should be considered out of date, particularly in relation to housing, and the presumption in favour of sustainable development should be applied, resulting in the tilted balance.

The NPPF 2018 sets out three overarching objectives to sustainable development – economic, social and environmental. These are considered in the context of the overall planning balance.

It is acknowledged that the proposal would provide a number of benefits, including support for small house builders and other economic benefits that would be generated during the construction of the dwellings and occupation thereafter. The

proposal would also assist in providing a contribution towards the Districts housing supply, meeting one of the tenets of the social objective of sustainable development.

Having said this, the scheme would result in the development of two isolated dwellings, which would be contrary to the social objective of sustainable development, due to the proposal fostering a scheme whereby essential services would not be easily accessible for any future occupants, with any future occupants requiring the use of a private vehicle, due to the infrequent nature of the local bus service and the walkability to such services being difficult, contrary to the environmental objective of sustainable development.

Furthermore, the proposal would also conflict with the environmental objective to protect and enhance the natural environment, through the construction of the dwellings within a countryside setting, resulting in a detrimental impact upon the character and appearance of the wider environment and the openness of the countryside, due to the urbanising impact created by the scheme.

As such, the limited benefits of the scheme are outweighed by the inappropriate location of the development, including harm to the character and appearance of the area, and the resultant reliability on private transportation to access essential services. Accordingly, the adverse impact of the development would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole.

On balance therefore, it is considered that the proposal does not constitute an appropriate and sustainable form of development in the countryside, and it is subsequently recommended that this application is refused on the following grounds:

Recommendation: Full Application Refusal

REASONS

- 1. The proposal represents an inappropriate form of development within the countryside and does not constitute sustainable rural development, due to its isolated location. The isolated location of the proposed development would lead to any future occupiers being dependent on the use of a private motor vehicle to access essential services. No special circumstances have been submitted to justify the proposal being acceptable. As such, the application is contrary to saved policy EV2 of the Ashfield Local Plan Review 2002, and conflicts with Paragraph 79 and Part 9 – Promoting Sustainable Transport of the National Planning Policy Framework 2018.**

- 2. The proposal would give rise to piecemeal development with an urbanising impact upon the appearance of the countryside, through the creation of new built form within an existing paddock area and through the interruption of the existing sporadic form of residential development. The scheme is subsequently considered to have a detrimental impact upon the intrinsic character and appearance of the countryside in this location. The proposal is as such contrary to policy EV2 of the Ashfield Local Plan Review 2002 and Part 15 – Conserving and Enhancing the Natural Environment of the National Planning Policy Framework 2018. These policies state that development should not adversely affect the character, quality or amenity of the environment, and should respond to local character.**

Report To:	Planning Committee	Date:	24th January 2019
Heading:	PLANNING APPEAL DECISIONS		
Portfolio Holder:	LEADER OF THE COUNCIL		
Ward/s:	SKEGBY, HUCKNALL CENTRAL		
Key Decision:	No		
Subject to Call-In:	No		

Purpose of Report

To inform Members of recent Planning Appeal Decisions.

Recommendation(s)

To Note the Appeal Decisions.

Reasons for Recommendation(s)

To bring to Members attention the recent Appeal Decisions.

Alternative Options Considered

(with reasons why not adopted)

N/A

Appeal Decisions

Planning Application - V/2017/0707

Site – Ashlands House, Beck Lane, Sutton in Ashfield NG17 3AH

Proposal – 4 dwellings and garages

Appeal Decision – Dismissed

The Inspector considered that the limited benefits of the scheme would be outweighed by the inappropriate location of the development, harm to the character and appearance of the area, and harm to highway safety. Accordingly, the adverse impact of development would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole.

Site – Hucknall Disptach Newspaper, 1 Yorke Street, Hucknall NG15 7BT

Proposal – Change of use of ground floor to mixed use development incorporating an A3 (deli) at the front and B1/A2 usage at the rear and the creation of a first floor with a mixed use including a3, B1/A2 and C3 (one residential apartment).

Appeal Decision – Dismissed

The Inspector considered that there would be significant adverse impacts on the character and appearance of the area, including harm to a non-designated heritage asset. The development was also considered to harm the living conditions of neighbouring occupants with regards to outlook and noise and disturbance. The Inspector therefore agreed with the Council and considered the proposal to be contrary to Policies ST1, and HG5 of the Local Plan and paragraphs 127, 184 and 197 of the NPPF

Implications

Corporate Plan:

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

Legal:

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

Finance:

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

Risk: N/A

Risk	Mitigation

Human Resources:

No implications

Equalities:

(to be completed by the author)

None

Other Implications:

(if applicable)

None

Reason(s) for Urgency

(if applicable)

N/A

Reason(s) for Exemption

(if applicable)

N/A

Background Papers

(if applicable)

None

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INTERIM DIRECTOR – PLACE AND COMMUNITIES

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