

**ASHFIELD DISTRICT COUNCIL**



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

## Agenda

### Planning Committee

Date: **Thursday, 28th February, 2019**

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Time: **7.00 pm**

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

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For any further information please contact:

**Martin Elliott**

[m.elliott@ashfield.gov.uk](mailto:m.elliott@ashfield.gov.uk)

01623 457316

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# **PLANNING COMMITTEE**

## **Membership**

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

**Councillors:**  
Tom Hollis  
David Griffiths  
Keir Morrison  
Mike Smith  
Jason Zadrozny

Cheryl Butler  
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 24 January 2019** 5 - 10
4. **To receive and consider the attached planning applications.** 11 - 34
5. **Planning Appeals** 35 - 38

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## PLANNING COMMITTEE

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

on Thursday, 24th January, 2019 at 7.00 pm

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

Councillors Cheryl Butler, David Griffiths,  
Tom Hollis, Rachel Madden, Keir Morrison,  
Phil Rostance (Vice-Chair), Helen-Ann Smith,  
Mike Smith and Jason Zadrozny.

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

**P.28 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**

Councillor Zadrozny declared a non disclosable interest in agenda item 4, items 2 and 3, as a relative lived in the vicinity of the application site.

**P.29 To receive and approve as a correct record the minutes of a meeting of the Planning Committee held on 13 December 2018**

The Minutes of the meeting held on 13 December 2018 were approved as a correct record and signed by the Chairman.

**P.30 To receive and consider the attached planning applications.**

- 1. V/2018/0262 – Outline application for a maximum of 24 apartments and associated works – 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 Team Manager gave a verbal report on additional comments received in relation to the application after the agenda had been finalised as follows:

Following the publication of the report a member had suggested introducing a residents parking scheme on Park Street to mitigate against ad-hoc parking. This issue had been investigated with the County Council. A scheme had been introduced on Park Street but following the introduction of charges in 2010 residents petitioned to have it removed. 62% were against the scheme and it was withdrawn by the County Council. The County Council have indicated that

a scheme would only be supported if residents wanted it, but would also only support a scheme operating after 9am and ending before 3pm where it was close to a school. It is also indicated that such a scheme would only work where the issue was with parking from other sources and not residents.

On balance officers considered that a requirement for a residents parking scheme could not be supported, and that if one was to be conditioned the Council could only require the developer submit an application which then may not be accepted.

Members of the committee were concerned that the application did not include any Section 106 contributions to mitigate the impact of the development on local amenities. The Assistant Director for Planning and Regulatory Services advised that the District Valuer had expressed concern about the viability of the development even without a Section 106 contribution. The Assistant Director did advise that there could be very minor room for discussion on this matter. Members requested a contribution from the applicant towards public realm improvements in Sutton-in-Ashfield town centre.

It was moved by Councillor Baron and seconded by Councillor Butler that, subject to the conditions in the officer's report and that the Assistant Director for Planning and Regulatory Services, in consultation with the Chairman of Planning Committee, be delegated authority to grant planning permission subject to a Section 106 agreement providing a contribution towards public realm improvements in Sutton-in-Ashfield town centre.

**For the motion:** Councillors Baron, Butler, Griffiths, P Rostance and M Smith

**Against the motion:** Councillors T Hollis and K Morrison

**Abstentions:** Councillors Madden and Zadrozny

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

**2. V/2018/0710 - Application for Removal of Condition 3 of Planning Permission V/1987/0739, Premises to be used for a residential home for the elderly only**

and

**V/2018/0709 – Application for removal of condition 2 of Planning Permission V/1986/0343, Premises to be used for a residential home for the elderly only**

**at Bank House, Church Street, Sutton in Ashfield, Nottinghamshire.**

In accordance with the Council's procedure for speaking at Planning Committee Mr Mick Jones (objector), and Ms Aida McManus of AM Planning Consultants (agent for the applicant), addressed the meeting.

It was moved by Councillor Zadrozny and seconded by Councillor T Hollis that permission to remove condition 3 of Planning Permission V/1987/0739 and

condition 2 of Planning Permission V/1986/0343 should be **REFUSED** on the following grounds.

Removal of the conditions would result in an unacceptable impact on the residential amenity of the occupiers of the surrounding properties due to the disturbance caused by noise generated by residents, especially when using outside areas, as well as increased vehicular movements and the consequent increased amount of on-street and potentially dangerous parking caused by the set visiting hours for the centre. The development, with its increased number of residents and staff compared to when it had been a care home for the elderly would also represent an over intensive development of the site.

**For the motion:** Councillors Butler, Griffiths, T Hollis, Madden, P Rostance, M Smith and Zadrozny

**Against the motion:** Councillor K Morrison

**Abstentions:** None

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

At 8:05pm Councillor H Smith joined the meeting.

### **3. V/2018/0416 - Decking, Office, Shed and Erection of Fencing - Bank House, Church Street, Sutton in Ashfield, Nottinghamshire.**

In accordance with the Council's procedure for speaking at Planning Committee Mr Mick Jones and Mr Ian Campbell (objectors), and Ms Aida McManus of AM Planning Consultants (agent for the applicant), addressed the meeting.

Councillor Butler noted that while she had spoken to both the applicant and objectors to the application she had an open mind with regard to the application.

It was moved by Councillor Zadrozny and seconded by Councillor T Hollis that planning permission be **REFUSED** for the following reasons.

Due to the massing, size and the consequent overlooking of neighbouring properties, the development would cause an unacceptable impact on the amenity of the residents of neighbouring properties.

**For the motion:** Councillors Baron, Butler, Griffiths, T Hollis, Madden, K Morrison, P Rostance, H, Smith, M Smith and Zadrozny

**Against the motion:** None

**Abstentions:** None

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

#### 4. V/2018/0732 - Construction of Outbuilding for Dog Grooming Salon - 2a Wilson Avenue, Kirkby-in-Ashfield, Nottinghamshire.

At 8:46pm it was moved by Councillor Madden, seconded by Councillor H Smith and **RESOLVED** that in accordance with Rule of Procedure No.23 (The Conclusion of Proceedings) that the meeting be extended to 9:30pm.

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:

Eight further letters of support had been received (making a total of 40 for the proposal) and one further letter of objection (making a total of 16 against) had been received referring in the main to issues that had already been addressed in the planning committee report.

Correspondence had also been received raising concerns about foul drainage and general waste disposal which were not addressed clearly in the report. Waste water is currently directed to a soakaway and concerns were raised that commercial/hazardous waste was disposed of via residential waste collections and with fortnightly collections this could give rise to smells and pests.

#### **Officer response:**

The applicant had confirmed that drainage from the building would be amended to ensure that foul waste water drains to the main property drainage system with a drain trap interceptor to collect waste dog hair etc. The applicant had also been made aware that it was a requirement that any commercial waste including dog hair, faeces or any other waste would need to be collected by a contracted collection service. The recommendation is a temporary planning permission to ensure any issues that had been raised can be monitored and reviewed accordingly.

It was further recommended that an additional condition be attached to state:

“Within one month of the date of this permission any foul/waste water from the building shall be disposed of via the public sewer system with a drain trap installed to collect any hairs/solids. The trap shall be regularly maintained, emptied and waste disposed of via a commercial waste collection service for the duration of the use hereby approved.”

It was moved by Councillor Butler and seconded by Councillor Madden that planning permission be **REFUSED** for the following reason.

The development would have an unacceptable impact on highway safety on Wilson Avenue for both residents and customers of the salon due to increased vehicle movements created by the customers of the salon and from vehicles parking on the pavement and in the turning head of the road. Members of the committee were also of the opinion that the proposed development would have an unacceptable impact on the residential amenity of the occupiers of surrounding properties due to the noise and disturbance caused by the



unsightliness of the increased amount of on street and potentially pavement parking.

**For the motion:** Councillors Butler, D Griffiths, T Hollis, Madden, K Morrison and M Smith.

**Against the motion:** Councillors Baron, P Rostance, H Smith and Zadrozny

**Abstentions:** None

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

**5. V/2018/0794 - Display of 4 Banner Signs - Festival Hall, Hodgkinson Road, Kirkby-in-Ashfield, Nottinghamshire.**

It was moved by Councillor T Hollis and seconded by Councillor Zadrozny that planning permission be **GRANTED** subject to the conditions in the officer's report.

**For the motion:** Councillors Baron, D Griffiths, T Hollis, Madden, Rostance, H Smith, M Smith and Zadrozny

**Against the motion:** Councillor Butler

**Abstentions:** Councillor K Morrison

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

**6. V/2018/0795 - Display of 10 Banner Signs - Kingsmill Reservoir, The Mill Adventure Base, Sherwood Way South, Sutton-in-Ashfield, Nottinghamshire.**

It was moved by Councillor T Hollis and seconded by Councillor P Rostance that planning permission be **GRANTED** subject to the conditions in the officer's report.

**For the motion:** Councillors Baron, D Griffiths, T Hollis, Madden, P Rostance, H Smith, M Smith and Zadrozny

**Against the motion:** Councillor Butler

**Abstentions:** Councillor K Morrison

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

**7. V/2018/0693 - Outline Application for a Maximum of 2 Dwellings -  
Spencer View, 182 Wild Hill, Teversal, Nottinghamshire.**

In accordance with the Council's procedure for speaking at Planning Committee Mr Tony Egginton (on behalf of the applicant), addressed the meeting.

It was moved by Councillor H Smith and seconded by Councillor Zadrozny, that subject to suitable conditions to be determined by the Assistant Director for Planning and Regulatory Services in consultation with the Chairman of Planning Committee, planning permission be **GRANTED** for the following reasons.

That the development complies with policies EV2(g) and EV2(h) of the Ashfield Local Plan on the basis it was appropriate infill development which would not have an adverse effect on the countryside or on Teversal Village.

**For the motion:** Councillors Madden, P Rostance, H Smith, M Smith, T Hollis and Zadrozny.

**Against the motion:** Councillors Baron, Butler and K Morrison

**Abstentions:** Councillor Griffiths

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

**P.31 Planning appeal decisions**

The Interim Director – Place and Communities submitted a report to advise the committee of the outcome of recent Planning Appeal decisions.

**RESOLVED**

that the report be noted.

The meeting closed at 9.30 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 22 February 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](mailto:c.cooper-smith@ashfield.gov.uk)


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**Planning Committee – 28 February 2019**

<b>Page</b>	<b>App No</b>	<b>Applicant</b>	<b>Recommendation</b>	<b>Proposal</b>	<b>Location</b>
<b>Ashfields</b>					
17 - 22	V/2019/0019	Mr A Barber	Refuse	Change of Use of Land to Garden and Erection of Fencing	Land to Rear 18 Grange Farm Close Sutton in Ashfield
<b>Hucknall Central</b>					
23 - 33	V/2018/0734	Need2View	Refuse	Outline Application With All Matters Reserved for Demolition of Existing Buildings and Construction of 9 Dwellings With Associated Access, Car Parking and Amenity Space	Sunbeam House West Street Hucknall

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**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 14/02/2019**

**COMMITTEE DATE**    28/02/2019                      **WARD**        Ashfields

**APP REF**                      V/2019/0019

**APPLICANT**                      Andrew Barber

**PROPOSAL**                      Change of use of land to garden and erection of fencing

**LOCATION**                      Land to the rear of 18 Grange Farm Close, Sutton in Ashfield

**WEB-LINK**                      <https://www.google.com/maps/@53.1166985,-1.2794412,17.96z>

**BACKGROUND PAPERS**    A, C,

App Registered: 15/01/2019                      Expiry Date: 11/03/2019

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

*This application has also been referred to Planning Committee by Cllr. Hollis on the grounds to discuss environmental issues.*

### **The Application**

This is an application for the material change of use of open land to the rear of 18 Grange Farm Close to residential curtilage and the erection of fencing. The site is located within the main urban area of Sutton in Ashfield.

### **Consultations**

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

The following consultation responses have been received:

#### ***Resident Comments:***

6 comments have been received from local residents. 4 comments were in support and 2 objections.

Supporters to the development made the following comments:

- The proposal is not detrimental to any designated rights of way/established walkways
- The proposal does not result in the loss of any protected land of environmental importance.

Objectors to the development raised the following concerns:

- The applicant has already erected fencing and has completed the proposed garden extension.

- The proposal sets a precedent for other neighbouring properties to do the same
- The proposal is detrimental to dog walkers who use the area of woodland to the rear of site.
- The proposal will cause disturbance to existing wildlife

***ADC Landscaping:***

Concerns are raised regarding the cumulative impact of potentially several gardens extending into the landscaping buffer.

The structural landscape area to the north of the Calladine Business Park forms a naturalised buffer to reduce noise and air pollution along with improving the visual amenity and ecological quality of the space between the industrial / employment land and A38 corridor to the south. The space formed part of the minimum requirements for the development of the Calladine Business Park and has formed a semi mature landscape since its construction in the mid-nineties.

In isolation the change of use of a singular plot of the suggested dimensions would not appear to have a great impact on the semi mature landscape buffer although ADC Landscaping would be concerned that the cumulative effect of all neighbouring properties implementing the same would have a significant adverse impact.

It is noted that the employment/business development land (Calladine business Park V/1992/0029) had a development brief which followed the recommendations of the Inspector at the Local Plan Inquiry. The brief identified that 25% of the overall developed area is to be given over to Strategic Landscaping and this site formed part of that strategic area.

***ADC Drainage:***

There are no known drainage issues with the site.

***NCC Highways:***

The proposal will not have a 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 2 – Achieving Sustainable Development

Part 8 – Promoting Healthy and Safe Communities

Part 11 – Making Effective Use of Land

Part 12 – Achieving Well Designed Places

Part 15 – Conserving and Enhancing the Natural Environment

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

ST1 – Development

ST2 – Main urban area

**Supplementary Planning Document 2014:**

Residential Design Guide

**Relevant Planning History**

**V/2013/0105 – 18 Grange Farm Close**

Details: Change of use of land to residential garden (C3)

Decision: Refused because it amounted to inappropriate development having a detrimental impact on the visual amenities of the area, the loss of a landscaped buffer zone and area of open space.

Date: 16/04/2013

**V/2018/0577 – 22 Grange Farm Close**

Details: Change of use of land to garden and erection of fencing

Decision: Refused because it amounted to inappropriate development having a detrimental impact on the visual amenities of the area, the loss of a landscaped buffer zone and area of open space.

Date 12/10/2018

**Comment:**

The application seeks permission for the change of use of land to the rear of 18 Grange Close to residential curtilage (C3), and the erection of fencing. The application site forms part of the landscaped buffer between the general industrial units sited to the south of the site on Calladine Business Park and the residential properties to the north on Grange Farm Close.

The land is part of an area that was identified within application V/1992/0029 as an area of strategic landscaping and formed a key part of the development brief for the construction of Calladine Business Park.

***Visual Amenity:***

The proposed garden extension projects approximately 12m into the woodland area to the rear of the existing property, and is proposed to be bound by 1.8m high wooden panel fencing and posts. The proposed extension is approximately 12m wide and amounts to an additional 144m<sup>2</sup> of garden space.

The strategic landscaped area is publically accessible, with footpaths running through it. Representations received from local residents evidence that this parcel of land is valuable open space used by the local community and used regularly by dog walkers.

The application site has been cleared of trees, laid to grass and enclosed by close boarded fencing. It was originally wooded, similar to the surrounding woodland, and it can be assumed this area was likely to have offered a habitat to a variety of wildlife.

The residential boundary line to the rear of the properties on the southern side of Grange Farm Close is well established between the gardens and woodland, as viewed from an aerial perspective and from the open space. The proposal interrupts this pattern and will be detrimental to the visual amenities of the wider character and appearance of the area.

Furthermore, the site forms part of land that has been designed to be a buffer and screen to protect residential properties from the general industrial units at Calladine Business Park, and it is considered that the erosion of this landscaped area for residential purposes would undermine the purpose of the open area in separating incompatible land uses. No evidence has been submitted to demonstrate that the open space is surplus to requirement.

The buffer zone was recommended as a strategic landscaping area which supported the original planning permission of the Calladine Business Park (V/1992/0029). This area of landscaping has since matured over approximately 20 years and forms an established corridor and habitat area for local wildlife. Consequently, if the proposed garden extension was to be granted consent this would set a precedent for potential future garden extensions that could amount to the cumulative erosion of the wildlife and habitats in this landscaping buffer, south of properties of Grange Farm Close.

**Conclusion:**

It is considered that whilst the enlargement of the garden area would provide additional amenity space to the occupants of the property, it is considered that the detriment to the visual amenities of the locality; the loss of valuable open space; wildlife habitat and intrusion into the buffer zone between residential and commercial uses is not outweighed by the benefits of the proposal. It is therefore recommended that planning permission be refused for the following reason.

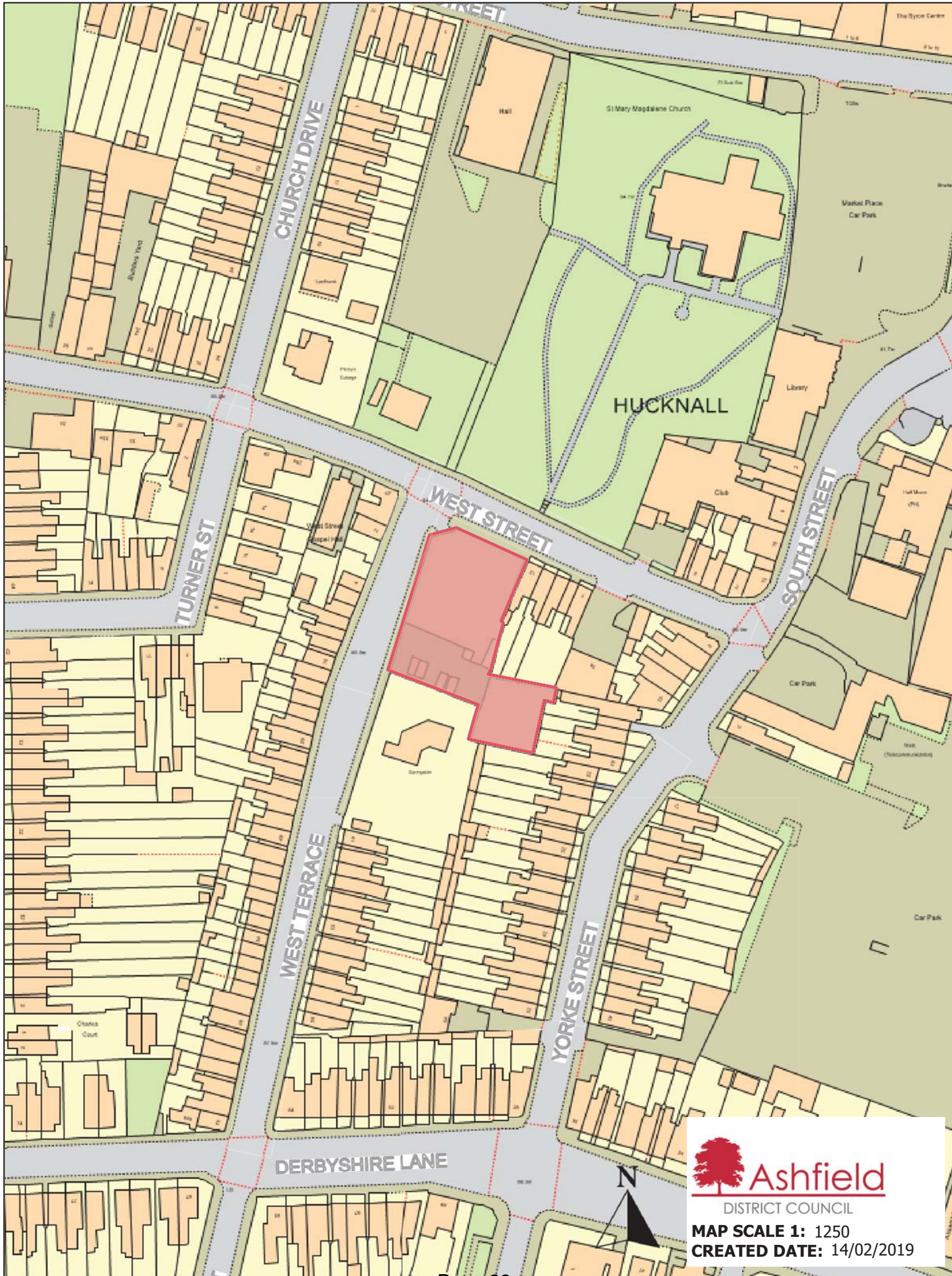
**Recommendation: Refusal**

**REASON**

- 1. The proposal represents an inappropriate form of development by virtue of its detrimental impact upon the visual amenity offered by the wider locality, through the interruption in the pattern of existing development. Furthermore, the erosion of an established landscape buffer between the residential properties on Grange Farm Close and Calladine Business**

**Park is considered to result in the loss of valuable open space used by the local community and wildlife, to the detriment of their health and well-being. The proposal is as such contrary to saved policy ST1 (b and E) of the Ashfield Local Plan Review 2002 which seeks to protect the visual amenity of an area, and minimize conflict between adjoining land uses, and also conflicts with Part 8 – Promoting Healthy and Safe Communities and Part 15 – Conserving and Enhancing the Natural Environment of the NPPF 2018.**





**Ashfield**  
DISTRICT COUNCIL  
MAP SCALE 1: 1250  
CREATED DATE: 14/02/2019

**COMMITTEE DATE** 28/02/2019                      **WARD** Hucknall Central

**APP REF** V/2018/0734

**APPLICANT** G Field

**PROPOSAL** Outline Application With All Matters Reserved for Demolition of Existing Buildings and Construction of 9 Dwellings With Associated Access, Car Parking and Amenity Space

**LOCATION** Sunbeam House, West Street, Hucknall, Nottingham, NG15 7BW

**WEB-LINK** <https://www.google.com/maps/@53.0381744,-1.2073648,19z>

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

App Registered: 20/11/2018

Expiry Date: 14/01/2019

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

*This application has been referred to Planning Committee by Cllr. K Rostance on the grounds of highways and conservation.*

### **The Application**

This is an outline application, with all matters reserved, for the demolition of the existing buildings, and the erection of nine residential properties, with associated access, car parking and private amenity space.

### **Consultations**

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

The following consultation responses have been received:

### ***Resident Comments:***

3x written representations have been received from local residents in respect of the following:

- Parking issues along West Terrace
- Resident parking permits should be issued for West Terrace
- Demolition hours are unreasonable



- Site access from Yorke Street should be closed off

***ADC Planning Policy:***

The location for residential development is considered to be acceptable in policy terms, however there are significant concerns in the respect of the loss of a Local Heritage Asset in a key location within a proposed Conservation Area. A scheme of development involving the re-use of the building which retains its current form and integrity and conserves the heritage asset for future generations would be favourable.

***ADC Conservation:***

Objections are raised in respect of the proposal. The former Co-Op bakery is considered to be a local heritage asset. Its demolition would result in the total loss of significance of the building. Its demolition and lack of redevelopment proposals is considered to neither preserve or enhance the setting of the Grade II\* Listed church. The proposals neither sustain or enhance the significance of the building or the setting of the church, or attempts to put the building to a viable use, or have been suitably justified.

In taking a balanced judgement, the proposals fail to comply with the policy requirements of the NPPF or the Planning (Listed Buildings and Conservation Areas) Act 1990.

***ADC Environmental Health:***

No objections to the proposed development, however a condition is recommended requesting a noise impact assessment to protect the amenity of future occupiers, due to the proximity of the site to a B2 use.

***ADC Drainage:***

No known drainage issues with the site.

***NCC Highways:***

Whilst this is an outline application with all matters reserved, the access should nevertheless be considered. The Highways Authority would not be able to support the scheme based on the current drawings submitted. The access details are geometrically substandard, unsafe as well as impossible to implement.

***Historic England:***

No comments to offer, based on the information available to date.

## **Policy**

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

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

- Part 2 – Achieving Sustainable Development
- Part 5 – Delivering a Sufficient Supply of Homes
- Part 8 – Promoting Healthy and Safe Communities
- Part 9 – Promoting Sustainable Transport
- Part 11 – Making Effective Use of Land
- Part 12 – Achieving Well Designed Places
- Part 16 – Conserving and Enhancing the Natural Environment

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

- ST1 – Development
- ST2 – Main Urban Area
- EM5 – Protection of Existing Employment Sites and Buildings
- HG5 – New Residential Development

### **Supplementary Planning Guidance Notes**

- Residential Design Guide SPD 2014
- Residential Car Parking Standards SPD 2014

### **Draft Hucknall Conservation Area 2018**

### **Relevant Planning History**

#### **V/2010/0651**

Details: Outline Planning Application for the Conversion, Extension and Alteration of Factory to Form 12 Apartments

Decision: Refusal – Appeal Dismissed due to poor outlook from several units and lack of daylight to another unit.

Date: 10/03/11

#### **V/2012/0094**

Details: Outline Planning Permission for the Conversion, Extension and Alteration of Factory to Form 11 Apartments

Decision: Refusal – Appeal Dismissed due to poor standards of amenities for future occupants.

Date: 23/05/12

#### **V/2013/0443**

Details: Conversion and Extension of Existing Factory to Create 7 Apartments with Associated Access and Parking

Decision: Conditional Consent

Date: 04/10/13

**V/2016/0478**

Details: Conversion of Existing Factory to Create 7 Apartments with Associated Access and Parking

Decision: Conditional Consent

Date: 05/09/16

**V/2017/0550**

Details: Prior Notification of Proposed Demolition

Decision: Demolition Prior Notification – Approval Not Required

Date: 18/10/17

13 February 2019 Article 4(1) Direction made removing permitted development rights to demolish buildings without the benefit of planning permission.

**Comment:**

The current application seeks outline planning consent, with all matters reserved, for the demolition of the existing buildings, and the erection of nine, three bedroom properties, with associated access, car parking and private amenity space.

The application site is located within the main urban area of Hucknall, and is located on the corner of West Street and West Terrace, and comprises of a former bakery/factory, with ancillary offices of Victorian construction with later additions.

The building is sited prominently on a corner plot with no break between main elevations and the pavement to the north and west. To the north of the site is West Street, and immediately to the east, a row of four terraced residential properties. A single storey extension to the eastern elevation partly forms the boundary with the residential property 13 West Street.

To the south of the site is a vacant garaging and parking area, and an industrial style unit which forms a boundary with residential properties to the east of the site, sited on Yorke Street. South of the site's boundary is a large detached residential bungalow known as Springside, which is sited some 10m from the application site, whilst to the west of the site is West Terrace, with terraced style residential properties facing across the highway towards the application site.

Whilst the application site falls within the setting of the Grade II\* Church of St Mary Magdalene (NHLE 1217611), the former Co-Op bakery building on the site is also considered to be locally significant, and is listed as a locally listed non-designated heritage asset.

The application site also falls within the proposed Hucknall Conservation Area, and is identified as being a positive building.

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

***Principle of Development:***

The application site is located within the main urban area of Hucknall, where the principle of development is generally considered acceptable, as set out within policy ST2 of the ALPR 2002. This is providing that amongst other matters, the proposal does not adversely affect the character, quality, amenity or safety of the environment, and will not adversely affect highways safety.

Furthermore, policy HG5 of the ALPR 2002, states that residential development will be permitted where the amenity of neighbouring residents is protected, adequate private garden space is provided, parking facilities are provided, and its design is acceptable in terms of appearance, scale and siting.

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 in these circumstances. 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 permission has previously been granted on the site for the conversion of the existing Co-Op bakery building into seven apartments. The principle of residential development on this site, has therefore already been established.

***Impact Upon the Character and Appearance of the Area & Heritage Assets:***

Sunbeam House, formerly known as Astra Products, was built circa. 1920 as the Hucknall Torkard Industrial Provident Society (Co-Operative) Bakery. The application site, including the Co-Op bakery building are located within the setting of the Grade II\* Listed church of St Mary Magdalene, which is located directly opposite the site. Furthermore, the Co-Op bakery building is considered to be a non-designated local heritage asset by the Local Planning Authority.

In combination with the above, it is pertinent to note that the application site also falls within the proposed Hucknall Conservation Area. The Council is confident that the

proposed conservation area is worthy of designation, and approval was given by Councillors at Cabinet in October 2018 to carry out public consultation on the potential designation. This public consultation ended on the 7<sup>th</sup> January 2019, with the Council now in the final stages of considering its designation.

Buildings that are considered to positively contribute to the character and appearance of the area have been identified for the purpose of the consultation and the subsequent Conservation Area appraisal. Sunbeam House has been identified as a building which does just that.

The proposed conservation area is also considered to form a material planning consideration in the determination of this application, and at the very least, should be considered in the interest as a non-designated heritage asset. Whilst the applicant disagrees with this assertion, this interpretation is consistent with the view taken by a Planning Inspector on a recent appeal decision in Lewisham, London (ref APP/C5690/W/17/3172093).

The Co-Op bakery building is considered to have heritage value in both its architectural and historic interest and significance in what it represents. As an early 20<sup>th</sup> century industrial building, it is of a specific building type. Its brick elevation, fenestration, variety in roof pitch and canted corner provides interest in the streetscape, and since its construction, the exterior, particularly on West Street, has remained largely unaltered.

The applicant proposes the complete demolition of the buildings sited within the boundary of the application site, including the Co-Op bakery building. Their demolition would make way for the redevelopment of the site for nine residential dwellings. Whilst this is an outline application, the supporting statement suggests that the new dwellings would offer some heritage interpretation, and would draw upon the general design of buildings found within the vicinity of the site.

Furthermore, the applicant argues that the building in its current form needs extensive maintenance and refurbishment works, and due to the prominent positioning of the building, subsequently detracts from the visual amenity of the local area, therefore supporting their argument for the demolition of the Co-Op bakery building and the wider site structures.

Paragraph 184 of the NPPF 2018 reminds us that heritage assets are an irreplaceable resource, and that they should be conserved in a manner appropriate to their significance so they can be enjoyed by future generations. However, it should be taken into account the desirability or preserving and enhancing the significance of the heritage asset, and putting them to viable uses, consistent with their conservation.

It is considered that the demolition of the Co-Op bakery building in this case, would result in the total loss of a significant heritage asset, with no recognition of the

opportunity to put the building to a new viable use. In demolishing the building, the proposal would also give rise to a significant detrimental impact on the historical character and appearance of the proposed Hucknall Conservation Area.

The planning history for the site indicates that permission has in the past been granted the conversion of the existing building into seven apartments. Whilst it has been argued that this development would not be viable, a viability assessment has been requested, but it has been declined to be submitted. It is considered that the development previously approved, would sustain the significance of the building, and sustain the character of the street scene.

The Co-Op bakery building is highly visible from the churchyard of the Grade II\* Listed St Mary Magdalen Church. Furthermore, the building in its current form establishes a prominent and interesting vista from the churchyard, and completes the street scene when facing southwards. It is therefore considered that the building provides a significant positive contribution to the setting for the Grade II\* Listed Building.

When considering applications that impact on the significance of designated heritage assets, great weight should be given to the asset's conservation, with any harm to or loss of significance from development within its setting, requiring a clear and convincing justification.

As the application seeks outline planning consent, the lack of full details in respect of the redevelopment of the site, does not allow the Local Planning Authority the opportunity to fully assess or consider whether the redevelopment of the site would preserve the setting of the Grade II\* Listed Church or the impact that the development would have on the wider historical character and appearance of the area.

Demolition of the sites buildings without redevelopment would also result in a significant gap site with the street scene, that is likely to be considered harmful to the setting of the church, and would disregard the policy requirements of the NPPF 2018 to conserve and enhance designated heritage assets.

As such, the demolition of the buildings within the application site is considered harmful to the setting of the church, for which a clear and convincing justification has not been provided.

The proposal is therefore considered to result in the total loss of the significance provided by the Co-Op bakery building, and furthermore, due to the lack of an appropriate redevelopment proposal, primarily due to the type of application submitted, the scheme is considered to neither preserve or enhance the setting of the Grade II\* Listed St Mary Magdalene Church. The proposal subsequently fails to comply with the policy requirements of the NPPF 2018, namely Part 16 – Conserving and Enhancing the Historic Environment, which seeks to protect and enhance

heritage assets, where appropriate. The proposal would also be as such contrary to Part 12 – Achieving Well Designed Places of the NPPF 2018, which seeks to ensure that developments add to the overall quality of an area, and are sympathetic to local character and history, including the surrounding built environment.

***Residential Amenity:***

An indicative plan provided suggest that a suitably designed scheme could be achieved on the site which would not result in any significant impacts on neighbouring residential properties by way of massing, overshadowing or overlooking.

The external dimensions of the smallest of the proposed dwellings, is also considered to provide any future occupiers with an appropriate standard of living.

Whilst the indicative layout identifies that a number of the dwellings may potentially have garden spaces that fall below the requirements outlined within the Council's adopted Residential Design guide SPD 2014, it is considered that due to the location of the site in relation to the wider urban area, that any future occupier would be within easy walking distance of existing public open space.

***Highway Safety:***

The application proposes the erection of nine, three bedroom dwellings. The Council would generally require the provision of two off-street parking spaces per dwelling, in accordance with the guidance contained with the Council's Residential Car Parking Standards SPD 2014.

Whilst the indicative layout provided illustrates that only two of the proposed dwellings would benefit from the required off-street parking provision, it is considered that following some minor amendments to the scheme, that a further four dwellings could benefit from having two off-street parking spaces.

With this in mind, and in considering the sites proximity to Hucknall Town Centre and major public transport nodes, that the proposed parking provision would be acceptable, and would encourage future occupiers to use sustainable modes of transport.

Concerns are however raised by the Highways Authority in respect of the proposed layout of the development, based on the indicative plans.

At present, there is an existing bus stop located on West Street, directly outside the application site. This bus stop in question is very well used and has recently been upgraded to include real-time information displays. The relocation of this bus stop would not be possible due to there not being a suitable safe alternative location within the vicinity. As the bus stop cannot be relocated, a request for vehicle accesses directly off West Street would not be approved.

Based on the indicative plans, the Highways Authority would be unable to support the drawings as submitted at the Reserved Matters stage, should the outline application be granted permission, as the current access details are geometrically substandard and unsafe, as well as being impossible to implement.

**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 scheme would also make a modest but nevertheless important contribution towards boosting the supply of housing in the area, in a relatively accessible location.

Consequently, overall there would be some environmental, social and economic benefits to the scheme however these would be similar for a conversion scheme rather than redevelopment.

Significantly however, the proposal would result in the total loss of the significance provided by the Co-Op bakery building, and furthermore, due to the lack of an appropriate redevelopment proposal, the scheme is considered to neither preserve or enhance the setting of the Grade II\* Listed St Mary Magdalene Church, resulting in a significant detrimental impact on the intrinsic historical character and appearance of the immediate street scene and surrounding area.

Given the relatively modest scale of the development, and thus the extent of the benefits it would produce, it is considered that the benefits, either individually or cumulatively, do not outweigh the environmental harm that would arise to the setting of the Grade II\* Listed Church or on the historical character and appearance of the area, when assessed against the policies in the NPPF 2018 as a whole.

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

**Recommendation: Outline Application Refusal**



## REASONS

- 1. The proposed demolition of the sites buildings, in particular the Co-Op bakery building, to make way for the redevelopment of the site, would result in a significant adverse impact on the historic character and appearance of the area, including harm to a non-designated heritage asset, which is considered to provide a significant architectural feature within the town. The proposal is therefore considered to be contrary to Part 12 – Achieving Well Designed Plans and Part 16 – Conserving and Enhancing the Historic Environment of the National Planning Policy Framework 2018, in particular, paragraphs 127, 184 and 197 of the Framework.**
- 2. Due to the lack of an appropriate redevelopment proposal, the scheme is considered to neither preserve or enhance the setting of the Grade II\* Listed St Mary Magdalene Church, located directly opposite the application site. Demolition of the sites buildings without redevelopment would also result in a significant gap site within the street scene. The consequence of such, would be the likely harmful impact upon the setting of the Church. The proposal therefore disregards the policy requirements of the NPPF 2018 which seeks to protect and enhance heritage assets, where appropriate, as stated in Part 16 – Conserving and Enhancing the Historic Environment of the Framework.**

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# Agenda Item 5



<b>Report To:</b>	<b>PLANNING COMMITTEE</b>	<b>Date:</b>	<b>28 February 2019</b>
<b>Heading:</b>	<b>PLANNING APPEAL DECISIONS</b>		
<b>Portfolio Holder:</b>	<b>LEADER OF THE COUNCIL</b>		
<b>Ward/s:</b>	<b>LARWOOD</b>		
<b>Key Decision:</b>	<b>No</b>		
<b>Subject to Call-In:</b>	<b>No</b>		

## **Purpose of Report**

To inform Members of recent Planning Appeal Decisions.

## **Recommendation(s)**

**To Note the Appeal Decisions.**

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

To bring to Members attention the recent Appeal Decisions.

## **Alternative Options Considered**

*(with reasons why not adopted)*

N/A

## **Appeal Decisions**

**Planning Application - V/2018/0584**

**Site** – 6 Gratton Court, Kirkby in Ashfield NG17 8QA

**Proposal** – erection of sectional garage and fence panels to front of property

**Appeal Decision** – Dismissed

This proposal was a sectional garage with pebble dash side and rear walls and a 1.5m high fence to the front boundary. The Inspector agreed that the forward positioning of the garage and parts of the fencing would result in them being prominent and together with the materials of the garage would appear incongruous structures in the street scene affecting its open character. He did not however agree that parking on the site would be unduly affected by the garage or fencing.

## **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:**

<b>Budget Area</b>	<b>Implication</b>
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**

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

### **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

**Report Author and Contact Officer**

**Mick Morley**

**Development Team Manager**

**01623 457538**

**[m.morley@ashfield.gov.uk](mailto:m.morley@ashfield.gov.uk)**

**Carol Cooper-Smith**

**INTERIM DIRECTOR – PLACE AND COMMUNITIES**

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