

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Wednesday, 28th August, 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 24th July, 2019.** 5 - 8
4. **To receive and consider the attached planning applications.** 9 - 92
5. **Planning Appeal Decisions.** 93 - 96

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PLANNING COMMITTEE

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

on Wednesday, 24th July, 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, John Smallridge, Daniel Williamson and Jason Zadrozny.

Apology for Absence: Councillor Helen-Ann Smith.

Officers Present: Beth Brown, Lynn Cain, Mick Morley and Hannah Turner.

In Attendance: Councillors Arnie Hankin and Andy Meakin.

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

1. Councillor Jason Zadrozny declared a Non Disclosable Pecuniary/Other Interest in respect of Application V/2019/0310, Mrs E Cook, Outline Application with All Matters Reserved for 3 Dwellings, Land Adjacent 75 Skegby Road, Kirkby in Ashfield. His interest arose from the fact that his relative currently resided on the opposite side of the road to the property.
2. Councillor Dale Grounds declared a Non Disclosable Pecuniary/Other Interest in respect of Application V/2019/0267, Mr D Singh Gill, Change of Use from Shop (A1) and 2 Flats (C3) to 4 Self Contained Flats (C3), 98 Diamond Avenue, Kirkby in Ashfield. 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 Rachel Madden declared Non Disclosable Pecuniary/Other Interests in respect of the following applications. Her interests arose from the fact that she had met with residents but in doing so had not expressed an opinion at any point:
 - V/2019/0310, Mrs E Cook, Outline Application with All Matters Reserved for 3 Dwellings, Land Adjacent 75 Skegby Road, Kirkby in Ashfield;
 - V/2019/0267, Mr D Singh Gill, Change of Use from Shop (A1) and 2 Flats (C3) to 4 Self Contained Flats (C3), 98 Diamond Avenue, Kirkby in Ashfield.

4. On behalf of Cabinet Members present at the meeting, Councillor Tom Hollis declared a general Non Disclosable Pecuniary/Other Interest in respect of Application V/2019/0386, Ashfield District Council, Outline Application with Matters Reserved for the Demolition of Existing Building and Construction of a maximum of 1 dwelling, 39 Walton Street, Sutton in Ashfield.

P.6 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 26th June, 2019 be received and approved as a correct record.

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

RESOLVED that

1. **V/2019/0310, Mrs E Cook, Outline Application with All Matters Reserved for 3 Dwellings, Land Adjacent 75 Skegby Road, Kirkby in Ashfield**

(Councillors Rachel Madden 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. J. Chiltern, an objector to the application and Mr. P. Cook, as the Applicant's representative, 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 Condition 7 being specific to include retention of the hedge along the west boundary of the site and an additional condition requiring the provision of a footpath to the site frontage.

A further informative was also required to state the following:-

Notwithstanding the plans submitted for illustrative purposes the details submitted in the reserved matters should include design and siting of the dwellings to accord with the Council's Residential Design Guide SPD and particular attention should be had to the relationship to existing dwellings adjoining the site.

2. **V/2019/0386, Ashfield District Council, 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**

(A general Non Disclosable Pecuniary/Other Interest in this item had previously been declared for Cabinet Members present at the meeting. In view of the nature of their interests they remained in the meeting and took part in the discussion and voting thereon).

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

3. V/2019/0267, Mr D. Singh Gill, Change of Use from Shop (A1) and 2 Flats (C3) to 4 Self Contained Flats (C3), 98 Diamond Avenue, Kirkby in Ashfield

(Councillors Dale Grounds and Rachel Madden 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).

It was moved and seconded that conditional consent be granted as per officer's recommendation subject to an additional condition as follows:-

Condition

For the applicant to apply for an advisory H bar marking from Nottinghamshire County Council to indicate the off-road parking areas and garage contained on the site.

P.8 Planning Appeal Decisions

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

RESOLVED

that the report be received and noted.

Reason:

To update the Committee on the recent Planning Appeal decisions.

The meeting closed at 11.19 am

Chairman.

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BACKGROUND PAPERS AND AVAILABILITY OF PLANS

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

The background papers forming the planning application file include:

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

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

The full text of all correspondence is available to Members.

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

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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 Director – Place and Communities or the Corporate Manager by 4pm 21st August 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 Friday, 23rd August 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.

T. Hodgkinson

Service Director – Place and Communities

Tel: 01623 457588

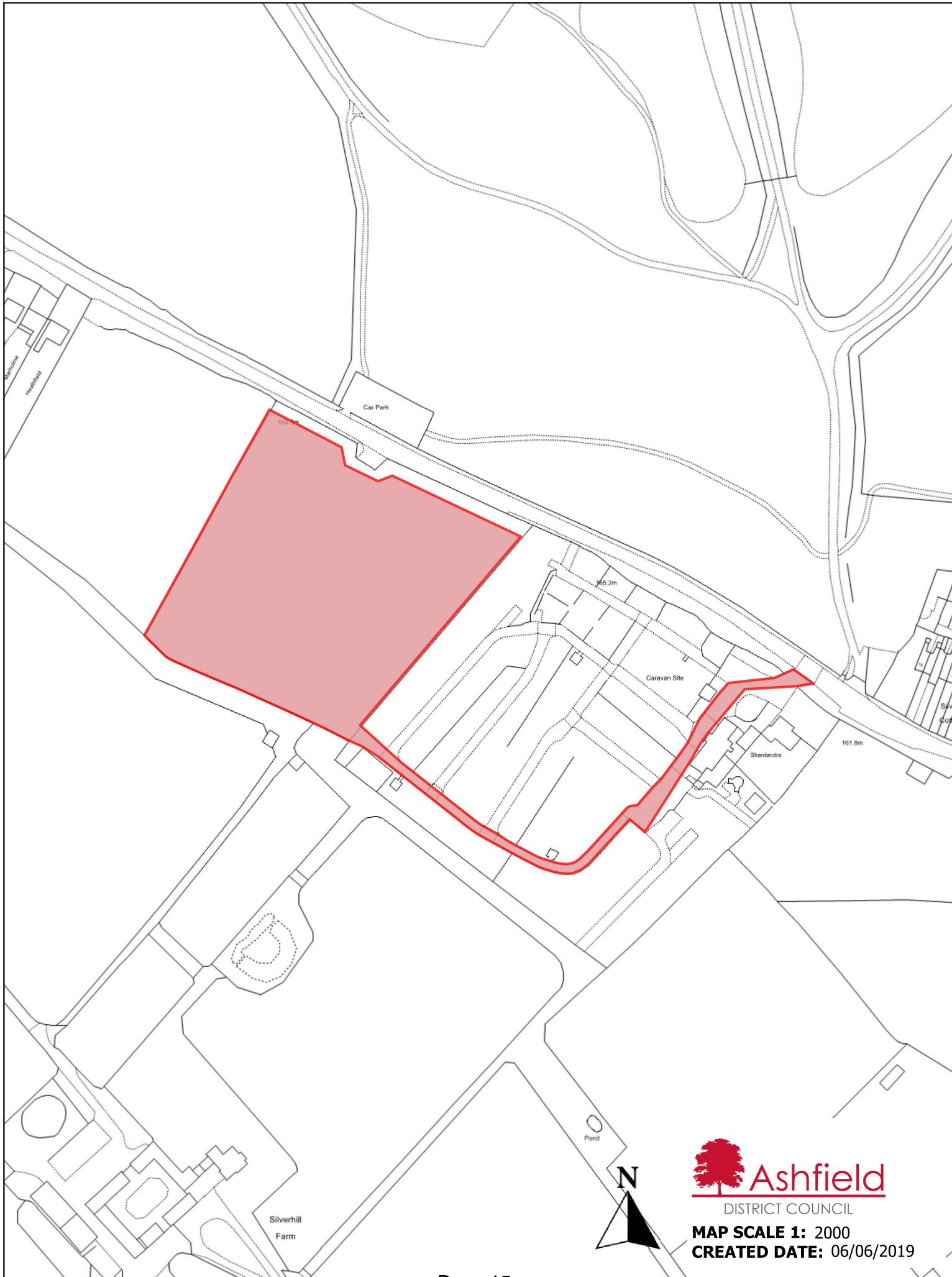
E-mail: t.hodgkinson@ashfield.gov.uk

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**PLANNING COMMITTEE – 28th August
2019**

| Page | App No | Applicant | Recommendation | Proposal | Location |
|--------------------------------------|---------------|--|-------------------------|---|--|
| Stanton Hill and Teversal | | | | | |
| 15-32 | V/2019/0102 | JCS Camping | Approve | Change of Use from Paddock to Caravan Park | The Campsite Silverhill Lane Teversal |
| 33-42 | V/2019/0423 | Mr M Hollis | Refuse | Outline Application With Some Matters Reserved For 5 Dwellings | Norcroft, 211 Wild Hill Teversal |
| Kingsway | | | | | |
| 43-52 | V/2019/0248 | Vallences Coaches | Refuse | Erection of Commercial Garage | Winshaw Wells Farm Derby Road Kirkby in Ashfield |
| Hucknall North | | | | | |
| 53-70 | V/2018/0744 | Nottingham Community Housing Association | Approve subject to S106 | 14 Two Storey Dwellings with Associated Parking and Landscaping | Land Off Emperors Way Hucknall |
| Hucknall Central | | | | | |
| 71-84 | V/2019/0179 | W Bignall and Co. Ltd | Approve | Construction of 6 Units, Demolition of Outbuildings and Change of Use of Forge Building to Form 3 Units | Land off Bolsover Street Hucknall |
| Annesley and Kirkby Woodhouse | | | | | |
| 85-92 | V/2019/0435 | Mr S Eaton | Refuse | Two Storey Side and Single Storey Rear Extensions, Dormer Windows to Front and Rear to Form New Rooms in Roof Space | 3 Little Oak Avenue Annesley Woodhouse |

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COMMITTEE DATE 28/08/2019 **WARD** Stanton Hill and Teversal

APP REF V/2019/0102

APPLICANT C & J Woods

PROPOSAL Change of Use from Paddock to Caravan Park

LOCATION The Campsite, Silverhill Lane, Teversal, Sutton in Ashfield,
Nottingham, NG17 3JJ

WEB-LINK <https://www.google.com/maps/@53.1496994,-1.2995897,17z>

BACKGROUND PAPERS A, C, D, E, F, K

App Registered: 26/02/2019 Expiry Date: 01/07/2019

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

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

Background

Members will recall that this application was deferred by the Planning Committee on 19th June 2019 on the grounds that it was considered that the ecological appraisal submitted by the applicant was insufficient due to it not being undertaken at the recommended time of year for surveying of a protected species. It was also deferred on highway grounds due to concerns about on-street parking and to see whether the applicant was willing to explore an alternative to static caravans for the site.

Comment

Ecology:

The applicant has submitted a comprehensive ecological appraisal, undertaken and prepared by a qualified ecologist, as part of the application. The survey was undertaken and the report prepared in January 2019. The appraisal is extensive and offers in depth information regarding the site, methods used in the site survey, results from the site survey and recommendations.

Concerns were raised by members that the submitted ecological appraisal was insufficient due to it not being undertaken at the recommended time of the year for surveying a protected species.

As the UK Government's own guidance states in relation to surveying this protected species: "You can survey [the species] at any time of year". Whilst the optimum time

of the year is in early spring or late autumn, there is no restriction on when surveys can be undertaken as previously discussed between members.

Regardless, the ecological appraisal clearly acknowledges that there was evidence of the protected species and activity from this species outside the application site to the south-west. Evidence of the protected species on site related to field signs only (i.e. tracks and prints). The results of the site survey also indicate that the application sites southern boundary is used as a shelter for this protected species.

Taking these constraints into account, the scheme has been designed to include a minimum protection radi around the protected species habitat, in line with guidance provided by Natural England, to ensure the species remains undisturbed by the development both during construction and when in use. Furthermore the vegetation along the southern boundary of the site will remain in situ as part of the proposal.

The ecological appraisal provides a series of recommendations to protect and enhance ecology on the site. A condition would be imposed as part of any approval requiring the development to be carried out in accordance with the recommendations contained within the ecology appraisal.

Highways:

Concerns were raised by members in respect of highway safety implications at the site access as a result of the proposal.

Comments received from the Highway's Authority as part of the initial consultation process confirmed that the site already has an existing access with no history of recorded collisions. It was also considered that the additional traffic generated by the proposal would be unlikely to result in a significant number of trips to/from the site, and it was further considered that the proposal would not result in an unacceptable risk to highway safety. As such, no objections were raised in respect of the proposal.

Following the deferral of the application at the June committee meeting, officers re-consulted the Highway's Authority regarding the proposal, who have reaffirmed that their original comments still stand.

It is pertinent to reiterate that each of the static holiday units will benefit from at least one parking space, with an additional five parking spaces spread across the site for any additional ad hoc parking. With all the proposed static holiday caravans comprising of two bedrooms, it is reasonable to assume that any individuals/families occupying the caravans will arrive at the site in one car, reducing the likelihood of any on-street parking along Silverhill Lane arising from the development.

It is also not unusual for vehicles to park on grassed areas within the site on the odd occasion. Vehicles from users holidaying in the static units would not be expected to park on the adjacent highway given the layout of the units and the distance of the units from the site access.

It is therefore considered that the proposal will not result in any detrimental impact on the capacity of the highway network in this location, nor would it give rise to any significant impact on highway safety.

Alternative Options:

At the previous meeting, members discussed the possibilities of an alternative scheme coming forward at the site. Discussions included the reduction in static holiday units, and the increase in touring pitches as part of the proposal.

The applicant has confirmed that they do not wish to revise their scheme, and have provided a compelling case for not doing so.

Demand for touring pitches has decreased in recent years, where as demand for static holiday units has continued to increase, with the applicant having to turn people away who wish to acquire a static unit at Teversal Campsite. A further increase in touring pitches therefore does not fit with the sites business model, and would restrict the sustainable growth of the business.

New amenities, such as toilet and shower blocks, would also be required to be constructed on site to ensure the site remained compliant with licensing legislation should the site be used for further touring pitches.

Other Matters:

It is important to note that the static caravans will not be used as a person's main residence. Teversal Campsite is a holiday park, not a residential park as found elsewhere in the District.

Conditions would be attached to any approval notice restricting the use of the static caravans not to be a person's main or sole residence. The site owner would also be required to keep an up-to-date register of all names of all owners/occupiers of individual caravans on the site, and of their main home address and kept available for inspection by the Council at all reasonable times, to ensure compliance with conditions.

Conclusion

It is confirmed that the submitted Ecological Appraisal is sufficient and robust for the purpose of this application, and the ecological survey has been carried out in accordance with Government guidance. The Ecological Appraisal acknowledges the existence of a protected species, and the scheme has been designed having regard to legislation surrounding this protected species. As such, the proposed development will not give rise to any significant impact on ecology on or surrounding the site.

The Highway's Authority have reaffirmed that they have no objections to the proposal, and the proposed development will not result in any detrimental impact upon highway capacity or safety in this location.

The applicant has confirmed that the exploration of alternative options for the site would be inconsistent with their business model which coincides with increased demand for static caravans. They have also pointed out that a further increase in touring pitches at the site would lead to the requirement for further built development at the site.

It is essential to note that this application as submitted should be considered on its own planning merits and alternatives are not for consideration as part of this application.

Overall therefore, it is considered that the proposal accords with policies contained at both a local and national level, and as such, the application is recommended for approval, subject to the following conditions:

Recommendation: Grant Conditional Consent

CONDITIONS

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The materials and finishes to be used for the external elevations and roof of the proposal shall match those detailed in the submitted application form.**
- 3. This permission shall be read in accordance with the following plans:**
 - **Site Location Plan, Drawing No. 001, Received 15/02/19;**
 - **Site Plan As Proposed, Drawing No. 101 Rev A, Received 15/04/19;**
 - **Proposed Electricity Kiosk, Drawing No. 104, Received 15/02/19;**
 - **Surface Water Drainage Plan, Drawing No. 105, Received 05/04/19.**

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

- 4. The hereby approved development shall be undertaken in accordance with the submitted Ecology Appraisal (received 15/02/19), and all mitigation recommendations complied with.**
- 5. The static caravans hereby permitted shall be occupied for holiday purposes only.**

6. The static caravans hereby permitted shall not be occupied as a person's sole, or main place of residence.
7. The site owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home address, and shall make this information available at all reasonable times to the Local Authority.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure the satisfactory appearance of the development.
3. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
4. In the interest of protecting ecology.
5. To ensure the holiday accommodation is not used for unauthorised permanent residential occupation.
6. To ensure the holiday accommodation is not used for unauthorised permanent residential occupation.
7. To ensure the holiday accommodation is not used for unauthorised permanent residential occupation.

INFORMATIVES

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. Landowners, individual property owners and users are responsible for managing the drainage of their own land. The applicant must satisfy themselves that drainage is managed in such a way as to prevent adverse impacts of neighbouring land. The council take no responsibility for incorrect information or interpretations made by the

applicant or their representatives. The responsibility for the checking of the design, calculations and details remain with the developer, or agent acting on their behalf.

- 3. The site operator is strongly advised to contact the Council's Private Sector Enforcement Team at privatesectorenforcement@ashfield.gov.uk or on 01623 457345 to apply for any necessary variations to their existing caravan license.**

COMMITTEE DATE 19/06/2019 **WARD** Stanton Hill and Teversal

APP REF V/2019/0102

APPLICANT C & J Woods

PROPOSAL Change of Use from Paddock to Caravan Park

LOCATION The Campsite, Silverhill Lane, Teversal, Sutton in Ashfield,
Nottingham, NG17 3JJ

WEB-LINK <https://www.google.com/maps/@53.1496994,-1.2995897,17z>

BACKGROUND PAPERS A, C, D, E, F, K

App Registered: 26/02/2019 Expiry Date: 01/07/2019

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

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

The Application

This is an application for the change of use of land from a paddock to a caravan park, forming an extension to the existing established campsite.

Consultations

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

The following consultation responses have been received:

Resident Comments:

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

- Increase in tourism in the area
- Economic boost to other local businesses
- Will have no detrimental impact on the outlook from nearby properties
- Will not result in an increase in on-street parking
- No increase in towed caravans due to nature of the proposal
- Any increase in traffic will not be notable - Silverhill Lane is used as a thoroughfare from the A38 to junction 29 of the M1
- Campsite is a first class, award winning facility – site is well managed

7x Letters of objection received from local residents in respect of the following:

- Increase in traffic and parking on Silverhill Lane
- Noise disturbance
- Odour disturbance
- Paddock currently serves as an area for dog walkers and families to play
- Environment, character and openness of the area tarnished
- No retail facilities nearby
- Wildlife known to frequent the site
- Impact on views from nearby properties
- No employment opportunities from the expansion

ADC Drainage:

No known drainage issues with the site. Further information required on the proposed sustainable drainage system.

Further details of drainage system provided by applicant. No further comments received or concerns raised.

ADC Environmental Health (Private Sector Enforcement):

The site in its current occupation is well managed and compliant, and no additional involvement has been necessary from the Private Sector Enforcement Team. The Mobile Caravan Standards should be considered. A variation to their current license will be required in planning permission is granted.

NCC Highways:

Have no objections to the proposal. The site already has an established access with no history of recorded collisions. The additional traffic created by the proposal is unlikely to result in a significant number of trips to/from the result, and will not result in an unacceptable risk to highway safety.

Nottinghamshire Wildlife Trust:

No comments to make on the application.

Environment Agency:

No comments to make on the application.

Natural England:

No comments to make on the application.

Policy

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

National Planning Policy Framework (NPPF) 2019:

Part 6 – Building a Strong, Competitive Economy

Part 8 – Promoting Healthy and Safe Communities

Part 9 – Promoting Sustainable Transport

Part 12 – Achieving Well Designed Places

Part 15 – Conserving and Enhancing the Natural Environment

Ashfield Local Plan Review (ALPR) 2002:

ST1 – Development

ST4 – Remainder of the District

EV2 – Countryside

EV8 – Trees and Woodland

Teversal, Stanton Hill and Skegby Neighbourhood Plan 2016

NP1 – Sustainable Development

NP4 – Protecting Landscape Character

NP6 – Improving Access to the Countryside

Relevant Planning History

V/2014/0525 – Replacement reception and site shop (A1) building – Conditional Consent 08/12/14

V/2013/0627 – Wood cabin to be used as a holiday let – Conditional Consent 17/01/14

V/2007/0943 – Part demolition, refurbishment and extension to provide amenity facilities – Conditional Consent 20/12/07

V/2003/0987 – Construct two chemical disposal points to replace existing; increase number of workers caravans; provide area for holiday homes (static caravans); remove limit on number of caravans allocated for winter seasonal use; construct new toilet block; construct new reception, office sales shop – Conditional Consent 27/11/03

V/2001/0834 – Children’s play area and log cabin reception/shop – Conditional Consent 17/01/02

V/2001/0645 – Extend area for caravans to be sited; extend summer season for touring caravans; allow winter season for touring caravans within extended Area 1; allow siting of warden and assistant warden caravans; change of use of conservatory to office/reception/shop – Conditional Consent 25/10/01

V/1998/0270 – Caravan site for touring caravans, motor homes and tents – Conditional Consent 02/07/98

Comment :

The application seeks consent to change the use of a parcel of land sited directly adjacent to the west of the site from a paddock to a caravan park, to act as an extension to the existing caravan park, known as The Campsite, Silverhill Lane, Teversal.

The existing caravan park comprises of a mix of touring and static caravans, plus a tent pitch area. The park is equipped with a warden's caravan, amenity buildings, a reception and campsite shop, in addition to a children's play area. The caravan park is served by a vehicular access from Silverhill Lane.

The extension to the caravan park proposes the erection of 31 static caravans, a small electricity kiosk, and associated landscaping. The proposed site extension will be accessed through the existing caravan park utilising the existing vehicular access.

All 31 of the static caravans will be sold to perspective buyers as second homes. The static homes at no point would be used as a main residence.

The main issues to consider in this application are the principle of development, and the impacts of the development on the character and appearance of the area, economic development, ecology, residential amenity and highway safety.

Principle of Development:

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

Policy EV2 of the ALPR 2002 restricts development in the countryside to defined appropriate forms of development, which amongst other matters, includes the provision of development for outdoor sport, outdoor recreational and tourism uses, provided that they are designed and located in a way which complements and does not adversely affect the character of the countryside.

Part 6 – Building a Strong Compleitive Economy of the NPPF 2019 seeks to create the conditions in which businesses can invest, expand and adapt, with reference also made to supporting a prosperous rural economy. In particular, paragraph 83 of the Framework states that planning decisions should enable sustainable rural tourism and leisure developments, which respect the character of the countryside.

Having regard to policy EV2 of the ALPR 2002, and paragraph 83 of the NPPF 2019, it is considered that the proposal is acceptable in principle.

Character and Appearance:

Concerns have been raised by local residents that the proposed extension to the caravan park will result in a detrimental impact upon the appearance, character and openness of the countryside.

The area surrounding the application site is undulating in nature, with the land levels rising to the north of the site, towards Silverhill Colliery, and to the South. The boundary treatment presently surrounding the application site is extensive, with mature tree planting to the eastern and southern boundaries, in addition to substantial hedge and shrub planting along the northern and western boundaries. The northern boundary also exhibits a 1m high mound adjacent to the public highway.

The static caravans proposed to be installed on the site will be approximately 4m in height, and will be laid out in an informal manner. To complement the existing boundary treatments, an extensive landscaping scheme is also proposed, which includes significant evergreen and deciduous tree and hedge planting along the northern and western boundaries of the site, where planting is presently less dense. In addition to this, a 1.8m high rush fence is proposed to be erected along the northern and western boundaries to reduce views of the site in the interim, whilst planting becomes established.

The site can be viewed from various public vantage points within the locality, and whilst some views of the site are possible, particularly from the trails at Silverhill Colliery, it is considered that following the establishment of the planting scheme, views of the caravan park from public vantage points will be limited.

A similar planting scheme has been established around the perimeter of the existing caravan park, which significantly reduces any views of the park from public vantage points, and reduces any visual intrusion on the countryside that may exist as a result of the use.

Policy NP4 of the Teversal, Stanton Hill and Skegby Neighbourhood Plan 2016, seeks to protect the landscape character of the area. The proposal will not have any impact on any of the plans identified green corridors. In addition, the scheme has been designed to mitigate against any impact that the development could have on the landscape character of the area.

The proposal will not give rise to a significant detrimental impact on the character or the setting of the countryside, in accordance with policy EV2 of the ALPR 2002, and NP4 of the Teversal, Stanton Hill and Skegby Neighbourhood Plan 2016.

Economic Development:

The expansion of the caravan park is considered to result in the sustainable growth of an existing rural business, helping to sustain and improve its economic viability, in accordance with paragraph 83 of the NPPF 2019.

Details submitted with the application identify that the site presently employs nine members of staff.

Static caravans typically require low levels of maintenance. As such, whilst the proposed development may only generate an additional one or two jobs within the local community, the development will ensure that the existing nine jobs are retained and safeguarded.

In addition to this, the increase in visitors to the area generated by the proposal is likely to lead to an economic boost to surrounding local businesses, as visitors utilise and spend money on local services and facilities, within the village of Fackley, and slight further afield in Stanton Hill and Sutton in Ashfield.

Ecology:

Due to the nature of the site, an Ecological Appraisal has been submitted as part of the application.

Concerns have been raised by local residents in respect of the impact on wildlife which is known to frequent the site. Of particular concern to residents is the impact that the development would have on a nearby badger sett, located outside of the application site.

The Ecological Appraisal acknowledges that Badgers are present within the vicinity of the site, with the southern site boundary being used as a shelter for Badgers at any given time of the year.

Taking this constraint into account, the scheme has been designed to include a minimum 20m protection radi around the Badger sett in line with guidance provided by Natural England, to ensure the sett remains undisturbed by the development both during construction and when in use. Furthermore the vegetation along the southern boundary of the site will remain in situ as part of the proposal.

Whilst other species have also been identified as possibly frequenting the site, the Ecological Appraisal outlines a series of recommendations to prevent the loss of ecology on the site. This includes the provision of bat boxes, bird boxes and the retainment of vegetation along the sites boundaries, in addition to further planting. Any approval of the application would include a condition requiring all the recommendations outlined in the Ecological Appraisal to be implemented.

Based on the information provided as part of the application, Natural England and Nottinghamshire Wildlife Trust have stated that they have no comments to make on the application.

Residential Amenity:

Concerns have been raised by local residents in respect of the impacts that the proposal will have on their amenity by increased noise and odour arising from the development. The increase in comings and goings to the site has also been raised as a concern.

The nearest residential property is located approximately 100m to the west of the application site.

Typically, the only odour arising from a caravan park use would be the smell of BBQs in the summer months. Due to the proximity of the nearest residential property to the application site, it is reasonable to assume that most odours will have significantly dissipated by the time they reach any nearby residential dwellings

Furthermore, the inclusion of the extensive planting along the sites western boundary will substantially help to reduce any noise transmission between the proposed development and residential properties to the west.

As such it is considered that the proposal will result in a limited impact on the amenity of nearby residents by way of disturbance from noise and odour.

Due to the nature of the caravan park in that the proposed static caravans will be sold off to perspective buyers as second homes, it is considered that the increased levels of comings and goings above what is presently experienced will be limited, as this type of operation will prevent the regular turnover of visitors associated with traditional caravan lettings.

Highway Safety:

Local residents have raised concerns in respect of increased traffic and parking along Silverhill Lane as a result of the proposal.

The Highways Authority have stated that they have no objections to the proposed development, as the development is unlikely to result in a significant number of trips to and from the site. The proposal as such is considered to not result in an unacceptable risk to highway safety.

In regards to parking, each of the static caravans will benefit from one parking space, with an additional five parking spaces spread across the site for any additional ad hoc parking. With all the proposed static caravans comprising of two bedrooms, it is reasonable to assume that any individuals/families occupying the caravans will arrive at the site in one car, reducing the likelihood of any on-street parking along Silverhill Lane arising from the development.

Conclusion :

The proposed development will allow the sustainable growth of an existing rural business, helping to sustain and improve its economic viability. Additional visitors

generated by the proposal will also likely result in a small economic boost to the local area, created by further spending as visitors utilise local services and facilities.

The site is not subject to any environmental constraints. The site benefits from existing mature boundary planting and significant additional planting is proposed, to reduce any visual intrusion the development may have on the surrounding landscape. As such, the proposal will not result in any significant impact on the character or appearance of the countryside in this location.

It is considered that due to the nature and design of the development, the proposal will have a limited impact upon ecology, the amenity of nearby residents or on highway safety.

Overall therefore, it is considered that the proposal accords with policies contained at both a local and national level, and as such, the application is recommended for approval, subject to the following conditions:

Recommendation: Grant Conditional Consent

CONDITIONS

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. The materials and finishes to be used for the external elevations and roof of the proposal shall match those detailed in the submitted application form.**
- 3. This permission shall be read in accordance with the following plans:**
 - Site Location Plan, Drawing No. 001, Received 15/02/19;**
 - Site Plan As Proposed, Drawing No. 101 Rev A, Received 15/04/19;**
 - Proposed Electricity Kiosk, Drawing No. 104, Received 15/02/19;**
 - Surface Water Drainage Plan, Drawing No. 105, Received 05/04/19.**

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

- 4. The hereby approved development shall be undertaken in accordance with the submitted Ecology Appraisal (received 15/02/19), and all mitigation recommendations complied with.**

5. The static caravans hereby permitted shall be occupied for holiday purposes only.
6. The static caravans hereby permitted shall not be occupied as a person's sole, or main place of residence.
7. The site owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home address, and shall make this information available at all reasonable times to the Local Authority.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure the satisfactory appearance of the development.
3. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
4. In the interest of protecting ecology.
5. To ensure the holiday accommodation is not used for unauthorised permanent residential occupation.
6. To ensure the holiday accommodation is not used for unauthorised permanent residential occupation.
7. To ensure the holiday accommodation is not used for unauthorised permanent residential occupation.

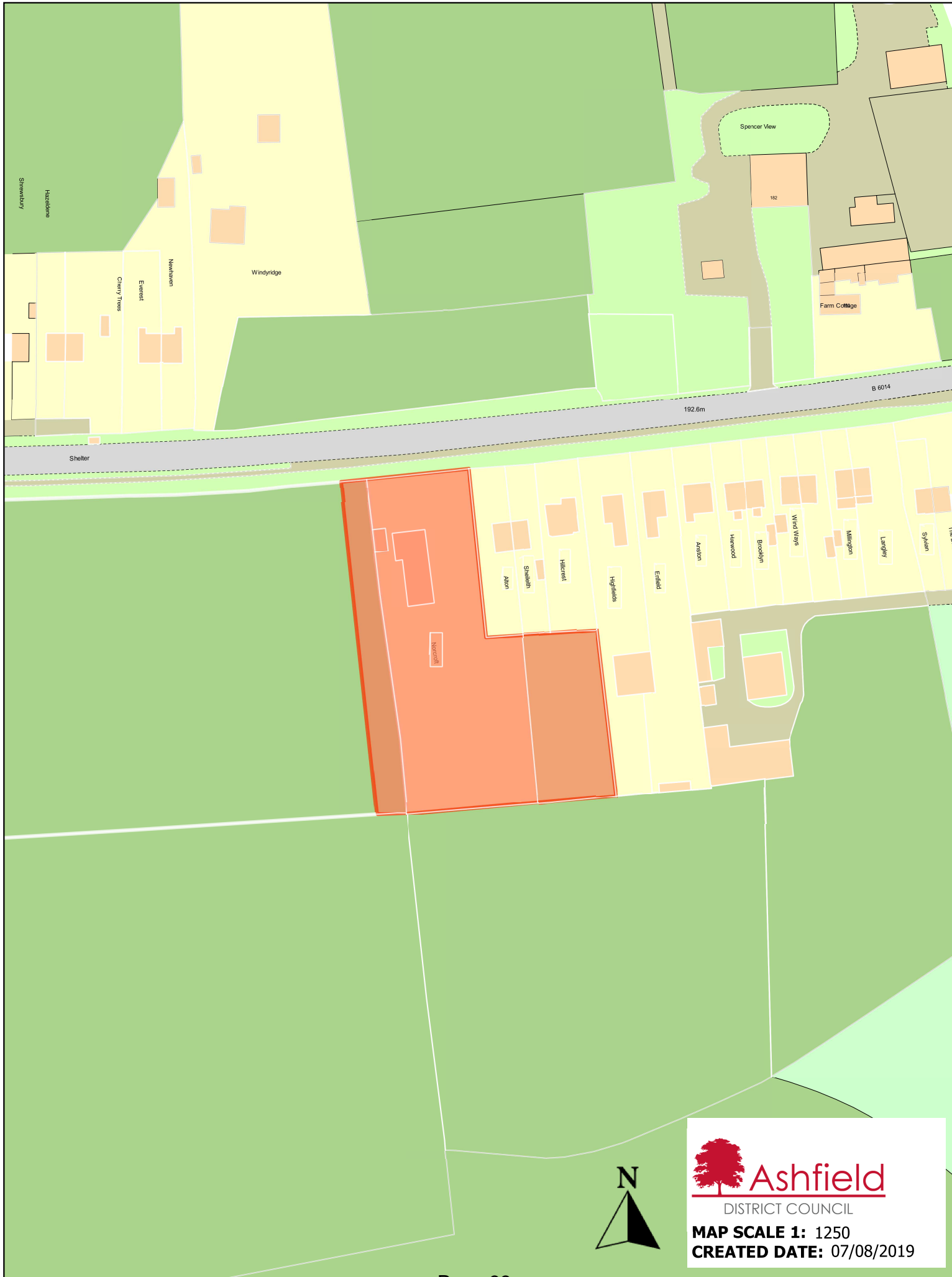
INFORMATIVE

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

themselves that drainage is managed in such a way as to prevent adverse impacts of neighbouring land. The council take no responsibility for incorrect information or interpretations made by the applicant or their representatives. The responsibility for the checking of the design, calculations and details remain with the developer, or agent acting on their behalf.

3. The site operator is strongly advised to contact the Council's Private Sector Enforcement Team at privatesectorenforcement@ashfield.gov.uk or on 01623 457345 to apply for any necessary variations to their existing caravan license.

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COMMITTEE DATE 28/08/2019 **WARD** Stanton Hill and Teversal

APP REF V/2019/0423

APPLICANT M Hollis

PROPOSAL Outline Application With All Matters Reserved For 5 Dwellings

LOCATION Norcroft, 211 Wild Hill, Teversal, Sutton in Ashfield,
Nottinghamshire, NG17 3JF

WEB-LINK <https://www.google.com/maps/@53.1436586,-1.3142293,330m/data=!3m1!1e3>

BACKGROUND PAPERS A, C, E, K

App Registered: 02/07/2019

Expiry Date: 26/08/2019

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

This application has been referred to as the applicant is related to an elected member of the Council.

The Application

This is an application seeking outline planning consent with all matters reserved for the erection of a maximum of five dwellings.

The application site comprises of the existing side and rear garden area of 211 Wild Hill, and additional land to the rear of 205 – 207 Wild Hill which is considered to not form part of the residential curtilage of 211 Wild Hill, and 7m (in width) of the adjacent paddock which is intended to be used as the site access.

Consultations

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

The following consultation responses have been received:

Resident Comments:

2x Letters of objection received from local residents in respect of the following:

- Wildlife present on site – bats, badgers and rabbits
- Mature trees will be removed
- Greenfield site
- Increased traffic on Wild Hill

- Overbearing impacts
- Overshadowing impacts
- Loss of privacy
- Overdevelopment of the site
- Neighbours have been told the application will be approved as the applicant has friends on the planning committee

Teversal Skegby and Stanton Hill Neighbourhood Forum:

Borderline whether this proposal meets the neighbourhood plan requirements. Intrusions into the countryside are not welcome but the proposal does include an infill plot. There are issues regarding sustainability in this location.

Ashfield District Council Environmental Health:

Due to the historic land use of the site, two contamination conditions would be required in relation to ground gases and gas protection measures.

Nottinghamshire Wildlife Trust:

No comments to make on the application.

Natural England:

No comments to make on application.

Policy

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

National Planning Policy Framework (NPPF) 2019:

- Part 5 – Delivering a Sufficient Supply of Homes
- Part 12 – Achieving Well Designed Places
- Part 15 – Conserving and Enhancing the Natural Environment

Ashfield Local Plan Review (ALPR) 2002:

- ST1 – Development
- ST4 – Remainder of the District
- EV2 – Countryside
- HG5 – New Residential Development

Teversal, Stanton Hill, and Skegby Neighbourhood Plan 2016:

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

Residential Design Guide SPD 2014

Residential Car Parking Standards SPD 2014

Relevant Planning History

V/2007/0708 – Outline for one dwelling between 209 and 211 Wild Hill – Conditional Consent

V/2010/0484 – Outline for one dwelling between 209 and 211 Wild Hill – Condition Consent

Comment:

The current application seeks outline planning consent with all matters reserved for the construction of a maximum of five dwellings.

As the indicative site layout plan indicates, four of the proposed dwellings could be sited on land to the rear of 205 – 211 Wild Hill, with one further dwelling situated between 209 and 211 Wild Hill.

The submitted application form states that the area proposed for development comprises of the garden land for 211 Wild Hill. However, part of the land to the rear of 205 – 207 Wild Hill is not within the domestic curtilage of a dwelling house, and instead is a fenced off parcel of overgrown land. The red line boundary also comprises part of an existing paddock to the west of the 211 Wild Hill.

The application site is located outside of the districts main urban areas or named settlements, in an area designated as countryside, as set out within policy ST4 and EV2 of the ALPR 2002.

There is however some limited residential development fronting along the road at Wild Hill to the east of the site, with domestic garages and agricultural buildings sited to the rear of these dwellings. Directly to the north, south and west of the site is open countryside comprising of fields and paddocks.

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

Principle of Development:

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

Policy EV2 of the ALPR 2002 restricts development in the countryside to defined appropriate forms of development. It also emphasises that development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness. Policy EV2 identifies various forms of development, which comprise of appropriate development in the countryside, and amongst the forms of appropriate development, EV2(g) identifies that infill development is acceptable if it

does not harm the scale and character of the area. The supporting text identifies that infilling may be acceptable within small settlements or hamlets, and that infill development will normally comprise of one or two dwellings within a small gap in the existing pattern of development.

In this respect, it is considered that the erection of one dwelling between 209 and 211 Wild Hill would be acceptable in this location. Such development was deemed to be acceptable on 2007 and 2010 but was never carried out.

Whilst outbuildings are apparent to the rear of properties to the east of the site, these buildings comprise of domestic ancillary garages and agricultural buildings, which are typical of a countryside setting.

It is considered that the development proposed to the rear of 205 – 211 Wild Hill does not constitute infill development, and instead, comprises of a form of inappropriate backland development which is out of keeping with the linear pattern of residential development along Wild Hill.

As such, the proposed development as a whole does not fall within the remit to be classed as appropriate development, as identified by policy EV2 of the ALPR, as it does not meet the requirements outlined in EV2(g).

As the Council cannot identify a five year housing land supply, in accordance with the NPPF 2019, the presumption in favour of sustainable development should apply.

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

Paragraph 170(b) of the NPPF 2019 makes clear that the countryside, although not designated and with no specific policy protection, nevertheless has worth in the planning balance, given that the countryside is said to have intrinsic character and beauty.

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

Given the location of the application site, the proposed development would result in the creation of new built form, which encroaches into the surrounding countryside setting. The proposal would subsequently give the impression of additional

urbanisation within the countryside, as it would result in the loss of undeveloped/paddock land which forms part of the verdant and open appearance of the area.

Part 5 of the NPPF 2019, Delivering a Sufficient Supply of Homes, sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated new homes should however be avoided in the countryside.

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

Part 9 of the NPPF 2019, Promoting Sustainable Transport, looks to maximise sustainable transport options but recognises that this will vary between urban and rural areas. However, given the location of the application site, any future occupiers of the proposed dwellings are likely to be highly dependent upon private transport to access the majority of services not available in the immediate vicinity of the site.

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

Whilst the proposal would make a small contribution to the supply of housing within the District, it is considered that the development in the proposed location would result in the construction of five isolated dwellings within the countryside, creating an urbanising impact on the appearance of the wider environment, and would result in the dependence on private transportation to access essential services. The proposal therefore does not amount to appropriate development in the countryside, and would be contrary to policy EV2 of the ALPR 2002 and policies contained within the NPPF 2019.

Character and Appearance:

Due to the nature of the development along Wild Hill, the siting of dwellings along the southern side of the highway presents a predominately linear pattern of development, with properties generally sited within similarly sized plots, measuring approximately 10-15m in width, and having a depth of approximately 45m. A handful of plots extend to approximately 90m in depth.

This pattern of development serves to create a pleasant, open character and a sense of spaciousness and a relief between residential dwellings.

The erection of four dwellings to the rear of 205 – 211 Wild Hill would therefore be significantly out of keeping with the prevailing pattern of development along Wild Hill, and as such would be harmful to the appearance and character of the immediate locality. The proposed plot sizes for the four dwellings to the rear of the existing residential development would also appear uncharacteristic when observed against the predominantly large and spacious residential plots found within the immediate vicinity of the application site. The proposal would as such appear incongruous with the surrounding character of the area.

In addition to the above, it is considered that approval of the application is likely to result in an urbanising appearance of the site, resulting in a detrimental impact upon the verdant appearance of the wider environment, due to the loss of existing paddock land, which forms part of the countryside character and facilitates the openness of the area.

Residential Amenity:

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

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

Highways:

No comments have been received from the Highways Authority in respect of the proposed development.

Four of the proposed dwellings would be served of a private drive which is located to the west of 211 Wild Hill. The driveway is indicated on the submitted plans as having an overall width of approximately 7m.

The plans indicate that the access could be of a sufficient width to allow two-way traffic at the access, and within the site, each property would be provided with off-street parking facilities. Sufficient space could also be made available to allow vehicles to turn within the site and egress in a forward direction.

It is further considered that adequate visibility could also likely be achieved at the access point off Wild Hill.

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 2019 sets out three overarching objectives to sustainable development – economic, social and environmental. These are considered in the context of the overall planning balance.

It is acknowledged that the proposal would provide a number of benefits, including support for small house builders and other economic benefits that would be generated during the construction of the dwellings and occupation thereafter. The proposal would also assist in providing a contribution towards the Districts housing supply, meeting one of the tenets of the social objective of sustainable development.

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

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

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

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

Recommendation: Outline Application Refusal

REASONS

- 1. The proposal represents an inappropriate form of development within the countryside and does not constitute sustainable rural development, due to its location. The location of the proposed development would lead to any future occupiers being dependent on the use of a private motor vehicle to access essential services. No special circumstances have been submitted to justify the proposal being acceptable. As such, the application is contrary to saved policy EV2 of the Ashfield Local Plan Review 2002, and conflicts with Paragraph 79 and Part 9 – Promoting Sustainable Transport of the National Planning Policy Framework 2019.**
- 2. The proposal represents an unsatisfactory form of development which is out of keeping with the predominant linear pattern of development within the immediate vicinity of the application site, and would result in the erosion of the prevailing sense of spaciousness, giving rise to an urbanising impact on the appearance of the countryside. The scheme is subsequently considered to have a detrimental impact upon the intrinsic character and appearance of the countryside in this location. The proposal is as such contrary to policy EV2 of the Ashfield Local Plan Review 2002 and Part 15 – Conserving and Enhancing the Natural Environment of the National Planning Policy Framework 2019. These policies state that development should not adversely affect the character, quality or amenity of the environment, and should respond to local character.**

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COMMITTEE DATE 28/08/2019 **WARD** Kingsway

APP REF V/2019/0248

APPLICANT Vallences Coaches

PROPOSAL Erection of Commercial Garage

LOCATION Winshaw Wells Farm, Derby Road, Kirkby in Ashfield,
Nottingham, NG17 7QQ

WEB-LINK <https://www.google.com/maps/@53.0906809,-1.2395152,17z>

BACKGROUND PAPERS A, B, C

App Registered: 12/04/2019

Expiry Date: 06/06/2019

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

This application has been referred to Planning Committee by Cllr. J Zadrozny on the grounds of highway and countryside implications.

The Application

This is an application for the erection of a commercial garage, the creation of new hard standing and the change of use of land at Winshaw Wells Farm for the storage of commercial vehicles. The applicant has confirmed they intend to use the site for coach storage.

This application seeks planning consent for the erection of a commercial garage measuring approximately 10m in width by 15m in length, and measuring just under 5.5m in total height. A new area of hard standing is also proposed to be constructed forward of the commercial garage, covering a floor area of approximately 850sqm.

The commercial garage and hard standing area is proposed to be used for the storage and repair of commercial coaches in association with the applicant's successful coach hire business, which presently operates from a site within Kirkby in Ashfield.

Consultations

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

The following consultation responses have been received:

Resident Comments:

1x Letter of objection received from a local resident in respect of the following:

- Increased noise
- Concerns over hours of operation
- Concerns regarding environmental impacts

ADC Planning Policy:

Consideration should be given as to whether the proposal meets any of the exceptions to development in the Green Belt, as set out within paragraphs 145 and 146 of the NPPF 2019. If not, the application must demonstrate that the factors individually or collectively carry sufficient weight so that benefits of the development must clearly outweigh the harm to the Green Belt so as to amount to very special circumstances.

NCC Highways:

The swept path analysis indicates that two-way traffic at the existing access is not possible. Any traffic leaving the site will prevent vehicles entering, resulting in the obstruction of the highway and the potential for accidents.

The swept path analysis also shows that vehicles will transgress into the opposing lane when turning left in and left out of the site, increasing the risk of vehicular conflict and road safety issues in this location.

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 6 – Building a Strong, Competitive Economy
- Part 9 – Promoting Sustainable Transport
- Part 12 – Achieving Well Designed Places
- Part 13 – Protecting Green Belt Land
- Part 15 – Conserving and Enhancing the Natural Environment

Ashfield Local Plan Review (ALPR) 2002:

- ST1 – Development
- ST4 – Remainder of the District
- EV1 – Green Belt

Relevant Planning History

V/2004/0606 – Change of Use from Farm Land to Domestic Garden – Refusal – 29/07/04

V/2004/1056 – Change of Use from Agricultural to Stables and Siting of Storage Container – Conditional Consent – 02/12/04

Comment:

The application site is rural in nature and appearance, and currently comprises of a two storey detached farmhouse and associated agricultural land and stable buildings. Whilst the red line site boundary includes the residential dwelling, the application description omits any residential use from the proposal.

The main issues to consider in this application are the principle of development, and the impacts of the development on the character and appearance of the area, residential amenity, highway safety and economic development.

Principle of Development:

The application site is located within an area designated as Green Belt as outlined within policy ST4 of the ALPR 2002. Under the provision of policy ST4, permission will only be granted for development appropriate to the Green Belt, as outlined in policy EV1 of the ALPR 2002.

This is also reiterated in paragraph 143 of the NPPF 2019, which makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The NPPF 2019 establishes that the construction of new buildings are inappropriate in the Green Belt unless they fall within exceptions detailed in paragraph 145 of the Framework. Policy EV1 of the ALPR 2002 broadly echoes this approach.

Based on the proposed development, it is considered that the proposal does not comply with the exceptions to new buildings in the Green Belt, as identified in paragraph 145 (sections a to f) of the Framework.

Paragraph 145 (g) does however identify that new buildings may be appropriate in the Green Belt if constructed on previously developed land. As outlined in Annex 2 of the NPPF 2019, whilst previously developed land does not consist of land that is or was last occupied by agriculture or forestry buildings, it does however stipulate that residential garden areas, outside the built up area, constitutes previously developed land.

Following a review of aerial photographs, it is considered that the area proposed for the commercial garage is located within the residential curtilage of the dwellinghouse at Winshaw Wells Farm.

As such, the erection of the commercial garage may constitute appropriate development in the Green Belt, but this is subject to the provision that that it would not have a greater impact on the openness of the Green Belt than the existing development.

At present, the area proposed for the erection of the garage building is very open in nature and the area surrounding the application site is distinctly verdant in character,

with clear views of the site from various public vantage points, including the A611 (Derby Road), Balls Lane, and the public footpath to the rear of properties on Greenacres to the west of the application site.

The erection of the commercial garage would result in a new mass of built form within the open landscape, resulting in a serious detrimental impact on the openness and character of the Green Belt in this location.

In respect of the hard standing, paragraph 146 of the Framework notes that certain other forms of development are not inappropriate in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. These include engineering operations and material changes in the use of land.

The proposed new hard surfaced areas within the site constitute an engineering operation and the use of land for the storage of commercial coaches represents a material change of use.

It is however considered that the storage of the coaches on the land will form a solid and conspicuously visible mass that draws the eye from the A611 which runs directly adjacent to the site to the east. From this location, it is evident that the storage of coaches would significantly reduce the openness of the Green Belt.

The Framework makes it clear that substantial weight should be given to any harm to the Green Belt. It advises that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has been requested to demonstrate what very special circumstances exist to substantiate the proposed development and the subsequent harm to the Green Belt arising from the proposal. The applicant/agent responded stating that:

- Winshaw Wells Farm has remained unsold for two years.
- The existing coach storage site is located in the middle of a residential area, and the relocation of the business would 'free up' land for residential development, and improve the quality of life for nearby residents.

Whilst valid points to raise, it is considered that they do not outweigh the substantial harm that the development will have on the openness and character of the Green Belt, particularly as the applicant has confirmed that no searches have been undertaken to find alternative sites located within the main urban areas, prior to this site being selected.

It should also be noted that based on evidence taken from the Employment Land Forecasting Study 2015 and the continued monitoring of employment sites, that there is a surplus of employment land allocations in Ashfield which could potentially provide appropriate facilities for the storage of coaches, and as such, it is not necessary for the proposed use to be sited on land within the Green Belt.

It is therefore concluded that the principle of the proposed development is not deemed acceptable, and fails to comply with the provisions of Part 13 – Protecting Green Belt Land of the NPPF 2019 and EV1 of the ALPR 2002.

Character and Appearance:

The area surrounding the application site is rural in nature and appearance, with agricultural fields and paddocks surrounding the site, which is typical of a countryside setting.

It is considered that the development site occupies a sensitive location within the countryside, due to its visibility from nearby public vantage points. When seen from the A611, the proposed development is likely to create a strong sense of urbanisation due to the erection of the large commercial garage and the storage of the coaches on the site, which would encroach into the surrounding landscape, appearing harsh and abrupt when viewed within the immediate surrounding locality.

The stark appearance of the commercial garage building and coaches on the site will markedly contrast with the softer green landscape to the north and east, which will visually accentuate the development as a discordant feature.

A new conifer hedge is proposed to be planted along the sites boundary. Whilst it is acknowledged this hedge may provide some level of screening once established, a conifer hedge is however not native to the landscape and would amount to an inappropriate species for this countryside location. Views of the garage building and coaches will still be visible from the A611 and from Balls Lane.

As such, it is considered that the construction of the garage building and the storage of coaches on the site will be visually disruptive and an unwelcome addition to the local area, to the detriment of the character and appearance of the surrounding locality.

Residential Amenity:

Concerns have been raised by a local resident in respect of the noise and disturbance that would be experienced by local residents if the application was granted consent.

Whilst vehicle repair work would be undertaken at the application site, it is acknowledged that the nearest residential property is sited over 130m from the application site. It is therefore considered that any noise and disturbance from such activities would be negligible.

Furthermore, the applicant has confirmed that the business typically operates during school hours. With this in mind, and the fact that access would be gained from the A611, it is further considered that disturbances from comings and goings associated with the use would be limited.

Highway Safety:

Plans submitted with the application show that access to the commercial garage and hardstanding area would be taken from the A611 (Derby Road) using the existing access which serves the dwelling on site. The site access is approximately 8m in width and takes a sharp 90° turn in a southerly direction 6m in to the site; the access driveway at this point is approximately 5m in width.

The applicants coach hire business has a varying fleet of vehicles. The applicant has confirmed that a total of six vehicles will operate from the site. These vehicles vary in size from 10m in length to 13m in length.

The A611 is a busy strategic route, carrying on average in excess of 19,000 vehicles per day. This particular stretch of Derby Road was the subject of an Accident Remedial Scheme which was implemented in 2018 and involved the reduction of the speed limit to 50mph to address the accidents occurring along this stretch of road. However, half of the accidents that occurred in 2018 along this stretch of road, occurred after the scheme was implemented, suggesting that the A611 remains a safety concern.

Concerns are raised that the existing access arrangement is substandard in nature to allow the largest of coaches to successfully manoeuvre at the access point, without obstructing the adjacent A611, nor is it of a sufficient width to allow two coaches to pass one another without impeding the free flow of traffic along the A611.

A swept path analysis has been submitted to try substantiate that the existing access is suitable for the proposed development.

The Highways Authority have confirmed that the swept path analysis indicates that two-way traffic is not possible at the existing access point. This will mean that any traffic leaving the site will prevent other vehicles from entering, resulting in vehicles waiting in a stationary position on the A611 obstructing the free flow of traffic, and leading to a number of potential accident types.

It is further confirmed that the swept path analysis also demonstrates that vehicles will have to transgress into the opposing lane when turning left in and left out of the site, giving rise to a further risk of conflict in this location and increased road safety issues.

It is therefore considered that the access proposed to serve the commercial use is substandard in nature and the approval of this application would result in the

disruption to the free flow of traffic along the A611, leading to a severe and unacceptable impact on the transport network and highway safety in this location.

Economic Development:

Part 6 – Building a Strong, Competitive Economy of the NPPF 2019, sets out the importance of economic growth, setting out the significant weight that should be placed upon the need to support such growth.

Whilst paragraphs 83 and 84 of the Framework seek to support business development and growth within rural areas, to create jobs and prosperity, it is considered that any argument relating to this provision would not be valid.

In coming to this view, it is considered that the use of the application site for the construction of a commercial garage and storage of coaches does not meet the requirements contained within paragraph 83 of the Framework. Further to this, the applicant does not run a business in a rural area, which has a need to expand, and as such, paragraph 84 would also not be applicable in these circumstances.

Although requested, no evidence has been provided to substantiate the need for this particular rural location, including details of what previous searches the applicant has undertaken on existing employment allocations to meet their requirements, nor has evidence been provided that the use of the site would provide rural employment opportunities.

It is accepted that the current location of the business is in a residential area with difficult access arrangement, and the site could be redeveloped if the business moved, but there are no compelling reasons to support a move and the construction of a large commercial building in a Green Belt location.

Conclusion:

The NPPF 2019 sets out the three overarching objectives of sustainable development – economic, social and environmental. These are considered in the context of the overall planning balance.

No evidence has been provided as part of the application to demonstrate that the proposal will lead to the growth and expansion of the applicants coach hire business, nor will it leads to the creation of new jobs.

Access to the site will be taken from the A611 via the existing site access. Concerns are raised that the existing access arrangement is substandard in nature to allow for safe manoeuvring of coaches at the access point, and to allow two coaches to pass one another, resulting in the likely impediment to the free flow of traffic along the A611 and subsequent highway safety implications.

Furthermore, the area surrounding the application site is rural in nature and appearance, and is typical of a countryside setting. The proposal will result in a

discordant feature within the landscape, therefore resulting in a severe detrimental impact on the visual amenity of the surrounding locality. The proposed scheme will also give rise to significant harm on the openness of the Green Belt caused by the inappropriateness of the development. In addition to this, there are no considerations sufficient to clearly outweigh the harm to the Green Belt, therefore there are no very special circumstances to justify this proposal.

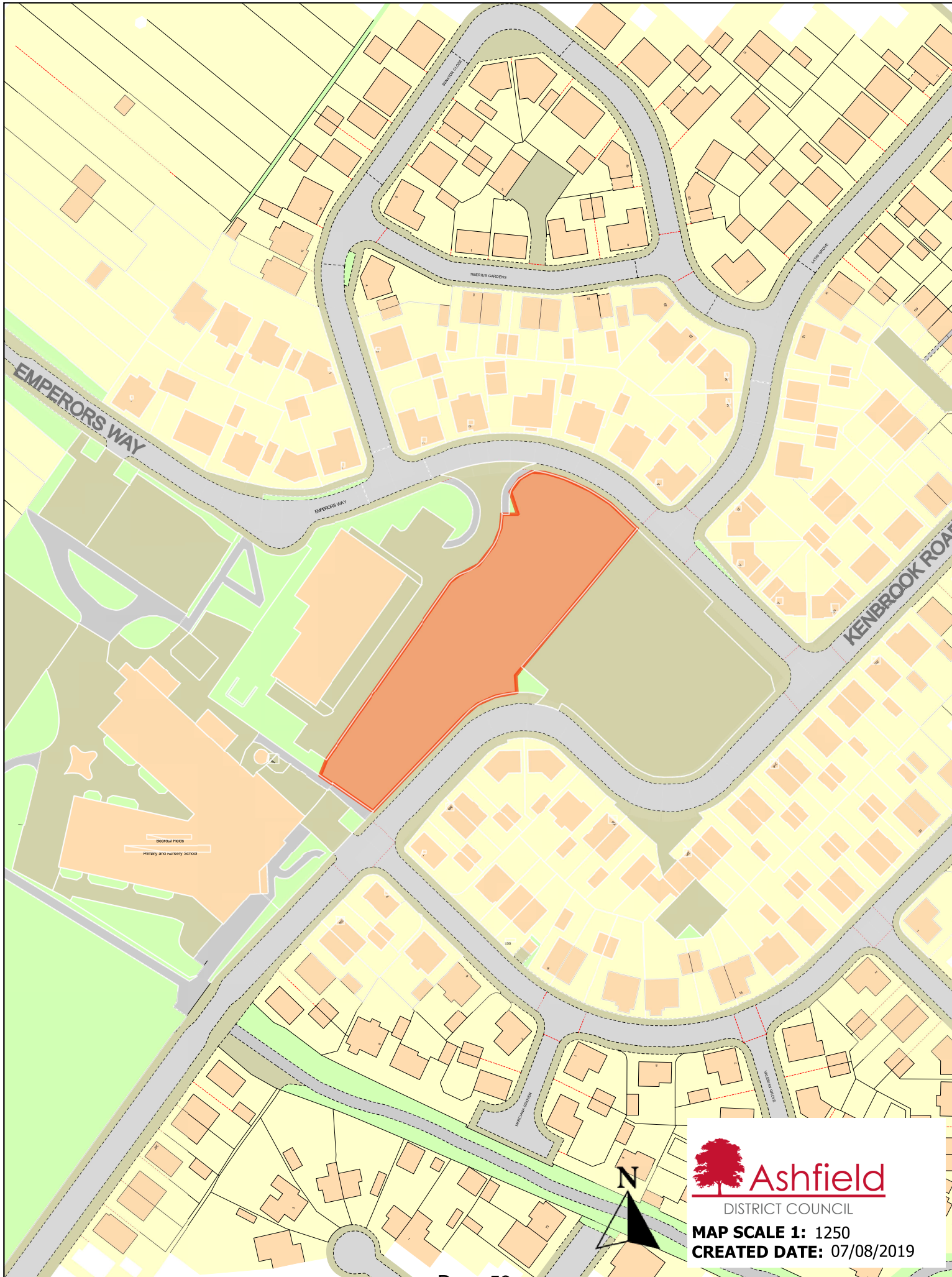
For these reasons, the proposal is considered unacceptable and refusal is therefore recommended for this application.

Recommendation: Refusal

REASONS

- 1. The proposal represents an inappropriate form of development in the Green Belt, for which a clear and convincing justification has not been provided. The proposal, through the construction of a commercial garage and use of the site for coach storage, would result in an urbanising, solid and conspicuous mass giving rise to significant harm on the openness of the Green belt, and resulting in a detrimental impact upon the intrinsic character and appearance of the countryside in this location. The proposal is as such contrary to Part 12 – Achieving Well Designed Places and Part 13 – Protecting Green Belt Land of the National Planning Policy Framework 2019. These policies state that development should not adversely affect the character, quality or amenity of the environment, and seek to only permit appropriate development in the Green Belt, which is located and designed so as not to adversely affect the purposes of the Green Belt and its openness. The proposal is also considered to conflict with policies ST1 (b) and EV1 of the Ashfield Local Plan Review 2002.**
- 2. The proposed development will lead to the intensification of the site access, which is considered to be of an insufficient width and dimension to allow for the safe manoeuvrability of coaches and the accommodation of 2-way coach traffic, subsequently reducing the free flow of traffic on the adjacent highway through the increase in vehicles slowing down/stopping to access the site, to the detriment of highway safety. The proposal is therefore contrary to Part 9 – Promoting Sustainable Transport of the National Planning Policy Framework 2019, which seeks to approve safe and suitable access to sites for all users. The proposal would also be in conflict with policy ST1 (c) of the Ashfield Local Plan Review 2002.**

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Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 07/08/2019

COMMITTEE DATE 28th August 2019 **WARD** Hucknall North

APP REF V/2018/0744

APPLICANT C Hewitt - Nottingham Community Housing Association

PROPOSAL 14 Two Storey Dwellings with Associated Parking and Landscaping

LOCATION Land Off, Emperors Way, Hucknall, Nottingham, NG15 8GG

WEB LINK <https://www.google.co.uk/maps/place/Emperors+Way,+Hucknall,+Nottingham/@53.0423542,-1.1937583,17z/data=!3m1!4b1!4m5!3m4!1s0x4879bff82b0ad38b:0x3007db380a2e7932!8m2!3d53.0423542!4d-1.1915696>

BACKGROUND PAPERS A; B; C; D; E; F; K.

App Registered 27/11/2018

Expiry Date 26/02/2019

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

This application has been referred to Planning Committee by Councillor Wilmott due to concerns surrounding overdevelopment.

The Application

The application seeks full planning permission to construct 14 affordable dwellings, comprising a mix of 2 and 3 bed houses. The scheme was amended during the course of the application and reduced from 15 to 14 dwellings. It comprises 10 houses for Shared-Ownership and 4 houses for Affordable Rent.

Shared ownership dwellings work by offering first-time buyers the opportunity to buy a share of between 25% and 75% and then pay rent on the remaining share. Affordable Rent properties involve renting a newly built home at approximately 20% below the market rate.

Background

Outline Planning Permission for the wider Papplewick Lane development granted approval for residential development, a primary school, community facilities, open space, sports pitches and associated landscaping under planning reference V/2004/0356. The application site is located within the wider residential development, but has no detailed consent.

Condition 4 of the outline consent required an overarching 'Masterplan' to be agreed for the development. Within the Masterplan, it was indicated that the application site and neighbouring land would come forward to deliver community facilities.

The Council envisaged that community facilities would be positioned adjacent to the newly formed urban square, in order to enhance connectivity and create a sense of place. An application for the retail scheme was refused on the basis that the proposal did not utilise opportunities to enhance connectivity with the urban square (V/2014/0595). This was originally a hybrid application and included an outline application for residential development adjacent to the square; however, the residential element was withdrawn during the application process. Ultimately, the appeal for the retail units was allowed. The retail element has now been constructed, leaving this parcel of land between the shops and urban square.

A subsequent hybrid application was made for 12 dwellings and a retail element (Ref: V/2015/0357); however, this application was never determined by the Authority, because it did not contain sufficient detail.

Consultations

A site notice and press notice have been posted, together with individual notification of surrounding residents on 3 separate occasions.

Nottinghamshire County Council Policy

No objections are raised. Standing advice has been provided in respect of Ecological matters.

Nottinghamshire County Council Education

Primary

The development is located in the Hucknall Primary Planning Area and would generate 3 places. Based on current projections, there is insufficient capacity to accommodate the pupils generated by this development. As a result, the County Council are seeking a contribution of £50,076 (3 places x £16,892 per place).

Secondary

The development is located in the catchments of Holgate Academy and National Academy and would generate 2 places. Based on current projections, there is insufficient capacity to accommodate the pupils generated. Therefore, the County Council are seeking a secondary contribution of £45,040 (2 places x £22,520 per place).

Local Lead Flood Authority

Have raised no objections to the development, subject to a planning condition.

Severn Trent Water

Raise no objections and advise that the any connection into the public sewer for foul and surface water will require the necessary approvals.

Nottinghamshire County Council Highways Authority

No objections have been raised by the Highways Authority, although they have requested a number of conditions relating to visibility splays, the erection of bollards and street lighting.

Clinical Commissioning Group

As this planning application is for less than 25 dwellings, no health contributions will be required.

Local Community

1st Round

Following an initial round of consultation with residents a total of 47 letters were received from 41 individual households/residents. The contents of these are summarised below:

Highways Safety Issues

- The road is already congested being located adjacent to the school and shops.
- People already double park in the area, with parking a major issue at school opening and closing times.
- The increased traffic could result in accidents and harm the safety of children and parents.
- Construction traffic could result in accidents.
- The proposed link road could lead to safety issues and is likely to be parked with cars.
- The parking spaces are too small to accommodate larger vehicles, or disabled persons.
- The proposed vehicular access for the housing is inappropriate.
- The residents are likely to park on the roads, rather than the spaces allocated and create safety issues.
- Access to and from the estates at peak times is problematic
- Problems with signage at the retail unit already nearly resulting in accidents.

Character and Appearance

- The high density housing results in an overdevelopment of the site.
- The proposals being out of character with the surrounding area.
- The proposal will undermine the creation of high quality built environment.
- The proposed boundary treatments are out of keeping with the area.
- The architectural character and style of the dwellings is out of keeping with those across the estate.
- Lack of meaningful landscaping.

Residential Amenity

- Antisocial behaviour issues
- Increased noise
- Already had years of construction disruption, do not want more. Problems with noise, dust, mud etc.

Other Issues

- The land would be better used for a G.P. surgery, restaurant, or other facilities.
- A previous application was rejected for 12 dwellings, so this would be inappropriate.
- Lack of detail on what the affordable units actually comprise of.
- Loss of green space.
- The proposal would undermine usage of the adjacent urban square.
- Impact on house prices.
- Other developments should take more affordable housing.
- Flooding issues.
- The mix of properties is unacceptable with the majority of surrounding dwellings being 3,4 and 5 bed.
- The proposal should take place on a brownfield site.
- Impact on infrastructure - problems getting a doctor's appointment and schools being oversubscribed.
- Administrative issues, including concerns over the site notice and unable to access plans on the website.

2nd Round

The site layout was amended and a further round of consultation took place with residents. A total of 25 letters were received from 22 households. Their comments are summarised below:

Highways Safety

- Heavy traffic during school drop off/pick up times and around the Co-op.
- The parking provision is inadequate, with no visitor parking.

- Double yellow lines are proposed adjacent to the development meaning visitors will have to park further away.
- The shared pathway is dangerous, with insufficient visibility.
- Existing signage is poor around the co-op.
- Construction traffic adjacent to the school is dangerous.

Character and Appearance

- The rear parking area will attract vandalism and shows no lighting.
- The boundary treatment, site layout, appearance and density is out of keeping with others across the estate.

Residential Amenity

- Small garden sizes for proposed the dwellings.
- Overlooking to adjacent dwellings (23 Emperors Way).

Other Issues

- Social housing in this location is inappropriate and could result in increased antisocial behavior.
- Air pollution from increase in cars.
- Insufficient infrastructure within Hucknall to support the development (G.P. Schools
- The land should remain as open space for wildlife.
- Work still to be done to bring the estate up to adoptable standards.
- The site was originally earmarked for doctor's surgery not residential housing. Existing residents feel misled.
- Administrative concerns including concerns over the site notice and issues with plans on the website.
- Residents were not re-consulted straight away on the amended plans.
- The land has drainage issues and further building will worsen the situation.
- The development being contrary to Circular 6/98, Planning Affordable Housing. It is high density, stand alone and will not promote social cohesion.
- Previous applications have been refused.
- The application will need to be accompanied by a Section 106 agreement.
- Loss of property value.
- Non-adoption of the existing roads and fields.
- Contravention of CDM Regulations and Health and Safety Regulations.

3rd Round

Following the reduction in housing numbers to 14, a further round of consultation was undertaken with residents an additional 6 responses being received from 5 households, substantially raising the same issues as outlined within the previous rounds of consultation.

Revised plot types and 3D images were submitted subsequent to the receipt of the amended layout; however, as the changes involved were only minor, it was not felt necessary to undertake a fourth round of consultation with residents.

Policy

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

Ashfield LP Review 2002 – Saved Policies

- ST1: Development.
- ST2: Main Urban Areas.
- ST4: Remainder of the District.
- TR6: Developer contributions to transport improvements
- HG3: Housing density.
- HG4: Affordable Housing
- HG5: New residential development.
- HG6: Open space in residential developments.
- RC8: Recreational routes.
- EV2: Countryside.
- EV8: Trees and woodlands.

National Planning Policy Framework (NPPF) policies relevant to the application are:

- The Presumption in favor of 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 14: Meeting the challenge of climate change, flooding and coastal change
- Part 15: Conserving and enhancing the natural environment

Guidance

- Ashfield Affordable housing SPD 2009
- Ashfield Residential Design SPD 2014
- Ashfield Residential Car Parking Standards SPD 2014.
- Nottinghamshire County Council - The 6 C's Design Guide

Relevant Planning History

The site has a long and convoluted planning history, the key applications considered relevant for this application are set out below:

V/2004/0356 - Proposal: Residential Development, Construction of Means of Access, Land for new Primary School & Community Facilities. Outline Consent. 21/12/2005.

V/2007/0518 - Reserved Matters Application (in pursuance of 2006/0146) for 799 Dwellings and Associated Works. RM Consent. 16th August 2007

V/2014/0595 - Full Planning Consent for the Erection of 1 no. Unit for Retail (A1) and 2 no. Buildings for Flexible Use within A1-A5 and 1 no. Building for Flexible Use within Use Classes A1-A3. Appeal Allowed.

V/2015/0357 - A Hybrid Application Seeking Outline Planning Application for Up to 12 Dwellings on Part of the Site and Full Planning Permission on the Remainder of the Site for the Following Development: 1 no. Building Class A1 Convenience Store; 2 no. Buildings for Flexible Permission to be used for any Purpose Falling Within Class A1-A5 of the UCO; 1 no. Building for the Flexible Permission to be used for any Purpose Falling Within Class A1-A3 of the UCO. Not Determined.

The Site

The application site is located within the main urban area of Hucknall and forms part of a wider residential development formed off Papplewick Lane. The application site is bounded by newly built retail units to the north, beyond which sits a primary school. Residential development is found to the east of the site on Kenbrook Road. To the south of the site sits the newly formed urban square.

ASSESSMENT

In the determination of this application, the main considerations are as follows:

- The principle
- Character and appearance of the area
- Residential Amenity
- Highway Safety.
- Developer Contributions and Section 106 Requirements.
- Viability
- Other Issues.
- Planning Balance

The Principle

The application site is located within a proposed housing allocation (HG1) within the Ashfield Local Plan Review (2002). The general principle of residential development is therefore acceptable at this site.

Character and Appearance of the Area

Part 12 of the NPPF sets out that the Government attaches great importance to achieving well-designed places. Paragraph 124 identifies that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards, or style guides in plans, or supplementary planning documents.

A key element to the scheme is the provision of link for pedestrians and cyclist between the urban square and retail facilities. The proposal provides a 4.8m wide road, bounded by a single 3m wide footpath/cycle way to the north and a 0.6m pavement to the south. It would continue along the existing footway/cycle route from the adjacent square. The road would be used as a private drive serving plots 5-13. There are some concerns that this could lead to conflict between residents and people potentially parking here for the retail element. However, bollards are to be used to dissuade parking on the road. A footpath and cycle way has been provided, which is well overlooked and provides a link for residents across the estate.

The layout has been arranged so that dwellings would overlook the adjacent urban square, with an active frontage being provided onto the link road, and to the west along Emperors Way. A rear parking court is located to the rear of plots 8 – 11 and separated from the adjacent retail units via a brick wall. Consequently, this is afforded low levels of natural surveillance; however, the overall arrangement, which provides dwellings fronting onto key vantage points and a link to the shops is, on balance, considered to be acceptable

Design

The surrounding residential development is of a modern character and contains some variation in its design and materials. The dwellings proposed are of a red brick construction and sit two storeys in height. The design has been improved throughout the process, with brick cills and render now used on some of the dwellings. The design is now considered to be in keeping with properties across the estate.

Concerns have been raised about the boundary treatments being incongruous. A wall - with timber panels - will separate the rear parking court from the adjacent retail unit, the railings adjacent to the urban square will be retained and the gardens have close boarded timber fence panels. These are typical of surrounding properties in the area and would not appear out of character.

Residential Amenity

Existing Residents

Policies ST1 and HG5 of the Ashfield Local Plan Review (2002) seek, amongst other matters, to ensure the neighbouring amenities of residents is protected. There are a number of properties, which sit opposite the site on Emperors Way. The relationships' have been assessed and are considered to be acceptable. Plots 11 and 12 would be located approximately 13.6m from No.23 Emperors Way. This does fall short of the 21m between principle elevations as set out in the Councils Residential Design Guide SPD; however, it is consistent with other front-to-front separation distances throughout the estate. The road and pavement would separate these dwellings, and this is considered sufficient to ensure that there would not be any undue overlooking, or overbearing impacts. The angle and separation distance of No. 21 Emperors Way to plots 11 and 12 also ensures there would be no harm to the residents living conditions.

The relationship between plot 14 and No.17 Emperors Way is also considered to be acceptable. Plot 14 does sit at a higher level than the road (approx. 0.5m), however the separate distance and angle ensures there would be no overshadowing, overbearing or overlooking concerns.

A number of residents have raised concerns surrounding disruption during the construction phase of the development. To overcome this issue, it is recommended that a construction management plan is provided through a planning condition. This will seek to reduce issues such as obstructive parking, noise, mud on the road, dust and to take into account of school time.

Future Residents

The houses and gardens are proposed to be laid out to ensure sufficient privacy and outlook, with the garden sizes complying with the Councils Residential Design Guide SPD (2014). The properties would therefore provide a high standard of living for future residents.

Highways Safety

The application has been subject to much discussion with the Highways Authority, with the number of dwellings being reduced from 15 to 14, mainly due to a requirement to provide adequate parking provision.

A number of residents have voiced concerns surrounding highway safety; of specific concern is the location of the site in close proximity to the nearby school/retail and issues surrounding congestion and parking problems. The proposal would provide parking in accordance with the Councils Residential Car Parking SPD (2014), with the parking spaces of sufficient size to accommodate vehicles. The plan also shows the provision of bollards directly outside plot 14 to discourage sporadic parking along

Emperors Way. In view of the above, the proposal is unlikely to lead to unacceptably high instances of on street parking - that would be of detriment to highways safety.

Issues have been raised that the pedestrian and cycle link through the development could be a danger to pedestrians. The Highways Authority have raised no objection to the link and it's likely that any cars would only be travelling at low speeds given the nature of the highway. Bollards have also been provided and these would, again, discourage residents from parking along the private drive and obstructing vehicles and pedestrians.

There would be an increase in construction traffic associated with the proposed development. However, a construction management plan governing contractor parking and likely movements would assist in reducing the potential for problem parking.

There would be sufficient pedestrian and vehicular visibility at the access points and the addition of 14 dwellings, when taking into account the wider estate, would not result in any capacity issues. The Highways Authority, have raised no objections to the development, subject to conditions. On this basis, it is considered that the development would not lead to an unacceptable impact on highways safety.

Drainage and Flooding

Concerns have been raised regarding flooding and adequate drainage. The applicant has submitted a drainage strategy and drainage plans for the site. Following the submission of this information, the Local Lead Flood Authority have raised no objections. The land is located within flood zone 1 (lowest risk of flooding); and on the basis of the submitted technical information, it is considered that development itself would not be at risk of flooding, nor would there be an increased risk of flooding to surrounding properties.

Developer Contributions and Section 106 Requirements

Education

NCC's approach to planning obligations is set out in its Planning Obligations Strategy (updated 13 May 2019) and in relation to education reflects the Department for Education ("DfT") Guidance: "Securing Developer Contributions for Education" (April 2019).

NCC Education have identified a deficit in both primary and secondary education provision. A contribution of £50,076 has been sought for primary provision and £45,040 for secondary provision. National Planning Policy Framework ("NPPF") demonstrates the importance of education provision. A recent planning appeal decision (APP/N3020/W/19/3222859) also demonstrates that NCC's approach to education contributions is CIL compliant.

Public Open Space

Policy HG6 of the Ashfield Local Plan (2002) specifies that residential development on sites of less than two hectares and more than five dwellings, the amount of open space required will be assessed by taking into account the type of housing proposed and the extent of, and accessibility of the site to existing open space in the locality.

Health

The Clinical Commissioning Group have advised that contributions will not be sought for the development, as it falls under their threshold of 25 units.

Affordable Housing

The application will provide a 100% affordable housing scheme and meet with the requirements of the NPPF.

Viability

The application has been supported by a Viability Appraisal. This has been assessed by an independent expert. The independent appraisal shows that a contribution of £55,862 could be achieved from 14 dwellings. The main differences between the independent appraisal and that of the applicant are build costs and the benchmark land value. The applicant has agreed to make the contribution and this will be used towards education provision.

The contribution does fall short of the £95,116 requested by NCC towards education. However, the level of contribution offered is considered to be reasonable, when taking into account the viability information and a recent appeal decision in Gedling (APP/N3020/W/19/3222859), where viability was a significant concern and the Inspector concluded that a reduced contribution would still serve a useful purpose. Moreover, the scheme would also provide 14 affordable units, in a highly accessible location. On balance, the level of contribution proposed is considered to be acceptable.

Other Issues

Affordable Housing

The provision of affordable homes has raised concerns, by some residents, over issues of anti-social and social cohesion. The Councils Affordable Housing SPD (paragraph 6.4) identifies that affordable dwellings should be distributed in an appropriate manner within any development and should avoid an over-concentration

of affordable dwellings in one part of the site, i.e. it should be 'pepper-potted' throughout the development and be indistinguishable from the market housing.

The homes provided are a high quality new build and will be a mix of shared ownership and rent-to-buy. The design is in-keeping with those across the estate and appearance wise they would be indistinguishable. There is nothing inherent within the provision of affordable homes to suggest that future occupiers would result in problems with antisocial behaviour. In view of the above, it is considered that the 14 affordable dwellings would not give rise to issues associated with social cohesion, or anti-social behaviour.

Additional points have been made that other developments should take more affordable housing; however, this holds no relevance to this application.

Density and Overdevelopment

Concerns have been raised surrounding the scheme being overdevelopment of the land. The minimum parking requirements and garden sizes have been met. This also includes the use of oversized car parking spaces, to allow for opening of car doors.

The density sits at 46 dwellings per hectare, which achieves the minimum requirements of 30 dwelling per hectare set out in Local Plan. A higher density scheme is considered to be acceptable in this particular location - adjacent to the retail element and Urban Square.

Provision of Facilities

It has been suggested that the land would be better used for a G.P surgery, restaurant or other facilities. The application site is located within an area indicated as a Local Centre within the Masterplan, which accompanied the Outline Application. The original Development Brief, envisaged the local centre site to be suitable for such uses as a local convenience store or news shop; public house, doctor's surgery, crèche etc. It also recognised residential might be included in the mix of uses and that a degree of flexibility would be required should elements prove hard to let. It was therefore envisaged that area could potentially come forward with residential.

Paragraph 130 of the NPPF sets out that 'Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme'. To some extent, the provision of housing would diminish the aspirations of the original Masterplan, given this area was shown for community facilities. However, the residential use is considered to be acceptable bearing in mind the previous appeal decision, which granted approval for the retail element. The Council's 5-year land supply position and the accessible location of the site.

Loss of Green Space

The area of land was always intended for built form not green space within the original masterplan. The green space for the wider development has already been provided elsewhere.

House Prices

A number of residents have concerns over house prices; however, this is not a material planning consideration.

Air Pollution

The application site is not subject to any Air Quality Management Directives and the increased in car usage as a result of 14 dwellings would be considered to have a negligible impact on air quality, when taking into account the location of the proposal and surrounding development.

Contravention of Regulations.

A resident has voiced concern that the development would breach Health and Safety Regulations, however the relevance of this legislation would be at the construction phase of the development and would be the job of any contractors to ensure standards are met.

Ecology

The site is of low Ecological Value and an Ecological Report is considered to be unnecessary to support the application. A condition is, however, recommended for a scheme of bird boxes to be included in the development.

Planning Balance:

The NPPF states that proposals should be considered in the context of the presumption of sustainable development, which is defined by economic, social and environmental dimensions and the interrelated roles they perform.

In social terms, the scheme would deliver 14 affordable dwellings. The Council cannot currently demonstrate a 5-year land supply and the provision of new affordable units carries significant weight in the determination of this planning application. There have been concerns raised that the provision of affordable units would impact on social cohesion at this location and increased instances of anti-social behavior, however there is no evidence to show this would be case.

A number of residents have also voiced concerns surrounding the impact on infrastructure. The Clinical Commissioning Group, have not requested any

contribution, as the development falls below their threshold of 25 dwellings. The submitted viability information shows the scheme could support a contribution of £55,862. This results in a shortfall in terms of the required infrastructure contributions towards education. However, this reduced contribution is considered to be acceptable when taking into account the viability information and benefits of the scheme providing 14 affordable units.

In economic terms, the Government has made clear its view that house building plays an important role in promoting economic growth. The scheme would provide economic benefits during the construction phase and in the longer term it would result in increased expenditure in the local economy. There would also be further benefits arising from increased Council Tax receipts and New Homes Bonus (NHB). These carry modest weight in favour of granting planning permission.

There have also been concerns raised over the development affecting the environment from a highways safety perspective, however, the Highways Authority have not objected to the development.

Overall, it is considered that the harms arising from the development do not significantly and demonstrably outweigh the benefits. Therefore, the proposals would be compliant with the NPPF when considered as a whole and amount to sustainable development

Recommendation: - **Approve, subject to Section 106 agreement and conditions.**

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 latest revisions of the plans shown on the drawing register (Job No.2374) received via email on the 13th August 2019.
3. Prior to the commencement of development, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority, this should include:

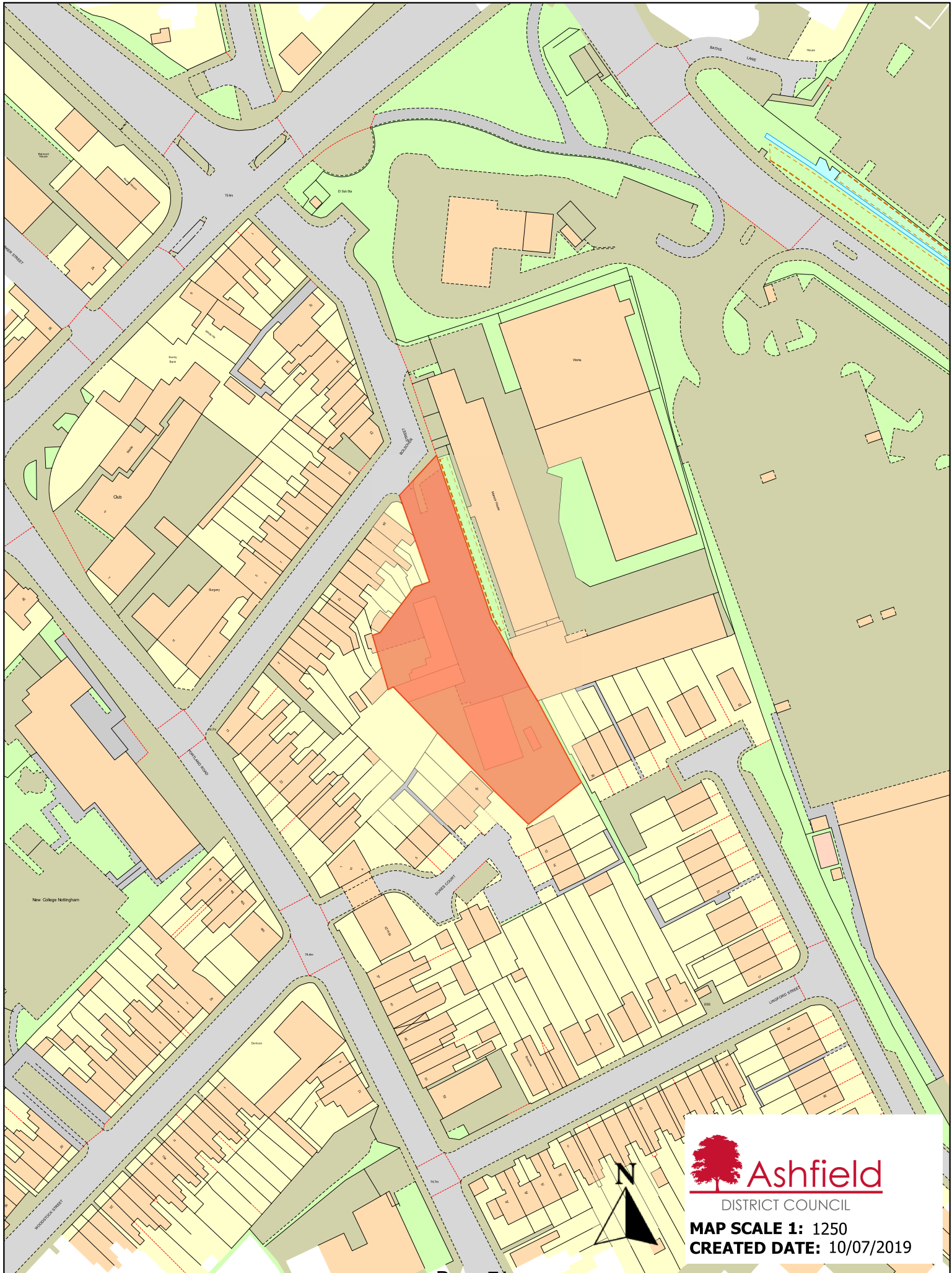
- How construction traffic will access the site;
 - Proposed hours and days of working;
 - Management of parking by persons involved in the construction of the development, including operatives & visitors;
 - Proposed temporary traffic restrictions and arrangement for loading/unloading & turning of vehicles;
 - Location of the site storage areas and compounds;
 - The segregation of construction vehicle and pedestrian movements on site and the adjacent public highway;
 - Wheel wash facility to prevent the deposit of debris on the public highway, (periodic street sweeping & cleansing of the public highway will not be accepted as a proactive method to address this issue;
 - A strategy for the minimisation of noise, vibration and dust;
 - Site contact detail in case of complaints;
4. Prior to the commencement of development, the applicant shall submit details for approval of the Local Planning Authority showing pedestrian visibility splays from the private access road onto the highway. These shall thereafter remain unobstructed over 600mm in height.
5. Prior to the commencement of development: and notwithstanding the approved layout, the applicant shall submit the following details for approval by the Local Planning Authority:
- Bollard positions and the type of bollard to be used.
 - Street lighting and type of lighting.
 - Bin collection points and a means of enclosure.
 - A means of preventing parking adjacent to plot 14.
 - Details of retaining structures, including heights.
6. Notwithstanding the submitted details, the dwellings shall not be occupied until full details of the sites boundaries treatments have been submitted to and agreed in writing by the Local Planning Authority. The boundary treatments shall thereafter be implemented in accordance with the agreed details and within an agreed time frame.

7. The dwellings shall not be occupied until full details of all hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling. Any trees, or plants, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of a similar size and species.
8. Prior to the occupation of the first dwellinghouse, the applicant shall submit details of a scheme providing for bird boxes across the site. The scheme shall thereafter be implemented in accordance with the agreed details.
9. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. In the interests of highways safety and residential amenity.
4. In the interests of highways safety.
5. In the interests of highways safety.
6. In the interests of visual amenity.
7. In the interests of visual amenity.
8. In the interests of ecology.

9. In the interests of ensuring the site is adequately drained.



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

COMMITTEE DATE 28/08/2019 **WARD** Hucknall Central

APP REF V/2019/0179

APPLICANT S Hall W Bignall & Co Ltd

PROPOSAL Construction of 6 Units, Demolition of Outbuildings and Change of Use of Forge Building to Form 3 Units

LOCATION Land off, Bolsover Street, Hucknall, Nottingham, NG15 7TY

BACKGROUND PAPERS A; B; C; D; J; K:

WEB LINK:

<https://www.google.co.uk/maps/place/Bolsover+St,+Hucknall,+Nottingham/@53.037348,1.1989795,18z/data=!4m5!3m4!1s0x4879c0011efb5a53:0xa307d6041908eba5!8m2!3d53.0367222!4d-1.1991194>

App Registered 22/03/2019

Expiry Date 16/05/2019

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

This application has been referred to Planning Committee as it is departure from the Local Plan.

The Application

The application seeks full planning permission to construct 6no. 3. bed semi-detached units and a change of use of a former textile factory to three residential units (2no. 2 bed units and 1no. 3 bed unit). To facilitate the development an existing workshop is to be demolished along with outbuildings around the former textile factory.

The Site

The site is currently used for commercial purposes, with car parking. It measures approximately 2175m². To the east lies an industrial building, with residential development surrounding the remainder of the site. The access is to be taken off Bolsover Street.

Currently located on site is a former textile factory, which is identified as a non-designated heritage asset. It is located within the Hucknall Town Centre Conservation Area - the boundary of which runs east/west through the centre of the

site. To the southern part of the site and outside the Conservation Area lies a joinery workshop. A mature Ash Tree sits in the south-east corner of the site.

Consultations

A site notice and press notice have been placed, with the development advertised as that which could affect a Conservation Area. Surrounding residents have also received individual letters of notification. The following consultation responses have been received:

A.D.C Tree Officer – Originally raised concerns over the safe retention of the Ash Tree, however the design was amended to take into account the Tree Officers concerns and no further objections are now raised.

A.D.C Conservation –The proposed works to the former textile factory are considered to conserve the historic appearance of the building, whilst bringing it back into use. There are no concerns with the principal of development, however a number of amendments are recommended to the design of the new builds - in order to ensure they preserve the character and appearance of the conservation area.

A.D.C Environmental Health – No objections. Due to the previous land use, a four stage contamination condition is recommended to ensure that the land is suitable for the intended use.

A.D.C Drainage – No known drainage issues with the site.

NCC Highways – Further information was sought respect of parking, the ability of vehicles to turn in the site and access width. The applicant submitted additional information and the Highways Authority raised no further issues, but request that three conditions are attached to any favorable decision.

Local Community – One local business owner has written in raising concerns that they are to be evicted from the site and it will take time and money to move the heavy duty machinery and containers. They have also advised of Japanese Knotweed on the land.

Policy

Under the Planning and Compulsory Purchase Act 2004, section 38(6) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies). The National Planning Policy Framework (NPPF) is a material consideration. The policies listed below are considered relevant to this application:

Ashfield Local Plan Review 2002 as amended by "saved policies" 2007 (ALPR)

- ST1 – Development.

- ST2 – Main Urban Area.
- HG4 – Affordable Housing.
- HG5 – New Residential Development.
- EV8 – Trees and Woodlands.
- EV10 – Conservation Areas.
- EM5 – Protection of Existing Employment Site and Buildings.

Material considerations

National Planning Policy Framework (NPPF) policies relevant to the application are:

- Para 11: The Presumption in favour of sustainable development.
- Part 5: Delivering a sufficient supply of homes.
- Part 6: Building a strong economy.
- Part 8: Promoting healthy and safe communities
- Part 9: Promoting Sustainable transport.
- Part 11: Making efficient use of land.
- Part 12: Achieving well designed places.
- Part 16: Conserving and enhancing the historic environment
- Part 15: Conserving and enhancing the natural environment.

Supplementary Planning Documents

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

Legislation

- Planning (Listed Buildings and Conservation Areas) Act 1990 (Part II – Conservation Areas).

Relevant Planning History

There is no planning history on the site considered relevant to this planning application.

Comment

The main issues in the determination of this application are:

- Principal of Development
- Heritage – Character and Appearance
- Trees
- Residential Amenity
- Highways Safety

- Planning Balance

Principal of Development

The proposal 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.

The application site is partially occupied as a factory. Policy EM5 of the Ashfield Local Plan Review 2002 sets out a policy protection for existing employment sites and buildings, as employment sites in urban areas are subject to pressures for their conversion to alternative uses. Under Policy EM5 the loss of an employment site would only be permitted where:

- a. Retention of the employment use would cause unacceptable environmental problems; or
- b. The building or site is no longer capable of providing an acceptable standard of accommodation for employment purposes and this can be demonstrated by lack of demand.

The applicant has submitted a supporting statement. This identifies that no specific marketing of the site has been undertaken. Consequently, the site is in conflict with Policy EM5 of the Local Plan (2002). However, the NPPF identifies that a positive approach should be taken to alternative uses of land, which is currently developed but not allocated. This includes employment land for homes in areas of high demand. (NPPF para 121). Paragraph 118 of the NPPF also identifies that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes.

Further to this, the Council also cannot currently demonstrate a five-years supply of housing land. Paragraph 11 of the NPPF sets out that where there are no relevant development plan polices, or the policies which are most important for determining the application are out-of-date (this includes situations where the local planning authority cannot demonstrate a five-year housing land supply), the balance is tilted in favour of sustainable development. In this case, permission should be granted, except where the benefits of the development are 'significantly and demonstrably' outweighed by the adverse impacts, when assessed against the NPPF taken as a whole. The 'tilted balance' applies to this application.

Heritage – Character and Appearance

The proposed refurbishment/repair works to the late 19th century former textile factory, just off Bolsover Street, will conserve a historic building and seek to preserve the character and appearance of this part of the Hucknall Conservation Area. The Conservation Officer has raised some concerns over the design of the new building

dwelling and requested amendments, including adopting an early 20th century style with brick detailing and crisscross style windows. The present design shows properties sitting two storeys in height, of brick construction with gabled slate-style roofs. Although it is more modern, with larger areas of glazing, two storey bays and small porches. This has been done to avoid a pastiche design of the earlier terraced housing. The scale and form of the proposed dwellings are subservient to the factory.

Their appearance within the southerly views along Bolsover Street, will not impinge upon the ability to appreciate the character and appearance of the Conservation Area. This view currently features poor quality pre-fabricated 20th century buildings, with a metal mesh fence and parking area. The parking area would be re-surfaced, with a new boundary wall and railings along the sites frontage. The former textile factory is currently in a poor state of repair. This would be refurbished. The size and scale of the new build dwellings are in keeping with the textile factory, with new landscaping to the frontage. Overall, it is considered that these proposals would preserve and enhance the appearance of the Conservation Area.

The refurbishment of the 19th century former textile factory, erection of 6 new dwellings, with new boundary treatments and landscaping would ameliorate the quality of the view. The proposal is therefore considered to preserve the character and appearance of the Hucknall Conservation Area and its setting. In reaching this view, regard has been had to Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, and relevant local, particularly saved policy EV10, and national policies, particularly paragraphs: 127, 189, 190, 192, 193 & 200 of the NPPF.

Trees

Policy EV8 of the Local Plan (2002) sets out that development which adversely affects trees worthy of retention will not be permitted. There is a large mature Ash Tree located in the south eastern corner of the site. This is not subject to a Tree Preservation Order, but given its size and age, is considered to be worthy of retention.

It is proposed that the tree is to be retained. The applicant has submitted an Arboricultural Report and Impact Assessment and an Arboricultural Method Statement. The Council's Tree Officer originally objected on the basis of concerns regarding the safe retention of the Ash Tree.

Since this objection, the plans have been amended to move the majority of the building outside the root protection zone and it is proposed to use pile/beam foundations. The position of the windows has also been altered to reduce shading and potential subsequent pressures for pruning works. The Tree Officer has since removed their objection and with appropriate planning conditions, it is considered that the tree can be safely retained. There are no conflicts with Policy EV8 of the Local Plan (2002).

Residential Amenity

Existing Residents

The development is located in close proximity to a number of existing residential dwellings on Bolsover Street, Dukes Court, Lingford Street and Portland Road. In order to prevent any overlooking a number of windows, at first floor level, on plots 6 – 9 are to be obscurely glazed and non-opening below 1.5m floor level. This will provide light into the rooms for future occupants, as well as ensuring the privacy of surrounding neighbours on Dukes Court and Lingford Street is protected.

It is noted that No.39 Lingford Street, to the east of the site, sits approximately 2m lower than the proposed dwellings. Plot 8 would be the closest dwelling, with its single storey porch sitting approximately 3.8m from the sites boundary. The applicant has submitted a section plan showing the relationship between these two dwellings. The two storey element of plot 8 is located approximately 5.1m away. The separation distance is considered sufficient to mitigate against any undue overbearing impacts to the rear garden area.

The 45-degree rule has been applied to windows on the rear elevation of No.39 and this is shown not to be breached, accordingly it is considered there would be no substantive loss of light to windows in the rear elevation. The rear garden of No.39 is north facing and bounded to the north by a two storey building, the existing tree also provides a degree of shade. The proposed dwelling is sited to the west and given the land level difference some shading may occur during late afternoons to the garden area. However, given the existing situation, it is not considered that this would be to such an extent as to undermine the residents living conditions. A new 2m high fence is proposed along the boundary and this would be sufficient to mitigate against any loss of privacy from residents walking along the path.

The amended plans have resulted in plot 9 being bought closer to No. 10 Dukes Court, which is sited to the west of the development. It would project forward of the front elevation of No.10, however it is set off the boundary (approx. 1.2m) and it is considered that the bedroom and kitchen windows on the front elevation of No.10 would not be unduly impacted through a loss of light, or overbearing affects.

Overall, it is considered that the proposed development would not harm the living conditions of neighbouring occupiers by way of overshadowing, overbearing, or through a loss of privacy. In this regard the development would accord with Policies ST1 and HG5 of the Local Plan, which seek to protect amenity.

Future Residents

The overall garden sizes and floor space in each of the proposed units accords with Council Residential Design Guide (2014). The properties are considered therefore to provide an acceptable standard of living for any future occupiers.

Highways Safety

The Highways Authority have advised that the for developments above 5 units the road should be adopted to reduce the obligations to future occupiers. However, the entrance is not to be used as a new road, but as a long car park in keeping with its existing use.

The plans were amended during the process to increase the access width to allow for two vehicles to pass, a turning area has also been provided within the site for a larger service van. The bin collection point is located adjacent to the main highway and consequently refuse vehicles are not required to enter the site. The Highways Authority have not objected and given the existing use of the land for industrial purpose, with car parking it is considered that its re-development for residential purpose would not lead to highways safety concerns.

Parking

A total of 13 car parking spaces, including 1 disabled space, would be shared between the 9 properties. Ashfield Residential Car Parking SPD, would require a total of 18 spaces. Although the scheme would fall short of this requirement, the site is within a short walking distance of Hucknall Town Centre, which provides an array of services and employment opportunities. The site is also located within a short proximity to Hucknall tram and train station, with bus services close by. Double yellow signs and a resident parking scheme are also in place on Bolsover street and consequently, the proposals are unlikely to lead to an increase on street parking. The shortfall in parking spaces is therefore considered to be acceptable given the above.

Planning Balance and Conclusions

The planning application is considered to be contrary to Policy EM5 of the Ashfield Local Plan Review (2002), which seeks to protect employment sites. There is an existing employer located on the land, whom will be required to re-locate their business to facilitate the development. This does carry some negative weight.

However, the site comprises previously developed land within an accessible urban location. The proposal would provide social benefits in the form of 9 new dwellings and given the Council cannot currently demonstrate a 5-year housing land supply, this social benefit is afforded significant positive weight.

The proposal would also bring back into use a former textile factory, which is within the Conservation Area, and secure its long term viable use. The building is currently

in a poor state of repair and the proposals would enhance both its appearance and preserve its setting. The Council's Conservation Officer has requested design amendments to the new build dwellings. A statement has been submitted on behalf of the applicant to explain the design characteristics of the proposed dwellings and how it conserves and enhances the conservation area. The refurbishment of the 19th century former textile factory, erection of 6 new dwellings, with boundary treatments and landscaping would improve the site. The proposal is therefore considered to preserve the character and appearance of the Hucknall Conservation Area and its setting.

On balance, whilst some adverse impacts are identified, on balance, these are not considered to be so significant as to outweigh the benefits accruing from the development of the site in terms of compliance with the NPPF and contribution to the Council's housing land supply and availability of homes for the locality.

Recommendation: Approve subject to conditions.

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:
 - 2384(08)001 rev- Location Plan
 - 2384(08)002 rev- Existing Block Plan
 - 2384(08)003 revA Proposed Block Plan
 - 2384(02)004 rev- Existing Topo
 - 2384(02)005 rev- Existing Topo Plans and Elevations
 - 2384(08)G01 revE Proposed Ground Floor Plan
 - 2384(08)101 revC Proposed First Floor Plan
 - 2384(08)201 revB Proposed Second Floor Plan
 - 2384(08)E01 revC Proposed Elevations
 - 2384(08)S01 revA Proposed Sections
 - 2384(08)S02 rev- Proposed Sections
 - 2384(08)S03 revA Proposed Sections

3. The tree works shall be undertaken solely in accordance with those set out in the Arboricultural Report dated February 2019 and shall in no way prejudice the health, balance and natural appearance of the tree.

4. The Ash Tree located in the south east corner of the site shall be retained and protected in accordance with the details set out in Arboricultural Method

Statement dated February 2019 (as amended by the latest site layout: 2384(08)G01 revE).

5. No development shall commence on site until full technical details of the proposed foundations for units 8 and 9 has been submitted to and approved in writing by the Local Planning Authority.
6. The first floor windows, of plots 7 – 9, shown on drawing 2384(08)101 revC as 'frosted to 1.5m above FFL' shall be obscurely glazed and non-opening to a minimum of 1.5m floor level in the rooms in which they are installed. The windows shall thereafter be maintained in perpetuity for the life-time of the development.
7. Prior to occupation of any of the hereby approved dwellings, the parking and turning areas as shown on drawing 2384(08)G01 Revision E shall be provided. The parking and turning areas shall be maintained in accordance with the approved plan, and shall not be used for any purpose other than the parking and turning of vehicles.
8. Prior to the occupation of any of the hereby approved dwellings, the access driveway shall be surfaced in a bound material (not loose gravel) for a minimum distance of 5 metres behind the highway boundary and shall be constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.
9. Prior to the occupation of the hereby approved dwellings, the access driveway shall be fronted by a suitably constructed footway crossing.
10. Prior to the commencement of any works pursuant to this permission the applicant shall submit the following to the Local Planning Authority (LPA):
 - i. A Desktop Study/Phase I Report documenting the historical use(s) of the site and its immediate environs. This shall include a conceptual site model indicating all potential pollutant linkages.
 - ii. A Site Investigation/Phase II Report where any previous use of the site indicates a potential contaminative use. The applicant/developer shall submit a Site Investigation/Phase II Report documenting the characteristics of the ground at the site. The Site Investigation should

establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas monitoring and chemical analysis, identified as being appropriate by the Desktop Study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. All technical data must be submitted to the LPA.

- iii. A Scheme of Remedial Works where the Site Investigation has identified the presence of significant levels of harmful ground gas and/or significant levels of chemical contamination. The scheme should include a Remediation Statement and Risk Assessment Strategy to prevent any significant risk arising when the site is being developed or subsequently occupied.

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

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

- iv. A Validation Report with confirmation that all remedial works have been completed and validated, in accordance with the agreed details. The Validation Report must be submitted for the written approval of the LPA prior to the development being put to its intended use.

11. Prior to the commencement of development, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority, this should include:

- How construction traffic will access the site;
- Proposed hours and days of working;
- Management of parking by persons involved in the construction of the development, including operatives & visitors;
- Proposed temporary traffic restrictions and arrangement for loading/unloading & turning of vehicles;
- Location of the site storage areas and compounds;
- The segregation of construction vehicle and pedestrian movements on site and the adjacent public highway;

- Wheel wash facility to prevent the deposit of debris on the public highway, (periodic street sweeping & cleansing of the public highway will not be accepted as a proactive method to address this issue;
- A strategy for the minimisation of noise, vibration and dust;
- Site contact detail in case of complaints;

The approved details shall be adhered to throughout the construction period.

12. The dwellings shall not be occupied until full details of all hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling. Any trees, or plants, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of a similar size and species.

13. The dwellings shall not be occupied until full details of the sites boundaries treatments have been submitted to and agreed in writing by the Local Planning Authority. The boundary treatments shall thereafter be implemented in accordance with the agreed details and within an agreed time frame.

14. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The surface water drainage scheme shall include sustainable drainage principles and be implemented in accordance with the approved details before the development is first brought into use.

15. No site clearance shall take place until a Japanese Knotweed Management Plan has been submitted to and 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.
3. The tree in question is considered to be a feature of significance and worthy of retention.

4. The tree in question is considered to be a feature of significance and worthy of retention.
5. The tree in question is considered to be a feature of significance and worthy of retention.
6. In the interests of residential amenity.
7. In the interests of highways safety
8. In the interests of highways safety.
9. In the interests of highways safety.
10. To ensure the land is developed free from contamination.
11. To protect residential amenity.
12. In the interests of visual amenity.
13. In the interests of visual and residential amenity.
14. To ensure the adequate drainage of the site.
15. To prevent the spread of Japanese Knotweed

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COMMITTEE DATE 28/08/2019 **WARD** Annesley and Kirkby Woodhouse

APP REF V/2019/0435

APPLICANT S Eaton

PROPOSAL Two Storey Side and Single Storey Rear Extensions, Dormer Windows to Front and Rear to Form New Rooms in Roof Space

LOCATION 3 Little Oak Avenue, Annesley Woodhouse, Nottingham, NG17 9BG

WEB-LINK <https://www.google.com/maps/@53.0776717,-1.2472131,18z>

BACKGROUND PAPERS A

App Registered: 15/07/2019

Expiry Date: 08/09/2019

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

This application has been referred to Planning Committee by Cllr. H Smith & Cllr. R Madden to discuss highway safety and the impact on the neighbourhood.

The Application

This application seeks planning consent for the construction of a two-storey side extension which extends forward of the main dwelling, a two storey front extension, a single storey extension to the rear, and a loft conversion incorporating the construction of a single pitched roof dormer window to the front elevation and a large flat roofed dormer window to the rear elevation, extending the whole width of the property.

The proposed two-storey side extension will include a single garage to the ground floor, with one room created at first floor level comprising of a bedroom, whilst the two storey front extension will increase the internal footprint of the living room and a bedroom. The single storey element to the rear of the property will be a continuation of the proposed garage, attached to the existing single storey rear extension. The new space created in the roof will contain a large fourth bedroom and an en-suite.

Consultations

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

No comments have been received as part of the consultation process from either local residents or statutory consultees.

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 – Sustainable Development

ST2 – Main Urban Area

HG7 – Residential Extensions

Residential Extension Design Guide SPD 2014

Residential Car Parking Standards SPD 2014

Relevant Planning History

V/2017/0681

Details: Two Storey Side & Single Storey Rear Extensions, Dormer Windows to Front and Rear to Form New Rooms in Roof Space

Decision: Refusal

Date: 10/01/18

V/2018/0325

Details: Two Storey Side & Single Storey Rear Extensions, Dormer Windows to Front and Rear to Form New Rooms in Roof Space

Decision: Refusal

Date: 16/07/18

Comment:

Two applications for similar schemes have previously been refused by the Council in 2018. These applications were refused for several reasons including:

- The impact that the proposed two-storey side extension would have on the visual amenity offered by the wider locality due to its size, massing and siting, which does not accord with the Council's SPD guidance for home extensions;
- The overlooking impact that the proposed rear dormer window and Juliette Balcony would have on the residential amenity of neighbouring residents; and
- The overbearing impact that the two-storey side extension would have on the neighbouring residents, again due to its size, massing and siting.

The main issues to be considered in this application are the impacts of the proposed development on visual amenity, residential amenity and highway safety.

Visual Amenity:

Part 12 – Achieving Well Designed Places of the NPPF 2019, seeks to approve developments which are visually attractive as a result of good architecture and appropriate landscaping, and are sympathetic to the local character of the area.

Paragraph 130 of the Framework goes on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions, taking into account local design standards, style guides or supplementary planning documents.

One of the most characteristic features of any residential area is the space between houses, and the filling of such spaces can have a detrimental impact on the appearance of the street scene.

As the submitted plans demonstrate, the proposed two-storey side extension will be built up to the boundary line with the neighbouring property 2 Little Oak Avenue. The plans also indicates that the eaves of the side extension will overhang the boundary line by approximately 0.2m. Notice has been served on the adjacent landowner.

Whilst two-storey side extensions are often considered acceptable development, it is essential that any proposal is designed appropriately to ensure the visual amenity offered by the surrounding area is maintained, and would not lead to a ‘terracing affect’.

The proposed two-storey side extension does not propose a set back from the principle elevation of the property, and a reduced ridge height has also not been incorporated into the design. Furthermore, at present, the application property exhibits a hipped roof design, whilst the submitted plans propose a gable end on the new extension, thus reducing any obvious visual gap between the side extension and the boundary.

Consequently it is considered that the two-storey side extension does not appear subordinate to the existing dwelling, and as such, has a detrimental impact on the visual amenity of the locality. Additionally, the side extension also has the potential to create a terracing impact, which would appear uncharacteristic within the surrounding street scene, subsequently conflicting with guidance provided within the Council’s Residential Extensions Design Guide SPD 2014.

Whilst front dormer windows are not a characteristic feature within the immediate street scene, due to the overall size and scale of the proposed dormer window, it is considered that the front dormer window will not be an unduly prominent addition to the street scene, and therefore will not have a detrimental visual impact on the locality.

Matching materials are proposed to be used in the scheme to ensure the development appears sympathetic to the existing dwelling.

Due to the nature of the rear single storey extension and the rear dormer window, these elements will not be visible within the surrounding street scene.

Residential Amenity:

No written representations have been received from local residents in respect of the proposed development.

In terms of the impact upon residential amenity, consideration has been given to paragraph 127 of the NPPF 2019, which seeks to create places with a high standard of amenity for both existing and future users.

Due to the design and scale of the proposed two-storey side extension, with a proposed blank gable wall being greater in depth than the existing property and also sited on the boundary line, it is considered that this aspect of the proposal has the potential to have a significant detrimental overbearing impact on neighbouring property 2 Little Oak Avenue through the overall size and massing of the proposal.

Furthermore, it is considered that the introduction and placement of a Juliette Balcony to the second floor dormer window will also create and exacerbate intrusive overlooking of the neighbouring properties rear private amenity space, in particular to both 2 and 4 Little Oak Avenue.

Neighbouring property 2 Little Oak Avenue have a number of windows sited on the side elevation of their property, at ground and first floor level, facing the application site. The BRE 25° code to assess loss of light has been applied. When applied at the present time, the 25° code is marginally breached in plan and elevation for the ground floor window, whilst the first floor window is unaffected. Should the two-storey side extension be constructed however, the 25° code would be significantly breached for both windows, resulting in a substantial overshadowing impact. As these windows are secondary windows, this would however not warrant the refusal of the application on this ground alone.

Highway Safety:

The proposed development will increase the number of bedrooms at the property from three to four.

As per the Council's Residential Car Parking Standards SPD 2014, three off-street parking spaces are required for a four bedroom property.

The internal dimensions of the proposed garage, at 2.7m in width, does however not meet the minimum internal dimensions to be classed as a parking space.

It is however considered that there is sufficient space forward of the dwelling to accommodate three off-street car parking spaces.

Conclusion:

Overall, it is considered that the proposed two-storey side extension will result in the construction of a side extension which appears disproportionate to the existing dwelling as a result of its design, siting and scale, thus resulting in a detrimental impact upon the character and appearance of the surrounding street scene and giving rise to a potential terracing impact which is uncharacteristic within the locality.

The proposed development would also give rise to a harmful impact upon the amenity of neighbouring residents by way of significant overlooking for the proposed Juliette balcony at second floor level, and the overbearing impact created by the scale and mass of the two storey side extension.

In Conclusion, the proposal represents an unsatisfactory form of development which is contrary to planning policy at both a national and local level, and fails to comply with guidance contained within the Council's Supplementary Planning Documents. It is therefore recommended that this application is refused on the following grounds:

Recommendation: Refusal

REASONS

- 1. The size and massing of the proposal creates a side extension which is not subordinate to the existing dwelling. The siting of the side extension and the hipped to gable roof conversion, is as such that it removes in entirety the existing gap between the dwelling and the site boundary, thus creating the potential for a 'terracing effect' to occur, conflicting with guidance contained within the Residential Extensions Design Guide SPD 2014. The proposal is also contrary to policy ST1 (b) and HG7 (a) of the Ashfield Local Plan Review 2002, and Part 12 – Achieving Well Designed Places of the National Planning Policy Framework 2019. These policies state that development should not adversely affect the character, quality or amenity of the environment and should achieve a high quality, inclusive design for all, which is visually attractive as a result of good architecture.**
- 2. The proposal represents an unsatisfactory form of development, which through the inclusion and placement of a Juliette Balcony at second floor level, would give rise to significant overlooking impacts on neighbouring properties 2 and 4 Little Oak Avenue, to the detriment of their residential amenity. The proposal is therefore contrary to paragraph 127 of the National Planning Policy Framework 2019 which seeks to create places with a high standard of amenity for both existing and future users. The proposal would also conflict with policy HG7 (b) of the Ashfield Local Plan Review 2002, which seeks only to approve**

residential extensions where the amenity of neighbouring properties is protected.

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|----------------------------|---|--------------|------------------------------------|
| Report To: | Planning Committee | Date: | 28th August 2019 |
| Heading: | PLANNING APPEAL DECISIONS | | |
| Portfolio Holder: | PLACE, PLANNING AND REGENERATION | | |
| Ward/s: | ASHFIELDS, HUCKNALL WEST, KIRKBY CROSS AND PORTLAND, UNDERWOOD | | |
| Key Decision: | No | | |
| Subject to Call-In: | No | | |

Purpose of Report

To inform Members of recent Planning Appeal Decisions.

Recommendation(s)

To Note the Appeal Decisions.

Reasons for Recommendation(s)

To bring to Members attention the recent Appeal Decisions.

Alternative Options Considered

(with reasons why not adopted)

N/A

Appeal Decisions

ASHFIELDS

Planning Application – V/2018/0577

Site – 22 Grange Farm Close, Sutton in Ashfield, NG17 1NJ

Proposal – Change of use of land to garden and erection of fencing

Appeal Decision – Dismissed

The Inspector considered that the intrusion into the key landscape buffer zone between the residential area and the Calladine Business Park would have a harmful impact upon the character and quality of the environment.

ASHFIELDS

Planning Application – V/2019/0031

Site – Land to rear of 319 – 331 Alfreton Road, Sutton in Ashfield, NG17 1JN

Proposal – Application for approval of reserved matters following outline approval of planning permission V/2016/0617

Appeal Decision – Allowed

Cost Application – Refused

The Inspector considered that the proposal would not have a significant effect on the character and appearance of the area. It was also considered that the proposal was consistent with the Council's Local Plan policies and Supplementary Planning Guidance notes, and therefore would result in no significant loss of privacy or overbearing impact on neighbouring residents.

The Planning Inspector refused an application for costs because it was not unreasonable for the Council to consider the reserved matters although the conclusion reached was different to the Inspector it was a subjective judgement.

ASHFIELDS

Planning Application – V/2018/0082

Site – Land to rear of 249 – 251 Alfreton Road, Sutton in Ashfield, NG17 1JP

Proposal – residential development for 118 dwellings and associated works including demolition of existing dwelling to create access without complying with a condition attached to planning permission Ref V/2016/0487, dated 26 October 2017.

Appeal Decision – Allowed

The application was to carryout the development with a fence to the sides of the access road rather than a wall as required by members in their decision. The Inspector agreed a fence was not appropriate but also considered it was unreasonable to require solely an acoustic wall. The decision was therefore to allow the appeal but subject to a further condition requiring details of boundary treatment to be submitted and approved.

Officers are currently seeking further clarity on this decision.

HUCKNALL CENTRAL

Planning Application – V/2018/0410

Site – 3 Hankin Street , Hucknall, NG15 7RR

Proposal – Single storey 1 bed apartment

Appeal Decision – Dismissed

The Inspector concluded that the proposed apartment would have a harmful effect on the character and appearance of the area; the living conditions of future occupiers of the dwelling; and highway and pedestrian safety.

HUCKNALL WEST

Planning Application – V/2018/0781

Site – Land At 10 Whyburn Lane , Hucknall, NG15 6QN

Proposal – Outline application with all matters reserved for a maximum of one dwelling

Appeal Decision – Dismissed

The Inspector considered that the proposed development would cause unacceptable harm to the character and appearance of the area, and to the living conditions of future occupiers of the new and host dwellings, and those of local residents.

KIRKBY CROSS AND PORTLAND

Planning Application – V/2018/0732

Site – 2a Wilson Avenue, Kirkby in Ashfield, NG17 8AZ

Proposal – Construction of outbuilding for dog grooming salon

Appeal Decision – Allowed

The Inspector considered that the dog grooming business would operate with restricted business hours, limiting the number of cars, potential car parking issues and associated noise and disturbance. Furthermore, due to the position of the outbuilding to the rear of the property, the proposal would be unlikely to cause unacceptable disturbance to occupiers of neighbouring properties.

UNDERWOOD

Planning Application – V/2019/0111

Site – Land at Felley Mill Lane South, Underwood, NG16 5DQ

Proposal – Polytunnel, greenhouse and chicken coup

Appeal Decision – Allowed

The Inspector considered that the proposal did not comprise inappropriate development in the Green Belt and would not cause adverse harm to the openness of the Green Belt or the character and appearance of the area.

Implications

Corporate Plan:

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

Legal:

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

Finance:

| Budget Area | Implication |
|-------------------------------|-------------|
| General Fund – Revenue Budget | None |

| | |
|---|------|
| General Fund – Capital Programme | None |
| Housing Revenue Account – Revenue Budget | None |
| Housing Revenue Account – Capital Programme | None |

Risk: N/A

| Risk | Mitigation |
|------|------------|
| | |

Human Resources:

No implications

Equalities:

(to be completed by the author)

None

Other Implications:

(if applicable)

None

Reason(s) for Urgency

(if applicable)

N/A

Reason(s) for Exemption

(if applicable)

N/A

Background Papers

(if applicable)

None

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