

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Wednesday, 24th July, 2019**

Time: **10.00 am**

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

For any further information please contact:

Lynn Cain

l.cain@ashfield.gov.uk

01623 457317

PLANNING COMMITTEE

Membership

Chairman: Councillor Rachel Madden

Vice-Chairman: Councillor Dale Grounds

Councillors:

Chris Baron

Samantha Deakin

David Martin

Helen-Ann Smith

Jason Zadrozny

Ciaran Brown

Tom Hollis

Lauren Mitchell

Daniel Williamson

FILMING/AUDIO RECORDING NOTICE

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

SUMMONS

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



R. Mitchell
Chief Executive

AGENDA

Page

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
3. To receive and approve as a correct record the minutes of a meeting of the Planning Committee held on 26th June, 2019. 5 - 12
4. To receive and consider the attached planning applications. 13 - 40
5. Planning Appeal Decisions. 41 - 44

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PLANNING COMMITTEE

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

on Wednesday, 26th June, 2019 at 10.00 am

Present: Councillor Rachel Madden in the Chair;

Councillors Chris Baron, Ciaran Brown, Samantha Deakin, Dale Grounds, Tom Hollis, David Martin, Lauren Mitchell, Helen-Ann Smith, Daniel Williamson and Jason Zadrozny.

Officers Present: Beth Brown, Lynn Cain, Christine Sarris and Robbie Steel.

In Attendance: Councillor Matthew Relf.

P.1 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

1. Councillors Ciaran Brown, Rachel Madden, David Martin, Daniel Williamson and Jason Zadrozny all declared general Non Disclosable Pecuniary/Other Interests in respect of Application V/2018/0393, Boyce Bros, Residential Development for 44 houses and 1 flat including Associated Access, Parking, Infrastructure, Drainage, Landscaping and a Sports Pitch, Annesley Miners Welfare Institute, Derby Road, Annesley Woodhouse. Their interests arose from the fact that they all currently held office as Annesley & Felley Parish Councillors.
2. Councillor Tom Hollis declared a Non Disclosable Pecuniary/Other Interest in respect of Application V/2018/0212, Mr M. Fishleigh, Outline Application for Demolition of Existing Industrial Premises and Construction of Up to 23 Dwellings with Associated Access and Parking, The Pattern House, Crossley Avenue, Huthwaite. His interest arose from the fact that he had met with residents but in doing so had not expressed an opinion at any point.
3. Councillor Tom Hollis also declared a Non Disclosable Pecuniary/Other Interest in respect of Application V/2019/0102, JCS Camping, Change of Use from Paddock to Caravan Park, The Campsite, Silverhill Lane, Teversal. His interest arose from the fact that his family (albeit estranged from him) currently lived near to the site and he had met with both the applicant and objectors but in doing so had not expressed an opinion at any point.
4. Councillor Helen-Ann Smith declared a Non Disclosable Pecuniary/Other Interest in respect of the undermentioned applications. Her interests arose from the fact that she had spoken to objectors to the applications but in doing so had not expressed an opinion at any point.

- Application V/2019/0224, Mr & Mrs Mathews, Single Storey Front Extension, 112 Farndale Road, Sutton in Ashfield;
 - Application V/2019/0102, JCS Camping, Change of Use from Paddock to Caravan Park, The Campsite, Silverhill Lane, Teversal.
5. Councillor David Martin declared a Non Disclosable Pecuniary/Other Interest in respect of Application V/2019/0068, Mr G Hodgman, Dwelling, Land Adjacent 15 Recreation Street, Selston. His interest arose from the fact that he was known to the applicant.

P.2 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 28th March, 2019 be received and approved as a correct record.

P.3 Town and Country Planning Act 1990: Town Planning Applications Requiring Decisions

RESOLVED that

1. V/2019/0038, Muse Developments Limited, Reserved Matters Permission for Development of 45 Dwellings, 2 Flats and Commercial Space, Together with Associated Infrastructure and Roads, Land to the East of Hurricane Road Hucknall

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

A further 10 objections had been received from residents. They had raised concerns regarding the following:

- Two units is insufficient and a larger store/pub should be provided.
- Location of retail units will attract anti-social behaviour.
- Insufficient parking provision for the two retail units.
- Misrepresentation about the provision of facilities.
- Questions over how many stores and chains were approached.
- More traffic will be brought onto Watnall Road.
- Insufficient infrastructure to accommodate the development.
- The original plan showed the retail provision elsewhere on site to benefit residents on the new estate and existing residents further afield.
- Density of housing across the development is too high.
- The consultation process was insufficient.

In response, officers advised that the points raised were covered within the report. The Applicant had submitted marketing evidence showing a number of chains were approached and no national operators could be secured. The Highways Authority have also noted that the location within the

scheme and off the round-about was preferable from a safety perspective being at the heart of the development for residents. The number of dwellings remained within the number approved under the outline consent and substantial S106 contributions had been received toward infrastructure.

The consultation process had been undertaken in accordance with legislation with neighbouring residents adjoining the site being consulted, along with a site notice and a press notice giving 21 days to make their comments.

Mr. V. Gallagher, an objector to the application and Mr. D. Needham, as the Applicant, took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submissions as required.

It was moved and seconded that conditional consent be granted as per officer's recommendation.

2. V/2018/0803, Persimmon Homes Nottingham and Muse Developments Ltd, Proposed Erection of 120no. dwellings (including 10% affordable housing) and associated infrastructure including accesses and landscaping (Re-Submission of V/2018/0150), Land at Rolls Royce, Watnall Road, Hucknall.

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

Two residents had written in objecting to the application and raising concerns surrounding the consultation process.

Officers confirmed that neighbouring residents were consulted, along with site notices and a press notice giving 21 days to make comments.

Objections were also raised on the grounds that:

- The original plan showed the retail adjacent to the roundabout and it would benefit existing residents.
- The retail units were insufficient and a family pub/large store should be provided.

Mr. V. Gallagher, an objector who had previously registered to speak on the application, declined the opportunity to address the Committee.

It was moved and seconded that conditional consent be granted as per officer's recommendation.

3. V/2018/0330, Mr S Mistry, Demolition of Existing Building and Erection of New Three Storey Apartment Block Containing 9 Apartment, Romans, 8a Annesley Road, Hucknall

Ms. M. Newton, an objector to the application and Mr. A. McGowan, as Agent for the Applicant, took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submissions as required.

It was moved and seconded that conditional consent be granted as per officer's recommendation, subject to the following additional conditions and informative:-

Conditions:

- Where there is a likelihood of hidden features such as a date stone being revealed during the course of work and not addresses at application stage then the provision for their retention/recording should be secured as part of the approved scheme. Shall a date stone not be found during construction works, details of the provision of a new date stone shall be submitted to and agreed in writing by the Local Planning Authority.
- No development shall take place within the application site until details of a scheme for an archaeological watching brief have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.
- The developer shall afford access at all reasonable times to any Archaeologist nominated by the Local Planning Authority, and shall allow him or her to observe the excavations and record items of interest.

Informative:

- The applicant/developer is strongly advised to engage with the Hucknall Heritage Society throughout construction works, allowing them to inspect and record and item or deposit of archaeological or historical importance.

(Following consideration of this application, the meeting was adjourned at 11.25am and reconvened at 11.33am.)

4. V/2018/0393, Boyce Bros, Residential Development for 44 houses and 1 flat including Associated Access, Parking, Infrastructure, Drainage, Landscaping and a Sports Pitch. Annesley Miners Welfare Institute, Derby Road, Annesley Woodhouse

(Councillors Ciaran Brown, Rachel Madden, David Martin, Daniel Williamson and Jason Zadrozny had previously declared Non Disclosable Pecuniary/Other Interests in respect of this item. In view of the nature of their interests they remained in the meeting and took part in the discussion and voting thereon).

Mr. B. Collier, an objector to the application and Mr. P. Wood, as Agent for the Applicant, took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submissions as required.

It was moved and seconded that consent be granted as per officer's recommendation, subject to the satisfactory completion of a Section 106 agreement.

(At this point in the proceedings and in accordance with Council Procedure Rule 4.1 (Order of Business), the Chairman advised Committee that she wished to move application no.6 (V/2019/0224) to the next item of business. All Members present agreed with this course of action.)

5. V/2019/0224, Mr & Mrs Mathews, Single Storey Front Extension, 112 Farndale Road, Sutton in Ashfield

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

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

Recent correspondence from the Agent of the Application wished to bring the following matters to the attention of the Committee:

A number of properties along Farndale Road had already extended beyond the front elevation and that the proposal would not affect light to neighbouring properties nor affect highway safety. Additionally, any form of vehicle could be parked on the drive and that a 6ft fence could legally be erected along this boundary which would have the same effect on the side windows as a vehicle.

Mrs. S. Vardy, an objector to the application took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submission as required.

It was moved and seconded that conditional consent be granted as per officer's recommendation.

6. V/2019/0298, Ashfield District Council, Display of 2 Vinyl Banners, Land Adjacent 80 Davies Avenue, Sutton in Ashfield

It was moved and seconded that conditional consent be granted as per officer's recommendation.

(Following consideration of this application, the meeting was adjourned at 12.35pm and reconvened at 1.05pm.)

7. V/2018/0212, Mr M. Fishleigh, Outline Application for Demolition of Existing Industrial Premises and Construction of Up to 23 Dwellings with Associated Access and Parking, The Pattern House, Crossley Avenue, Huthwaite

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

Mr. M. Bassett, as Agent to the Applicant, took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submission as required.

(During consideration of this application, the meeting was adjourned at 1.27pm and reconvened at 1.33pm.)

It was moved and seconded that consideration of this application be deferred to enable officers to negotiate with the Developer regarding a potential increase in the proposed Section 106 contributions thus ensuring the development remained more sustainable in the longer term.

(In accordance with Council Procedure Rule 4.1 (Order of Business), the Chairman advised Committee that she wished to move application no.9 (V/2019/0102) to the next item of business. All Members present agreed with this course of action.)

8. V/2019/0102, JCS Camping, Change of Use from Paddock to Caravan Park, The Campsite, Silverhill Lane, Teversal

(Councillors Tom Hollis and Helen-Ann Smith had previously declared Non Disclosable Pecuniary/Other Interests in respect of this application. In view of the nature of their interests they remained in the meeting and took part in the discussion and voting thereon).

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

Two additional letters of objection had been received. One had raised concerns that the site's planning history did not include an application to change the use of the land to form a community recreation space comprising access, car park, camping site and raised bund.

Another had raised concerns surrounding adequate infrastructure, impact on the green space, occupiers not paying full Council tax and that a previous application was refused for recreation space.

Officers advised that the application for a change of use of land to form a community recreation space was refused at Planning Committee on the 17th March, 2011. The reasons for refusal were stated by the Committee to

be the proposals constituting inappropriate development within the countryside by virtue of the proposed activities on the site attracting a significant number of visitors and its impact on the character and peaceful ambience of the countryside. There were also concerns that the proposal would adversely impact on highway safety.

Ms. M. Edwardson, as Agent to the Applicant, took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submission as required.

It was moved and seconded that consideration of this application be deferred on the grounds that the ecological appraisal submitted was not considered appropriate due to it not being undertaken at the recommended time of year for badgers. Also deferred on highway grounds and to see if the applicant would be willing to consider alternative options for the site.

9. V/2019/0126, Ashfield District Council, Single Storey Rear Extension, 50 Westdale Road, Jacksdale

It was moved and seconded that conditional consent be granted as per officer's recommendation.

10. V/2019/0068, Mr. G. Hodgman, Dwelling, Land Adjacent 15 Recreation Street, Selston

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

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

Reasons:

1. The construction of the dwelling will lead to the intensification of the use of a substandard junction with a classified road, increasing the risk of vehicular conflict in this location, to the detriment of highway safety. The proposal is therefore contrary to policy ST1 (b) of the Ashfield Local Plan Review 2002, which states that development will only be permitted where it will not adversely affect highway safety.
2. The scheme fails to demonstrate how appropriate levels of off-street parking can be accommodated for the proposed dwelling in accordance with policy HG5 (f) of the Ashfield Local Plan Review 2002, and the requirements outlined within the Council's adopted Residential Car Parking Standards Supplementary Planning Document 2014, resulting in the increased likelihood of on-street parking in this location, to the detriment of highway safety.

3. The proposal represents an unsatisfactory form of development which is out of keeping with the type and size of other dwellings found within the immediate vicinity of the application site, to the detriment of the character and appearance of the surrounding area. The proposal is as such contrary to saved policy ST1 (a & b) and HG5 (g) of the Ashfield Local Plan Review 2002, which states that development will be permitted where it will not adversely affect the amenity of the environment.

For the motion:

Councillors Ciaran Brown, Samantha Deakin, Tom Hollis, Lauren Mitchell, Rachel Madden and Helen-Ann Smith.

Against the motion:

Councillor Chris Baron.

Abstention:

Councillors Dale Grounds, David Martin and Daniel Williamson.

Accordingly, the motion was duly carried.

P.4 Planning Appeal Decisions

Members were asked to note the recent Planning Appeal decisions as outlined in the report.

RESOLVED

that the report be received and noted.

Reason:

To update the Committee on the recent Planning Appeal decisions.

The meeting closed at 2.53 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 19th July 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 Monday 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

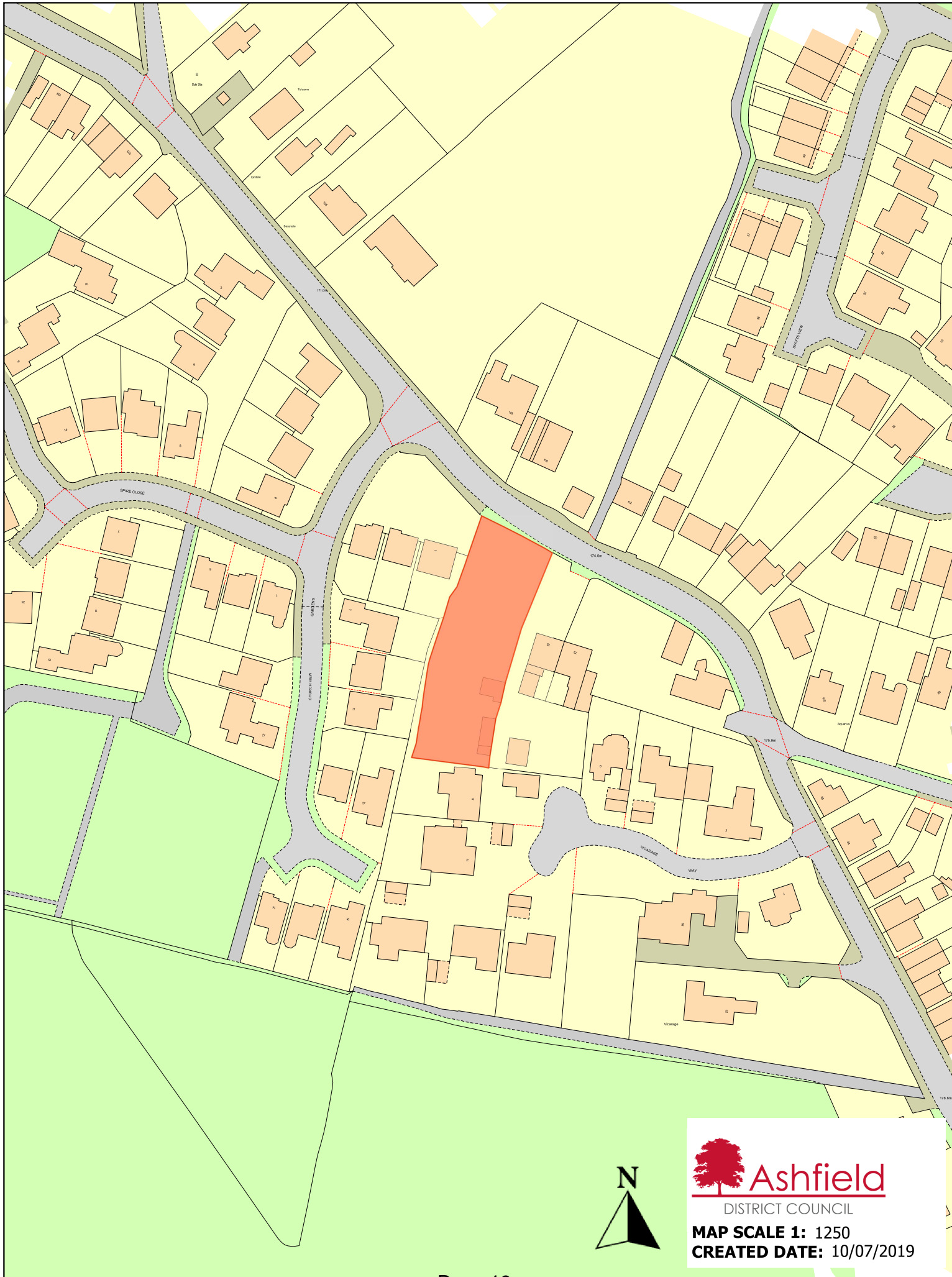
E-mail: c.cooper-smith@ashfield.gov.uk

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**PLANNING COMMITTEE – 24th July
2019**

Page	App No	Applicant	Recommendation	Proposal	Location
Annesley and Kirkby Woodhouse					
19-26	V/2019/0310	Mrs E Cook	Approve	Outline Application With All Matters Reserved for 3 Dwellings	Land Adjacent 75 Skegby Road Kirkby in Ashfield
Central and New Cross					
27-32	V/2019/0386	Ashfield District Council	Approve	Outline Application with all Matters Reserved for the Demolition of Existing Building and Construction of a Maximum of 1 Dwelling	39 Walton Street Sutton in Ashfield
Kingsway					
33-39	V/2019/0267	Mr D Singh Gill	Approve	Change of Use from Shop (A1) and 2 Flats (C3) to 4 Self Contained Flats (C3)	98 Diamond Avenue Kirkby in Ashfield

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Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 10/07/2019

COMMITTEE DATE 24/07/2019 **WARD** Annesley and Kirkby
Woodhouse

APP REF V/2019/0310

APPLICANT E Cook

PROPOSAL Outline Application With All Matters Reserved for 3 Dwellings

LOCATION Land Adjacent 75, Skegby Road, Kirkby in Ashfield,
Nottingham, NG17 9FR

<https://www.google.com/maps/@53.0802509,-1.2627818,19z>

BACKGROUND PAPERS A, C, E, K

App Registered 13/05/2019

Expiry Date 07/07/2019

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

This application has been referred to Planning Committee by Councillor Rachel Madden on the grounds of residential amenity and highway safety.

The Application

This is an application for outline application with all matters reserved for 3 dwellings on garden land adjacent to 75 Skegby Road. Although illustrative plans have been submitted, these are only to explain how the development may be achieved. It should, however, be noted that outline planning consent was granted for three dwelling in this location twice (V/2007/0793 and V/2010/0513).

Consultations

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

The following consultation responses have been received:

Resident comments:

Four written representations received from local residents raising a number of concerns:

- loss of privacy to properties along Church View Gardens;
- concern in respect of the potential separation distance between proposal and existing properties;

- loss of light to neighbouring properties along Church View Road;
- loss of value to neighbouring properties;
- concern in respect of the potential loss of hedgerow on the west boundary of the site and any associated loss of local wildlife;
- backland development considered unacceptable; and
- highway safety concerns.

ADC Tree Officer

- The Councils Tree Officer visited the site.
- Removal of hedges should be kept to a minimum.
- The mixed species hedge to the highway boundary does not appear to be significant in terms of its appearance, size or species content.

ADC Drainage:

- No known drainage issues with this site.
- Severn Trent need to approve a surface water and foul water connection to the main sewer. Therefore a condition has been proposed requiring drainage details and plans to be submitted and approved with the reserved matters.

ADC Environmental Health (land contamination):

- Historical Ordnance Survey plans show the subject site formed part of a former plant nursery.
- A number of green houses and buildings have been historically demolished in this location.
- To ensure that the site, when developed, is free from contamination such as asbestos, in the interests of safety a condition has been proposed.
- Prior to occupation of the three dwellings, a sample will be taken from topsoil to be used in the upper 600mm of each rear garden area and shall be chemically tested at an MCERTS accredited laboratory for a full suite of contaminants.

Policy

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

Ashfield local Plan Review ALPR 2002

ST1 – Development

ST2 – Main urban area

HG5 – New residential development

National Planning Policy Framework NPPF 2019

Part 2 – Achieving sustainable development

Part 5 – Achieving a sufficient supply of homes

Part 11 – Making effective use of land

Part 12 – Achieving well designed places

Supplementary Planning Document 2014

Relevant Planning History

- **V/2002/0247:** One dwelling (Full application – conditional consent)
- **V/2003/0253:** One dwelling (Full application – conditional consent)
- **V/2007/0793:** Three dwellings (Outline application – conditional consent)
- **V/2010/0513:** Extension of time to planning permission V/2007/0793 for three dwellings

Comment :

The application seeks outline planning consent with all matters reserved, for the erection of three dwellings on garden land adjacent to 75 Skegby Road.

The application is located within the main urban area of Kirkby in Ashfield, and comprises of a large garden area to the west of 75 Skegby Road which is a semi-detached property. The site consists of an extensive side garden with a number of outbuildings associated with 75 Skegby Road located to the rear part of the site.

Directly to the west and south of the site are existing residential properties of Church View Gardens and Vicarage Way. To the north, on the opposite side of Skegby road, are existing residential properties.

The main issues to consider in this application are the:

- Principle of development;
- Residential Amenity;
- Character and appearance of the area;
- Protection of hedgerow;
- Highway safety.

Principle of development

The application site is located in the Main Urban Area as defined by Ashfield Local Plan Review 2002 (ALPR), Policy ST2 and the Proposals Map. The Policy identifies that development will be concentrated within the Main Urban Areas. The proposal would comply with this policy.

Residential amenity

Concerns have been expressed by local residents in respect of the proposal, and its subsequent impact on the amenity of neighbouring residents.

In respect of the potential loss of privacy and overshadowing impact on neighbouring properties, due to the size of the site, three dwellings can be designed and separated to protect the privacy and any potential loss of light. Rear gardens of 1, 7, 9, 11 and 17 church view Gardens are located along the west boundary of the site. The rear garden of 8 Vicarage Way is also located along the south boundary. In

accordance with the Councils adopted Supplementary Planning Document: Residential Design Guide, three dwellings could meet minimum separation distance standards to ensure the amenity of neighbouring properties is protected. The design, scale and siting could be carefully assessed at reserved matters stage to prevent any potential overlooking or overshadowing of neighbouring properties.

The submitted block plan (scale 1:500) provides an indicative layout which demonstrates three plots for each dwelling. Each plot size is considered to provide an acceptable standard of living for future occupiers in accordance with the Councils adopted Supplementary Planning Document: Residential Design Guide 2014. Appropriate boundary treatment at reserved matters stage should also provide an acceptable level of privacy for future occupiers of the proposed dwelling and the existing property, 75 Skegby Road.

Other concerns include the appropriateness of the location on a residential garden and the potential loss of value to neighbouring properties. Loss of value to property is not a material planning consideration and would not warrant a refusal. The proposal consists of sustainable development and complies with the policy requirements of the NPPF 2019, namely Part 12 – Achieving Well Designed Places, which seeks to ensure that developments create a high standard of amenity for existing and future users. The proposal would also conform with Part 11 – Making Effective Use of Land of the NPPF 2019, which seeks to promote and support the development of under-utilised land.

Impact on the character and appearance of the area

The application site is located within a predominantly residential area with existing residential properties surrounding the site. Skegby Road includes a variety of residential property designs featuring two storey and bungalow properties. The site is bound by two storey dwellings to the west on Church View Gardens and east on Skegby Road. To the south, bungalow properties are located on Vicarage Way. The plot is approximately 20m in width and 60m in depth measuring 1200m² in area. It is considered this is an acceptable size of land to accommodate three dwellings to ensure plots sizes are consistent with adjacent properties within the neighbourhood.

The application is for outline consent with all matters reserved, therefore the design and layout will however need to be considered at the reserved matters stage. It is considered that subject to an acceptable siting, size and scale; three dwellings could be accommodated within the plot without being out of character with the immediate street scene or appearing unduly cramped.

The proposal would conform with Part 12 – Achieving Well Designed Places of the NPPF 2019, 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.

Protection of hedgerow

Concerns have been raised in respect of the potential loss of the hedgerow along the west boundary of the site. The submitted layout plan, as depicted in the submitted block plan (1:500), is indicative only and demonstrates an access along the west boundary where the existing hedgerow is found. The Councils tree officer has visited the site and has confirmed loss of hedgerow should be kept to a minimum. Subsequently a condition has been proposed requiring a hedgerow retention plan. Retention of existing hedgerow can be integrated alongside a proposed landscape plan at reserved matters stage to ensure sufficient protection and possible strengthening of hedgerow.

Highway safety

Concerns have been raised in respect of the potential highway safety issues caused by potential increased traffic and on-street parking in this location. The location of the access as depicted in the submitted block plan (1:500) near the bend of Church View Gardens is only for indicative purposes. The submitted details demonstrate that the proposal can meet the requirements for highway visibility splays to ensure safe access and egress. The proposal demonstrates that there is sufficient visibility from the junction towards Church View Gardens to the west and the bend in Skegby Road to the east in accordance with Nottinghamshire County Council standing advice.

The site access can accommodate a two way flow traffic to limit any potential congestion on Skegby Road, whilst providing turning space for visiting vehicles. The site can also accommodate the minimum off-street car parking spaces, in accordance with the Councils adopted Supplementary Planning Document: Residential Car Parking Standards 2014. Proposed access details can be thoroughly assessed at reserved matters stage to ensure there are no significant highway safety concerns.

Conclusion :

The proposal provides the addition of three new dwellings that comply with the relevant requirements within the Councils adopted Supplementary Planning Documents 2014. At the reserved matters stage any potential concerns in respect of separation distances, overlooking or overshadowing can be considered in the design of an acceptable site layout. The site can also accommodate the minimum requirements for off-street car parking and a safe form of access can be achieved at reserved matters stage.

On balance therefore, it is considered that the proposal constitutes an appropriate form of development, and it is subsequently recommended that this application is granted conditional consent.

Recommendation: - Outline – Conditional Consent

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) Access
 - (e) 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. Drainage details and plans for the disposal of surface water and foul sewage shall be submitted with the reserved matters and shall be implemented in accordance with the approved details before the development is first brought into use.
5. This permission shall be read in accordance with the following plans: 1:1250 site location plan, block plan 1:500, block plan 1:200. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
6. Prior to occupation of the hereby approved development, a sample will be taken from topsoil to be used in the upper 600mm of each rear garden area and shall be chemically tested at an MCERTS accredited laboratory for a full suite of contaminants. The results from such testing to be submitted to the LPA in order to demonstrate the topsoil is suitable for use in residential gardens.
7. Details and plans of hedges to be retained and protected during the construction of the hereby approved development and for the first 5 years after the use commences, shall be submitted with the reserved matters and shall be implemented in accordance with the approved details.

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 ensure the development has provision for adequate facilities to dispose surface water and foul water.
5. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
6. To ensure that the site, when developed, is free from contamination, in the interests of safety.
7. To ensure existing landscaping features are protected during the construction and after the use first commences.

INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. If during the ground excavation works any visibly or olfactory affected ground is encountered, the Applicant shall immediately inform the Council's Environmental Protection Officer to allow inspection of the excavations and agree a way forward.
3. Landowners, individual property owners and users are responsible for managing the drainage of their own land. The applicant must satisfy themselves that drainage is managed in such a way as to prevent adverse impacts of neighbouring land. The council take no responsibility for incorrect information or interpretations made by the applicant or their representatives. The responsibility for the checking of the design, calculations and details remain with the developer, or agent acting on their behalf.



 **Ashfield**
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 10/07/2019

COMMITTEE DATE 24/07/2019 **WARD** Central and New Cross

APP REF V/2019/0386

APPLICANT Ashfield District Council

PROPOSAL Outline Application with all Matters Reserved for the Demolition of Existing Building and Construction of a Maximum of 1 Dwelling

LOCATION 39 Walton Street, Sutton in Ashfield, Notts, NG17 4GF

WEB-LINK <https://www.google.com/maps/@53.1286968,-1.2528726,18z>

BACKGROUND PAPERS A

App Registered: 14/06/2019

Expiry Date: 08/08/2019

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

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

The Application

This is an application for outline planning permission with all matters reserved for the demolition of an existing vacant industrial building and the construction of a dwelling on land adjacent to 37 Walton Street, Sutton in Ashfield.

Consultations

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

No comments have been received from local residents or statutory consultees in respect of the proposed development.

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) 2019:

Part 12 – Achieving Well Designed Places

Ashfield Local Plan Review (ALPR) 2002:

ST1 – Development

ST3 – Named Settlements

HG5 – New Residential Development

SPD Residential Design Guide

SPD Residential Car Parking Standards

Relevant Planning History

None.

Comment :

The application site comprises of a redundant, two storey industrial style building which has in the past been used for storage purposes.

The site is located within a predominantly residential area, just outside of Sutton in Ashfield's town centre, and is bounded by existing residential development on all sides.

Properties within the vicinity of the site vary in terms of size, type and design, with examples of terraced, semi-detached and detached properties found within the immediate locality of the site.

The main issue to consider is whether the principle of a dwelling in this location is acceptable.

Principle of Development:

The application site is located within the main urban area of Sutton in Ashfield, where the principle of development is considered acceptable, providing no other material planning considerations indicate otherwise.

The site is located off Walton Street, adjacent to number 37 Walton Street, and to the rears of numbers 67-73 St Michael's Street.

The application site is of a similar plot size to that of properties located to the south of the site.

The indicative layout plan provided with the application demonstrates that a suitably designed, two storey scheme could be achieved on the site, which would not result in any detrimental impacts upon the residential amenity of neighbouring occupiers by way of massing, overshadowing or overlooking, nevertheless the design of the dwelling and the positioning of windows will be carefully assessed at the reserved matters stage.

Whilst indicative only, the plans show that a new dwelling could be approximately 8.5m in length and 5m in width, as per the existing building, whilst the overall height of the building would be increased by approximately 0.5m in height.

The main difference between the existing building and a proposed dwelling is the siting within the plot. To ensure that appropriate off-street parking can be accommodated for any future dwelling, the dwelling is likely to be sited approximately 1m further back than the existing building. This minor difference in siting is considered unlikely to raise any concerns in respect of a massing or overshadowing impact on the neighbouring property.

Appropriate private outdoor amenity space can also be appropriately accommodated on the site for one dwelling, in line with the requirements outlined in the Council's Residential Design Guide SPD 2014.

The indicative plan also identifies that acceptable off-street parking can also be provided in accordance with the Council's Residential Car Parking Standards SPD 2014.

Conclusion:

The application site is located within a predominantly residential area, within close proximity to Sutton in Ashfield's town centre. The proposed development site offers the opportunity for the construction of one new dwelling in a sustainable, main urban area location.

Furthermore, the site is considered to be of a sufficient size to accommodate one dwelling, whilst meeting the Council's requirements in respect of outdoor amenity space and off-street parking provision.

It is therefore recommended this application be granted planning permission, subject to the below conditions:

Recommendation: Approval – Conditional Consent

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) Access
 - (e) 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. This permission shall be read in accordance with the following plans: Site Location Plan Scale 1:1250, Received 15/05/19. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
5. The Reserved Matters details for access should demonstrate that appropriate vehicles parking can be provided within the site.
6. The Reserved Matters details for landscaping shall also detail the proposed treatment of the sites boundaries, and a phasing scheme for the implementation of the boundary treatment.
7. Drainage details and plans for the disposal of surface water and foul sewage shall be submitted with the Reserved Matters and shall be implemented in accordance with the approved details before the development is first brought into use.

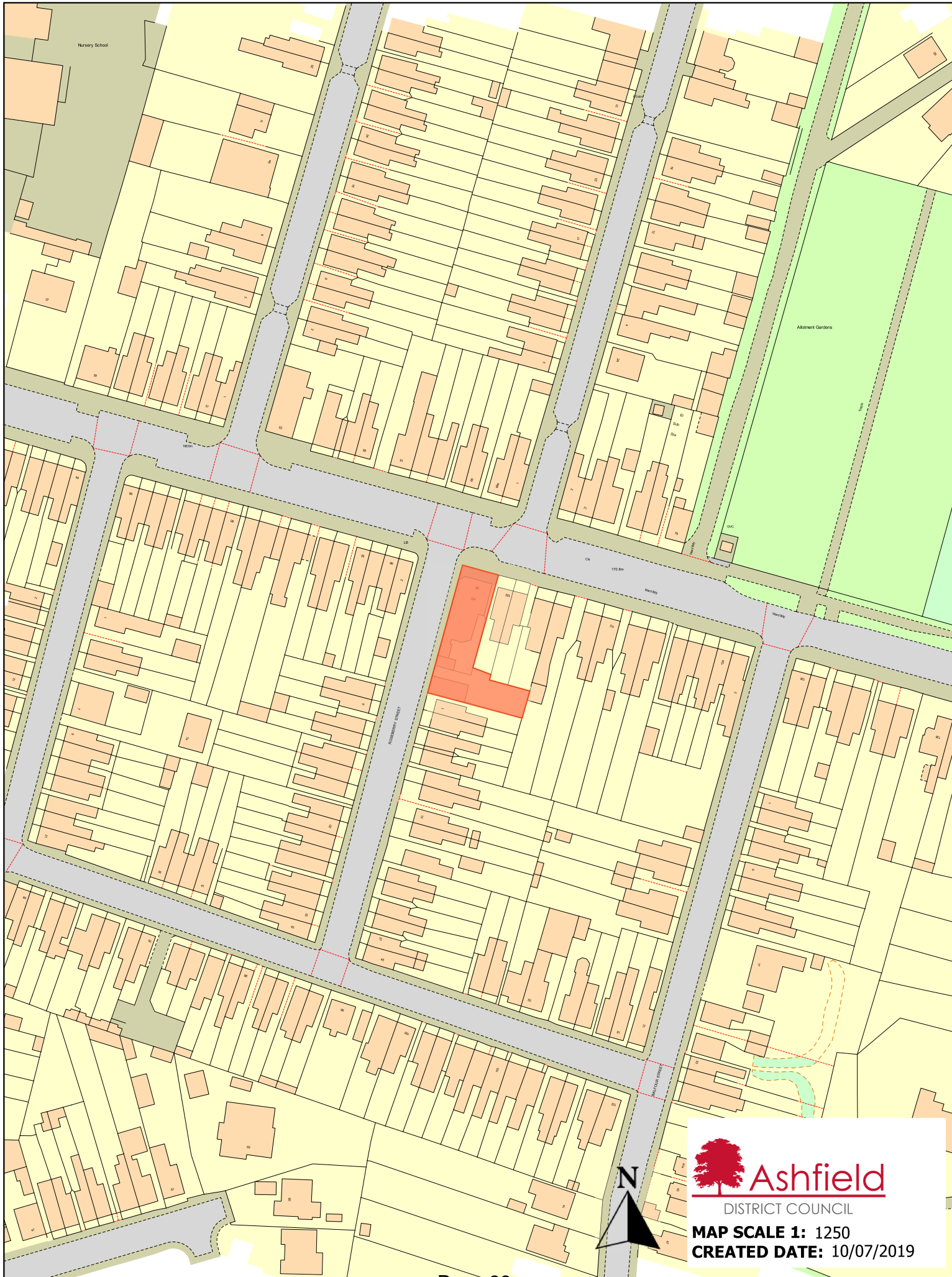
REASONS

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 ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
5. In the interest of highway safety.
6. To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the dwellings in question.

7. To ensure the development provides a satisfactory means of drainage, in order to reduce the risk of creation or exacerbating a flooding problem, and to minimise the risk of pollution.

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: 10/07/2019

- lack of off-street car parking facilities; and
- highway safety impact on existing car users in the neighbourhood.

Policy

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

Ashfield local Plan Review ALPR 2002

- ST1 – Development
- ST2 – Main urban area
- HG5 – New residential development

National Planning Policy Framework NPPF 2019

- Part 2 – Achieving sustainable development
- Part 5 – Achieving a sufficient supply of homes
- Part 11 – Making effective use of land
- Part 12 – Achieving well designed places

Supplementary Planning Document

- Guide for Converting Shops to Residential 2019
- Residential Design Guide 2014
- Residential Car Parking Standards 2014

Relevant Planning History

- **V/1977/0138:** Alterations to shop (Conditional consent)
- **V/1980/0454:** New shop front (Conditional consent)
- **V/1984/0674:** Change of use from store to domestic garage and new shop window (Conditional consent)
- **AD/1990/0031:** Illuminated fascia signs (Refuse)

Comment :

The application seeks planning consent for the change of use from (A1) and 2 flats (C3) to 4 self contained flats (C3).

The application is located within the main urban area of Kirkby in Ashfield, and comprises 98-100 Diamond Avenue which is a detached property. The site includes an existing vacant local convenience store (A1 use) and features 2 existing flats on the first floor and second (loft space). The site also consists of a single storey rear store room, 2 garages, and a yard to the rear. The site fronts on to Diamond Avenue and Roseberry Street.

Directly to the east and south of the site are existing residential properties of Diamond Avenue and Roseberry Street. To the north, on the opposite side of

Diamond Avenue, are existing residential properties. To the west, on the opposite side of Roseberry Street, are existing residential properties.

The main issues to consider in this application are the:

- Principle of development;
- Character and appearance of the area;
- Residential Amenity; and
- Highway safety.

Principle of development

The application site is located in the Main Urban Area as defined by Ashfield Local Plan Review 2002 (ALPR), Policy ST2 and the Proposals Map. The Policy identifies that development will be concentrated within the Main Urban Areas. The proposal would comply with this policy.

Impact on the character and appearance of the area

The application site is located within a predominantly residential area with existing residential properties surrounding the entirety of the site. The majority of Diamond Avenue and Roseberry Street includes semi-detached terraced properties.

The existing building is located on a corner plot, within a highly prominent location and can be seen from a number of views from adjacent highways. The existing building is vacant and currently features permanently closed roller shutters and previous shop front signage. The scheme creates an active frontage which positively enhances the quality of the street scenes of both Diamond Avenue and Roseberry Street.

The proposal positively redevelops the current vacant building into an active use and retains some of the key shop front design features. The ground floor shop entrance and large window that faces on to Diamond Avenue is proposed to be retained as a means of preserving the character of the existing building. Characteristic details including the fascia boards and the door way fan light are also proposed to be retained. Any new external changes including extensions to the property would require planning permission and would need to be formally assessed in a new application.

Proposed alterations include the addition of one new ground floor window to the front elevation facing Diamond Avenue, three new ground floor windows to the side elevation facing Roseberry Street, one ground floor window to the rear elevation and one ground floor door to the front elevation. New ground floor windows are proposed to be located beneath existing first floor windows to result in a symmetrical appearance.

The proposal also includes the demolition of an existing single storey store room and one garage to create off-street car parking, bin storage and cycle storage facilities.

To ensure a safe method of demolition, this proposed works will be carried out in accordance under building regulations legislation.

The proposal complies with saved ST1 of the Ashfield Local Plan Review 2002, which states that development should not adversely affect the character, quality, amenity or safety of the environment.

The proposal complies with the Councils newly adopted Guide for Converting Shops to Residential 2019, because it retains as much of the traditional shop front as possible whilst ensuring an adequate level of amenity for future occupiers.

The proposal would also conform with Part 12 – Achieving Well Designed Places of the NPPF 2019, 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

Concerns have been expressed by local residents in respect of the proposal, and its subsequent impact on the amenity of neighbouring residents.

One concern raised by a resident was that there is no record of planning permission for the existing 2 flats at the property. Submitted plans indicate on the first and second floor there are two existing flats. In accordance with Class G (a) of Schedule 2 Part 3 of the Town and Country Planning General Permitted Development Order; it is permitted development to accommodate up to 2 flats above retail premises. Therefore this change from one flat to two, would not have required planning permission.

In respect of the potential loss of privacy to neighbouring properties, the proposed flats are located in a detached property with no new windows being added to any first floor elevations. The property is separated from the neighbouring properties: 2 Roseberry Street by approximately 13m to the west, 1 Roseberry Street by approximately 15m to the south, 102 Diamond Avenue approximately 2m to the east and 69a Diamond Avenue approximately 23m to the north.

First floor windows facing neighbouring properties of Diamond Avenue and Roseberry Street are existing. Proposed new ground floor windows are a sufficient separation distance from neighbouring properties and are therefore limited in any significant loss of amenity impact.

Each flat size is considered to provide an acceptable standard of living for future occupiers in accordance with the Councils adopted Supplementary Planning Document: Residential Design Guide 2014. As indicated on the submitted plans, provision has been made for bin storage, cycle racks and a communal outside space to the rear of the property.

Other concerns include the potential increase in anti-social behavior caused by increasing the number of flats in this location. However, it cannot be assumed that there would be a link to an increase in anti-social behavior as a result of this application. The scheme helps to regenerate the site as a whole by creating active living accommodation for a number of future users.

The proposal subsequently complies with the policy requirements of the NPPF 2019, namely Part 12 – Achieving Well Designed Places, which seeks to ensure that developments create a high standard of amenity for existing and future users. The proposal would also conform with Part 11 – Making Effective Use of Land of the NPPF 2019, which seeks to promote and support the development of under-buildings.

Highway safety

Concerns have been raised in respect of the potential highway safety issues caused by the lack of off-street car parking proposed and the potential increase of traffic in this location. The submitted plans demonstrate one off-street car parking space per flat, providing four spaces. As one flat is a two bedroom unit, the proposal falls short of meeting the minimum off-street car parking requirement of 5 spaces (excluding visitor spaces); in accordance with the Residential Car Parking Standards 2014.

However car parking along Roseberry Street and Diamond Avenue is unrestricted and the property is located on a major bus route within walking distance of Kirkby town centre. Further, the site accommodates cycle storage facilities which may encourage more sustainable forms of transport.

As the site provides off-street car parking and is in a sustainable location, the proposal complies with Part 14 – Promoting Sustainable Transport of the NPPF 2019, as development should only be refused if the residual impacts on the road network are severe.

Conclusion :

The proposal provides the addition of four new self-contained flats that comply with the relevant requirements within the Council's adopted Supplementary Planning Documents 2014. The proposal positively transforms the disused building into an active frontage, featuring a design that preserves the key characteristics of the traditional shop front in accordance with the Council's adopted Supplementary Design Document: Guide for Converting Shops 2019. The proposal helps to regenerate the current vacant building and redevelops the rear of the site into an off-street car parking facility and communal space for future occupants.

The scheme would also make a small but nevertheless important contribution towards boosting the supply of housing in the area in an accessible town centre location, whilst ensuring that the impact on existing neighbouring properties is limited.

On balance therefore, it is considered that the proposal constitutes an appropriate form of development, and it is subsequently recommended that this application is granted conditional consent.

Recommendation: - Conditional Consent

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans and details: site plan & block plan & existing and proposed floor plans & elevations No. 01A (24/04/19), existing and proposed rear & side elevations (29/05/19), demolition method statement (29/04/19). The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

REASONS

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

INFORMATIVE

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

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Report To:	Planning Committee	Date:	24 July 2019
Heading:	PLANNING APPEAL DECISIONS		
Portfolio Holder:	COUNCILLOR MATTHEW RELF – PORTFOLIO HOLDER FOR PLACE, PLANNING AND REGENERATION		
Ward/s:	HUCKNALL CENTRAL AND LEAMINGTON		
Key Decision:	No		
Subject to Call-In:	No		

Purpose of Report

To inform Members of recent Planning Appeal Decisions.

Recommendation(s)

To Note the Planning Appeal Decisions.

Reasons for Recommendation(s)

To bring to Members attention the recent Planning Appeal Decisions.

Alternative Options Considered

(with reasons why not adopted)

N/A

Appeal Decisions

HUCKNALL CENTRAL

Planning Application - V/2018/0376

Site – Land to the rear of 56 Beardall Street, Hucknall, NG15 7RP

Proposal – Dwelling

Appeal Decision – Dismissed

The Inspector considered that the development would result in serious harm to the character and appearance of the local area due to the siting and design of the dwelling. It was also considered that the development would provide insufficient on-site parking which would be likely to materially harm highway safety.

LEAMINGTON

Planning Application - V/2018/0429

Site – Ocean Blue Fish Bar, 137 Kirkby Road, Sutton in Ashfield, NG17 1GW

Proposal – Canopy to front of fish and chip shop

Appeal Decision – Allowed

The Inspector considered that the canopy is not harmful to the character and appearance of the area, and results in a limited impact on neighbouring residents by way of noise disturbances.

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

Report Author and Contact Officer

Mick Morley

Development Team Manager

01623 457538

m.morley@ashfield.gov.uk

Carol Cooper-Smith

INTERIM DIRECTOR – PLACE AND COMMUNITIES

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