

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Wednesday, 23rd October, 2019**

Time: **10.00 am**

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

For any further information please contact:

Lynn Cain

l.cain@ashfield.gov.uk

01623 457317

PLANNING COMMITTEE

Membership

Chairman: Councillor Rachel Madden

Vice-Chairman: Councillor Dale Grounds

Councillors:

Chris Baron

Samantha Deakin

David Martin

Helen-Ann Smith

Jason Zadrozny

Ciaran Brown

Tom Hollis

Lauren Mitchell

Daniel Williamson

FILMING/AUDIO RECORDING NOTICE

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

SUMMONS

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



Carol Cooper-Smith
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 25th September, 2019. 5 - 10
4. To receive and consider the attached planning applications. 11 - 70
5. **Planning Appeal Decisions.** 71 - 74

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PLANNING COMMITTEE

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

on Wednesday, 25th September, 2019 at 10.00 am

Present: Councillor Rachel Madden in the Chair;

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

Apology for Absence: Councillor Lauren Mitchell.

Officers Present: Lynn Cain, Louise Ellis, Mick Morley and
Christine Sarris.

P.13 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

Councillor Rachel Madden declared a Non Disclosable Pecuniary/Other Interest in respect of Application V/2019/0401, Mr. B. Willows, Change of Use from Retail (A1) to Micropub (A4), L.W. Cotton News, 57 Nabbs Lane, Hucknall. Her interest arose from the fact that she had previously sat at a Licensing Sub Committee hearing that had convened to consider a licensing application for the same premises.

Councillor Tom Hollis declared a Non Disclosable Pecuniary/Other Interest in respect of 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.

Councillor Chris Baron declared a Non Disclosable Pecuniary/Other Interest in respect of Application V/2019/0401, Mr. B. Willows, Change of Use from Retail (A1) to Micropub (A4), L.W. Cotton News, 57 Nabbs Lane, Hucknall. His interest arose from the fact that the applicant had been a friend of his for over 20 years.

P.14 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 27th August, 2019 be received and approved as a correct record.

(During consideration of the minutes, Councillor Helen-Ann Smith entered the meeting at 10.05am.)

P.15 Town and Country Planning Act 1990: Town Planning Applications Requiring Decisions

RESOLVED that

1. V/2019/0472, Mr I. Glenn, Application for Permission in Principle for Residential Development for a Maximum of 9 Dwellings, Linby Boarding Kennels, Church Lane, Linby, 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 further letters of support have been received from local residents. The letters did not raise anything different to previous letters of support.

Gedling Borough Council responded suggesting a very small part of the red line boundary was within Gedling Borough, otherwise they had no comments to make on the proposal.

The applicant had written and:

- claimed the site is wholly brownfield comprising of buildings, car parking and hard standing and the site is left intentionally overgrown in order to facilitate dog training and equipment in connection with this use is permanently laid out over the whole site.
- the latest animal welfare legislation requires isolation kennel facilities to be provided, resulting in further built development on the site, which should be taken into consideration.
- the application site is entirely within Ashfield so the red line boundary will not require alteration.

Officer's Response

It was acknowledged that part of the site, comprising of the kennel buildings, pens, and hardstanding was considered brownfield land and this was reflected in the previous planning permission. The eastern and southern areas of the site do not however meet the criteria to be classed as previously developed land as denoted in the glossary of the NPPF, as detailed within the report. There was no evidence during a recent site visit of equipment used in association with dog training on the eastern portion of the site, and this was shown in the photos that followed.

Any further buildings required in association with the dog kennel business would require full planning permission and consideration would be given as to whether these would comply with Green Belt policy and whether they would have any impact on the openness of the Green Belt.

The proposal is accepted to be sited entirely within the jurisdiction of Ashfield District Council.

It was moved by Councillor Tom Hollis and seconded by Councillor Helen-Ann Smith that the officer's recommendation contained within the report be rejected and Permission in Principle be granted.

Reasons for rejecting officers' recommendation:

Having regard to the policies and proposals in the Ashfield Local Plan Review (2002) and all relevant material considerations including Supplementary Planning Guidance it was considered that Permission in Principle should be granted.

For the motion:

Councillors Ciaran Brown, Samantha Deakin, Tom Hollis, David Martin, Helen-Ann Smith, Daniel Williamson and Jason Zadrozny.

Against the motion:

Councillors Chris Baron, Dale Grounds and Rachel Madden.

Abstention

None.

Accordingly, the motion was duly carried.

2. V/2019/0401, Mr B. Willows, Change of Use from Retail (A1) to Micropub (A4), L W Cotton News, 57 Nabbs Lane, Hucknall

(Councillor Chris Baron had previously declared a Non Disclosable Pecuniary/Other Interest in respect of this item. In view of the nature of his interest and friendship with the applicant, 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:-

The report incorrectly stated that there was a residential property at 55a Nabbs Lane. This unit is a commercial property following permission for a change of use in 2015.

An objector, Kevin Breedon and Max Cully on behalf of the applicant, took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submissions as required.

It was moved and seconded that conditional consent be granted as per officer's recommendation with an amendment to Condition 5 (exact wording to be agreed by Chairman) as follows:-

Condition 5

The use of the hereby permitted development for a micro pub shall take place during the following hours

9.00am to 11.00pm Tuesday to Saturday

10.00am to 9.30pm Sundays

9,00am to 5.00pm Mondays

At this point in the proceedings, the meeting was adjourned at 11.03am and reconvened at 11.10am.

3. V/2019/0538, Ashfield District Council, Rake Out and Repoint Walls and Copings Including Replacement of Stone Indents. Decorate Existing Railings, Kingsway Cenotaph, Kingsway Old Cemetery, Kingsway, Kirkby in Ashfield

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

4. V/2019/0464, Peach Co-Living, Change of Use of Dwelling to House in Multiple Occupation, Two Storey Side and Single Storey Rear Extensions, 1 Kirkby Road, Sutton in Ashfield

The applicant, Rob Fenton and his representative Richard Purseglove, 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.

Councillor Samantha Deakin also took the opportunity to read out some comments from Councillor Kier Barsby who had called in the application but was absent from the meeting due to family illness.

It was moved by Councillor Jason Zadrozny and seconded by Councillor Samantha Deakin that the officer's recommendation contained within the report be rejected and planning consent be refused.

Reasons for rejecting officers' recommendation

(exact wording to be agreed by Chairman):

The proposed development due to the significant increase in the footprint of the building is considered not to be in keeping with the surrounding residential properties. It will result in an overdevelopment and over intensive use of the site which by reason of the appearance, scale and siting of the building and lack of off street parking would be contrary to policies ST1 (a) and (c) and HG8(b) and (g) of the Ashfield Local Plan Review 2002.

For the motion:

Councillors Ciaran Brown, Samantha Deakin, Tom Hollis, Helen-Ann Smith, Daniel Williamson and Jason Zadrozny.

Against the motion:

Councillors Chris Baron, Dale Grounds, Rachel Madden and David Martin.

Abstention

None.

Accordingly, the motion was duly carried.

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

(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.)

Further to deferment of the application at the last Committee meeting, Councillor Helen-Ann Smith advised Members that the applicant had requested a further deferment to the Planning Committee meeting in November 2019.

Having been moved and seconded, the application be deferred to the next meeting of the Planning Committee.

(Prior to consideration of this application, Councillors Chris Baron and Daniel Williamson left the room at 12.17pm and 12.19pm and both returned to the meeting at 12.20pm.)

6. V/2019/0488, Mr. R. & Mrs. S. Leivers, Felling of 30 Lime Trees, The Limes, 3 Limes Court and Rear of 15,16, and 17 Dukes Close, Hamilton Road, Sutton in Ashfield

Having been moved and seconded, the application be deferred for a site visit prior to the next meeting of the Planning Committee.

P.16 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 12.25 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 17th October 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 9.30am 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

Tel: 01623 457365

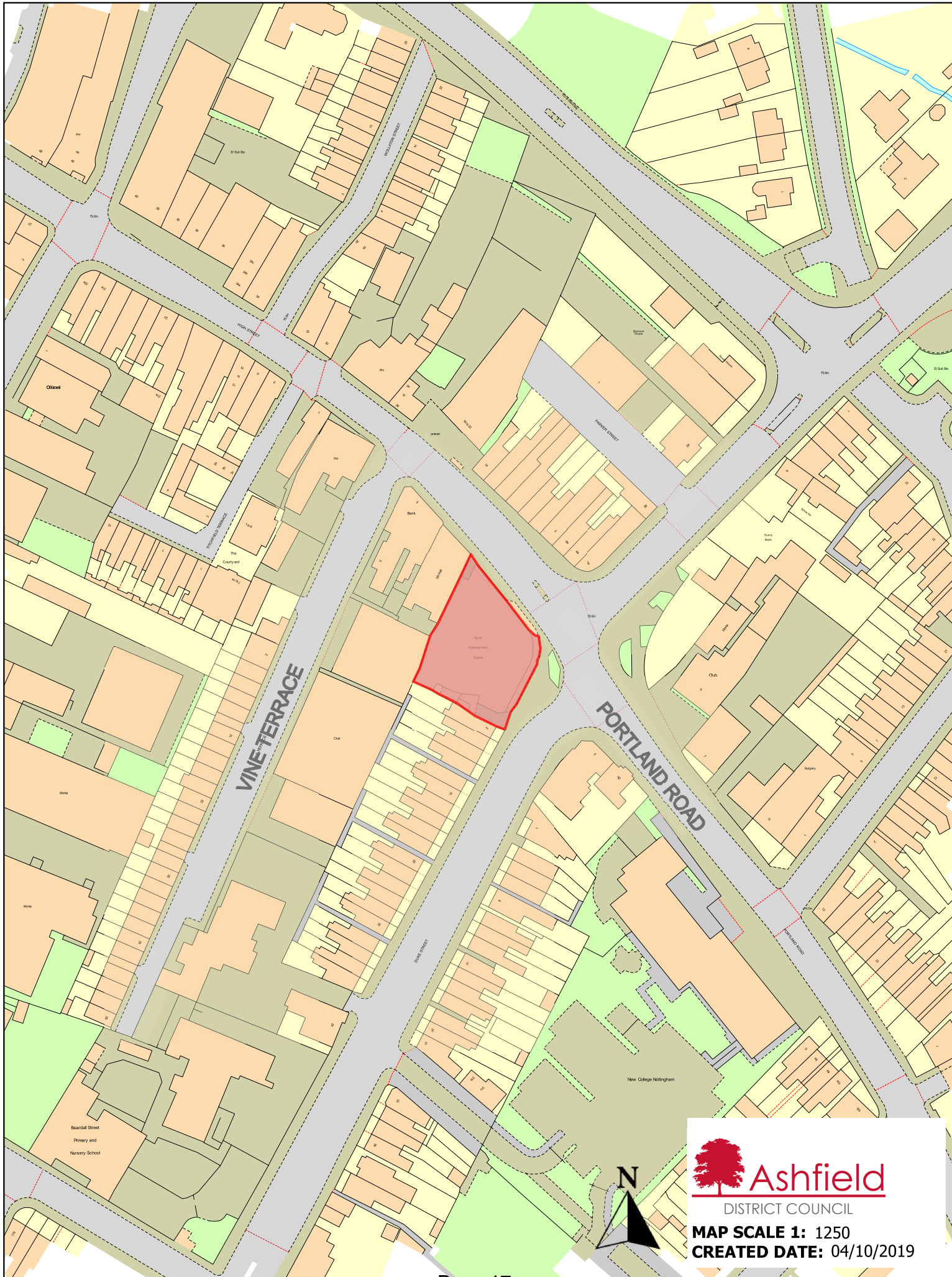
E-mail: t.hodgkinson@ashfield.gov.uk

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PLANNING COMMITTEE – 23rd October 2019

Page	App No	Applicant	Recommendation	Proposal	Location
Hucknall Central					
17-24	V/2019/0511	Melcorpo Commercial Properties	Approval	New Main Entrance off Duke Street and replacement existing structural fin.	Byron Cinema 8A High Street, Hucknall
25-30	V/2019/0562	Mr & Mrs Landers	Approval	Two Storey Side Extension and Ground Floor Rear Extension	47 Garden Road, Hucknall
Hucknall West					
31-52	V/2019/0129	Countryside Properties (WPL) Ltd	Approval	Demolition of Existing Building and Residential Development of 50 Dwellings	Land off Watnall Road / Daniels Way, Watnall Road, Hucknall
Stanton Hill and Teversal					
53-62	V/2019/0423	Mr M Hollis	Refuse	Outline Application With All Matters Reserved For 5 Dwellings	Norcroft 211 Wild Hill, Teversal
Sutton Junction and Harlow Wood					
63-70	V/2019/0488	Mr & Mrs Leivers and Mr & Mrs Wood	Refuse	Felling of 30 Lime Trees	The Limes, Dukes Close, Hamilton Road, Sutton in Ashfield

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Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 04/10/2019

COMMITTEE DATE 23/10/2019 **WARD** Hucknall Central

APP REF V/2019/0511

APPLICANT Melcorpo Commercial Properties

PROPOSAL New main entrance off Duke Street and replacement of existing structural fin

LOCATION Byron Cinema, High Street, Hucknall

WEB-LINK <https://www.google.com/maps/@53.0369393,-1.2011542,19z>

BACKGROUND PAPERS A, C, E, H

App Registered: 09/08/2019

Expiry Date: 31/10/19

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

This application has been referred to Planning Committee by Councillor Mitchell on the grounds of the impact on heritage, residential amenity and increased traffic.

The Application

The application proposes a new main entrance into the forthcoming new Byron Cinema, Hucknall. The application also proposes a replacement structural fin. The application intends to route customers through the side of the building underneath a continued canopy entrance. The new main entrance allows for reconfiguration of the internal layout enabling 4 modern cinema screens to be installed. The existing main entrance will be restored and used as an exit only.

Consultations

First Consultation

Resident comments:

In respect of the original design, 4 letters of objection and 1 letter of support was received. The following issues have been raised:

Objections

- The existing fin should not be removed. The fin is an integral feature.

- Existing fin to be repaired and restored to original condition.
- If a new main entrance is to be created, the existing main entrance should be preserved.
- Concerns in respect of increased traffic affecting Duke Street.
- Concerns in respect of the impact of a new main entrance on the amenity of residents of Duke Street in terms of noise and comings and goings.

Support:

- Important to re-open the closed cinema.
- Adding modern improvements and removing some out dated sections are a progressive movement.
- Increase opportunities for the local arts community.
- New alterations should be in keeping with the conservation area.

Theatres Trust:

- No evidence that the building was operated as a theatre, therefore this application would fall outside our remit.
- Nonetheless, we are pleased to see that this building will be brought back to active cultural use.

The Byron Community Project Ltd:

- Would prefer the existing fin to be repaired or restored to its original condition
- New side main entrance will change the appearance of the building
- The building is only 1 of 5 Alfred J Thraves buildings left standing (out of 30)
- The original foyer and exits were sufficient for the original cinema use of the building
- The proposed development will exacerbate existing drainage issues in this location
- The proposed development would remove the 2 existing fire escapes and would not provide an escape for kitchen staff.
- The proposed development will increase traffic in this location.
- The proposed development will increase footfall and noise along Duke Street.

ADC Environmental Protection

- Object to proposed development due to potential noise created from patrons coming and going.
- Premises is located in a residential and commercial area.

Second Consultation (Friday 4th October for 7 days)

Resident comments (1):

- New plans are an improvement
- New fin should be an original replacement
- Question as to when the proposed development will be carried out

Theatres Trust:
No further comments.

ADC Conservation:

- No objections.
- The proposal seeks to preserve the character and appearance of the Hucknall Conservation Area.

ADC Environmental Protection:

- After reviewing revised plans the Environmental Protection Team have no objections to the proposal.

Policy

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

National Planning Policy Framework (NPPF) 2018:

Part 2 – Achieving well designed places

Part 6 – Building a strong, competitive economy

Part 12 – Achieving Well Designed Places

Part 16 – Conserving and enhancing the historic environment

Ashfield Local Plan Review (ALPR) 2002:

ST1 – Development

ST2 – Main Urban Area

SH1 – District Shopping Centre

EV10 – Conservation Areas

Hucknall Conservation Area 2019

Relevant Planning History

- **V/2019/0004** – Certificate of lawfulness for a proposed development to re-cover the roof
- **V/2019/0250** – Installation of roof plant and associated structures including provision of 4 AHU units and acoustic barrier

Comment:

The application seeks planning consent for the replacement of the existing fin and the creation of a new main entrance on the side of the building.

The building is currently closed, however the building was historically used as a cinema and recently as a bingo hall. The building is located on Hucknall High Street and is listed as a non-designated heritage asset (locally listed).

The site is located within the Main Urban Area of Hucknall, where the principle of development is acceptable under policy ST2 of the ALPR 2002. The building is also located within the District Shopping Centre under saved policy SH1 (1) of the ALPR 2002.

Visual Amenity and Heritage

A number of concerns have been raised regarding the loss of the existing fin and the impact of the proposed development on the character and appearance of the existing building and Hucknall Conservation area.

The existing fin, which is not the original fin, is currently in poor condition and would require significant repairs.

The proposed replacement fin is similar in size, design and scale to the existing fin, approximately 7.9m in length and is 1.2m in depth. The replacement fin includes a new triangular prism shape and is to be constructed from aluminum, similar to the existing. The new fin is considered a modern replacement which would enhance and respect the original design of the building.

Advertisement applications are required to be submitted to the local planning authority for all proposed advertisements on the building.

The proposed new main entrance is located to the south side elevation of the building, which was previously used as a maintenance entrance.

The proposed new entrance is considered a subservient addition to the existing building. The proposed new main entrance includes a stepped design that makes reference to the 3 elongated vertical glazed windows which form a characteristic feature of the existing building. The new main entrance includes a continuation of the existing canopy which is also shaped around the existing curve of the building. In terms of building materials, use of a glass and aluminum positively contrasts with the existing building materials.

The existing main entrance will function as an exit and the existing doors will be restored. It is considered that the use of the extended canopy is consistent with the design of the building and helps to integrate the new development with the building.

The proposal is considered to maintain the special character of the existing building and enhance the Hucknall Conservation Area, and bring the building back into an active use. The proposal would therefore be consistent with paragraph 197 of Part 16 - Conserving and enhancing the historic environment of the NPPF 2019, as the proposal is considered not detrimental to the significance of the non-designated heritage asset.

The proposal would conform with Part 12 – Achieving Well Designed Places of the NPPF 2019, which seeks to ensure that developments add to the overall quality of an area, and are sympathetic to local character and history, including the surrounding built environment.

Residential Amenity

Following re-consultation of residents in respect of a new revised design, 1 comment has been received from local residents. A number of issues were raised following the first consultation period based on the original design.

The revised new main entrance has been designed to lessen any potential impact on the amenity of nearby residential properties, in particular 2 Duke Street. It is located under a new canopy approximately 8.2m away from 2 Duke Street and is situated at a lower floor level than the neighbouring bay window. It is considered that the new main entrance will guide visitors away from nearby residential properties and channel customers into the new foyer. The stepped design feature will lessen any potential overbearing impact to 2 Duke Street.

Duke Street forms one of the main routes into Hucknall town centre and therefore footfall in this location can be expected to be higher than residential locations outside of the town centre. As such, it is considered that the new main entrance will not result in a significantly detrimental impact on the amenity of neighbouring residential properties.

The proposal consists of sustainable development and complies with the policy requirements of the NPPF 2019, namely Part 12 – Achieving Well Designed Places, which seeks to ensure that developments create a high standard of amenity for existing and future users.

Highway Safety and Parking

A number of concerns have been raised by potential increased traffic caused by the proposed development. It should be noted that a cinema can open in this location as it is permitted and the proposed development is not in respect of the use but include alterations to the building

Parking along Duke Street is restricted to yellow lines directly outside of the new main entrance and includes resident permit holder only further up Duke Street.

Nearby public car parks include Ogle Street, Piggins Croft and Hucknall Station which are considered a reasonable walking distance from the new cinema. Given the town centre location of the proposed development, it is envisaged that customers may use public transport or walk to the new cinema. As such, it is considered that the proposed development will not be significantly detrimental to the highway safety or existing parking capacity within the neighbourhood.

Other matters

Concerns have also been raised by the Byron Community Project Ltd in respect of drainage, fire escapes and internal reconfirmation of the building. Appropriate means of surface water drainage will be required to be built in accordance with the relevant building regulations legislation. Further, provision of fire escapes is not a material planning consideration and will be reviewed by building control. Any internal reconfirmation of the building does not require planning permission. Proposed internal changes to allow for a new main route into the building accommodate a new larger foyer and the installation of 4 cinema screens in the interest of providing an enhanced customer experience.

Conclusion

The proposal has been redesigned to lessen any potential impact on the amenity of neighboring residential properties. The proposal is considered to be respectful in design to the existing character of the building and creates an active use. The proposed development also contributes to the enhancement of the special character of the Hucknall Conservation area and helps to improve the quality of the appearance of the existing building. It is envisaged, the new cinema will trigger future growth in the night time economy and attract more people to Hucknall town centre. This application therefore is granted conditional consent, subject to the below conditions:

Recommendation: Grant – Conditional Consent

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans: site plan 1:1250, existing elevations 1:100 No.6, existing ground floor plan 1:100 No. 1 (06/08/19) and proposed new entrance and elevations 1:100 No. 1805-HU-610 Rev. 2 (04/10/19). The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

REASONS

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

INFORMATIVE

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



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 04/10/2019

COMMITTEE DATE 23/10/2019 **WARD** Hucknall Central

APP REF V/2019/0562

APPLICANT Mr & Mrs Landers

PROPOSAL Two Storey Side Extension and Ground Floor Rear Extension

LOCATION 47, Garden Road, Hucknall, Nottingham, NG15 6LH

WEB-LINK <https://www.google.co.uk/maps/place/47+Garden+Rd,+Hucknall,+Nottingham+NG15+6LH/@53.0367881,-1.2170685,18z/data=!4m5!3m4!1s0x4879eab27b4086b7:0x5860d8710f3bad89!8m2!3d53.0365591!4d-1.2170309?hl=en>

BACKGROUND PAPERS A C

App Registered 03/09/2019

Expiry Date 28/10/2019

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

This application has been referred to Planning Committee by Cllr. J Blagden on the grounds of loss of light and impact on neighbouring properties.

The Application

This is an application that seeks consent for a Two Storey Side Extension and Ground Floor Rear Extension.

Consultations

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

One comment has been received from a neighbouring property objecting to the proposal and raising the following concerns:

- Impact upon natural light to windows on neighbouring property. The windows affected serve a hallway, staircase, dining room, kitchen and bedrooms
- Light deprivation could pose health risk.
- The proposal will be overbearing and have claustrophobic impact
- Overbearing and deprive residents of enjoyment of garden
- How will the side of extension be built without access to neighbouring property
- How will neighbouring car port be protected

Policy

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

National Planning Policy Framework (NPPF) (2019)

Part 12 – Achieving Well Designed Places

Ashfield Local Plan Review (ALPR) (2002)

ST1 – Sustainable Development

ST2 – Main Urban Area

HG7 – Residential Extensions

Residential Extension Design Guide SPD 2014

Residential Car Parking Standards SPD 2014

Relevant Planning History

V/2019/0231 - Two Storey Side Extension and Ground Floor Rear Extension – Refusal – 19/07/2019

Comment :

The site is located off Garden Road in the main urban area of Hucknall. The proposed extension will extend approximately 2.7m from the side elevation of the property and 3.6m from the rear of the property. The two storey part of the extension will be approximately 5.1m in height to the eaves and 7.3m in height to the ridge. The single storey part of the extension will be approximately 2.4m in height to the eaves and 3.7m in height to the ridge. There are no windows proposed in the side elevation.

This is a revised scheme to overcome the concerns raised in the previous refusal of planning permission. The proposal has been reduced in size, setting it to the front of the side elevation to reduce the impact on the neighbouring properties habitable room windows located on the side of the property.

Visual Amenity

In accordance with the Council's adopted SPD 'Residential Extensions Design Guide' (2014) a setback is usually required on two storey side extensions to alleviate any terracing impacts. However in this case the dwelling is setback approximately 2.5m from the neighbouring property and the proposal has a reduced ridge line, making it appear subordinate to the existing dwelling, therefore the terracing effect is considered to be minimal.

The extension has also been set back from the rear of the dwelling at first floor level by approximately 1.5m to alleviate any impact on the neighbouring properties first floor windows. The materials proposed will match those used in the construction of the existing dwelling with all elevations being a render finish apart from the side

elevation which will remain a brick finish. Overall the design of the proposal is considered appropriate and in keeping with the dwellings in the immediate vicinity and is considered to not have a negative impact on the character of the street scene.

Residential Amenity

One objection has been received from a neighbouring property raising a number of concerns.

A major factor which has been considered in this application is the level of impact upon the residential amenity of the neighbouring property at No. 45 Garden Road.

One of the main concerns raised is the loss of light and overbearing effect the proposal would have on the side windows to No 45 Garden Road. The Council's Residential Extensions Design Guide requires the proposed side extension to not breach the BRE 25° code. A BRE assessment has been carried out fully assessing any impact. As per the Council's 'Residential Extensions Design Guide' the hallways and landing do not constitute habitable rooms. Therefore the assessment has been carried out upon the dining room, kitchen and bedrooms.

There are 4 windows to the first floor side elevation of No 45 garden road. The first window at the front serves a landing, the second two serve the same bedroom and the final one serves a different bedroom. The 25° rule has been applied to the bedroom windows and one window out of the three will breach the rule however this is a second window to that bedroom.

When assessing the ground floor windows of the dining room and kitchen again the BRE assessment has demonstrated that the extension will not breach the 25° rule for these two windows.

From the site visit it has also been noted that the neighbouring property has erected a car port which covers two of the downstairs windows and this structure already impacts the light entering the hallway and one of the dining room windows.

There is a separation distance of approximately 3.5m between the proposed side elevation and the side elevation of No 45 therefore it is considered that it will not have a significant detrimental overbearing effect.

The objection also raised the concern over a potential overbearing impact that may impact the enjoyment of the garden. It is considered that as the two storey part of the extension is to the front of the side elevation and set forward from the rear of the property that it will not have a significant impact on the neighbouring garden.

There are no windows proposed to the side elevation of the extension therefore it does not raise any concerns over loss of privacy.

The concerns raised in respect of how the side elevation will be built without access to the neighbouring property and how the neighbouring car port would be protected during building works are civil matters and not for consideration in this planning application. The agent has confirmed the applicant is aware of these concerns and will act accordingly during the construction. A note is suggested to be attached to the decision advising the applicant of the Party Wall Act.

Car Parking

As the dwelling will be increasing in size to 4 bedrooms, 3 off-road car parking spaces shall be provide for the proposal to comply with the Council's adopted SPD Residential Car Parking Standards (2014).

To the front of the dwelling is a large drive and garage which can provide the car parking spaces.

Conclusion :

Overall, the proposal is considered on balance to be appropriate in terms of design and scale and by using materials matching the existing is sympathetic to its surrounding. It is acknowledged that the proposal will have some impact on the neighbouring property however this has been assessed and is considered minimal and not significant enough to warrant a refusal.

After fully assessing all aspects of the proposal and comments received against the relevant policies it is recommended that planning permission is granted subject to the below conditions.

Recommendation: - Approve – Conditional Consent

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. The materials and finishes to be used for the external elevations and roof of the proposal shall match those used in the construction of the existing building.
3. This permission shall be read in accordance with the following plans: Proposed Floor Plans Ward-03b, Proposed Elevations Ward-04b, received 02/09/2019. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

REASONS

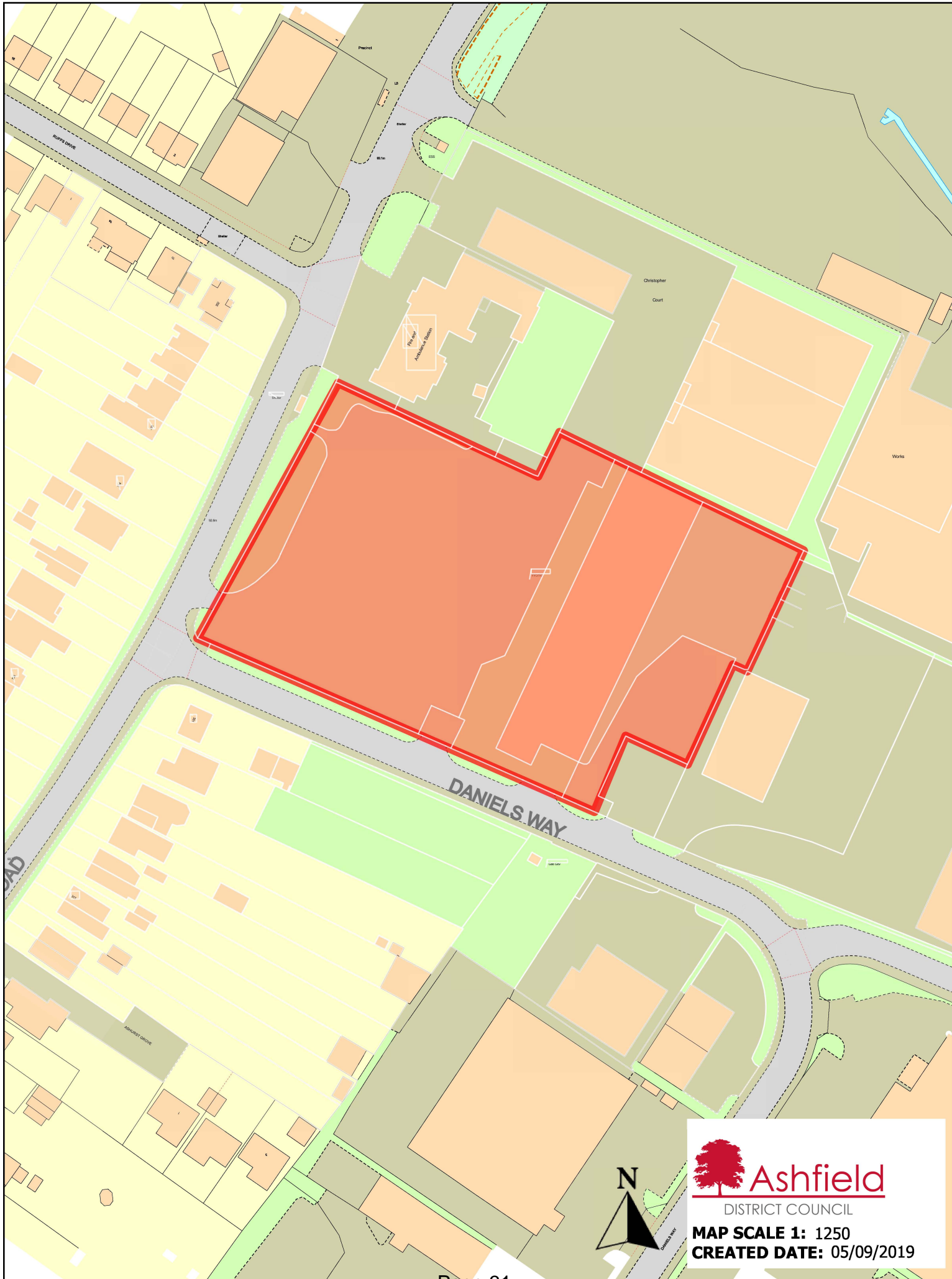
1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure the satisfactory appearance of the development.
3. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. The [Party Wall Act 1996](#) provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. More information can be found at the following link.

<https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>



COMMITTEE DATE 23rd October 2019 **WARD** Hucknall West

APP REF V/2019/0129

APPLICANT Countryside Properties (WPL) Ltd

PROPOSAL Demolition of Existing Building and Residential Development of 50 Dwellings

LOCATION Land off Watnall Road / Daniels Way, Watnall Road, Hucknall, Nottinghamshire, NG15 6EP

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

App Registered 28/02/2019 Expiry Date 30/05/2019

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

This application has been referred to Planning Committee, as the developer is not providing the full Section 106 contributions required.

The Application

This is an application for the demolition of an existing industrial building and a re-development of the site for 50 dwellings. The proposed scheme is for a 100% affordable housing. The tenure split proposed is 50% affordable rent and 50% shared ownership.

The site measures approximately 1.1 hectares. It has been formerly used for employment purposes; however, is currently vacant and overgrown. Within the site is a vacant and derelict employment building, which is proposed to be demolished. To the west of the site lies residential development, with industrial uses surrounding the site to the east. The Hucknall Fire Station lies directly adjacent to the northern boundary.

Consultations

A site notice and press notice have been posted together with individual notification of surrounding residents. The contents of the responses received are summarised below:

A.D.C Environmental Protection

Contamination- No objections, subject to a condition requiring further ground investigations to be carried out.

Noise - The Environmental Protection Team have raised concerns regarding the potential for noise-related complaints by future residents, due to the proximity of the site to and history of complaints from a nearby industrial unit. However, since previous complaints have not resulted in a statutory nuisance, EP would recommend that mitigation strategies based on the Noise Impact Assessment report are taken into consideration as a minimal requirement for noise attenuation.

Air Quality – No objections, subject to a condition requiring the applicant to submit an Air Quality Assessment.

A.D.C Drainage

The Local Lead Flood Authority need to approve the surface water drainage proposals for this development.

A.D.C Planning Policy

The principle of development within the Main Urban Area is acceptable, but the detailed aspects of the proposal will need to be considered against the policies of the Local Plan and provisions of the NPPF.

A.D.C Localities

A contribution has been sought of £100,000 towards landscape improvements at Nabbs Lane Recreation Ground.

Clinical Commissioning Group

A contribution of £26,966 has been sought towards enhancing capacity/infrastructure within existing local practices.

Nottinghamshire County Council Planning Policy

The County Councils comments set out the policy position in respect of Waste, Minerals, Transport, Education and Health. They have also identified that a contribution of £20,00 should be sought in respect of improvements to bus stops on Ruffs Drive.

Nottinghamshire County Council Highways Authority

The Highways Authority initially raised concerns surrounding the junction assessment, location of the proposed access and the internal layout. These issues have since been subject to substantial discussion, with the requisite amendments detailed later in the report.

Nottinghamshire County Council Education

Primary

The development is located in the Hucknall Planning Area and would generate 11 places. Based on current projections there is insufficient capacity to accommodate the pupils generated by the development. Therefore, the County Council are seeking a primary school contribution, based on build cost, of £209,528 (11 places x £19,048 per place) to mitigate the impact of this development. At this stage, it is anticipated that this will be used to extend Hillside Primary School.

Secondary

The development is located in the catchment of Holgate Academy and would generate 8 places. Based on current projections there is insufficient capacity to accommodate the pupils generated by the development. Therefore, the County Council are seeking a secondary school contribution of £142,024 (8 places x £17,753 per place) to mitigate the impact of this development.

Environment Agency

No objections to this proposal, subject to appropriate conditions relating to land contamination.

Local Lead Flood Authority

No objections are raised based on the submitted information.

Local Community and Business

Two letters of objection have been received from local residents, their concerns are summarised below:

- Traffic issues along Watnall Road, which is becoming gridlocked especially since the traffic lights were installed;
- Questions over infrastructure provision in Hucknall – doctors, dentists and schools;
- The Transport Assessment is flawed;
- Air quality;
- The land is contaminated;
- The development is not in keeping with the surrounding area.

A letter of objection also been received from an adjacent business on the following grounds

- The surrounding industrial uses – some of which operate 24 hours – are not compatible with the use of the site for residential purpose – due to noise disturbances;
- A noise impact survey has been taken for this site, but this is not a true representation of their operations;
- They are a long standing local employer for the area and do not want a residential development being granted, which could affect their business or expansions and jobs;
- The acoustic barriers may not be effective enough.

Following a change in the position of the access, a second round of consultation was undertaken with surrounding residents and businesses. However, no further correspondence has been received.

Policy

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

Ashfield LP Review 2002 – Saved Policies

- ST1: Development.
- ST2: Main Urban Areas.
- ST4: Remainder of the District.
- TR6: Developer contributions to transport improvements.
- HG3: Housing density.
- HG4: Affordable Housing.
- HG5: New residential development.
- HG6: Open space in residential developments.

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

- The Presumption in favour of Sustainable Development.
- Part 5: Delivering a sufficient supply of homes.
- Part 8 Promoting healthy and safe communities.
- Part 9 Promoting sustainable transport.
- Part 11: making effective use of land.
- Part 12: Achieving well-designed places.
- Part 14: Meeting the challenge of climate change, flooding and coastal change.
- Part 15: Conserving and enhancing the natural environment.

Guidance

- Ashfield Affordable housing SPD 2009.

- Ashfield Residential Design SPD 2014.
- Ashfield Residential Car Parking Standards SPD 2014.
- Nottinghamshire County Council Highways Design Guide

Relevant Planning History

SO/2008/0001 (Screening Opinion)

Proposal: Screening & Scoping Opinion for Proposed Residential Developments of 115 Dwellings.

Decision: Not EIA development

Decision Date: 13/11/2008

V/2009/0009

Proposal: Outline Planning Permission for a Maximum of 109 Dwellings

Decision: Refuse

Decision Date: 07/04/2009

Appeal Decision: DISMISSED

An earlier appeal was dismissed on the site for residential development. The Inspector concluded the density of development was too high, which in effect would result in the scale of development being inappropriate to the area. There was also a lack of evidence submitted with the application to fully understand the compatibility of the proposed and existing uses.

V/2014/0590

Proposal: Outline Planning Permission

Decision: Approve

Decision Date: 17/07/2015

A revised application for 50 dwellings was granted outline approval. This significantly reduced the density of the previous refusal, with appropriate information also submitted to satisfy the concerns surrounding the compatibility of adjacent land uses with residential development.

V/2019/0202

Proposal: Application for prior notification of proposed demolition of former industrial building/shed

Decision – Consent

Decision Date: 17/04/2019

This was a Prior Notification application relating to the demolition of the former industrial building on the site. Consent was granted on the proviso that the demolition must be carried out within 5 years.

Comment:

The main issues to consider in the determination of this application are:

- The Principle of Development,
- Residential Amenity,
- Visual Amenity,
- Housing – Density and Mix
- Highways Safety,
- Ecology and Trees,
- Land Contamination,
- Flooding,
- Developer Contributions and ‘CIL’ Compliance,
- Viability,
- Planning Balance and Conclusions.

Principal of Development

The proposal site is located in the Main Urban Area as defined by Ashfield Local Plan Review 2002 (ALPR), Policy ST2 and the Proposals Map. The Policy identifies that development will be concentrated within the Main Urban Areas and, therefore, the principle of the proposed development is appropriate. The application is on a former industrial site to which ALPR Policy EM5 would apply. This policy gives protection to employment sites. However, the site has had a previous planning permission (V/2014/0590) for residential development and therefore the principle of residential development has already been established.

Residential Amenity

Existing Residents

The criteria for assessing residential development is set out in Residential Design Guide SPD adopted November 2014. The SPD sets out the minimum space standards for private amenity areas and separation distances between principle and secondary elevations. The layout demonstrates an appropriate standard of development in terms of siting, which also maintains the living conditions of existing occupiers in neighbouring properties.

Future Residents

A key constraint of developing this land for residential purposes, is the potential for noise disturbance arising from nearby industrial units. The NPPF (paragraph 182) identifies that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the application should be required to provide suitable mitigation before the development has been completed.

The applicant originally submitted a Noise Impact Assessment, which was assessed by the Council's Environmental Health Officer [EHO]. The EHO, having regards to the assessment, considered that the development should not give rise to noise issues, provided that they implement the remediation measures outlined within the report.

However, following consultation, a local business raised concerns that the monitoring within the report was undertaken at a time when their machines were shut for maintenance. Amongst other matters, they also raised they have a 24-hour operation and that the mitigation proposed may not be sufficient. The applicant was advised to undertake further testing and an updated Noise Impact Assessment was submitted. The EHO was consulted again and raised concerns over potential noise complaints by future residents, due to the proximity of the site and past history of complaints from a nearby industrial unit.

There have been complaints raised from two households, relating to a neighbouring industrial unit, within the past four years. Both of these are located farther away than the proposed development, however these are to the north and no statutory nuisance has been found to be occurring following investigations. The EHO has advised that since these complaints have not resulted in a statutory nuisance, they would recommend that mitigation strategies based on the Noise Impact Assessment report are taken into consideration as a minimum requirement for noise attenuation.

The applicant has been made aware of these concerns and strengthened the mitigation outlined within the Noise Impact Assessment. This includes increased 2.5m high acoustic fencing along the northern boundary and enhanced ventilation measures within some of the dwellings. The applicant has stated this would reduce the noise levels in both gardens and homes and will take the schemes noise mitigation levels above and beyond that required by guidance. A condition is recommended to ensure the development is undertaken in accordance with the submitted Noise Impact Assessment.

Subject to appropriate noise mitigation measures, it is considered that there would not be unreasonable expectations put upon local businesses within the area. The Council's EHO has raised concerns, but ultimately not objected to the application. On the basis of the above, it is considered the site could be developed for residential purposes, whilst not adversely affecting the quality of life of future residents.

Visual Amenity

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

The site was formerly used for employment purposes; however, is currently vacant and overgrown. Towards the east of the site is a vacant and derelict employment building, which is proposed to be demolished. The site currently features on the Councils Dilapidated and Empty Property List (DELP), which is a list of properties and land the Council is actively seeking to improve. It has suffered from a history of anti-social behaviour, including fly-tipping and in its present state, the site is considered to detract from the character and appearance of the area.

The proposal would re-develop the land with a modern new housing development, which includes a block of two-storey flats on the corner of Daniels Way and Watnall Road. The dwellings are of typical red-brick modern design and are considered to be in keeping with the wider vernacular of the area.

In terms of layout, the vehicular access to the site would be taken from Daniels Way, with an additional pedestrian link provided onto Watnall Road. There is an area of rear car parking to the flats and plots 39 – 41; however, the proposed development would need to front onto Watnall Road and with vehicular access unachievable from a highways safety perspective, the creation of a rear parking area court is considered to be acceptable.

Overall, the scheme would significantly improve the character and appearance of the area and would comply with part 12 of the NPPF, which seeks to secure a high quality design.

Housing - Density and Mix

The application represents a density of 44 (1.12HA/50) dwellings per hectares (Dpha). The proposed density is relatively high when compared to plot sizes within the immediate locality, however it represents effective use of brownfield land, within an accessible location. It would also comply with the minimum requirements set out in the ALPR of 30Dpha and the NPPF desire to make the most effective use of land.

The Strategic Housing Market Assessment (HMA) 2015 indicates there is a need for more 2 and 3 bed dwellings to cater for the predicted increase in smaller family units and older people in the Nottingham Outer HMA. The application proposes the following housing mix, which is considered to be acceptable for meeting the housing needs within the area:

- 8 Flats
- 24 x 2-bed
- 18 x 3-bed

Highways Safety

The application originally proposed an access from Watnall Road, however this was considered to be unacceptable to the Highways Authority. A single point of access is

now proposed off Daniels Way, which is considered to be safe from a highways safety standpoint.

There is an existing capacity issue at the Nabbs Lane/Watnall junction, which sees large queues during both peak periods. Initially, the Highways Authority advised that a right turn lane maybe required from Watnall Road onto Daniels Way. The applicant has undertaken additional testing, with the initial results outlining that a right turn lane will provide no substantive benefit to the highway network. The assessment did, however, outline that a 'keep clear' box on Watnall Road, would be beneficial to enable right turners from Daniels Way to enter Watnall Road and that soft mitigation measures on the Nabbs Lane/Watnall junction could improve the situation. These appear to be a reasonable solution, but the Highway Authority are assessing the safety aspects. The exact wording of the condition (10) will be confirmed at committee.

The development proposes additional Highway safety improvement measures, which are to be subject to a planning condition. These include

- A pedestrian refuge along Watnall Road to enable residents to safely cross over to the adjacent retail units and recreation ground;
- An upgraded pedestrian footpath linking Daniels Way to Watnall Road and;
- A means of preventing people from parking on the Highway Verge along Watnall Road.

The highways improvement measures, as set out above, will ensure that the development, as much as practically and viably possible, mitigates any potential adverse impacts on highways safety. As a result, it is considered that the proposal is acceptable in terms of highway access, capacity and safety and sustainability.

Ecology and Trees

The application is supported by a Preliminary Ecological Assessment dated January 2019. This indicates that the habitats on site were generally of limited botanical interest and poor species diversity. The report identifies that it's unlikely that there are any protected species on the site. It also includes a number of recommendations for ecological enhancements and identifies the presence of Japanese Knotweed in the north east corner of the site. A condition can be applied to ensure that the recommendations made within the report – including those in relation to invasive species – are complied with.

The application is supported by an Arboricultural Impact Assessment and Tree Removal Plan. This sets out the trees on the site to be removed to facilitate the development. However, none of these are considered to be worthy of retention and a landscaping plan will ensure that appropriate mitigation is provided.

Land Contamination.

The applicant has submitted a Phase 2 Site Appraisal and remediation method statement. These assessed by the Environment Agency and the Councils Environmental Health Team, who have both raised no objections, subject to the use of planning conditions. It is considered that through the appropriate use of a planning conditions, the site can be developed free from contamination.

Flooding

The application is supported by a Flood Risk Assessment. This identifies that the site is within Flood Zone 1 and at low risk from overland flows, with the exception of a small area, that is of medium risk towards the western side of the site. The Local Lead Flood Authority have assessed the submitted information and raised no objections. Accordingly, it is considered that an appropriate drainage strategy can be devised to ensure that flooding is not an issue on the site.

Developer Contributions and 'CIL' Compliance

Affordable Housing

The proposal would provide 100% affordable housing and would comply with the NPPF.

Education

Nottinghamshire County Council have identified that there is insufficient capacity to accommodate pupils generated from the development. A contribution of £209,528 towards primary places and £124,024 towards secondary has been requested. Paragraph 94 of the National Planning Policy Framework ("NPPF") demonstrates the importance of education provision. The justification for the level of figure is set out within the County Councils Planning Obligation Strategy and is considered reasonable in kind and scale to the development.

Public Open Space

Saved Policy HG6 sets out that on sites of two hectares and more than five dwellings the amount of open space require will be assessed. Where it is not appropriate to provide open space within a site boundary, a planning obligation will be negotiated. The Councils Localities team have identified that £100,000 towards landscape improvements at Nabbs Lane Recreation Ground (opposite). The site layout provides no public open space and users of the development are likely to utilize the adjacent recreation ground placing additional pressure on its facilities. Accordingly, a contribution, which equates to £2,000 per plot – which is commensurate with other developments across the district – is considered reasonable in kind and scale to the development.

Health

The Clinical Commissioning Group have identified that all the practices in the area are working at capacity and therefore in order to make this development acceptable an infrastructure payment is required. The CCG has provided its standard formula for the cost of extensions as identified by a quantity surveyor experienced in health care projects. This amounts to £26,966.

Bus Stop Improvements

NCC have identified that a contribution of £20,000 should be sought in respect of improvements to bus stops on Ruffs Drive. This is to encourage future occupiers to utilise public transport and would be compatible with the sustainability objectives of the NPPF.

All the contributions requested are necessary to make the proposed development acceptable in planning terms and are in accordance with the Community Infrastructure Levy Regulations.

Viability

The applicant has submitted a viability appraisal to support the application produced by Devvia and dated March 2019. This appraisal shows that a 100% affordable housing scheme, without any Section 106 Contributions, would have a deficit of just over £400,000. This is based on a Gross Development Value (Revenue) of £7,352,453 and a Gross Development Cost (Outgoings) of £7,765,467 – with a developer's profit included of around 6%. This level of profit is considered reasonable for a 100% affordable housing scheme. On this basis, the applicant's appraisal concludes that the scheme is unviable even before any contributions are required. Although it does state that the proposal is capable of being delivered, albeit at the margins of viability.

The appraisal has been independently assessed by an expert. In summary, the expert agrees that the scheme is unable to support the full policy provision. However, their appraisal shows that a significant contribution can be supported (totaling £263,000). The independent appraisal has concurred with the Gross Development Value (Revenue) set out within the applicant's assessment. However, the Gross Development Cost (outgoings) is purported to be much lower at £6,911,306. The independent analysis is also run on the basis of a profit of around 6%.

The applicant has submitted additional information to support their original appraisal and this has been rebutted by the Independent expert, who maintains that the scheme can support contributions of £263,000. The main differences between the appraisals are essentially build costs and the benchmark land value. This discussion is summarised below:

Build Costs

The report by the applicant adopts construction costs benchmarked against the BCIS average price data for Ashfield. The independent expert notes that, whilst the BCIS data base is a useful comparison, the vast majority of data used for analysis when determining the various BCIS rate was derived from small schemes - implemented by either local, or relatively small contractors. Regional volume house builders tend not to contribute. It is generally accepted that volume housebuilders are able to construct houses at a cheaper rate than smaller building firms (owing to their ability to bulk buy materials and negotiate cheaper contracts). The independent analysis therefore applies the BCIS lower quartile rate, which is more appropriate for a scheme of this size. The applicant has attempted to refute this approach, but the independent expert has used other schemes in the region to show the approach is merited.

Benchmark Land Value

For the purposes of a viability assessment it is necessary to establish the "benchmark land value" (BLV). This can be described as being the minimum land price deemed suitable for an average, hypothetical land owner to release the land for development. If the appraisal returns a residual land value above the BLV, the site is deemed to be viable. Planning Practice Guidance (PPG) is clear that the approach that should be used when identifying a benchmark land value (BLV) is the 'existing use value + premium' method. In following this guidance, the independent analysis has stated the benchmark land value to be £725,000; however, the applicant disputes this and states this should be in the region of £1,100,000. The applicant's assessment points to an existing implementable Outline Permission to justify their value; however, this has since expired and in any event is considered as an alternative use value. The 'existing use value' here is therefore the industrial land value, not residential.

The applicant has further pointed to evidence from land transactions to justify their figure. However, 3 of the 4 sales date back to 2015 / 16 prior to the introduction of the PPG and contrary to the PPG, no attempt is made by the applicant to consider what the abnormal costs and planning obligations were for each of the sites. Finally, the PPG clearly states that land transactions should not be used in place of benchmark land value.

As identified above, the site had a previous Planning Permission (V/2014/0560) for market housing. The application was accompanied by a Section 106 Agreement. This contained an 18.5% affordable housing share, alongside contributions totaling £308,883. The independent expert has run the viability of the previous scheme, this shows residual land value of £725,000, with a developer profit of 17.09%. Therefore, in following the PPG approach to determining a benchmark land value the figure of £725,000 is considered to be reasonable.

Planning Practice Guidance (PPG) is clear that the Council should not subsidise (through a loss of planning policy contributions) any overbid made when acquiring the site. Any overbid (or indeed underbid) for a site should therefore be disregarded when considering the BLV. There is a clear disparity between the applicant and the independent consultant over the land value. Given the independent expert advice, it is considered that Council would, in effect, be subsidising through a loss of contributions - an overbid from the developer for the land.

Comment

A number of contributions have been requested by various consultees. Although the independent analysis shows the full quantum of contributions requested could not be viably supported. A significant contribution could still be supported by the development and case law has established that a reduced contribution can still serve a planning purpose (*Mansfield DC v SSHCLG & Mr. JA Clark* 2019 EWHC 1794 Admin).

The applicant has offered to pay the healthcare contribution of some £26,966, however they would provide no monies towards other infrastructure including education, open space or public transport facilities. Most pertinently, the NPPF attaches a great weight to education (paragraph 94), which is backed up by substantial PPG guidance. The response from the County Council shows that the primary schools at the area are over capacity and this development could reasonably provide some contribution towards education provision.

Planning Balance and Conclusions

The NPPF states that proposals should be considered in the context of the presumption of sustainable development, which is defined by economic, social and environmental dimensions and the interrelated roles they perform. The matter before members is therefore whether there is sufficient evidence to demonstrate the proposal amounts to sustainable development.

In social terms, the development would provide 50 affordable properties. The Council cannot currently demonstrate a 5-year housing land supply, which sits at 2.67 years. This is a significant shortfall. In this case, the tilted balance in paragraph 11 (d) of the NPPF is engaged and planning permission should be granted unless the adverse impacts demonstrably outweigh the benefits when assessed against the policies in the framework as a whole. The provision of new affordable homes therefore carries significant weight in the determination of this planning application.

In economic terms, there would be benefit throughout the construction phase and from increased Council Tax receipts and New Homes Bonus (NHB). These carry modest weight in favour of granting planning permission.

In environmental terms, the site has been derelict for a number of years, is overgrown and has suffered from instances of fly-tipping. It currently features on the Councils Dilapidated and Empty Property List. The re-development of this brownfield site for housing, would therefore bring about substantive environmental benefits, which are considered to carry significant positive weight in granting planning permission.

The applicant has offered a contribution of £26,966 towards healthcare facilities. However, this falls far short of the £263,000, which the Independent analysis shows the scheme could viably provide. There would be no S106 monies towards education, open space or public transport facilities. In particular, there is a lack of primary school capacity within the area, as demonstrated by the County Council. Although, it is noted that a new school has recently been opened within the immediate facility. Nonetheless, the level of contribution offered carries significant adverse weight against the development.

As can be seen from the above, this is a very finely balanced recommendation. The independent expert has demonstrated the scheme could provide substantively more in Section 106 contributions and ordinarily this would warrant a recommendation to refuse planning permission. However, this must be considered within the context of this particular site and whether or not the proposals amount to sustainable development when taken as a whole. This is a derelict, brownfield site, in a sustainable location, which features on the Councils Dilapidated and Empty Property list. The Council cannot currently demonstrate a 5-year housing land supply and the scheme would provide 50 new affordable dwellings. In this case, although the lack of contributions is considered to amount to a significant adverse weight against granting permission, this does not demonstrably outweigh the benefits. Accordingly, the proposal would amount to sustainable development within the means of the NPPF when read as a whole.

Recommendation: - Officer recommendation is therefore to **APPROVE** planning permission, subject to a Section 106 agreement and the planning conditions set out below. The Section 106 agreement will secure £26,966 towards healthcare and 100% affordable housing.

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 the following plans:
 - Layout 40999/020N
 - Boundary plan 40999/018K
 - Location Plan 40999/021
 - H75 2b4p SE + H68 2b4p KR 40999/024A (Plots 39-40)
 - H75 2b4p SE + H82 3b5p KR 40999/025A (Plots 1-2)
 - H68 2b4p KR 40999/026B (Plots 41-42)
 - H68 H68 H75 40999/007A (Plots 36-38)
 - H82 3b5p KR Three 40999/009A (Plots 15-17)
 - H82 3b5p KR Pair 40999/008A (Plots 3-4, 7-8, 13-14, 18-19, 20-21)
 - H68 2b4p KR Pair 40999/014A (Plots 5-6, 11-12, 24-25)
 - H68 2b4p KR Three 40999/015A (Plots 28-29, 30-31)
 - H75 2b4p SE + H82 3b5p KR 40999/010B (Plots 26-27)
 - H75 2b4p SE + H68 2b4p KR 40999/012C (Plots 34-35)
 - H75 2b4p SE + H68 2b4p KR Handed 40999/013B (Plots 9-10, 32-33)
 - H82 3b5pKR + H68 2b4p KR 40999/027 (Plots 22-23)
 - Flats 40999/016 (Plots 43-50)
 - External Materials 40999/022A
 - Street Scenes 40999/017G

3. Prior to the development hereby approved first being occupied, all noise mitigation measures contained within the submitted Noise Impact Assessment by REC dated 10th October 2019 shall be carried out and a validation report submitted to and approved in writing by the Local Planning Authority.

4. No development shall take place, excluding demolition and remedial works, until an Ecological Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail how the mitigation and enhancement measures contained within in the Preliminary Ecological Appraisal dated January 2019 (RSE_2055-01-V1) are to be carried out and shall contain a detailed mitigation strategy in respect of invasive species at the site.

5. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

6. Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
7. The dwellings shall not be occupied until full details of all hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the last dwelling. Any trees, or plants, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of a similar size and species.
8. The sites boundary treatments shall be implemented in accordance with the details shown on drawing numbered 40999/018 Revision k.

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

- How construction traffic will access the site;
- Proposed hours and days of working;
- Management of parking by persons involved in the construction of the development, including operatives & visitors;
- Proposed temporary traffic restrictions and arrangement for loading/unloading & turning of vehicles;
- Location of the site storage areas and compounds;
- The segregation of construction vehicle and pedestrian movements on site and the adjacent public highway;
- Wheel wash facility to prevent the deposit of debris on the public highway, (periodic street sweeping & cleansing of the public highway will not be accepted as a proactive method to address this issue);
- A strategy for the minimisation of noise, vibration and dust;
- Site contact detail in case of complaints;

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

10. Prior to the commencement of development, excluding demolition and remedial works, the applicant shall submit to and have approved, in writing, a programme of works which covers the following:

- A pedestrian refuge on Watnall Road, as shown for indicative purposes on Drawing No. 40999/02 Rev N
- Upgrades to the footpath along Daniels Way linking into Watnall Road. as shown for indicative purposes on Drawing No. 40999/02 Rev N
- A means of preventing parking on the highway verge along Watnall Road.
- A 'keep clear' box on the junction with Daniels Way and Watnall Road.
- Details of 'soft mitigation' measures at the Watnall Road/Nabbs Lane signal junction.

11. The dwellings shall not be occupied until a travel plan to promote and encourage the use of alternative modes of transport to the car has been submitted to and approved in writing by the local planning authority. The travel plan shall include raising awareness in respect of cycling, walking, car share initiatives, car clubs and providing details of a nominated travel plan co-ordinator. The scheme shall include, for the first occupier of each dwellings, the provision of a travel information welcome pack to raise awareness in respect of sustainable transport modes.

12. Prior to the commencement of any works on site, excluding demolition and remedial works, full details of the new roads shall be submitted to and approved in writing by the Local Planning Authority, including longitudinal and cross sectional gradients, street lighting, parking & turning facilities, access widths, gradients, surfacing, visibility splays, drainage & outfall proposals, construction specification, provision of and diversion of utilities services, materials and any proposed structural works. Drawings must indicate key dimensions. All details submitted for approval shall comply with the Nottinghamshire County Council's current Highway Design Guide and shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
13. Prior to the commencement of development, excluding demolition and remedial works, drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. This submitted detail shall also include a management and maintenance plan for the lifetime of the development. The drainage plans shall be implemented before the development is first brought into use and maintained in accordance with the management and maintenance plan for the lifetime of the development.
14. Prior to the commencement of development, excluding demolition and remedial works, a scheme indicating proposed floor levels of all buildings, and the relationship of such to the existing dwellings shall be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the agreed levels.

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 protect future occupiers from undue noise disturbance.
4. In the interests of ecology and the eradication of Japanese Knotweed.
5. To ensure the site is developed free from contamination.

6. To ensure the site is developed free from contamination.
7. In the interests of visual amenity.
8. In the interests of visual and residential amenity.
9. In the interests of residential amenity.
10. In the interests of highways safety.
11. In the interests of highways safety.
12. In the interests of highways safety.
13. To ensure adequate drainage.
14. In the interests of residential and visual amenity.

Informative

- 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).
- This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act 1990 and dated XXXXXX.
- The site is underlain by solid geology of the Cadeby Formation (Magnesian Limestone) classified by the Environment Agency as a Principal aquifer. It is proposed to use a soakaway to dispose of clean surface water. The further investigations must target the previously inaccessible areas of the site and in particular, ground water to provide confirmatory sampling that the ground water has not been impacted by previous activity at the site.
- Landowners, individual property owners and users are responsible for managing the drainage of their own land. The applicant must satisfy themselves that drainage is managed in such a way as to prevent adverse impacts of neighbouring land. The council take no responsibility for incorrect information or interpretations made by the applicant or their representatives.

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

- In order to avoid impacts to nesting birds we also request that all tree/shrub/hedgerow/scrub and rough grassland removal work be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time, then a suitably qualified ecologist should be on site to survey for nesting birds prior to any vegetation clearance. As you will be aware all nesting birds', birds' nests, young and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended). Nesting is taken to be from the point at which birds start to build a nest, to the point at which the last chick of the last brood of the season has fully fledged and left the nesting area
- The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

- The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for road works.

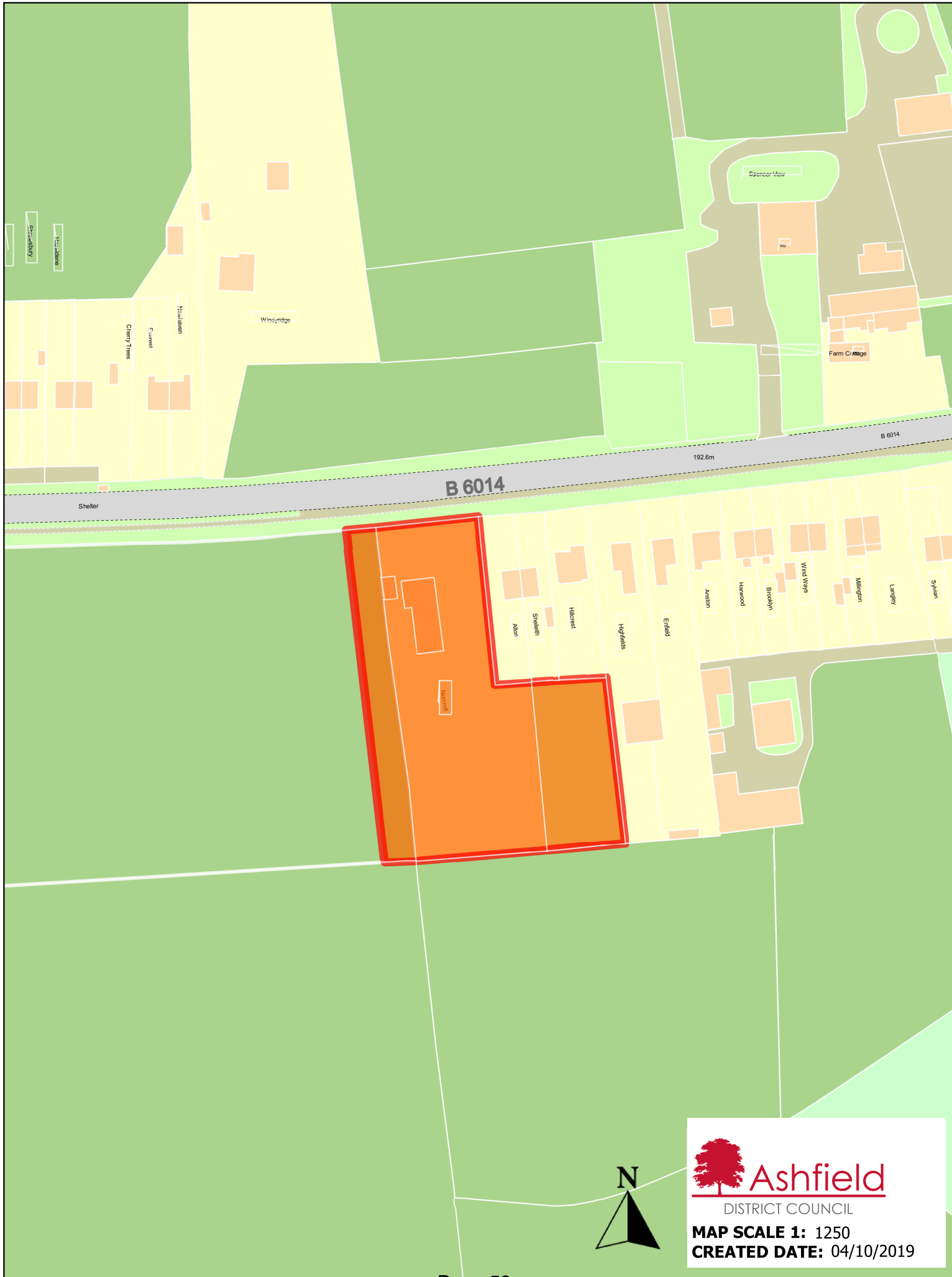
a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the HA with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the HA as early as possible.

b) It is strongly recommended that the developer contact the HA at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance. It is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.

Correspondence with the HA should be addressed to hdc.north@nottscc.gov.uk or in writing to:

Highways Development Control
Nottinghamshire County Council,
Highways North,
Welbeck House,
Darwin Drive,
Sherwood Energy Village,
Ollerton,
Nottinghamshire,
NG22 9FF.

2/ Any relevant details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be considered by the Highway Authority until after the relevant technical approval is issued.



COMMITTEE DATE 23/10/2019 **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:

4x 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
- Loss of views
- Overdevelopment of the site
- Exacerbate local drainage issues
- Set a precedent for further development
- 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.

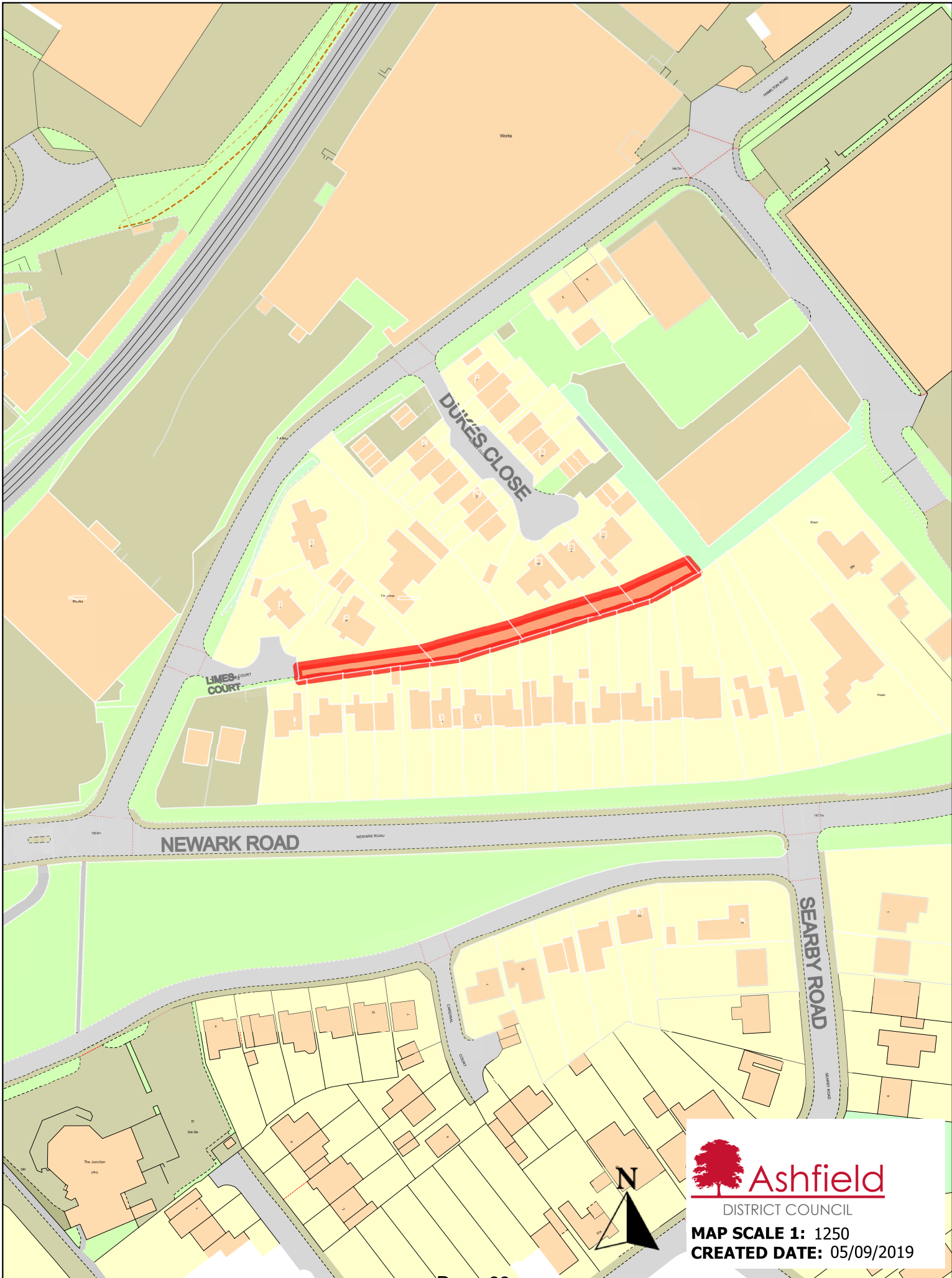
On balance therefore, it is considered that the proposal does not constitute an appropriate and sustainable form of development in the countryside, and it is subsequently recommended that this application is refused on the following grounds:

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 23/10/2019 **WARD** Sutton Junction and Harlow Wood

APP REF V/2019/0488

APPLICANT Mr & Mrs Leivers and Mr & Mrs Wood

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 versus the impact upon the immediate neighbouring residents

The Application

This is an application that seeks consent to fell 30 Lime trees covered by TPO reference 87 & 89. Four 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, one report from Red Brick Structural Engineers providing a structural assessment of 16 Dukes Close and finally a report from Mr Gibson (Tree Surgeon) regarding the trees at Limes Court and The Limes, Hamilton Road. Along with the reports were two supporting statements from the applicant, a comment from a resident, a petition and a news article.

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

Two Supporting Statements, as stated above, were also received as part of the application raising the following concerns:

- Houses are un sellable due to proximity of trees
- Structural damage- cracks appearing on properties and on paving.
- Danger from falling branches and trees falling due to unpredictable weather
- Mess – pigeon droppings, leafs, sap, seed pods, damp, algae
- Loss of light to gardens and rooms in the properties
- Cost – damage caused by trees, unblocking gutters, cleaning up mess
- Home insurance policies don't cover damage from trees and have been refused
- Amenity Value – trees are not directly in public domain and are not visible from thoroughfare
- Vermin – pigeons and squirrels and the mess associated
- Insect infestation due to the sap from the trees
- Trees are considered too big for a small urban garden

One comment was received as part of the application, as stated above, from a neighbour in support of the felling raising the following points:

- Nuisance
- Financial cost from damage caused
- Mess – leafs, sap, branches, aphids
- Loss of tv signal
- Requested the trees be cut to half the size or removed

The applicants also submitted a petition with 12 signatures.

Also with the application was a news report about deaths caused by pigeon droppings.

ADC Tree Officer

The Councils tree officer has commented on the technical information received. In addition to the detailed comments below he has noted that in the application the

structural engineer's technical information was received for 15, 16 and 17 Dukes Close only and no structural report was submitted for the remaining 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. No significant or rectifiable tree defects are detailed.
- None of the alternatives provided in Mr Gibson's report have been proposed by the applicant in this application.

Another report was submitted by Mr Gibson in relation to the remaining trees at The Limes and Limes Court detailing tree removal patterns to alleviate the concerns of residents.

It is the view of the officer that the technical information supplied does not support the removal of the 30 Lime trees. In fact Mr Gibson clearly states in his second report under 4.4.1. That the wholesale removal of the trees would likely be the least favoured by the LPA. 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 30 Lime trees form a row that is located along the boundary of the rear gardens of the houses on Newark Road, Limes Court and Dukes Close.

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 trees are of a substantial height and have been present on the site in excess of 50 years and once provided a screening between the residential properties and industrial units. The trees are a prominent feature in the area and provide a positive visual contribution. They can be seen from multiple streets surrounding the site. Felling the whole row of trees would significantly impact the visual amenity of the area.

The lead applicants were asked if they wish to submit further information in response to the tree officer's comments. 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.

The information put forward by the applicants included four reports from specialists relating to the 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 therefore discrepancies between Mr Helliwell's report and the Redbrick report as both state a different soil type for the area. No other structural reports have been carried out in respect of the other trees.

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 9 mature Lime trees. A further report was submitted by Mr Gibson in relation to the trees at Limes Court and The Limes. Similarly to the other report it goes into detail about the trees and offers alternative solutions to alleviate the concerns raised by the applicants and again none of these alternatives have been applied for.

The two supporting statements and the letter from a neighbor that were received as part of the application raise points about the trees as detailed in the consultation section. Photographs were also received in respect of the points raised. The majority of the concerns raised are what can be expected living near a number of trees. The points raised in relation to mess, cost, damage, nuisance, loss of light, vermin, insurance are accepted but a balance needs to be taken against the loss of all of the trees and the loss to the visual amenity of the area. There is no conclusive evidence in respect of structural issues and the health and wellbeing of the trees.

Conclusion :

Although reports were submitted for all 30 trees it has been acknowledged in the Gibson reports especially that felling the 30 mature trees is not the only option to alleviate the concerns and would in fact most likely not be the most favourable.

However the applicants have chosen to ignore these options in the application and have not considered any alternative other than to fell all of the 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. There may be alternatives to a total felling such as selective felling and pruning and maintenance works as suggested in Mr Gibson's reports. Although the applicant has provided information it is considered that insufficient technical information has been provided to justify the felling of the 30 mature Lime trees.

The Councils policy is to replace any authorised removal with trees on or near the site. It is also not possible to issue a split decision authorising some trees to be removed and not others, if it were possible there is no clear evidence as to which can be removed and which should remain. Whilst it is acknowledged that this is a possibility along with other measures such as pruning etc. the application as a whole must be assessed and 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).**

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Report To:	Planning Committee	Date:	23rd October 2019
Heading:	PLANNING APPEAL DECISIONS		
Portfolio Holder:	PLACE, PLANNING AND REGENERATION		
Ward/s:	HUCKNALL CENTRAL		
Key Decision:	No		
Subject to Call-In:	No		

Purpose of Report

To inform Members of recent Planning Appeal Decisions.

Recommendation(s)

To Note the Appeal Decisions.

Reasons for Recommendation(s)

To bring to Members attention the recent Appeal Decisions.

Alternative Options Considered

(with reasons why not adopted)

N/A

Appeal Decisions

Hucknall Central

Planning Enforcement

Site – Land at High Street Hucknall

Alleged breach of planning control – Failure to comply with condition 3 of planning permission V/2016/0739 requiring vehicular access to the site be gained from Torkard Way only.

Appeal Decision – Allowed and enforcement notice quashed (second appeal dismissed)

The Inspector considered that although the car park was in use he was of the opinion that the planning permission referred to in the enforcement notice (V/2016/0739) had not been implemented because the access to Torkard Way had not been constructed.

In the Inspectors view this would require the installation of drop kerbs on to Torkard Way. The appeal therefore succeeded on a technical issue.

The second appeal although dismissed did not result in the enforcement notice being upheld.

The Council is still seeking the cessation of the use of the access to High Street and officers are pursuing suitable approaches to provide a solution.

Implications

Corporate Plan:

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

Legal:

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

Finance:

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

Risk: N/A

Risk	Mitigation

Human Resources:

No implications

Equalities:

(to be completed by the author)

None

Other Implications:

(if applicable)

None

Reason(s) for Urgency

(if applicable)

N/A

Reason(s) for Exemption

(if applicable)

N/A

Background Papers

(if applicable)

None

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