

**ASHFIELD DISTRICT COUNCIL**



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

## Agenda

### Planning Committee

Date: **Wednesday, 25th September, 2019**

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Time: **10.00 am**

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

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For any further information please contact:

**Lynn Cain**

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

01623 457317

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# **PLANNING COMMITTEE**

## **Membership**

**Chairman:** Councillor 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 28th August, 2019.** 5 - 12
4. **To receive and consider the attached planning applications.** 13 - 64
5. **Planning Appeal Decisions.** 65 - 68

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## PLANNING COMMITTEE

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

on Wednesday, 28th August, 2019 at 10.00 am

**Present:** Councillor Rachel Madden in the Chair;

Councillors Chris Baron, Ciaran Brown, Dale Grounds, Tom Hollis, David Martin, John Smallridge (as substitute for Samantha Deakin), Helen-Ann Smith, Daniel Williamson and Jason Zadrozny.

**Apologies for Absence:** Councillors Samantha Deakin and Lauren Mitchell.

**Officers Present:** Lynn Cain, Mick Morley, Samantha Reynolds, Christine Sarris and Robbie Steel.

### **P.9 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests**

1. 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 the applicants to discuss procedure but in doing so had not expressed an opinion at any point:
  - V/2019/0248, Vallences Coaches, Erection of Commercial Garage, Winshaw Wells Farm, Derby Road, Kirkby in Ashfield;
  - V/2019/0435, Mr. S Eaton, 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.
2. Councillor Tom Hollis declared a Disclosable Pecuniary/Other Interest in respect of Application V/2019/0423, Mr M Hollis, Outline Application with Some Matters Reserved for 5 Dwellings, Norcroft, 211 Wild Hill, Teversal, Kingsway. His interest arose from the fact that the applicant was a family member.
3. Councillor Jason Zadrozny declared Non Disclosable Pecuniary/Other Interests in respect of the following applications. His interests arose from the fact that he had met with the applicants but in doing so had not expressed an opinion at any point:

- V/2019/0248, Vallences Coaches, Erection of Commercial Garage, Winshaw Wells Farm, Derby Road, Kirkby in Ashfield;
  - V/2019/0435, Mr. S. Eaton, 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.
4. Councillor David Martin declared Non Disclosable Pecuniary/Other Interests in respect of the following applications. His interests arose from the fact that he was known to the applicants:
- V/2019/0248, Vallences Coaches, Erection of Commercial Garage, Winshaw Wells Farm, Derby Road, Kirkby in Ashfield;
  - V/2019/0423, Mr M Hollis, Outline Application with Some Matters Reserved for 5 Dwellings, Norcroft, 211 Wild Hill, Teversal, Kingsway.

**P.10 Minutes**

RESOLVED

that the minutes of the meeting of the Planning Committee held on 24<sup>th</sup> July, 2019 be received and approved as a correct record.

**P.11 Town and Country Planning Act 1990:  
Town Planning Applications Requiring Decisions**

RESOLVED that

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

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

One further letter has been received which claimed a previous planning permission has not been fully implemented and the demand for further static caravans was not proven. The proposal would result in more second homes on Silverhill Lane than there were houses for existing locals. Issues regarding drainage had also not been addressed.

Officer Response:

The applicant had confirmed that only 6 of the 10 units previously granted had so far been installed on site with the remaining area permissioned for a further 4 units comprising of a landscaped green space to enhance the feel of the park area. The applicant was not applying for the caravans to be used for residential purposes with the proposal being for 31 caravans for holiday use.

No concerns had been raised by statutory consultees in respect of drainage and as indicated on the submitted plans, surface water would be directed to covered drainage ditches within the existing site with foul to connect to the existing site system and then into the mains.

The agent for the Applicant, Melanie Edwardson, 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.

(At this point in the proceedings Councillor Tom Hollis declared a Non Disclosable Pecuniary/Other Interest in respect of this application due to family members owning land near to the site. His interest was such that he 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.

**2. V/2019/0423, Mr. M. Hollis, Outline Application with Some Matters Reserved for 5 Dwellings, Norcroft, 211 Wild Hill, Teversal, Kingsway**

(Councillor Tom Hollis had previously declared a Non Disclosable Pecuniary/Other Interest in respect of this item. In view of the nature of his interest, he left the room during consideration of the application and took no part in the discussion and voting thereon.)

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

One further letter had been received questioning the sustainability of the site due to its countryside location and lack of public transport provisions. Issues surrounding drainage and impact on the rural setting had also been raised.

Officer Response:

Issues surrounding the principle of development and the impact of the proposal on the appearance of the area were covered in the report. Issues raised surrounding highways and drainage details were matters that would be addressed at the reserved matters stage should the proposal be deemed acceptable in principle.

The officer's presentation was interrupted and Councillor Smith made a suggestion having received a request from the applicant, it was moved and seconded that consideration of the application be deferred to the next scheduled meeting of the Committee.

The meeting was adjourned at 10.35am and reconvened at 10.40am.

**3. V/2019/0248, Vallances Coaches, Erection of Commercial Garage, Winshaw Wells Farm, Derby Road, Kirkby in Ashfield**

(Councillors David Martin 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.)

The Applicant, Steve Vallance, 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 by Councillor Rachel Madden and seconded by Councillor Dale Grounds that the officer's recommendation contained within the report be rejected and:

a) conditional planning consent be granted as follows:

Conditions

widening of entrance gate, re-siting of columns and setting back of hedge details required;  
signage advising of slow turning vehicles on road between site and Balls Lane;  
Facing and roofing materials to be agreed;  
commercial use only for garage, hardstanding area and access areas;  
surface water drainage scheme required  
personal permission granted only to Vallances Coaches;  
soft landscaping scheme required;  
access only to and from Mansfield side of access;

b) the Chairman and Vice Chairman of the Committee, in consultation with officers, be instructed to finalise and agree the conditions attached to the consent.

Reasons for rejecting officers' recommendation:

1. Highways concerns have been mitigated by the proposed alterations to the entrance gate;
2. There is no perceived negative impact on the street scene;
3. The development would not adversely impact the openness of the greenbelt.

For the motion:

Councillors Dale Grounds, Tom Hollis, Rachel Madden, David Martin, Helen-Ann Smith, John Smallridge, Daniel Williamson and Jason Zadrozny.

Against the motion:

Councillor Chris Baron.



Abstention:

Councillor Ciaran Brown.

Accordingly, the motion was duly carried.

The meeting was adjourned at 11.40am and reconvened at 11.47am.

**4. V/2018/0744, Nottingham Community Housing Association, 14 Two Storey Dwellings with Associated Parking and Landscaping, Land Off Emperors Way, Hucknall**

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

Two additional letters had been received from local residents; the first one raising the issue that the access road was unsafe from a highways safety perspective and breached Regulations. The second letter raised an objection on the basis of the development failing to achieve the minimum separation distances between primary elevations.

Officer Response:

No objections had been raised to the principal of the road from a Highways Safety perspective and the regulations referred to were for health and safety during construction which was not a planning issue. The separation distances were considered to be sufficient to avoid any undue loss of privacy, overbearing or overshadowing. It was consistent with those across the estate and examples would be shown within the presentation.

The Applicant's representative, Catherine Hewitt and Councillors Dave Shaw and John Wilmott as Ward Members, 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 by Councillor Tom Hollis and seconded by Councillor David Martin that the officer's recommendation contained within the report be rejected and planning consent be refused.

Reasons for rejecting officers' recommendation:

1. Over-intensive development of site (HG1), lack of suitable parking provision and out of character with the style of the estate.
2. Unacceptable change of use deviation from master plan paragraph 130 of NPPF.

For the motion:

Councillors Ciaran Brown, Tom Hollis, David Martin, Helen-Ann Smith, John Smallridge and Daniel Williamson.

Against the motion:

Councillors Chris Baron, Dale Grounds, Rachel Madden and Jason Zadrozny.

Abstention:

None.

Accordingly, the motion was duly carried.

**5. V/2019/0179, W Bignall and Co. Ltd, Construction of 6 Units, Demolition of Outbuildings and Change of Use of Forge Building to Form 3 Units, Land off Bolsover Street, Hucknall**

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

**6. V/2019/0435, Mr. S. Eaton, 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**

It was moved by Councillor Rachel Madden and seconded by Councillor Ciaran Brown that the officer's recommendation contained within the report be rejected and conditional planning consent be granted as follows:

Conditions

Standard 3 year time period

Materials as detailed

In accordance with submitted plans.

Reasons for rejecting officers' recommendation:

Development acceptable for the street scene and size and style of extension similar to one previously approved in street.

For the motion:

Councillors Ciaran Brown, Dale Grounds, Tom Hollis, Rachel Madden, Helen-Ann Smith and John Smallridge.

Against the motion:

Councillor David Martin.

Abstention:

Councillors Chris Baron, Daniel Williamson and Jason Zadrozny.

Accordingly, the motion was duly carried.

**P.12 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.

The meeting closed at 1.12 pm

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 5pm 19<sup>th</sup> September 2019.

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

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

T. Hodgkinson

Service Director – Place and Communities

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E-mail: [t.hodgkinson@ashfield.gov.uk](mailto:t.hodgkinson@ashfield.gov.uk)

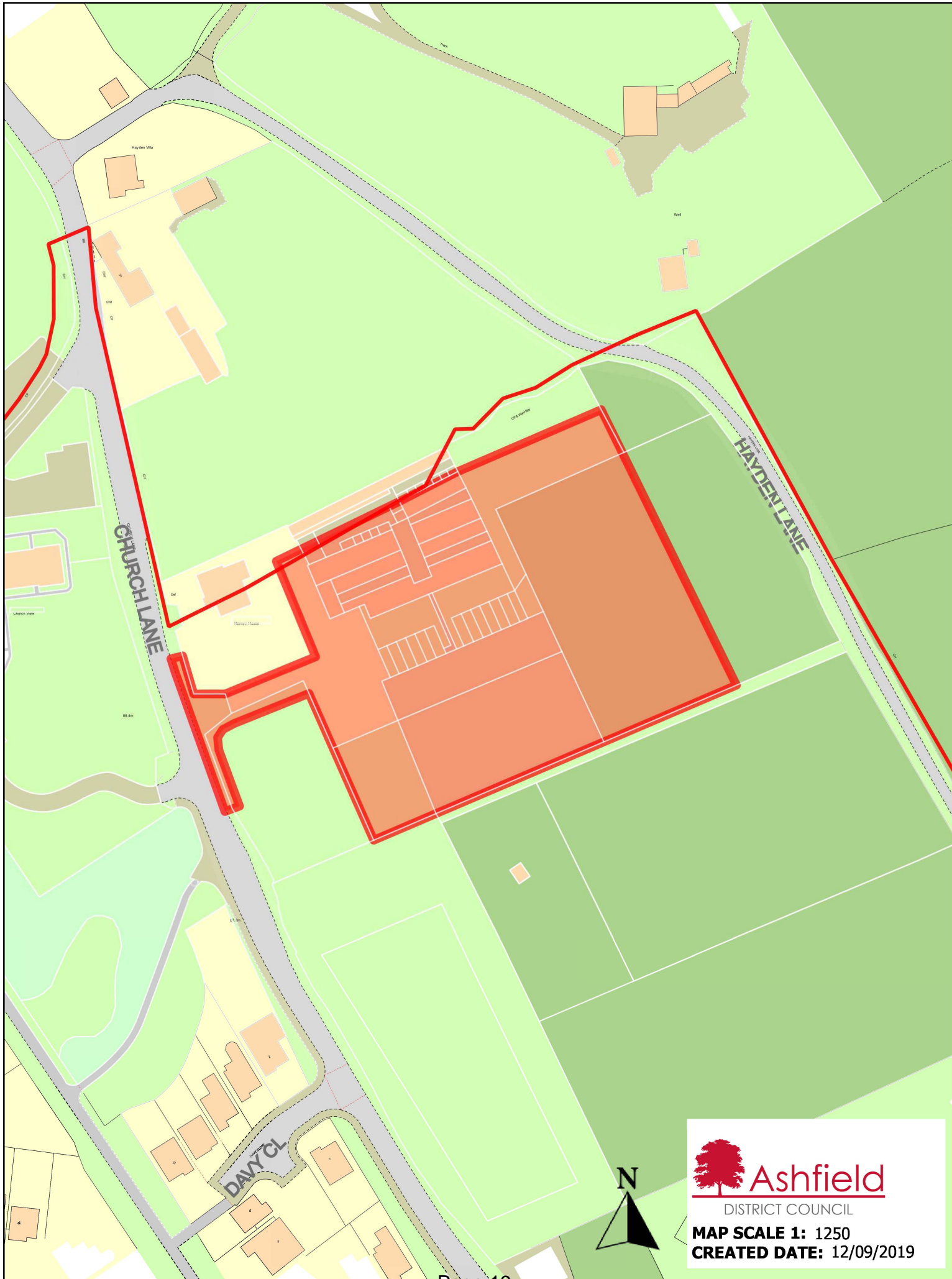
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**PLANNING COMMITTEE – 25th September  
2019**

<b>Page</b>	<b>App No</b>	<b>Applicant</b>	<b>Recommendation</b>	<b>Proposal</b>	<b>Location</b>
<b>Hucknall North</b>					
19-26	V/2019/0472	Mr I Glenn	Refuse	Application for Permission in Principle for Residential Development for a Maximum of 9 Dwellings	Linby Boarding Kennels, Church Lane, Linby, Hucknall
<b>Hucknall West</b>					
27-36	V/2019/0401	Mr B Willows	Approve	Change of Use from Retail (A1) to Micropub (A4)	L W Cotton News, 57Nabbs Lane, Hucknall
<b>Kingsway</b>					
37-40	V/2019/0538	Ashfield District Council	Approve	Rake Out and Repoint Walls and Copings Including Replacement of Stone Indents. Decorate Existing Railings.	Kingsway Cenotaph, Kingsway Old Cemetery, Kingsway, Kirkby in Ashfield
<b>St Mary's</b>					
41-48	V/2019/0464	Peach Co-Living	Approve	Change of Use of Dwelling to House in Multiple Occupation, Two Storey Side and Single Storey Rear Extensions	1 Kirkby Road, Sutton in Ashfield
<b>Stanton Hill and Teversal</b>					
49-58	V/2019/0423	Mr M Hollis	Refuse	Outline Application With All Matters Reserved For 5 Dwellings	Norcroft 211 Wild Hill, Teversal
<b>Sutton Junction and Harlow Wood</b>					
59-64	V/2019/0488	Mr R & Mrs S Leivers	Refuse	Felling of 30 Lime Trees	The Limes, 3 Limes Court and Rear of 15,16, and 17 Dukes Close, Hamilton Road, Sutton in Ashfield

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**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 12/09/2019**

**COMMITTEE DATE**    25/09/2019                      **WARD**            Hucknall North

**APP REF**                      V/2019/0472

**APPLICANT**                I Glenn C/O Agent

**PROPOSAL**                Application for Permission in Principle for Residential Development for a Maximum of 9 Dwellings

**LOCATION**                    Linby Boarding Kennels, Church Lane, Linby, Hucknall, Nottingham, NG15 8AB

**WEB-LINK**                    <https://www.google.com/maps/@53.0509709,-1.2024417,18z>

**BACKGROUND PAPERS**    A, C, G, F

App Registered: 29/07/2019                      Expiry Date: 02/10/2019

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

*This application has been referred to Planning Committee by Cllr. Hollis to discuss policy implications and the countryside.*

### **The Application**

The application site forms part of an operational boarding kennels and comprises of associated single storey outbuildings and pens/runs to the north of the site, a hard surfaced car parking area to the west, an overgrown dog training area to the south, and an undeveloped paddock to the east.

Directly to the north, east and south of the site are open fields and paddocks, whilst to the west of the site is a detached residential property known as Harwyn House, which is occupied by the owners of the boarding kennels.

The application site is located outside of the Districts main urban areas or named settlements, in an area designated within the Nottinghamshire Green Belt, as identified by policy EV1 of the ALPR 2002.

The applicant seeks permission in principle for a residential development of between eight to nine dwellings.

### **Consultations**

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

The following responses have been received:

***Resident Comments:***

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

- Green Belt land
- Loss of countryside/green space and biodiversity
- Locality does not have the infrastructure to support the proposed development
- Set precedence for further development in the Green Belt

3x Letters of support received from local residents in respect of the following:

- The proposal would reduce noise and disturbance from the kennels
- Comings and goings to the site would be reduced

***Linby Parish Council:***

The site forms an important buffer zone between the urban area of Hucknall and the Conservation Area of Linby, but it is however considered that the proposed density of housing would be appropriate for this location.

***Severn Trent Water:***

No objections to the proposal. Drainage conditions required.

**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 9 – Promoting Sustainable Transport
- Part 11 – Making Effective Use of Land
- 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/2017/0575**

Details: Outline application with all matters reserved. Demolition of existing buildings and erection of a maximum of 4 dwellings.

Decision: Conditional Consent

**V/2005/0016**

Details: Construction of 12 replacement dog boarding kennels and exercise runs  
Decision: Refusal

**V/2002/0507**

Details: Change of use of agricultural land to commercial dog training centre and horse riding establishment  
Decision: Refusal

**V/2001/0079**

Details: Change of use of agricultural land to commercial dog training centre and horse riding establishment  
Decision: Refusal

**Comment:**

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the considerations of matters of principle for proposed development from the technical detail of the development.

As this application forms the first stage of this route, all that requires consideration as part of this application is whether the principle of a residential development in this location would be acceptable in accordance with the development plan, unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.

***Principle of development:***

A previous outline application – planning reference V/2017/0575 – was granted permission in April 2018, for the demolition of the existing kennel buildings and the subsequent erection of up to four dwellings.

The application site for 2017 application however comprised solely of land presently occupied by the boarding kennel buildings and pens/runs, and omitted the ménage and paddock land to the east and south.

The 2018-19 Housing Monitoring Report identifies that the Council are unable to demonstrate a 5 year housing land supply. Under these circumstances, Paragraph 11 of the NPPF 2019 makes clear that the policies which are most important for determining the application are out-of-date, and as such permission should be granted unless:

- i. The application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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

The Green Belt is identified in the footnote for paragraph 11 as a protected area. As such, the proposal needs to be considered against Part 13 – Protecting Green Belt Land of the NPPF 2019.

The NPPF 2019 highlights that the government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy, is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. The exceptions to this are:

- a) Buildings for agriculture and forestry;
- b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) Limited infilling in villages;
- f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to

meeting an identified affordable housing need within the area of the local planning authority.

The Council acknowledge that part of the application site comprising of the kennel buildings and pens/runs could be seen to be previously developed land. As such, the construction of residential development on that parcel of land, as previously approved, could be deemed acceptable, as the erection of dwellings in that location would be unlikely to have any greater impact on the appearance and openness of the Green Belt when viewed in comparison to what is presently on site.

The land forming part of the application site to the south and east comprises of an overgrown dog training area, which has blended into the landscape, and a large undeveloped paddock. These parcels of land are currently free from any built form, and add to the rural countryside character of the site and surrounding locality.

There are no exceptions outlined within Part 13 – Protecting Green Belt Land of the NPPF 2019, which would allow for the erection of new buildings for residential purposes on these parcels of land.

Consideration should however also be given as to whether the proposal would result in any harm to the openness and permanence of the Green Belt. Given the location of the application site to the urban area of Hucknall, this is an area of the Green Belt vulnerable to development pressures. The purpose of the Green Belt in this locality is to safeguard the countryside from further encroachment of urban development, and the outward sprawl of Hucknall to the north.

Any residential development on the paddock land or overgrown dog training area would subsequently introduce built development on an undeveloped part of the application site, which would therefore result in an adverse impact on the openness and permanence of the Green Belt in this location.

Furthermore, the introduction of residential paraphernalia associated with the dwellings in this location would result in a further urbanising impact, further reducing the openness of the Green Belt, resulting in the area having a more suburban feel to it, and much less of a rural character.

**Conclusion:**

Taking into account the development plan and other material considerations, it is considered that the principle of development at the application site is not acceptable, and fails to comply with planning policy at both a local and national level. It is therefore recommended that the submitted permission in principle is refused.



**Recommendation: Refuse Planning in Principle**

**REASON**

- 1. The principle of residential development at the application site, when viewed in its entirety, does not constitute appropriate development in the Green Belt. The proposal would introduce new built development and increased urbanisation in an area which is presently undeveloped, resulting in a harmful impact on the openness and permanence of the Green Belt in this location. The proposal would therefore be contrary with Part 13 – Protecting Green Belt Land of the National Planning Policy Framework 2019, and policies ST1 and EV1 of the Ashfield Local Plan Review 2002. These policies seek only to permit appropriate development in the Green Bely, which is located and designed so as not to adversely affect the purpose of the Green Belt and its openness.**

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**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 12/09/2019**

**COMMITTEE DATE**    25/09/2019                      **WARD**            Hucknall West

**APP REF**                      V/2019/0401

**APPLICANT**                      B Willows

**PROPOSAL**                      Change of Use from Retail (A1) to Micropub (A4)

**LOCATION**                      L W Cotton News, 57, Nabbs Lane, Hucknall, Nottingham,  
NG15 6NT

**WEB-LINK**                      <https://www.google.com/maps/@53.0325159,-1.2292048,18z>

**BACKGROUND PAPERS**    A, C, E

App Registered: 28/06/2019                      Expiry Date: 02/10/2019

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

***This application has been referred to Planning Committee by Cllr. Baron to discuss noise and disturbance to neighbouring residents and highway implications.***

### **The Application**

This is an application for the change of use of a vacant retail unit (A1) into a micropub (A4). The change of use applies only to the ground floor of the premises.

The application premises comprises of a mid-terraced property, located within an existing shopping precinct on Nabbs Lane.

Directly adjacent to the site are two further retail units, one of which is presently vacant. Located at first floor level of the application premises is an existing commercial use. Residential flats are also understood to exist at 55 and 59 Nabbs Lane at first floor level.

Surrounding the site to the north, east and west are residential properties, whilst to the south is the existing Nabb Inn Public House.

### **Consultations**

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

The following consultation responses have been received:

***Resident Comments:***

8x Letters of objections have been received from local residents in respect of the following:

- Increased noise disturbance
- Disturbance from comings and goings
- Increased anti-social behaviour and vandalism
- Smoke disturbance
- Increased on-street parking
- Increased traffic and highway safety implications
- Proposed opening hours not acceptable
- Bad example for school children
- No need for two drinking establishments within such close proximity

1x Letter of support has been received from a local resident in respect of the following:

- Reverse the trend in pub closures
- Appeals to different clientele (ambience without food and children)

***ADC Environmental Health:***

The application site is located within an area occupied by commercial and residential uses. The proposal does have the potential to create noise, however these can be mitigated against. There are therefore no objections against the proposal, subject to conditions to mitigate against noise disturbance.

**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

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

- ST1 – Development
- ST2 – Main Urban Area
- SH8 – Commercial/Retail Development

**Relevant Planning History**

**V/1977/0006**

Details: Erection of 6 shop units with living accommodation above and a block of 6 garages.

Decision: Conditional Consent

## **V/2012/0455**

Details: Change of use from residential flat (C3) to office (B1).

Decision: Conditional Consent

### **Comment:**

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

The main issues requiring consideration is the principle of development, and the impacts of the proposal on visual amenity, residential amenity and highway safety.

### ***Principle of Development:***

This application seeks full planning consent for the change of use of a vacant retail unit (A1) to a 'micropub' drinking establishment (A4). Previous planning history for the premises does not include any drinking or food establishments. The property has historically been used for retail purposes.

The Micropub Association defines a 'micropub' as "*a small freehouse which listens to its customers, mainly serves cask ales, promotes conversation, shuns all forms of electronic entertainment and dabbles in traditional pub snacks*". It is imperative to note however that should the application be approved, it would not be conditioned entirely to this affect, and the premises would be able to operate within the usual parameters of an A4 drinking establishment (unless conditioned otherwise).

With regard to economic viability, the proposed drinking establishment will result in the creation three new jobs for the local community, whilst bringing back into use a vacant retail unit. This therefore runs in accordance with Part 6 – Building a Strong, Competitive Economy of the NPPF 2019.

With this, the proposal will also have community benefits. Part 8 – Promoting Healthy and Safe Communities of the Framework states in Paragraph 92, that to deliver the social, recreational and cultural facilities and services the community needs, planning decisions should, amongst other things, plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

Submitted plans indicate a small bar area, a drinks cellar and toilet facilities. Due to the size and scale of the micropub, it is considered that the proposed drinking establishment would have no significant detrimental impact upon the vitality of the existing drinking establishments within the locality.

### ***Visual Amenity:***

The application premises is located in a row of terraced commercial units in a small shopping precinct. The existing shop front is to be retained as part of the proposal,

with the only alterations proposed being a new fascia sign above the shop front, and the installation of a small receptacle for the disposal of cigarettes.

Due to the siting of the building up to the edge of a hard surfaced public area, the applicant has confirmed that the storage of refuse and empty bottles etc. will be located within the existing rear yard which is accessed via Babbacombe Way.

It is considered that due to the nature of the application, the proposal will have no significant detrimental impact upon the character of the street scene or on the visual amenity of the area, and will bring a vacant unit back into use.

***Residential Amenity:***

Concerns have been raised by local residents in respect of associated noise and disturbances.

As previously mentioned, the premises is located within a row of commercial properties. It is understood that there are residential flats at first floor level at 55 and 59 Nabbs Lane, whilst directly above the application premises is a commercial office.

In addition to the neighbouring residential flats, further residential dwellings are sited to the north, east and west approximately 30m from the application premises, whilst to the south is the existing Nabb Inn Public House, located just under 20m from the application site.

Careful consideration has therefore been given to the impact that the micropub would have on neighbouring residential flats and other neighbouring residents.

In regards to residential amenity, no electronic forms of entertainment are proposed. The internal layout plan also illustrates that the micropub will be small in size, and therefore does not have the internal capacity to facilitate a large quantity of people.

Whilst the impact of noise on neighbouring residential properties is considered to be limited, a condition could be attached to any approval for the applicant to submit a sound test, and where necessary, details of means of insulation against the transmission of noise associated with the proposal, prior to the use commencing. Such a condition would ensure that the neighbouring residential flats and other nearby residential properties are afforded a satisfactory level of amenity. There will also be no hot food served at the micropub, so this will limit odours arising from the premises.

To further reduce any noise disturbance to neighbouring residents, a condition could be imposed as part of any approval restricting the placement/installation of tables and chairs externally.

Within 20 metres of the premises is an existing drinking establishment, which functions on a much greater scale and incorporates activities such as live music, the serving of hot food, outdoor seating and children's outdoor play equipment.

No objections have been received from the Council's Environmental Protection Officer subject to condition stating that no amplified music or entertainment events can take place at the premises. Further conditions, relating to opening hours, delivery hours, external lighting and ventilation have also been requested.

In respect of opening hours, the micropub is proposed to be open Monday to Sunday, including bank holidays, until 11:00pm, as per the application form. This closing time is considered acceptable given the location of the premises, and would run concurrently with the closing time at the nearby Nabb Inn.

The applicant has confirmed that the micropub will open from 9:00am to allow the owner of the establishment to exploit the increasing market demand for teas and coffees in the earlier part of the day. An opening time of 9:00am is considered to be acceptable, given that the previous use of the building would have been operating from this time.

Local residents have also raised concerns regarding the increased likelihood of incidences of anti-social behaviour, such as fighting and vandalism, arising from the change of use. As already stated, the micropub will be a small scale establishment with limited capacity. Subsequently, the increase in anti-social behaviour arising from the proposed change of use is considered to be negligible.

***Highway Safety:***

Concerns have been raised by residents in respect of increased traffic and on-street parking arising from the proposed development.

In terms of potential parking, there is an area to the north of the site comprising of space for approximately eight off-street parking spaces which patrons could utilise when visiting the premises. It is considered that the use of these spaces by patrons would have a negligible impact on the availability of parking the customers/clients of the other commercial uses within the precinct, given that the majority of trade at the micropub is likely to take place during late afternoon and evening when the neighbouring commercial uses are predominantly closed.

The application premises is located within close proximity to regularly serviced bus stops, with the last bus operating beyond the proposed closing time.

It is therefore considered that the proposal will result in no significant increase in on-street parking in the locality, nor would it lead to an unacceptable impact on highway safety or capacity in this location given the overall scale of the proposed use.



**Conclusion:**

Overall, due to the location, size and nature of the proposal, it is considered that the proposed change of use will not have a significant detrimental impact on the amenity of local residents through noise and odour disturbance, nor will the proposal result in a likely increase in incidences of anti-social behaviour. Additionally, there are no highway concerns in respect of this application.

The proposal will result in bringing a vacant unit back into use within a small shopping precinct, and will also create new employment opportunities within the local community.

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

**Recommendation: Grant Conditional Consent**

**CONDITIONS**

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. This permission shall be read in accordance with the following plans: Site Location Plan, Drawing No. 19.05.04b, Received 29/08/19; Proposed Ground Floor Layout & Elevations, Drawing No. 19.05.01a, Received 24/06/19. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**
- 3. No sound amplifying equipment, loudspeaker or public address system shall be installed/operated within the premises hereby approved.**
- 4. Prior to the implementation of the permission hereby granted, a sound test shall be carried out, and accord with Part E of Building Regulations. The sound test shall be submitted to and approved in writing by the Local Planning Authority. Where the results of the sound test do not accord with Part E of Building Regulations, details of the means of insulation against the transmission of noise and vibration to the adjoining property or properties shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the implementation of the permission hereby granted.**
- 5. The use of the hereby permitted development for a micro pub shall not be open for business outside of the following hours:**

**9.00am to 11.00pm Monday to Sunday (Including Bank Holidays)**

6. **No external lighting shall be installed unless a scheme has been submitted to, and approved in writing by the Local Planning Authority.**
7. **No tables or seating shall be sited externally to the front or rear of the application premises.**
8. **The access door to the rear shall not be used by customers to access or egress the premises at any time.**
9. **The service yard to the rear of the premises shall not be used by customers at any time.**
10. **The deliveries to and from the premises, including refuse collection, shall not take place outside the following hours:**  
  
**8:00am to 6:00pm Monday to Friday**  
  
**10:00am to 4:00pm Saturday**  
  
**No deliveries, including refuse collection, shall take place on Sundays or Bank Holidays unless agreed by the planning Authority.**

## **REASONS**

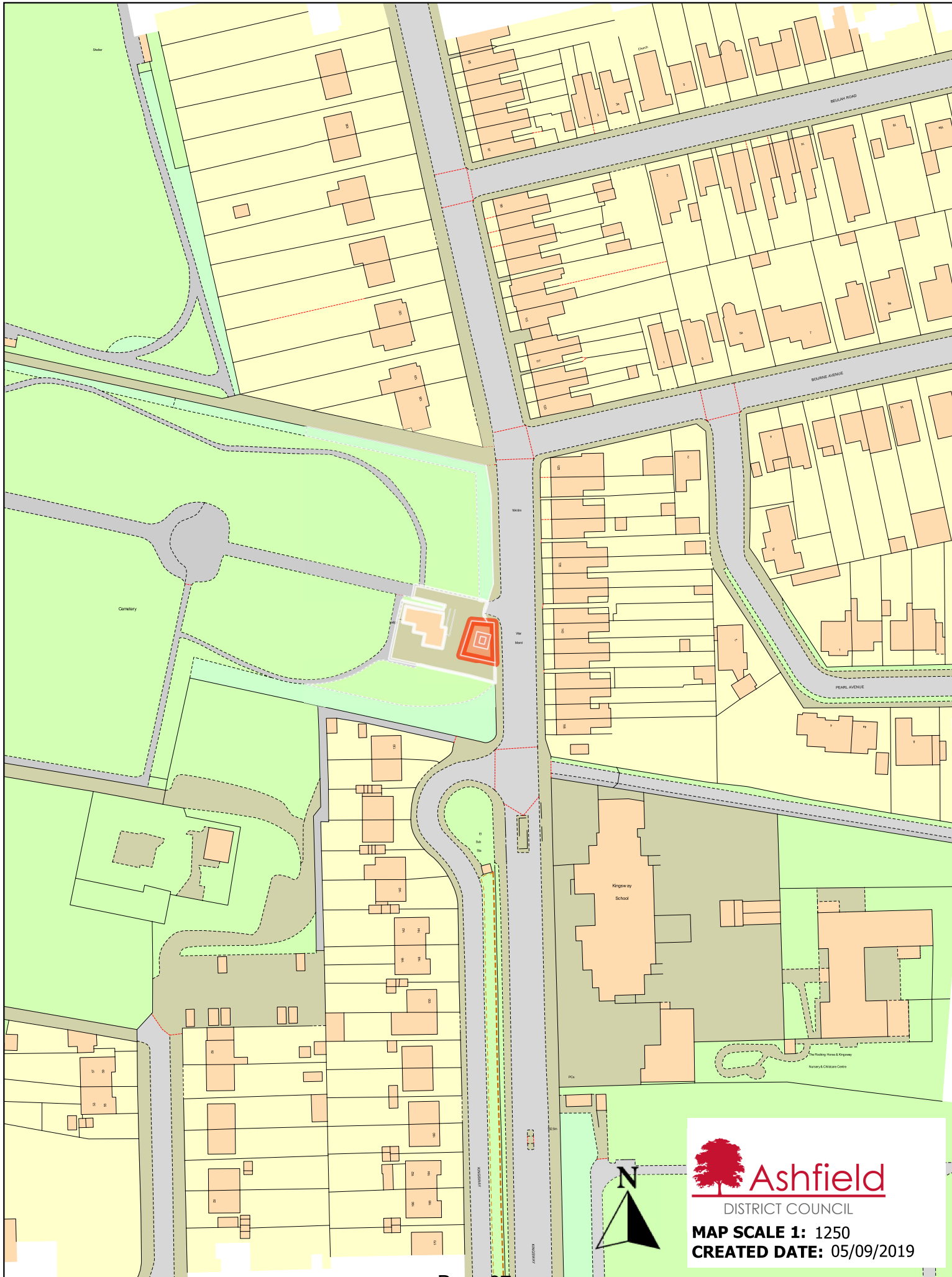
1. **To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.**
2. **To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**
3. **To safeguard the amenities of residents living in the vicinity of the application site.**
4. **To safeguard the amenities of residents living in the vicinity of the application site.**
5. **To define the terms of this permission and to safeguard the amenities of residents living in the vicinity of the application site.**
6. **To safeguard the amenities of residents living in the vicinity of the application site.**
7. **To safeguard the amenities of residents living in the vicinity of the application site.**

- 8. To safeguard the amenities of residents living in the vicinity of the application site.**
- 9. To safeguard the amenities of residents living in the vicinity of the application site.**
- 10. To safeguard the amenities of residents living in the vicinity of the application site.**

## **INFORMATIVE**

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

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**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 05/09/2019**

**COMMITTEE DATE**    25/09/2019                      **WARD**        Kingsway

**APP REF**                      V/2019/0538

**APPLICANT**                      Ashfield District Council

**PROPOSAL**                      Rake Out and Repoint Walls and Copings Including Replacement of Stone Indents. Decorate Existing Railings.

**LOCATION**                      Kingsway Cenotaph, Kingsway Old Cemetery, Kingsway, Kirkby in Ashfield, Notts, NG17

**WEB-LINK**                      <https://www.google.co.uk/maps/place/!PI+Solutions+Ltd/@53.0936018,-1.2432693,165m/data=!3m2!1e3!4b1!4m5!3m4!1s0x487995a5467b5b0b:0x85d91287fd5f40e9!8m2!3d53.093601!4d-1.2427221?hl=en-GB>

**BACKGROUND PAPERS**    A

App Registered 16/08/2019                      Expiry Date 10/10/2019

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

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

**The Application**

This is an application for listed building consent to carry out works to enhance its appearance. It includes the raking out and repointing of walls and copings and the replacement of stone indents and repaint the existing railings.

**Consultations**

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

No comments have been received from residents.

**ADC Conservation Officer**

Ashfield District Councils Conservation Officer has verbally confirmed that the works proposed are necessary and appropriate in order to conserve and enhance the boundary walls' structural stability and appearance. The works should be carried out in accordance with the schedule from the contractors and details of the mortar and

finish should be submitted prior to works commencing to ensure the correct materials and finishes are being used to safeguard the listed building.

**Historic England** have been consulted on the application and no comments have been received.

### **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 16 – Conserving and enhancing the historic environment

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

ST1 – Development

ST2 – Main Urban Area

EV12 – Listed Building

### **Relevant Planning History**

V/2013/0661 – Alteration to text on War Memorial – Conditional Consent – 08/04/2014

### **Comment :**

#### **The Application and Site**

The site is located off Kingsway within the main urban area of Kirkby in Ashfield.

The application seeks Listed Building consent to carry out repair and maintenance works to the Grade II listed boundary wall and railings that surround the existing war memorial.

#### **Visual Amenity**

The boundary wall is a prominent feature in the street scene providing an enclosure for the war memorial which is historically significant in the area commemorating lives lost in battle. The wall is showing signs of deterioration and in places has been repointed with inappropriate cement. There are also signs that mortar is missing, stonework is damaged and paint is flaking from the railings. The proposed works will address these issues and help to conserve and enhance the wall and railings. The dimensions of the boundary wall will remain the same.

Details of the mortar and finish to be used will need to be agreed by the local authority prior to the works taking place to safeguard the listed building.

### **Conclusion :**

Overall the works are considered appropriate to conserve and enhance the appearance and stability of the boundary wall. Therefore this application is recommended for conditional consent.

**Recommendation: - Grant – Conditional Consent**

**CONDITIONS**

1. The works to which this consent relates shall be begun not later than three years from the date of this consent
2. The works hereby given consent shall be carried out only in accordance with the details and specifications included on the submitted schedule of works provided by the contractors (unless otherwise agreed in writing with the Local Planning Authority).
3. Before works commence, details of the mortar to be used for re-pointing (including materials (with ratios), colour, texture and pointing finish) shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details
4. Details of the finished joint shall be submitted to and agreed in writing by the District Planning Authority. The works shall be carried out only in accordance with the agreed details.

**REASONS**

1. To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the works take the agreed form envisaged by the District Planning Authority when determining the application and thus result in a satisfactory form of development.
3. To safeguard the special architectural and historic interest of the listed building
4. To safeguard the special architectural and historic interest of the listed building

**INFORMATIVE**

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





**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 05/09/2019**

**COMMITTEE DATE**    25/09/2019                      **WARD**        St Mary's

**APP REF**                      V/2019/0464

**APPLICANT**                      Rob Fenton Peach Co-Living

**PROPOSAL**                      Change of Use of Dwelling to House in Multiple Occupation,  
Two Storey Side and Single Storey Rear Extensions

**LOCATION**                      1, Kirkby Road, Sutton in Ashfield, Notts, NG17 1HB  
<https://www.google.com/maps/@53.122699,-1.2645778,19z>

**BACKGROUND PAPERS**    A, C, D

App Registered 23/07/2019                      Expiry Date 16/09/2019

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

***This application has been referred to Planning Committee by Councillor Keir Barsby on the grounds of over-intensification of development.***

**The Application**

This is an application for the change of use of a dwelling(C3) to a House in Multiple Occupation(HMO) (Sui Generis), together with a two storey side and single storey rear extensions. The applicant has advised that their plans are a new concept in co-living aimed specifically at the over 55s demographic.

**Consultations**

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

The following consultation responses have been received:

**Resident comments:**

8 written representations have been received from local residents, and one letter containing 26 signatures, raising the following concerns in respect of the application:

- Lack of parking and impact on highway
- Will result in an HMO aimed at all ages

- Increased noise compared to traditional home
- It will de-value local house prices
- It will have an impact on availability and access to local medical services
- Impact on refuse and waste collection
- Over development of the site
- Lack of demand for over 55 HMOs
- Impact on housing mix in the area
- Lack of a lift to the first floor if the HMO is to be aimed towards over 55s
- The bedrooms and shared rooms are not spacious enough for potential residents
- The house will not be able to be converted back to a traditional family home
- An HMO is unsuitable for the area
- Could have an impact on crime in the local area

**Nottinghamshire County Council Highways Department** have raised no objection to the proposed development.

### **Policy**

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

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

ST1 – Development

ST2 – Main Urban Area

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

#### **National Planning Policy Framework 2019 (NPPF)**

Part 2 – Achieving sustainable development

Part 9 – Promoting sustainable transport

Part 12 – Achieving well-designed places

#### **Supplementary Planning Document**

Residential Design Guide 2014

Residential Extensions Design Guide 2014

Residential Car Parking Standards 2014

#### **Relevant Planning History**

- **X/2018/0051**: Single Storey Rear Extension (Householder Prior Approval Not Required)

### **Comment**

The application is located within the main urban area of Sutton in Ashfield and comprises 1 Kirkby Road. This is a detached property on a corner plot, with a rear

detached garage and driveway which is accessed from Mill Street. The proposed HMO will include 9 bedrooms, however the applicant has stated that it is their intention that only 8 bedrooms will be occupied, with the 9<sup>th</sup> bedroom to be used for occasional guests of residents, staff and as additional living/amenity space for the residents of the house. In addition to seeking consent for the change of use, the applicant seeks consent for a two storey side extension and a single storey rear extension.

The two storey side extension is proposed to be 4m wide and approximately 6.9m long, it is proposed to be 5.4m to the eaves 8m to the highest point – this roof height matches the existing dwelling.

The single storey rear extension was previously submitted to the Council's Planning department under reference X/2018/0051 as an application for prior notification for a larger household extension. No resident comments were received and as such householder prior approval was not required and it was deemed permitted development. The rear extension is proposed to protrude 8m from the rear elevation of the existing dwelling and is proposed to be approximately 7.1m wide and has a flat roof to the height of 3m.

The main issues to consider in this application are the:

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

### ***Principle of development***

The application is located within the Main Urban Area as defined by the ALPR 2002 Policy ST2 and the Proposals Map. This policy identifies that development should be concentrated within the main urban areas and this proposal complies with this policy.

The relevant parts of policy HG8 of the ALPR 2002 state that the development of HMOs will be permitted where:

- The amenity of neighbouring properties is protected;
- Its design is acceptable in terms of appearance, scale and siting;
- Adequate private garden is provided;
- Boundary treatments provide an acceptable standard of privacy and visual amenity;
- Parking facilities are provided in accordance with council standards.

The dwelling could be converted to an HMO with up to 6 inhabitants with no need for an application for planning permission under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 3 Class L.

This application seeks consent for 2/3 inhabitants above the permitted development level, and therefore requires planning permission and it should be assessed on its planning merits

***The character of the area***

Concerns have been raised that the change of use to an HMO with 9 bedrooms will be out of character with the surrounding area.

Kirkby Road is a residential street characterized by detached dwellings set in large plots. On the opposite side of Mill Street to the application site is Langton Court and Brookhill Court. These are 3-storey apartment buildings and represent existing higher density residential accommodation in the immediate area. The presence of the proposed HMO on the corner of Kirkby Road which is close to the town centre would not result in a level of development that is out of character with the surrounding area.

The additional 2/3 residents in the HMO above the number allowed under a change of use that would class as permitted development are unlikely to generate a significant detrimental impact on the character of the area and the living conditions of neighbouring residents. The planning system cannot discriminate against individual end users, their backgrounds or possible behavior. This application is required to be considered that it represents residential accommodation in a residential area.

***Residential amenity***

The single storey rear extension has been approved as permitted development and as such could be constructed if the property remains as a dwelling house without any further permission from the Local Planning Authority. Regardless of this, it is single storey to a maximum height of 3m and does not breach the 45 degree code from the extension of no. 3 Kirkby Road. It is therefore considered that the impacts from the proposed development on overshadowing and overbearing will not be significant.

New windows proposed to the side elevations are proposed to be ground floor and/or high level windows. It is considered that there will be no significant overlooking impact generated from the proposed development.

Due to its positioning on the road side, the two-storey side extension will not have a detrimental impact on residential amenity of any of the neighbouring properties

All bedrooms are en-suite and vary in size from 10.4m<sup>2</sup> to 13.7m<sup>2</sup>. Bedroom 9 is 8.5m<sup>2</sup>. As previously stated the applicants do not intend for this bedroom to be occupied by a permanent resident. However this bedroom does still exceed the Council's minimum space standard of 7m<sup>2</sup> for a single bedroom as stated within the Residential Design Guide 2014. The combined kitchen/living room is approximately 32m<sup>2</sup>. It is considered that the resulting private and shared amenity space meets the Council's standards and guidance and will provide an adequate standard of living for potential future residents of the property.

### ***Visual amenity***

Materials proposed to be used for the side and rear extensions have not been provided and would therefore be controlled through a condition to be discharged pre-commencement. The built form of the proposed extensions does not result in any detrimental impacts on the appearance of the street scene or visual amenity.

### ***Highways safety and parking***

Concerns have been raised in respect of the potential highway safety issue caused by the lack of provision of off-street car parking within the proposal. The application site has a detached garage and driveway capable of supporting two parked cars. Despite this it can be assumed that there will be a need for some cars associated with the residents of the proposed HMO to park on-street.

Kirkby Road and several of the surrounding streets including Mill Street are controlled by resident parking permits. This is in place due to its proximity to Sutton town centre, to control on-street parking and to ensure there is availability for local residents to park in the area. Although no parking survey has been submitted with the application, historic photos of the area before and after the permit scheme was introduced suggest that the presence of resident parking permits have been successful in controlling parking in the area and reserving on-street parking spaces for residents of Kirkby Road and the surrounding area.

Additionally, the majority of properties along Kirkby Road are detached dwellings with significant driveways to accommodate private vehicles allowing several of the households to meet their parking requirements on-plot, which in turn may result in a lower demand for on-street car parking on Kirkby Road.

Nottinghamshire County Council's Highway Department have raised no objections in regards to the proposed development.

The NPPF states that planning decisions should look to encourage developments where the need to travel will be minimised, and support the ability for journeys to be made by more sustainable transport methods. The application site is located within a 5 minute walk of Sutton town centre and all of its amenities, and there are regular bus services to neighbouring district and regional centres within a similar walking distance.

Therefore, given the existing two on-plot car parking spaces, the presence and effectiveness of the existing residents' permit scheme, and the application site's proximity to Sutton town centre it is considered that the proposed development will not have a noticeably detrimental impact on highway safety. It is likely that surrounding streets will be able to cope with any increased demand for parking that could result from the development.

## **Conclusion**

The proposal provides accommodation for up to 9 residents in a sustainable town centre location. The standard of accommodation that is proposed to be provided is satisfactory with en-suites serving each of the bedrooms and adequate shared amenity space inside the property and private garden space outside. The proposed extensions are deemed to be in keeping with the original dwelling and will not result in significantly detrimental impacts on residential or visual amenity of the neighbouring residents.

Careful consideration has been given to the impact of the proposed change of use on residential amenity and the character of the area. Due to the number of proposed residents and the location of the application site it is deemed that the proposed change of use will not have a significant detrimental impact on the character of the area or a significant impact on the living conditions and amenity of neighbouring residents.

There are considered to be no planning reason to restrict the proposed development to over 55s only.

Given the application site's close proximity to the town centre, it is considered that the proposal will not have a significant negative impact on highway safety. There is also provision for two on-plot car parking spaces and Kirkby Road and the surrounding streets are managed through a residents parking permit scheme.

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

## **Recommendation: - Conditional Consent**

### **CONDITIONS**

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. This permission shall be read in accordance with the following plans and details: Block Plan as proposed, received on 15/08/2019; Drawing no. KR-04 Proposed Elevations, Drawing no. KR-03 Proposed Plans, Drawing no. KR-05 Proposed Site Layout, Drawing no. KR-02 Existing plans & elevations, all received 23/07/2019. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**

- 3. No development shall take place until details or samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation.**

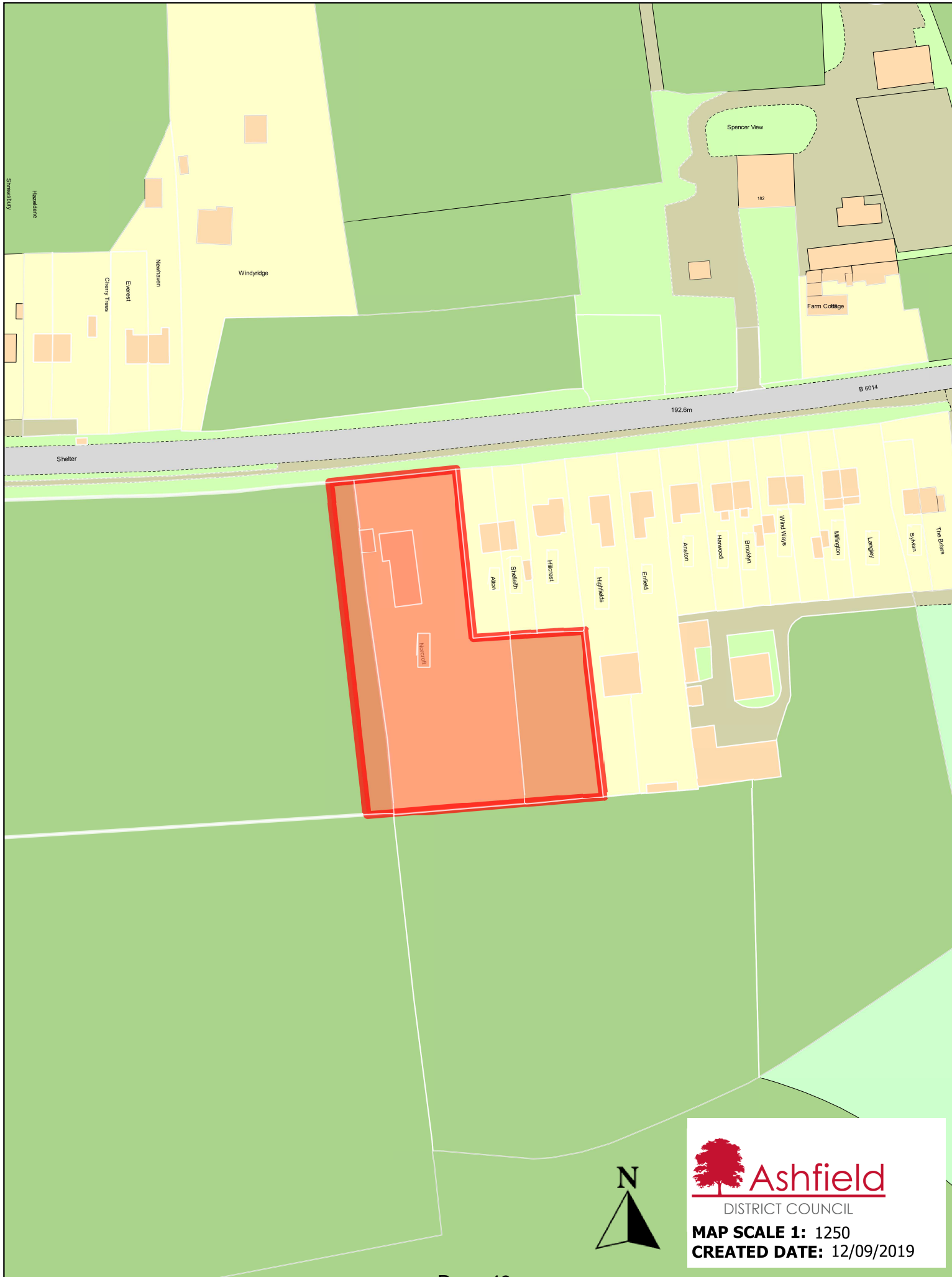
## **REASONS**

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

## **INFORMATIVE**

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





**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 12/09/2019**

**COMMITTEE DATE**    25/09/2019                      **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 was deferred by members at the last meeting following a request by the applicant. No additional information has been received since the last meeting.*

### **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:***

3x 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
- Erosion of countryside
- Increased traffic on Wild Hill – highway implications
- No public transport provision
- Overbearing impacts
- Overshadowing impacts
- Loss of privacy
- Overdevelopment of the site
- Exacerbate local drainage issues
- 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.

***Severn Trent Water:***

No comments received.

**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 rears 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.

The rear garden space at 211 Wild Hill comprises of a number of mature trees, which add to the visual amenity offered by the wider locality, with views of the site and trees possible from Chesterfield Road.

Whilst the plans submitted are indicative only, it is considered that the majority of trees within the application site would have to be removed to accommodate the proposed development, resulting in a negative impact upon the visual amenity of the surrounding 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 and mature tree coverage, 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.

**Drainage:**

Whilst no comments have been received from Severn Trent Water in respect of the proposal, it is considered that an appropriate drainage scheme could be implemented.

The applicant has stated that foul sewage would be directed to the main sewer which Severn Trent are to provide in the near future. Should the main sewer not be installed however, a scheme involving the installation of septic tanks for foul sewage and soakaways for surface water could be implemented.

It is therefore considered that the proposal would be unlikely to exacerbate drainage issues in the locality.

**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.

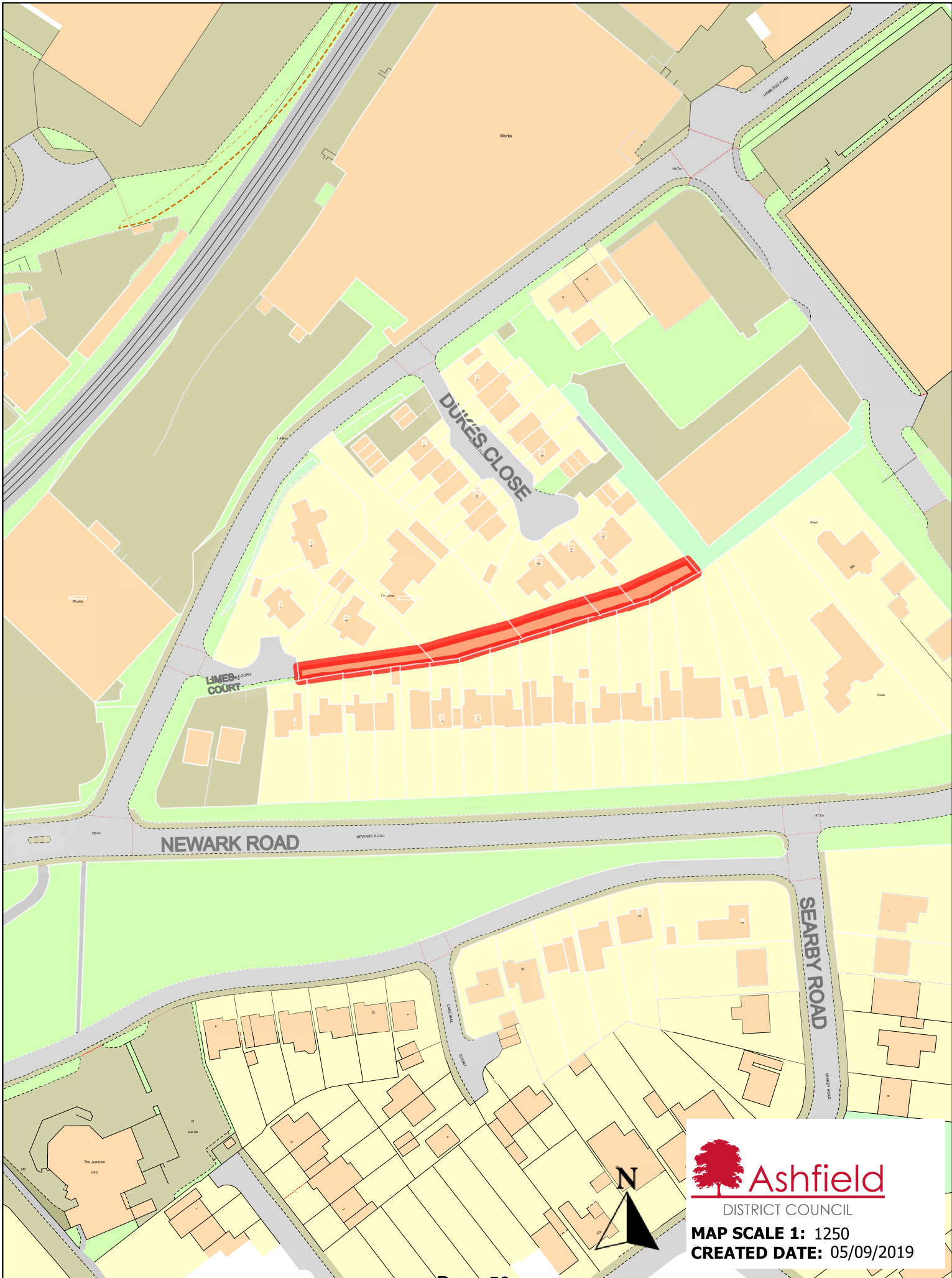
On balance therefore, it is considered that the proposal does not constitute an appropriate and sustainable form of development in the countryside, and it is subsequently recommended that this application is refused on the following grounds:

**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.**



**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 05/09/2019**

**COMMITTEE DATE** 25/09/2019                      **WARD** Sutton Junction and Harlow Wood

**APP REF** V/2019/0488

**APPLICANT** Mrs S Leivers

**PROPOSAL** Felling of 30 Lime Trees

**LOCATION** The Limes, Dukes Close, Hamilton Road, Sutton in Ashfield, Nottinghamshire, NG17 5LD

**WEB-LINK** <https://www.google.co.uk/maps/place/Dukes+Cl,+Sutton-in-Ashfield/@53.1216178,-1.2348066,18z/data=!4m5!3m4!1s0x487995de5be29ba5:0xcda9212d33154843!8m2!3d53.1218577!4d-1.2356354?hl=en>

**BACKGROUND PAPERS** A C K

App Registered 01/08/2019

Expiry Date 25/09/2019

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

*This application has been referred to Planning Committee by Cllr. Relf on the grounds of visual amenity.*

**The Application**

This is an application that seeks consent to fell 30 Lime trees covered by TPO reference 87 & 89. Three reports have been received in support of this application. One report from Mr Helliwell (Tree Surgeon) regarding the trees at 15 Dukes Close, one report from Mr Gibson (Tree Surgeon) regarding the trees at 15, 16 and 17 Dukes Close and finally a report from Red Brick Structural Engineers providing a structural assessment of 16 Dukes Close.

**Consultations**

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

4 resident comments have been received in support of the application and raise the following points:

- The trees remove daylight and sun from the properties
- Cause a lot of mess such as branches, leafs and sap

- The trees take a lot of moisture from the ground which effects lawn growth and planting
- Possibility of the trees injuring someone due to falling branches and debris

### **ADC Tree Officer**

The Councils tree officer has commented on the technical information received. He has noted that in the application technical information was received for 15, 16 and 17 Dukes Close only therefore insufficient information has been received to justify the felling of the other trees.

The following comments have been made in relation to the information submitted for 15, 16 and 17 Dukes Close:

- Mr Helliwell's report goes into limited detail in regards to the trees in question. He states that the soil here is generally sandy and that it is unlikely that roots will cause any problems to building foundations on this type of soil although it is possible paving may be slightly disturbed. However these comments seem to conflict with the report produced by Redbrick. The Redbrick report states that the soil in the garden is a clay soil to an approximate depth of 1.5 metres and below is a sandy stratum. Neither report includes details of any trial pit or excavation which would indicate the soil profile or any tree roots that may be present within the soil to prove the Lime trees involvement with structural damage.
- Mr Gibson's report is in the officer's opinion a true and fair reflection of the health of the trees surveyed at 15, 16 and 17 Dukes Close. The report offers numerous alternative works that could be carried out to alleviate the concerns of residents.
- None of the alternatives provided in Mr Gibson's report have been proposed by the applicant in this application.

It is the view of the officer that the technical information supplied does not support the removal of the 30 Lime trees and that insufficient information has been supplied to justify this removal.

### **Policy**

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

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

ST2 – Main Urban Area

EV8 – Trees and Woodland

#### **National Planning Policy Framework (NPPF) (2019)**

Part 15 – Conserving and enhancing the natural environment

**Relevant planning history in respect of works previously proposed to trees in this location**

V/1991/0640 – Felling of 3 Lime Trees and Tree Surgery to 4 Lime Trees – Conditional

V/1994/0203 – Pruning of 11 Lime Trees – Conditional

V/1994/0451 – Felling of Two Lime Trees and Pruning of Two Lime Trees – Conditional

V/1994/0528 – Three Trees to be Felled and Three Lightly Pruned – Conditional

V/2003/0444 – Pruning of Two Lime Trees - Conditional

V/2003/0780 – Fell Two Trees & Prune One Tree – Refused

V/2012/0360 – Crown Lifting of Four Lime Trees – Conditional -

V/2015/0075 – Crown Lifting of 7 Lime Trees to 7m and Crown Cleaning where necessary – Conditional

V/2015/0212 – Crown Lifting of 13 Lime Trees to 7m and Removal of Deadwood Where Necessary – Conditional

V/2018/0727 – Fell Two Lime Trees – Refused

V/2018/0728 – Fell 4 Common Lime Trees – Refused

V/2018/0729 – Fell 3 Common Lime Trees – Refused

**Comment :**

The site is located off Limes Court and Dukes Close, Sutton in Ashfield. The trees in question form a row that runs along the boundary of the rear gardens of the houses on Newark Road and those on Limes Court and Dukes Close.

The trees in question are considered to provide a positive contribution to the visual amenity of the surrounding area and as such are protected by a Tree Preservation Order. The trees are a prominent feature in the street scene and can be seen from multiple streets surrounding the area. Felling the whole row of trees would significantly impact the visual amenity of the area.

The trees in question were protected through conditions to the applications granted for the residential development off Hamilton Road and subsequently a Tree Preservation Order was placed on them in 1991.

The lead applicants were consulted after receiving the tree officer's comments and asked if they wish to submit further information in response to the comments. When contacted the lead applicants confirmed that they were happy to be the lead applicant and speak on behalf of all applicants. They have confirmed that they do not wish to submit additional information and are happy that the application is decided on the information already submitted.

**Conclusion :**

The information put forward included three reports from different specialists however this information only related to the trees at 15, 16 and 17 Dukes Close and no technical information was provided relating to all 30 mature Lime trees.

Mr Helliwell's report discusses the trees at 15 Dukes Close and in his report states that the soil in this location is generally sandy and as such there should be no problems related to clay shrinkage or building foundations. He also discusses that it is unlikely that the roots will cause any problems to building foundations.

The Redbrick report provides a structural assessment on the trees at 16 Dukes Close and states that the soil includes clay and that the trees have more than likely caused movement. However no evidence has been provided as part of this report, no trial pits have been dug to confirm the soil type or to find any evidence of roots near the property.

There are also discrepancies between Mr Helliwell's report and the Redbrick report as both state a different soil type for the area therefore we cannot be sure as to which is correct. Should a trial hole have been dug this would have evidenced this.

Finally a report was submitted regarding the trees at 15, 16 and 17 Dukes Close by Mr Gibson. This report goes into detail about the trees and offers alternative solutions to address the concerns raised by the residents. However none of these alternatives have been suggested by the applicants and instead they are applying to fell all 30 mature Lime trees.

Overall the works proposed which is the removal of 30 mature Lime trees located on the rear boundary of residential properties is considered not appropriate and would result in a significant loss to the visual amenity of the local area. Although information has been provided it is considered that insufficient technical information has been provided to justify the felling of the 30 mature Lime trees. Therefore this application is recommended for refusal.

**Recommendation: - Refuse**

**REASONS**

- 1. The proposal to fell the trees will cause a detrimental loss to the visual amenity of the immediate locality. Insufficient information has been provided in support of the felling of 30 lime trees. As such, the proposal is contrary to National Planning Policy Framework (2019) Part 15 – Conserving and enhancing the natural environment and saved policy EV8 of the Ashfield Local Plan Review (2002).**



<b>Report To:</b>	<b>Planning Committee</b>	<b>Date:</b>	<b>25<sup>th</sup> September 2019</b>
<b>Heading:</b>	<b>PLANNING APPEAL DECISIONS</b>		
<b>Portfolio Holder:</b>	<b>PLACE, PLANNING AND REGENERATION</b>		
<b>Ward/s:</b>	<b>ASHFIELDS, HUCKNALL WEST, KIRKBY CROSS AND PORTLAND, UNDERWOOD</b>		
<b>Key Decision:</b>	<b>No</b>		
<b>Subject to Call-In:</b>	<b>No</b>		

**Purpose of Report**

To inform Members of recent Planning Appeal Decisions.

**Recommendation(s)**

**To Note the Appeal Decisions.**

**Reasons for Recommendation(s)**

To bring to Members attention the recent Appeal Decisions.

**Alternative Options Considered**

*(with reasons why not adopted)*

N/A

**Appeal Decisions**

**SKEGBY**

Planning Application – V/2016/0569

**Site** – Land west of Beck Lane Skegby

**Proposal** – Residential development (up to 322 Dwellings) with means of access into the site.

**Appeal Decision** – Allowed

The Inspector considered that the development would not have a materially adverse impact on highway conditions in the locality and potential congestion and safety matters would be dealt with in a satisfactory manner with highway improvements. He further concluded that the site would be reasonably accessible on foot, would be accessible by cycle, and would offer the potential to use the 417 bus service he was therefore satisfied that the appeal site offers a suitable and sustainable location for development. Permission was therefore

granted but the Inspector did not agree to the S106 obligations in respect of secondary education or public realm contributions because they had not been justified or shown to meet the tests set out in the CIL Regulations.  
No award of costs were made by the Inspector.

## SUMMIT

### Planning Application – V/2018/0435

**Site** – Annandale, Lowmoor Road Kirkby-in-Ashfield, NG17 7JE

**Proposal** – Use the existing garage for general motor repairs and run a mobile mechanic business from home.

**Appeal Decision** – Dismissed

The Inspector considered that although the proposal would not give rise to any highway safety concerns it would be harmful to the living conditions of neighbouring residents as a result of increased noise and disturbance. The appeal was therefore dismissed.

## NEW CROSS

### Planning Application – V/2018/416

**Site** – Bank House, Church Street, Sutton-in-Ashfield NG17 1EX

**Proposal** – Construction of decking, office, shed and fencing.

**Appeal Decision** – Part Dismissed and Part Allowed

This application was to retain decking, an office and a shed and to erect a boundary fence. The Inspector agreed the fence, office and decking are inappropriate because of overlooking of neighbours and the impact on the character and appearance of the conservation area and dismissed the appeal in these respects. However he allowed the shed considering it to be significantly less obtrusive and an acceptable development in this location.

### Planning Application – V/2018/0709 – V/2018/0710

**Site** – Bank House, Church Street, Sutton-in-Ashfield NG17 1EX

**Proposal** – Removal of condition 2 of planning permission V/1986/0343 – premises to be used for a residential home for the elderly only

**Appeal Decision** – Allowed

The Inspector concluded that the condition is not necessary in order to make the development acceptable in planning terms. Any disturbances that have occurred, have generally been addressed once the management of Bank House has been made aware of them. He is therefore satisfied that with effective management, the current use would not generate significantly different impacts in comparison with the approved use when it operated.

**Site** – Bank House, Church Street, Sutton-in-Ashfield NG17 1EX

**Proposal** – Removal of condition 3 of planning permission V/1987/0739 – premises to be used for a residential home for the elderly only

**Appeal Decision** – Allowed

The conclusions of the Inspector are the same as above in relation to this appeal.

### **Implications**

#### **Corporate Plan:**

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

#### **Legal:**

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

#### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

#### **Risk: N/A**

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

#### **Human Resources:**

No implications

#### **Equalities:**

*(to be completed by the author)*

None

#### **Other Implications:**

*(if applicable)*

None

#### **Reason(s) for Urgency**

*(if applicable)*

N/A

**Reason(s) for Exemption**

*(if applicable)*

N/A

**Background Papers**

*(if applicable)*

None

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**Theresa Hodgkinson**

**DIRECTOR – PLACE AND COMMUNITIES**