

ASHFIELD DISTRICT COUNCIL



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

Agenda

Planning Committee

Date: **Wednesday, 13th May, 2020**

Time: **10.00 am**

Venue: **[Ashfield District Council's YouTube Channel](#)**

For any further information please contact:

Lynn Cain

l.cain@ashfield.gov.uk

01623 457317

PLANNING COMMITTEE

Membership

Chairman: Councillor Sarah Madigan

Vice-Chairman: Councillor Ciaran Brown

Councillors:

Chris Baron

Tom Hollis

Lauren Mitchell

Helen-Ann Smith

Jason Zadrozny

Samantha Deakin

Rachel Madden

John Smallridge

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 virtual meeting of the Planning Committee to be held at the time 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 Committee held on 26 February 2020. 5 - 8
4. To receive and consider the attached planning applications. 9 - 86

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PLANNING COMMITTEE

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,
on Wednesday, 26th February, 2020 at 10.00 am

Present: Councillor Sarah Madigan in the Chair;

Councillors Chris Baron, Ciaran Brown,
Samantha Deakin, Dale Grounds, Tom Hollis,
Rachel Madden, David Martin, Daniel Williamson
and Jason Zadrozny.

Apology for Absence: Councillor Helen-Ann Smith.

Officers Present: Lynn Cain, Carol Cooper-Smith, Louise Ellis,
Jemma Handley, Phillip Jennings, Mike Joy,
Mick Morley, Samantha Reynolds,
Christine Sarris and Robbie Steel.

In Attendance: Councillor David Walters

**P.25 Declarations of Disclosable Pecuniary or Personal Interests
and Non Disclosable Pecuniary/Other Interests**

No declarations of interest were made.

P.26 Minutes

RESOLVED

that the minutes of the meeting of the Planning Committee held on 22 January 2020, be received and approved as a correct record.

**P.27 Town and Country Planning Act 1990: Town Planning Applications Requiring
Decisions**

RESOLVED that

**1. V/2019/0491, Ashfield Ltd, Outline Application with some matters reserved
for a Maximum of 100 Dwellings and Associated Access Land to the rear of
211, Alfreton Road**

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 issues were brought to Members' attention:

- A letter had been received from a local resident, requesting a Tree Preservation Order on four Ash trees located in the south western corner of the site. Three of these were identified as B Category in the submitted Tree Survey. This meant that the trees were of moderate quality value, with a minimum life expectancy of 20 years. The other was in poor quality health and classified as U, meaning that it could not be realistically retained for longer than ten years and all required extensive works. Whilst the Council encouraged the retention of trees wherever possible, the trees highlighted had limited life expectancy and therefore a TPO was not recommended in this case.
- Due to the land levels and a stream, it was not considered appropriate to provide direct pedestrian access to Rookery Park, as there was an alternative route available. It was therefore proposed that condition 7 is amended to remove this requirement.

An objector, Sheila Clarke and Councillor David Walters (as Ward Member), took the opportunity to address the Committee in respect of this matter and Members were offered the opportunity to clarify any points raised during the submissions as required.

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

Reasons for refusing planning permission

The proposal is considered to represent an unsustainable form of development, which does not meet the overarching social and environmental objectives set out within paragraph 8 of the National Planning Policy Framework (NPPF). This is because of the following:

- There would be a loss of open space and adverse impact on the landscape character, which is contrary to policies ST1 and RC2 of the Ashfield Local Plan Review (ALPR).
- The primary schools within the area are at capacity and there is no specific site identified for a new school. This is contrary to paragraph 94 of the NPPF, which states that a great weight should be attached to education.
- The development in proximity to the landfill tip could have a harmful impact on human health, contrary to paragraph 180 of the NPPF.
- There would be an adverse impact on biodiversity in the area with the potential loss of hedgerows, trees and impact on wildlife contrary to policy EV8 of the ALPR.

(At this point in the proceedings, Councillor Tom Hollis declared Non Disclosable Pecuniary/Other Interests in relation to the three applications under consideration at the meeting due to him having spoken to both the applicants and objectors in relation to their applications. His interests were such that he remained in the room and took part in the discussions and voting thereon.)

For the motion:

Councillors Chris Baron, Ciaran Brown, Samantha Deakin, Dale Grounds, Tom Hollis, Rachel Madden, Sarah Madigan, David Martin, Daniel Williamson and Jason Zadrozny.

Against the motion:

None.

Abstentions:

None.

The meeting adjourned at 11.18am and reconvened at 11.34am.

(At this point in the proceedings and in accordance with Council Procedure Rule 4.1 (Order of Business), the Chairman advised Members that she was intending to take the last application (V/2019/0824) as the next item of business. Committee Members duly concurred with this course of action.)

2. V/2019/0824, Mrs R Bacon, Permission in Principle for 4-9 Dwellings, Land adjacent 106 Main Road, Underwood

(At this point in the proceedings, Councillor David Martin declared a Non Disclosable Pecuniary/Other Interest in relation to the application, as he was currently the Ward Member, a Member of Selston Parish Council and known to the neighbours on either side of 106 Main Road. His interest was such that he remained in the room and took part in the discussion and voting thereon.)

Ashley Neville, 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 by Councillor Jason Zadrozny and seconded by Councillor Rachel Madden that the officer's recommendation contained within the report be rejected and Permission in Principle be granted subject to referring the proposal to the Secretary of State under the Call in Procedure.

Reasons for rejecting officers' recommendation:

The proposal would represent an infill development, filling the existing gap between the settlement of Underwood and the hamlet of Underwood Green to the west, in accordance with Paragraph 145 (e) of the National Planning Policy Framework 2019 and policy EV1 (b.iv) of the Ashfield Local Plan Review 2002.

- The proposal would reduce social isolation in accordance with the Community Objectives outlined in Paragraph 10.2 of the Jacksdale, Underwood and Selston Neighbourhood Plan 2017.
- The proposal would create a pattern of development which would be in accordance with policy NP2 (4) of the Jacksdale, Underwood and Selston Neighbourhood Plan 2017.

- Approval of the development would reduce the likelihood of a more comprehensive development on the adjoining land from being granted permission, protecting the surrounding Green Belt from further encroachment.
- With regard to NP3 of the Jacksdale, Underwood and Selston Neighbourhood Plan 2017, it was deemed that the proposal would not impact views of the site from neighbouring villages, including Selston and Bagthorpe.

For the motion:

Councillors Ciaran Brown, Samantha Deakin, Rachel Madden, Sarah Madigan, Daniel Williamson and Jason Zadrozny.

Against the motion:

Councillors Chris Baron, Dale Grounds and David Martin.

Abstentions:

Councillor Tom Hollis.

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

a) it was moved and seconded that consent be granted subject to the following:-

1. satisfactory completion of a Section 106 Agreement for a contribution of £34,365 towards primary education;
2. a contribution of up to a maximum of £10,000 towards the Traffic Regulation Order (TRO) and appropriate signage;
3. an additional contribution of £5,600 towards open space requirements;
4. in accordance with the conditions contained in the original report;

b) in respect of the request for an additional contribution of £5,600 towards open space requirements; should the request be denied by the Developer, the application be brought back to Committee for further consideration.

The meeting closed at 12.22 pm

Chairman.

BACKGROUND PAPERS AND AVAILABILITY OF PLANS

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

The background papers forming the planning application file include:

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

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

The full text of all correspondence is available to Members.

Due to Covid-19 Background Papers are only available to view online.

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Site Visits Planning Committee

Due to Covid-19, there will be no formal site visits. We would however encourage those councillors who don't know the sites to familiarise themselves with the sites.

T. Hodgkinson

Service Director – Place and Communities

Tel: 01623 457365

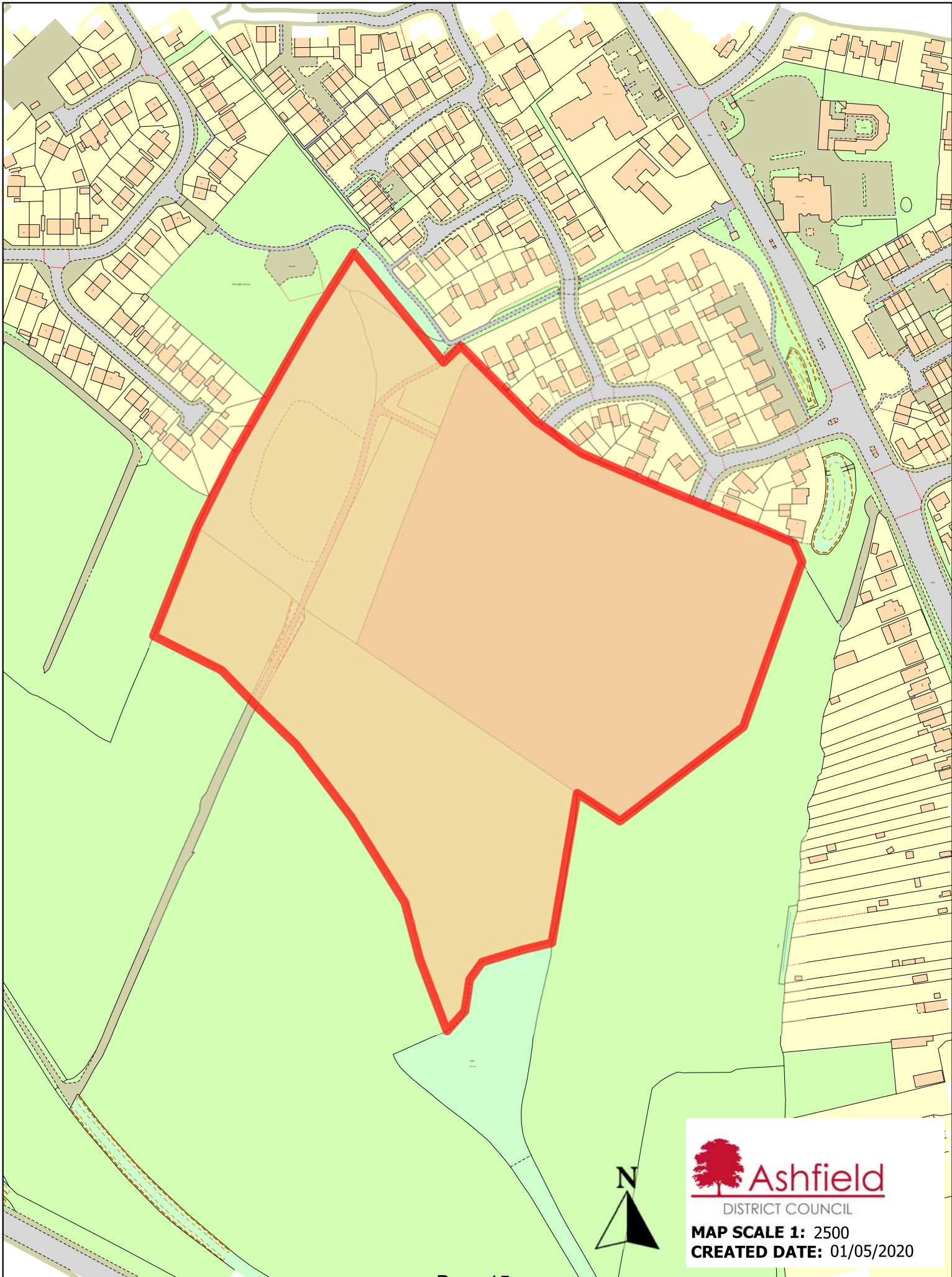
E-mail: t.hodgkinson@ashfield.gov.uk

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PLANNING COMMITTEE – 13th May 2020

| Page | App No | Applicant | Recommendation | Proposal | Location |
|----------------------------------|---------------|-------------------------------|-----------------------|--|---|
| Hucknall South | | | | | |
| 15-50 | V/2019/0483 | Bellway Homes (East Midlands) | Approve | The residential development of 206 no. dwellings and associated infrastructure and works, including the removal of two groups and three individual TPO trees included in the Ashfield District Council Tree Preservation Order, TPO 168. | (Phase 2) Land at Broomhill Farm Hucknall |
| 51-58 | V/2020/0114 | Bellway Homes (East Midlands) | Approve | Erection of a Temporary Construction Site Compound (for a period of 8 Years), Car Parking and Associated Works associated with Planning Permission V/2019/0483 | Land to the South of Broomhill Farm Nottingham Road Hucknall |
| 59-70 | V/2020/0030 | Mr E Clements | Approve | Dwelling | 26 Brickyard Brickyard Drive Hucknall |
| Hucknall West | | | | | |
| 71-80 | V/2019/0825 | Mr I Glen | Refuse | Barn Conversion to Form Dwelling | Barn 3 Stubbinwood Farm Watnall Road Hucknall |
| Stanton Hill and Teversal | | | | | |
| 81-86 | V/2020/0122 | Chris Slack | Approve | Porch to Front Elevation | Fackley Cottage, 3 The Park Silverhill Lane Teversal Sutton in Ashfield |

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COMMITTEE DATE 13/05/2020 **WARD** Hucknall South

APP REF V/2019/0483

APPLICANT Bellway Homes (East Midlands)

PROPOSAL The residential development of 206 no. dwellings and associated infrastructure and works, including the removal of two groups and three individual TPO trees included in the Ashfield District Council Tree Preservation Order, TPO 168.

LOCATION (Phase 2) Land at Broomhill Farm, Hucknall, Nottingham, NG15 7QE

WEB LINK <https://www.google.co.uk/maps/place/Jackson+Rd,+Hucknall,+Nottingham/@53.0249307,-1.1928678,18z/data=!4m5!3m4!1s0x4879c01a125fd043:0x189810b333dcac24!8m2!3d53.024821!4d-1.1920041>

BACKGROUND PAPERS A B C D E F K

App Registered 31/07/2019 Expiry Date 30/10/2019

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

This application has been referred to Planning Committee by Cllr K.A. Morrison on the following grounds:

- Invasion of privacy and overshadowing of neighboring properties;
- Destruction of wildlife and preserved trees;
- Antisocial behavior – specifically in relation to access and motorbikes;
- Lack of amenities and infrastructure. Not enough schools, doctors and traffic concerns.

The Application

This is a full planning application for 206 houses, with associated infrastructure and works. The proposals also include the removal of two groups and three individual TPO trees included within Ashfield District Council Tree Preservation Order 168.

The submitted layout consists of 206 dwellings at a net density of approximately 32 dwellings per hectare. 38 of the dwellings will be affordable. These will be a mix of affordable rent, shared ownership and discount market sale.

The Site

The application site is located on the southern edge of Hucknall. It extends to approximately 6.85 hectares and comprises agricultural land, with associated trees, hedgerows and vegetation. The site is allocated for housing under policy HG1 (Hb) of the Ashfield Local Plan Review (2002).

The site is bounded to the north and north east by new residential development, with access proposed from Jackson Road and Victoria Way. To the east, is a Local Wildlife Site (Farley's Grassland). To the west are allotments and residential dwellings. The south of the site features a prominent ridgeline beyond which is agricultural land designated as Green Belt.

Consultations

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

A.D.C Tree Officer – No objections to the proposed tree removal, on the provision that appropriate landscaping be carried out to mitigate the losses.

A.D.C Environmental Health (Contamination) – No objections. Recommend that a validation report is submitted showing the protection measures have been installed in the properties.

A.D.C Environmental Health – The Air Quality Assessment concludes that the site is suitable for a residential development and does not predict that the development will lead to an exceedance of the Air Quality Objectives formulated by the Air Quality (England) Regulations 2000(AQR) as amended in 2002.

A construction management plan should be submitted, which includes dust control measures and limits on construction working times.

A.D.C Housing Officer – The proposed affordable housing mix is policy compliant; but would welcome more rented units – especially should any other phases come forward.

A.D.C Places and Localities – Concerns raised over the size of the open space extension. The combined area is relatively small for the overall housing and it would be better to mirror existing. In terms of Section 106 contributions, these are as follows:

- Public Open Space contribution for a neighborhood young people's area: £75,000
- Maintenance for phase 2 (15 years): £37,758.

- Biodiversity offsetting: £30,000. (£20,000 for tree planting and £10,000 for habitat improvements) for one, or more, of the following sites in Hucknall:
 1. Common Farm
 2. Polperro Lagoon
 3. Titchfield Park.

Clinical Commissioning Group – A development of this nature would result in increased service demand and all practices in the area are working at capacity. Accordingly, the proposal would trigger the need to provide health related section 106 funding amounting to £111,626, which is proportionate to the housing development size. The contribution would be invested in enhancing infrastructure capacity.

Environment Agency – The site falls within Flood Zone 1. The Local Lead Flood Authority should be consulted regarding sustainable surface water disposal.

NCC Travel and Transport - Require upgrades to two bus stops within the vicinity of the site. A contribution of £29,000 is requested for the works.

NCC Rights of Way – No objections.

NCC Minerals and Waste – There are no Minerals Safeguarding and Consultation Areas covering or in close proximity to the site. Likewise, there are no existing waste sites in the vicinity. The application should be supported by a waste audit.

NCC Strategic Highways – No observations.

NCC Public Health – Public Health is supportive of the inclusion of the Nottinghamshire Rapid Health Impact Assessment Matrix (NRHIAM) by the applicant. This is a good example of how the NRHIAM can be used to assess the potential impact of health and wellbeing locally of a development.

NCC Education

Primary

The development is located in the Hucknall Primary Planning Area and would generate 43 additional primary school places. There is currently insufficient capacity to accommodate the additional pupils generated. As a result, the County Council would see a primary contribution of £749,318 (43 x £17,426 per place).

Secondary

The development is located in Hucknall Secondary Planning Area and would generate 33 additional places. There is currently insufficient capacity to accommodate the additional pupils generated by this development. As a result, the

County Council would see a secondary contribution of £787,875 (33 x £23,875 per place). This would be used to extend Holgate Academy.

Nottinghamshire Wildlife Trust – Object to the application, raising issues surrounding the following:

- Removal of TPO Trees, Hedgerows and Wildlife Corridor,
- Potential impact on Farley's Grassland LWS, a Construction Management Plan (CEMP) should be provided to protect the LWS,
- Measures should be undertaken to protect Hedgehog, Amphibians and Harvest Mice.
- Landscaping should be provided, which encourages a range of species.
- More compensation needed for badgers;

A number of recommendations are made in line with these concerns, including provision of an Ecological Management Plan and lighting strategy. Reference is also made to paragraph 175 of the NPPF, which sets out protection for Biodiversity.

The applicant has submitted information to address this objection. NWT have been consulted, but a response has yet to be forthcoming. This impacts on Biodiversity are discussed later in the report.

Local Lead Flood Authority – No objections, subject to a planning condition ensuring that the drainage scheme accords with the principles set out within the Flood Risk Assessment.

Natural England – No comments.

Severn Trent – The connections of foul and surface water will require section 106 sewer approval.

Highways Authority – The comments from the Highways Authority are summarised below:

Transport Assessment

Study Area

Trip rates based on a recent traffic count carried out at the site access, have been agreed.

Accessibility

The layout illustrates a cycle route, from phase 1, terminating on its southern boundary (end of Road 1). A central refuge to the north of the existing access is to be upgraded to allow pedestrian access to and from the bus stop further to the north.

Assessment of Traffic Impact

- **Junction 2 – Hucknall Bypass Roundabout**

Mitigation is proposed in the form of an increase in length of the 2-lane section on the Hucknall Bypass approach.

- **Junction 5 - Portland Road / Station Road**

The impact on this junction is considered to be minimal, however, it forms part of the alternative route around Hucknall to the Ashgate Road junction (Junction 6) and is therefore sensitive to other parts of the network becoming congested.

- **Junction 6 – Portland Road / Ashgate Road**

There is a concern about the impact on this junction in the PM peak, however to reduce this impact it is proposed to carry out mitigation at Junction 5, in the form of the installation of a new system to maximize operational efficiency.

Layout

Vehicle Parking

Concerns were initially raised because of limited parking provision for visitors and any additional vehicles. Amendments have been submitted increasing the widths of driveways and the layout altered to increase the number of spaces for visitors and any additional vehicles.

It is concluded that it would be difficult to sustain a Highway objection to the development on parking grounds. In order, to minimise the impact, conditions are recommended to remove permitted development rights for garage conversions and fences which would impact on parking spaces.

Private Drives

Further conditions are recommended to restrict vehicles driving from adjacent private drives to another, to protect pedestrian visibility splays and the provision bin store locations.

Nottingham City Council – Have been consulted, but no comments received.

Police Architectural Liaison Officer – Have been consulted, but no comments received.

Local Community

A total of 37 responses have been received from 26 different households/individuals following the first round of consultation.

The issues raised are summarised below:

Highways Safety

- Congestion on the roundabout connection Nottingham Road, Hucknall Lane and the A611 and at Moor Bridge.
- The cycle route toward Nottingham is dangerous and unsafe. This should be improved.
- Concerns over the volume of traffic using Jackson Road and Victoria Way.
- An improvement should be made at the junction of Jackson Road and Nottingham Road – traffic lights, or a roundabout.
- Consideration should be given to a through road onto the bypass to ease congestion.
- Existing issues with road safety on Phase 1 including people parking on blind corners.
- Wish to see traffic regulations included – double yellow lines, white road markings.
- A digital model of the road networks does not take into account the reality of the situation on the roads. The increased traffic will result in significant issues.
- Even with two parking spaces provided, this is not sufficient.

Impact on the Environment

- Adverse impact on the ecosystem and ecology – including loss of habitat (hedgerow and trees), agricultural land, green space, and impact wildlife.
- Wildlife mitigation measures inadequate – nothing for hedgehogs.
- Loss of trees covered by a Tree Protection Order 168.
- Potential for other Green Belt land to be developed. Questions over measures being taken to protect surrounding Greenfields.
- Questions over the Ecological information being redacted.
- Destruction of wildlife is contrary to the recently declared Climate Emergency.
- Light and noise pollution.
- More tree planting should be proposed and trees shown within individual properties could be removed.
- Questions over sufficient information in relation to the flood attenuation facility.
- The proposed environmental improvements are tokenistic measures. A radical, holistic approach should be taken to improvements.
- Questions over the carbon footprint of the development.
- Adverse impact on the character and appearance of the area. The fields are enjoyed by walkers, hikers, joggers, dog walkers. These would be lost.
- The homes should feature solar panels and a high level of insulation.

Residential Amenity

- The hedgerow along the boundary with phase 1 is shown in the deeds of homes on phase 1 and removal would be criminal damage. It enhances biodiversity and should be retained.

- Concerns over loss of privacy to plot 41 on Phase 1 from the footpath.
- The properties on phase 1 are at a lower ground level and consideration must be given to finished floor levels and a potential loss of light.
- Anti-social behaviour – there is an existing problem on Phase 1 with bikes along footpaths.
- The proposal would result in an adverse impact on plot 6 (phase 1) from a loss of light, overlooking and overbearing impacts. This would be contrary to the NPPF, The Local Plan and the Residential Design Guide.
- A technical assessment should be undertaken of the impact on Sunlight to plot 6 (phase 1).
- The compact housing may affect health and well-being including mental health. These should adhere to the national space standards.
- The garden sizes are unacceptably small.
- The future occupiers should be provided a good standard of living with sufficient daylight into the homes.
- Concerns over disturbances during the construction phase – the road becoming muddy, noise pollution, disturbance from HGVs etc.
- CCTV and lighting should be installed on the paths, already experiencing issues of anti-social behaviour.

Other Issues

- Density much higher than phase 1.
- Insufficient infrastructure to support further housing development – doctors, school places, dentists etc. Lots of developments already planned in Hucknall, this will worsen the situation.
- Questions over the financial contributions towards schools, doctors, public transport, libraries etc.
- Hucknall has already met its housing needs through substantial new developments, which have already resulted in the loss of biodiversity and wildlife.
- The blocking of a public footpath used regularly. This has already been blocked off by fencing.
- Equestrian access link and request new bridleway gates.
- Development on a steep part of the site potential for land slippage.
- Too many people already, having an adverse impact on the quality of people's lives.
- Concerns over a loss of view, which should be protected.
- The entrance to the recreation area from Albert Close should be formed.

2nd Round Consultation

Following the receipt of an amended layout plan, an additional round of consultation was undertaken. In total 9 further comments were received from 7 households. The contents of these are summarised below:

Highways

- The updated traffic surveys are insufficient and the junction from Jackson Road onto Nottingham Road needs amending.
- Parking control measures should be implemented on the existing estate.
- Problems with parking, where garages are used for storage. The layout should be revised and bollards used.
- Questions over the 20mph speed limit and requests for pre-loaded mango cards for phase1.

Environment

- Measures should be introduced for energy conservation such as solar energy, air/ground source heating and electric charging points.
- Impact on the natural environment – loss of hedgerows, TPO trees already removed and loss of a badger sett.
- Trees within property boundaries can be removed.
- Information should be given on the carbon capture from mature trees and hedgerow.
- Air Quality objectives will be breached.
- Questions over the use of the biodiversity offsetting and POS contributions.

Other

- Even with the additional funds, do schools and leisure facilities have the ability to cope with development, especially with the development in Hucknall.
- Will doctors and pharmacies be able to cope with additional people.
- Impact during the construction phase, which is estimated to be up to 8 years.
- Insufficient consultation with residents.
- Osbourne close is not suitable for a pedestrian link – instances of antisocial behaviour have occurred.
- Potential for neighbour disputes with the hedge removal on the southern boundary.

Additional amendments to the layout were received, which moved the dwellings at plots 118 and 132 farther away from the site boundary. In light of the nature of the changes, it was considered not to be prudent to undertake an additional full round of consultation with residents. However, given substantial correspondence with the residents of plot 6 on phase 1, they were informed of the iteration. In response they stated that the revised proposal represents an improvement to the original – but would like to see the floor level no higher than 61.0. They also reiterated their concerns about the hedgerow and to overcome these concerns requested it be within their garden.

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.
- HG1HB – Housing Land Allocations.
- EV8 – Trees and Woodlands
- EV6 – Site of Importance for Nature Conservation.
- 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.
- National Design Guide.

Relevant Planning History

V/2020/0114

Proposal: Erection of a Temporary Construction Site Compound (for a period of 8 years), Car Parking and Associated Works associated with Planning Permission V/2019/0483,

Decision: Outstanding.

V/2013/0409

Proposal: Full application for the construction of 141 dwellings and public open space together with associated parking, garaging, road and sewer infrastructure works.

Decision: Approve

Decision date: 28/11/2013

Comment: This application approved 'phase 1' – the adjacent housing development.

V/2006/0717

Proposal: Full application for the erection of 382 dwellings and ancillary works

Decision: Withdrawn

Decision date: 16/12/2011

Comment: Committee Resolution to grant outline planning permission for residential development, subject to legal agreement (never signed hence finally disposed of).

V/2003/0945

Proposal: Outline application for the erection of approx. 360 dwellings and ancillary works

Decision: Withdrawn

Decision date: 16/12/2011

Comment: Resolution to grant outline planning permission for residential development, subject to legal agreement (never signed hence finally disposed of).

Environmental Impact Development

A screening exercise has been undertaken and it has been determined that the development does not constitute EIA development.

Main Issues

1. The principle of the development;
2. Landscape Impact;
3. Layout, Appearance and Scale;
4. Housing Density and Mix
5. Residential Amenity;
6. Highways Safety;
7. Sustainability and Locational Accessibility;
8. Biodiversity and Trees;
9. Flood Risk and Drainage;
10. Developer Contributions and Community Infrastructure Levy (CIL) Compliance;

- 11. Other Issues;
- 12. Planning Balance.

1. Principle of Development.

The application site is located on land allocated for housing in the Ashfield Local Plan Review (2002). The application site forms part of allocation HG1(Hb), which allocated 11.8ha of land at Broomhill Farm for circa 360 dwellings. The applicant has already built 141 dwellings on much of the northern part of the allocation, leaving this residual parcel of land. The general principle of residential development is therefore acceptable in accordance with Policy HG1 (Hb) of the Local Plan.

2. Landscape Impact

Paragraph 170 the NPPF identifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognizing the intrinsic character and beauty of the countryside.

The site is not subject to specific statutory, or non-statutory, landscape related planning designations. In terms of landscape character, the site sits within the Nottinghamshire Landscape Character Assessment, which was carried out for the much of Nottinghamshire to assist in informing Local Development documents. The LCA identifies the site as part of ML018 River Leen Corridor, with the landscape condition and sensitivity described as moderate.

The application is supported by a Landscape Impact Visual Appraisal (LIVA). This considers the impacts from a number of vantage points. It identifies that the site is located within a landscape heavily influenced by its urban fringe setting. Nonetheless, the proposal would introduce residential development on a greenfield site and result in a material change to its character and visual setting. This includes altering views at the immediate site boundaries, surrounding properties, open space, informal footpaths and some longer distance views. Although, these affects are not unusual, or unexpected, given the site is allocated for housing.

The southern boundary is defined by a prominent ridge. There would be housing situated in this area, however consideration has been given to the arrangement of dwellings and roof types. A landscape buffer is proposed on this boundary to soften the impact of the houses on this part of the site. However, this is an edge of settlement development that would not appear as discordant with its setting and is unlikely to result in any significant notable visual effects

It is inevitable that some landscape harm would arise from the development of greenfield, however the site is allocated for housing in the Local Plan. Local residents have attached some value to the landscape, however it has no formal landscape designation and is considered not to be a valued landscape for the

purposes of the NPPF . The harm to the landscape therefore carries limited weight in the assessment of this case.

3. Layout, Appearance and Scale

The ALPR sets out policies on design in Policies ST1 and HG5. The policies within the development plan are supported by the provisions of the NPPF part 12. A National Design Guide has also been published since the submission of the application.

In terms of layout, a loose grid structure is adopted with perimeter blocks facing out onto roads to ensure active frontages. The existing open space will be extended in the north corner of the site, with a flood attenuation feature in the eastern corner. The scheme benefits from good internal connectivity, with an internal loop road and green walks. Increased surveillance will also be provided to the open space, which should assist in supporting a reduction in anti-social behavior.

The scheme has been subject to an independent Building For Life Review by Design Midlands. This is a tool used to help local planning authorities assess the quality of proposed developments. This sets out a list of 12 criteria and uses a traffic light system of green, amber and red to assess developments. The original assessment showed a score of 4 reds and 8 ambers. Following the design review, the scheme has improved significantly. This includes:

- Improvements to connectivity, by extending the green way from phase 1.
- New pedestrian footpaths, including one which retains some of the existing hedgerow and a TPO tree.
- A better relationship with the open space and building to building relationships.
- Altering of the block pattern to face onto the coppice to the south.

The final design review score by Design Midlands indicates the scheme has 3 greens, 8 ambers and 1 red. However, the red was for parking integration. This has since improved following substantial work and the final scheme is considered to have no red scores. The assessment was mainly focused on the developments functionality and connectivity, which is the primary reason for a number of the amber scores.

In terms of appearance, the scheme utilises Bellways new house type range, which varies slightly from phase 1, however these are all considered to be a high quality design and in keeping with the vernacular in the area. Building materials will be a mix of red and brown brick, with detailing provided around the windows. The scale of dwellings, sitting 2 and 2.5 storeys in height, is consistent with those in the surrounding area.

Following the design review it is considered the scheme provides an acceptable layout, with good interconnectivity. The scale and appearance of the dwellings are also considered to be acceptable.

4. Housing Density and Mix

The Housing Site Brief within the Local Plan sets out that a minimum housing net density of 34 dwellings per hectare should be achieved. The net density of this phase is approximately 32 dwellings per hectare. The density of the site has been calculated excluding the area of public open space in the northern corner and SuDs feature. The housing density was required to be reduced from the original submission and following a design review to achieve a better quality scheme.

The development proposes 206 houses, 38 of which are classified as affordable. The overall breakdown of housing mix is as follows:

- Affordable Rent: 4 x 1 Bedroom and 6 x 2 Bedroom.
- Shared Ownership: 3 x 2 Bedroom and 7 x Bedroom.
- Discount Market Sale: 18 x 3 Bedroom.
- Private Sale: 9 x 2 Bedroom, 112 x 3 Bedroom and 47 x 4 Bedroom

The mix of housing proposed is considered to be acceptable, taking into account the evidence of the Nottingham Outer 2015 Strategic Housing Market Assessment (SHMA).

5. Residential Amenity

Saved Policy HG5 of the Local Plan is a criteria based policy which seeks to ensure that new residential development is acceptable. This includes, inter alia, protecting the amenity of neighbouring properties, minimising overlooking, provision of adequate amenity space, adequate boundary treatment, suitable access and parking. Policy HG5 is backed up by the Ashfield Residential Design Guide SPD 2014, which contains guidance on matters such as minimum separation distances and garden sizes.

Existing Residents

Hedgerow

A number of residents have raised concerns surrounding a hedgerow running along the boundary shared with Phase 1. This hedgerow is to be retained and will be subject to a planning condition. Issues have also been raised about future management and the potential for neighbour disputes over ownership and maintenance. Bellways have advised that a covenant will be placed on the hedge to ensure the new owners do not remove it.

This is primarily a civil matter, however, it is considered that the arrangements on this boundary are satisfactory and would not give rise to unnecessary problems. An existing close boarded timber fence runs along the boundary providing sufficient privacy to residents. Even if the hedgerow were to be re-conveyed to the other side of the boundary, as a resident has suggested, there is still the same potential for disputes over maintenance to occur.

Overlooking, Overshadowing and Loss of Privacy

A representation has been made from the owners of plot 6, on phase 1, as to the impacts of plot 132 from a loss of light, overlooking and overbearing impacts. Since the submission of the application, the layout has been amended with the dwelling at plot 132 moved farther away from the boundary and a single storey garage repositioned here. The roof of the dwelling has also been hipped. These revisions ensure the proposed dwelling would not be unduly overbearing. The 25 degree measurement is not breached, which indicates that daylight will not be unduly affected and there would be no direct overlooking.

A shadow analysis has been undertaken with plot 132 at a higher level than plot 6; however Bellway have since advised it will sit below the floor level of the existing dwelling (approx. 0.15m). The resident has requested a condition for the dwelling to be built below 61.00, however the proposal to build at 61.25 – which is below the floor level of plot 6, albeit the garden does slope away – is considered to be reasonable. The proposed floor levels will be subject to a planning condition.

As plot 132 is located to the south, there would be some degree of increase in overshadowing, however this would not be to an extent that the living conditions of the neighbouring residents would be harmed. It is considered the amendments to the scheme have resulted in an acceptable relationship to the existing dwelling.

In a similar vein, the dwelling at plot 118 has been amended to have a hipped roof and has been set off the boundary to avoid any overbearing impacts to plot 20 on phase 1. A shadow analysis has also been undertaken. The amendments to the scheme are, again, considered sufficient to result in an acceptable relationship to the neighbouring dwelling.

There would be some increased overlooking to the garden areas on phase 1 particularly plots 7 and 13, however this extent of overlooking is typical in most estates and would not be a reason to refuse planning permission. Concerns have been raised about the finished floor level the properties will sit from the resident of plot 13 on phase 1 with regards to potential overshadowing. The layout is considered appropriate to avoid any undue affects and the levels will be carefully examined.

The residents of plot 41 on phase 1 have raised a concern about overlooking from the adjacent footpath. This is a footpath already delivered as part of phase 1. It is

noted this will be an increased use, however this was always anticipated as part of wider proposals.

Anti-Social Behaviour

The dwellings have been orientated to provide more natural surveillance to the open space and green-walk. Details of entrances to will be secured by planning condition to help prohibit usage from motorbikes. In addition, Bellway are willing to establish a Neighbourhood Watch function to operate across the scheme, with relevant details to be relayed to plot purchasers at the point of sale.

Disruption during construction

Concern has been raised with regard to the potential disruption during the construction phase of development. It may be the case that some disturbances would occur to neighbouring residents, however this will not be permanent, nor would it result in any longer term detrimental impact upon the residential amenity of local residents.

An application has been submitted for the construction of a compound, which is to be located off-site and away from existing residents. This is considered to be an appropriate location that will reduce the potential for noise disturbances and parking conflicts on the highway.

The Councils Environmental Health Team have been consulted and raised no objections, but have recommended conditions be attached. Accordingly, it is recommended that a condition requiring the submission of a Construction Environmental Management Plan is appended. This will contain matters such as working hours, delivery times, wheel washing facilities and dust control measures. This is a standard condition on development sites and serves to reduce the potential for disturbances to residents.

Future Residents

The submitted layout demonstrates that the back-to-back separation distances between dwellings would comply with the Councils residential design guide. Where these fall below 21m, the properties are angled to ensure there would be sufficient privacy and meet with the guidance.

In terms of garden sizes, the applicant has amended the layout so that the proportion of gardens that meet, or exceed, the standard now stands at 88.8% (183 out of 206 unit). This is a significant increase from previous iteration of the layout. Although, a percentage do fall below the standard, this is considered to be acceptable. The scheme provides an extension to the public open space in the northern corner of the site, which is a short walking distance to all dwellings.

The Councils Places and Localities team have raised concern over the sufficiency of the new area of public open space. However, overall, the development would provide 10% in accordance with the requirements of Policy HG6. There would also be a contribution of £75,000 towards new equipment, in accordance with the Councils adopted Public Open Space Strategy.

Reference has been made, through local representation, to the site achieving the Nationally Described Space Standard (NDSS). It is identified that some of the house types Tilton, Somerby, Joiner and Tailor do not meet this standard. However, NDSS is not adopted in Local Plan policy. The Councils Residential Design SPD also includes guidance on minimum standards. Below is a comparison of these house types against those that do not meet the minimum required NDSS:

| H/T | Beds | Size | SPD Space Standard | Differential | % of Space Standard |
|------------|-------------|---------------------|---------------------------|---------------------|----------------------------|
| Tilton | 2 bed | 59.2m ² | 62m ² | -2.8m ² | 95% |
| Joiner | 2 bed | 63.2m ² | 62m ² | +1.2m ² | 102% |
| Somerby | 3 bed | 71.3m ² | 77m ² | -5.7m ² | 93% |
| Tailor | 3 bed | 74.48m ² | 77m ² | -2.5m ² | 97% |

Where there is a shortfall of a matter of a few square metres, this is considered to result in dwellings that are so deficient that would warrant them being considered to be unusable. Bellway advise in many cases this is simply reflective of the different market segments. In particular, the Somerby house type, which fails to meet the national and local standard, is part of the standard house type range for the East Midlands. Bellway have also provided evidence from a registered provider that they are content with this particular house type in terms of floor space.

Housing standards are a material consideration in dealing with planning applications. A written ministerial statement on this, dated 25th March, advises that decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy. There is no local plan policy in place to require adherence to the national standards. Notwithstanding this, a number of units do not comply with the national standard, however in view of the above and taking the scheme as a whole – which has included alterations to improve the layout following a design review – the proposals are considered to be acceptable in this regard.

6. Highways Safety

The Ashfield Local Plan Review (2002) Policy ST1, set out that, amongst other matters, development will be permitted where it (c) does not adversely affect highway safety, or the capacity of the transport system. In a similar vein, the NPPF (paragraph 109) states that development should only be prevented or refused on

highways ground if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.

The site will be accessed from the existing ends of Jackson Road and Victoria Way on phase 1. The main spine road, taken off Jackson Road, will feature a 3m wide shared use foot/cycleway. It will be 6m in width to allow for a future bus to access the site.

The applicant has submitted a Transport Assessment, which has been assessed by the Highways Authority. From the results of the technical information, and on the basis of advice received from the HA, it is considered that the development would not result in a severe impact on the highways network, subject to mitigation measures being provided. These include:

- Amendments to the roundabout junction with associated signing at the A611 Hucknall Bypass / Nottingham Road.
- Upgrades to signal efficiency at the junction of Portland Street Station Road (MOVA).
- Amendments to the existing pedestrian refuge on Nottingham Road.

A number of residents have raised concerns over the existing junction from Jackson Road onto Nottingham Road, however the assessments show that no improvements are required here and that the junction would continue to operate safely. Likewise, the assessment has not raised any issue with the volume of traffic using Jackson Road/Victoria Way.

As noted by the HA, parking has been assessed with amendments being made to the widths of driveways and improvements made for visitor and additional parking provision. The HA consider there are no substantive reasons to refuse planning permission. To mitigate against any future parking problems, conditions are recommended for the removal of permitted development rights for garages and the erection of fencing.

In light of the submitted technical evidence and subsequent comments from the Highways Authority, it is considered that, with appropriately worded planning conditions, the development would not result in any significant highways safety issues.

7. Sustainability and Locational Accessibility.

Paragraph 103 of the NPPF, states that the planning system should actively manage patterns of growth, with significant development focused on locations, which are, or can be made sustainable, through limiting the need to travel and offering a choice of transport modes.

The site is well connected to the Hucknall Public Transport Corridor, with access to N.E.T and Robin Hood Line Stations. A regular bus service is provided along Nottingham Road, which provides access to Hucknall and Nottingham town centres.

The layout would provide a cycle/bus route extending from Jackson Road. There would also be a contribution of 29k for bus stop improvements and amendments to the existing pedestrian refuge on Nottingham Road. Finally, a travel plan will be provided aimed at reducing private vehicular travel. The site is considered to be in a sustainable location for development.

8. Biodiversity and Trees

The NPPF at paragraphs 170 (d), 171, 174 and 175 sets out protection for biodiversity. Policy EV6 of the Local Plan, amongst other matters, seeks to protect local nature reserves and sites of importance for nature conservation. Policy EV8 sets out protection for trees worthy of retention and states that where trees are lost, mitigation will be required.

No statutory, or non-statutory, designated sites are located within the site. Although Farleys Grassland Local Wildlife Site (LWS) is located adjacent to the eastern site boundary.

Biodiversity Matrix

The applicant has submitted an Ecology Appraisal and Biodiversity Matrix. The submitted Biodiversity Matrix has been completed in accordance with emerging DEFRA guidance and shows a net loss. To offset this loss, the applicant has agreed contributions towards tree planting (£20,000) and a habitat creation scheme (£10,000).

Trees

The proposals will result in the loss of two groups and three individual TPO trees included in the Ashfield District Council Tree Preservation Order, TPO 168. In ecological terms, the applicants ecologist has noted that none of the trees removed are veteran, or provide significant ecological interest.

The Councils Tree Officer has also visited the site and raised no objections to the removal of the trees on visual amenity grounds. To compensate, the landscaping scheme includes the planting of a significant number of trees. The developer also has agreed to contribute £20,000 towards additional tree planting in the district. At present, 10-12ft trees cost around £30 from the Councils current supplier, this means that around 666 additional trees of this size could be provided.

Hedgerows

There are nine hedgerows across the site. All the hedgerows comprised at least 80% native species and therefore qualify as habitats of principal importance (as described in S41 of the NERC Act 206), albeit none were considered to qualify as important under the Hedgerows Regulations Act (1997) wildlife and landscape criteria due to being species-poor and lacking associated features.

The boundary hedgerows (H1, H2, H3, H8 and H9) are to be retained and will be protected during the construction phase. Hedgerows H5, H6 and H7 will largely be lost under the proposals. However, the layout was altered to retain some of hedgerow 4 running through the centre of the site.

These losses will be compensated through the creation of new native hedgerow along the southern and eastern site boundaries, which will create an alternative wildlife corridor and maintain connectivity around the edge of the site. The latest iteration includes new native species hedgerows being planted, which exceed the length of the hedgerows lost by 440m.

Protected Species

The submitted Ecological Appraisal contains an assessment of protected species across the site. Precautionary working methods are recommended during ground clearance for any suitable habitat for amphibians, hedgehog and nesting bird habitats. This will ensure all relevant legislation is complied with.

The single tree assessed as having moderate potential to support roosting bats will be retained and protected. The site provides foraging and commuting resources for a low number of common and widespread bat species, and as such the loss of these resources will be compensated through planting.

A single outlier badger sett is located within the site and will be lost to the proposed development. As such, the works will require a Natural England Licence. The applicants ecologist has advised that Natural England regularly grant licences for closure without requiring the provision of artificial setts, which are only required when development proposed the closure of a main sett. No extensive evidence of foraging activity such as snuffle holes or latrines were recorded across the site and overall it is considered the site does not provide a significant resource for the local population.

Farley's Grassland Local Wildlife Site

The proposed development would not encroach onto the LWS. The revised proposals include a native species hedgerow between the LWS and the development. An Environmental Construction Management Plan will also be provided that will include appropriate measures to ensure the conservation value of

the LWS is maintained. Additionally, residents will be provided information regarding the importance of the LWS.

Mitigation, Enhancement and Compensation Measures:

- A Landscape and Ecological Management Plan,
- Ecologically sensitive lighting strategy.
- Bird, bat and invertebrate boxes throughout the site.
- Provision of mammal runs.
- Contribution of £30,000 towards tree planting and habitat creation off-site.

Summary

The NPPF, at paragraph 175, states that if significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The site is allocated for development. The development proposals do not result in direct effects to any statutory or non-statutory designated site for nature conservation. An outlier badger set would be lost, with such works will requiring a licence from Natural England.

It is acknowledged that the proposal would result in a net loss of biodiversity on site. However, the development would provide a number of mitigation and enhancement measures, with a contribution towards tree planting and other habitat creation off-site. It is considered that with the proposals would not merit a refusal in accordance with paragraph 175 of the NPPF.

9. Flood Risk and Drainage

The subject site is located within Flood Zone 1 (Low Risk of Flooding, 1 in 1000 years). Due to the site area, a Flood Risk Assessment (FRA) has been submitted. The FRA notes that the site will drain its surface water to new balancing facilities located to the south east corner.

The Local Lead Flood Authority has assessed the proposals and found them to be acceptable, subject to a planning condition requiring full drainage details to be submitted. Severn Trent have also been consulted and advised that their permission will be required for the foul sewer connection. On the basis of the information received, it is considered that the site would not be at risk of, or result in an increased risk of flooding to the surrounding area

10. Developer Contributions and Community Infrastructure Levy (CIL) Compliance

The requirements of the CIL Regulations are that a planning obligation can only be a reason to grant planning permission provided that it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. A number of developer obligations are required to be included in the s106 agreement. These are detailed below:

Affordable Housing

Policy HG4 of the ALPR sets out that a minimum of 18.5% dwellings should be provided as affordable. This developer would provide a total of 38 affordable dwellings at the site. These are detailed as follows:

- Affordable Rent x 10
- Shared Ownership x 10
- Discount Market Sale x 18

Biodiversity Offsetting

As detailed above, a contribution of £30,000 is sought to offset the loss of biodiversity onsite. This will split into £20,000 for tree planting and £10,000 for habitat improvements. This contribution is considered reasonable in kind and scale and would meet the CIL tests.

Bus Stop Improvements

Nottinghamshire County Council Travel and Transport have requested a contribution of £29,000 towards two bus stop upgrades. These are the AS0776 and AS0777 on Shelton Avenue. A costings list has been provided to justify the figure and as such the contribution is considered reasonable in kind and scale.

Education

NCC have requested a primary education contribution of £749,318 (43 x £17,426 per place). The calculation has been made based on the planning area of a cluster of primary schools and seeks a contribution of facilities directly stemming from the likely school age children living at the development site. This would meet the CIL tests.

The correspondence from NCC also shows that there is a predicted deficit in the number of secondary places in the Hucknall Secondary Planning Area. A contribution has been sought of £787,875 (33 x £23,875 per place). This would be

used to extend Holgate Academy. Such a contribution is directly related to the development, is reasonable in kind and scale and would meet the CIL tests.

Highways

A contribution of £33,000 is to be provided for a MOVA upgrade to the Portland Road and Station Road junction. This includes a 10% contingency fund, which will be paid back to the applicant if not required. The Section 106 Agreement will also cover other required improvements to the highway, including improvements to the roundabout junction and the pedestrian refuge upgrade.

Healthcare

The Clinical Commissioning Group have requested a financial contribution of £111,626. The CCG has provided its standard formula for the cost of extensions as identified by a quantity surveyor experienced in health care projects. Accordingly, the healthcare contribution is considered proportionate to a development of this size and complies with the CIL Regulations.

Public Open Space and Maintenance Contribution

The Councils Places and Localities team have requested a contribution of £75,000 towards a neighbourhood young people's play area. This could include a concrete ramp skate/BMX/scooter park, multi-use games area, bike dirt track, or outdoor gym equipment. The requirements for this are set out in the Council's adopted Public Open Space strategy. There is also the requirement of £37,758 for maintenance for a period of 15 years for public open space. As with phase 1 it has been agreed the council will adopt the public open space.

Monitoring Contribution

The updated CIL legislation allows for a Section 106 monitoring fee to be charged. This will amount to £2,500 and will cover the Councils fees for monitoring payment of the Section 106.

11. Other Issues

Archaeology and Heritage

The applicant has submitted an Archaeological Desk Based Assessment. This identifies that few archaeological remains are known in the vicinity of the development, which may be due lack of intrusive fieldwork in the vicinity. It concludes that there is low potential for archaeological remains of all periods to be discovered during any new development. The site is located 1.5km from the historic core of Hucknall and will not unduly impact on the setting of any listed assets.

Air and Light Pollution

An Air Quality Assessment has been submitted with the application, which has been assessed by the Councils Environmental Health Officer, who has acknowledged that the site is suitable for residential development and that the proposals would not result in a breach of Air Quality Objectives.

A condition will be applied for a lighting strategy to be submitted. This will need to be designed to minimise light pollution as well as ensuring potential dark commuting corridors are protected.

Climate Change

The application is supported by a Sustainability Statement. This addresses the sites energy efficiency, water efficiency, pollution and material selection. This includes, amongst other things, that the construction specification for the phase 2 site achieves A+ and A ratings when assessed against the Building Research Establishments Green Guide, flow restriction devices will be installed in every property and a waste management plan will operate during construction. A condition will also be applied for the dwellings to have the capacity to install electric charging points.

Closure of Footpaths

Representations have been received on the basis that the developer has shut off existing footpaths running through the site. There are no public rights of way passing through the site; however there are informal paths, which have been used by members of the public. The layout has been designed to incorporate a green-walk, which links phase 1 to the fields to the south. A pedestrian link, which retains some of the hedgerow, has also been formed through the site. The connectivity of the site received a green score in the building for life assessment.

A resident has raised queries over the inclusion of suitable equestrian links and gate. The site does not feature a formal Bridleway, but the details of fencing on the newly created green-walk from phase 1 is to be subject to a planning condition.

Ground Contamination

A phase II site appraisal has been submitted with the application and the contents assessed by the Councils Environmental Health Office (EHO). The EHO has raised no objections, but recommends a condition be attached to the planning permission to ensure the recommended protection measures are installed.

Health

The applicant has completed the Nottinghamshire Rapid Health Impact Assessment Matrix (NRHIAM) The Health Impact Checklist identifies, assesses and presents any

potential effects on the health of the population arising from the proposed development.

The proposed development is expected to have an overall positive impact on the health of the population. The positive health outcome is linked to the provision of new residential dwellings, including affordable dwellings, that supports employment opportunities during the construction period, provides public realm which creates opportunities for social interaction, and provides a safe environment. The checklist has been assessed by NCC Public Health, who have welcomed its inclusion with the application.

Housing Need

Many local objectors have determined that Hucknall does not require any more homes, given the existing and planned developments around the area. However, the council's 5-Year Housing Land Supply shortage is significant and amounts to a supply of just 2.67 years.

A substantial area of brownfield land (33.22ha since 2001) has already been developed in the district for housing. However, the availability of brownfield land in the district falls far short of being able to accommodate the districts housing need, therefore it is inevitable that some greenfields will be required for development. This is an allocated site for housing within the Local Plan and as such the principal of housing is acceptable on this site.

Insufficient Infrastructure

A number of comments have been made by local residents raising concerns about infrastructure provision for the development. As detailed above, the proposals will make contributions towards healthcare, as well as primary and secondary education. These are considered necessary to offset the impacts of the development and will ensure the site served by the appropriate infrastructure. No objections have been received from any consultees on this basis.

Insufficient Consultation

A resident has raised concerns over the consultation process. However, this has been fully undertaken with The Town and Country Planning (Development Management Procedure) (England) Order 2015 and Councils Statement of Community Involvement. This includes individual neighbouring residents, a site notice and press notice

Amended plans were received during the course of the application, residents were invited again to make comments and a new site notice was also erected. As detailed earlier in the report, further minor amendments to the scheme were made – but it

was not felt prudent to consult all residents for a third time given the nature of the changes.

12. Planning Balance

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

The site is allocated for housing under Policy HG4HB of the Ashfield Local Plan Review and as such the principle of housing is acceptable. In social terms, the scheme would deliver 206 dwellings, 38 of which would be affordable units and be secured by a planning obligation. The Council cannot currently demonstrate a 5-year housing land supply and the provision of new homes, including affordable homes, carries significant weight in the determination of this planning application.

In economic terms, the Government has made clear its view that house building plays an important role in promoting economic growth. The scheme would provide economic benefits during the construction phase and in the longer term it would result in increased expenditure in the local economy. There would also be further benefits arising from increased Council Tax receipts and New Homes Bonus (NHB). These are generic benefits, that would occur with any major development, however given the current economic climate – these are considered to carry significant weight.

In environmental terms, the scheme has shown to result in a net loss in overall biodiversity on site, however this is offset by contributions towards habitat improvement and tree planting elsewhere. There would also be the loss of an outlier badger set, TPO trees and hedgerows. However, mitigation and enhancement measures are proposed with substantial hedgerow re-planning, native species planting, bird and bat boxes. A contribution is also to be secured for biodiversity off-setting. Overall, these impacts carry neutral weight.

The layout, appearance and scale of the development is considered to be acceptable, with the proposals subject to an independent assessment. The impact upon highways safety, local residents amenity, flooding and landscape have all been assessed and considered acceptable – subject to planning conditions in certain cases.

Overall, the proposed development is considered to broadly accord with both the development plan and the NPPF. Accordingly, approval is recommended, subject to the conditions outlined below and relevant Section 106 contributions.

Recommendation: - Approve, subject to the conditions detailed below and a Section 106 Legal Agreement, which secures the following:

- Primary Education Contribution of £749,318 (43 x £17,426 per place).
- Secondary Education Contribution - £787,875 (33 x £23,875 per place).
- Healthcare - £111,626.
- Bus Stop Improvements - £29,000.
- MOVA (signal) Upgrades - £33,000.
- Public Open Space - £75,000.
- Maintenance - £37,758
- Biodiversity Offsetting - £30,000.
- Monitoring Contribution - £2,500.
- Travel Plan and Co-ordinator.
- Highways Improvements.
- Affordable Housing – 38 dwellings.

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 Layout (dwg no. 19029_01 Rev L);
 - House Type Planning Pack 1 (Received 18/03/2020);
 - House Type Planning Pack 2 (Received 18/03/2020);
 - Materials Plan (dwg no. 19029_02 Rev F);
 - Boundary Plan (dwg no.19029_03 Rev G);
 - Luthier House Type (Drawing Ref No. A/1392/00/CB/02H);
 - Garage Type G13 – Version 2 (Drawing Ref No. 100-61);
 - Garage Type G3 (Drawing Ref No. 100-52 Rev A);
 - Garage Type G14 (Drawing Ref No. 100-62 Rev B);
 - Details Landscape Proposals (Drawing Ref No. GL1129 08D);
 - Details Landscape Proposals (Drawing Ref No. GL1129 09C);
 - Details Landscape Proposals (Drawing Ref No. GL1129 10D);
 - Details Landscape Proposals (Drawing Ref No. GL1129 11C).
3. No site clearance, preparatory work or development shall take place until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved, in writing, by the Local Planning Authority. This shall be based on the recommendations set out within the Ecological Appraisal Rev B, by FPCR dated March 2020 and include full details of all the landscape and ecological management objectives, operations and maintenance prescriptions, together with their timings. It shall also include an ecologically sensitive lighting strategy. The LEMP shall be carried out as approved, and the site maintained thereafter in accordance with it.
4. Notwithstanding any submitted details, no site clearance, preparatory work or development shall take place until information detailing the protection of retained trees and hedgerows has been submitted to and approved in writing by the Local Planning Authority. This shall include the hedgerow along the boundary with phase 1 being retained.
5. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) addendum (Stephen Daykin Consulting Ltd. Jan 2019), has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved

details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
 - Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
 - Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
 - Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
 - Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
 - Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion for the lifetime of the development.
6. Prior to the commencement of development, details of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority.
7. Prior to the commencement of development, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority, this should include:
- Proposed hours and days of working, including deliveries;
 - Management of parking by persons involved in the construction of the development, including operatives & visitors;
 - The routing of deliveries and construction vehicles to site and any temporary access points.
 - Details of protection measures for the adjacent Local Wildlife Site.
 - 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;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- 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.

8. Prior to the commencement of development, details of all the finished floor levels, surrounding ground levels and levels of existing dwellings shall be submitted to and agreed in writing by the Local Planning Authority. The dwellings shall thereafter be built in accordance with the agreed details.
9. Notwithstanding the approved plans, prior to occupation of the first dwelling house full details of the public open space in the north corner of the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of all hard and soft landscaping, any retained vegetation and boundary treatments. The approved details shall thereafter be implemented within an agreed timeframe.
10. The site and individual plot boundary treatments shall be implemented in accordance with the details shown on Boundary Treatments Plan (dwg no. 19029_03 Rev G), unless otherwise agreed in writing by the Local Planning Authority.
11. Notwithstanding the approved plans, the development shall not be occupied until the following information has been submitted to and agreed in writing by the Local Planning Authority:
 - Details of the footpaths boundary treatments and gating arrangements.
 - Details of all hard landscaping across the site.

The approved details shall thereafter be implemented and within an agreed timeframe.

12. Prior to the construction of any dwellings, details of the new and amended roads shall be submitted to and approved in writing by the Local Planning Authority (LPA) 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 to the LPA for approval shall comply with the County Council's current

Highway Design Guide and shall be implemented in accordance with these details to the satisfaction of the LPA.

13. No works shall take place above damp proof course until details of the following have been submitted to and agreed in writing by the Local Planning Authority:

- Pedestrian visibility splays shown on each side of the private drives. The areas of land within these splays shall be maintained free of all obstruction over 0.6 metres above the carriageway level at all times.
- Details of bin stores for the private drives; including type, size and final location.
- Details of measures to prohibit vehicles driving through to adjacent private drives outside plots 71 – 72 and 202 – 203.
- A scheme for the provision of future electric vehicle charging within the properties.

14. No dwelling shall be occupied until the parking for that dwelling has been provided. The parking spaces shall be surfaced in a hard, bound material for a minimum distance of 5 metres from the rear of highway, with appropriate drainage included in the construction to prevent the discharge of surface water to the public highway.

15. There shall be no occupation of the proposed dwellings until such time as a suitable maintenance agreement is in place to cover the proposed private drive developments serving six dwellings or more. The details shall first be submitted to and approved in writing by the Local Planning Authority.

16. Notwithstanding the provisions of the Town & Country Planning [General Permitted Development][England] Order 2015 [or any Order revoking and re-enacting that Order with or without modification] no development relating to;

- Schedule 2, Part 1, Class A – Extension, alterations etc.
- Schedule 2, Part 1, Classes B and C – Alterations to the roof.
- Schedule 2, Part 1, Class F – Hard surfacing
- Schedule 2, Part 2, Class A – Erection of fences

shall be undertaken without the prior written approval of the Local Planning Authority.

17. All proposed integral, attached and detached garages within the development shall be retained for the parking of vehicles at all times and shall not be converted for any other domestic or business purpose without the prior written consent of the Local Planning Authority.

18. Prior to the occupation of any dwellinghouse a validation report, which confirms the remedial works detailed Remediation Method Statement and Gas Protection Measures Design and Verification Plan dated September 2019, have been carried out shall be submitted to and approved in writing by the Local Planning Authority.
19. The first floor side bathroom window on plot 118 (Tilton House Type) shall be glazed in obscure glass and be non-opening below 1.7m in the floor level of the room its installed.

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 secure the ecological enhancement and mitigation measures.
4. In the interests of protecting retained trees and hedgerows.
5. To ensure the development has sufficient surface water management.
6. To ensure adequate means of foul water disposal.
7. To minimise disruption during construction.
8. In the interests of protecting visual and residential amenity.
9. In the interests of visual, residential amenity and place making.
10. To ensure the development takes the form envision by the Local Planning Authority.
11. In the interests of visual and residential amenity.
12. To ensure the development is constructed to adoptable standards in the interest of Highway & pedestrian safety.
13. In the interests of highways safety.

14. To reduce the chances of the development leading to indiscriminate parking on Highway; to transference of deleterious materials and surface water to public highway. All in the interests of Highway Safety.
15. In the interests of highways safety.
16. In the interests of residential amenity and highways safety.
17. To ensure the development has sufficient parking.
18. To ensure the site is developed free from contamination.
19. In the interests of residential amenity.

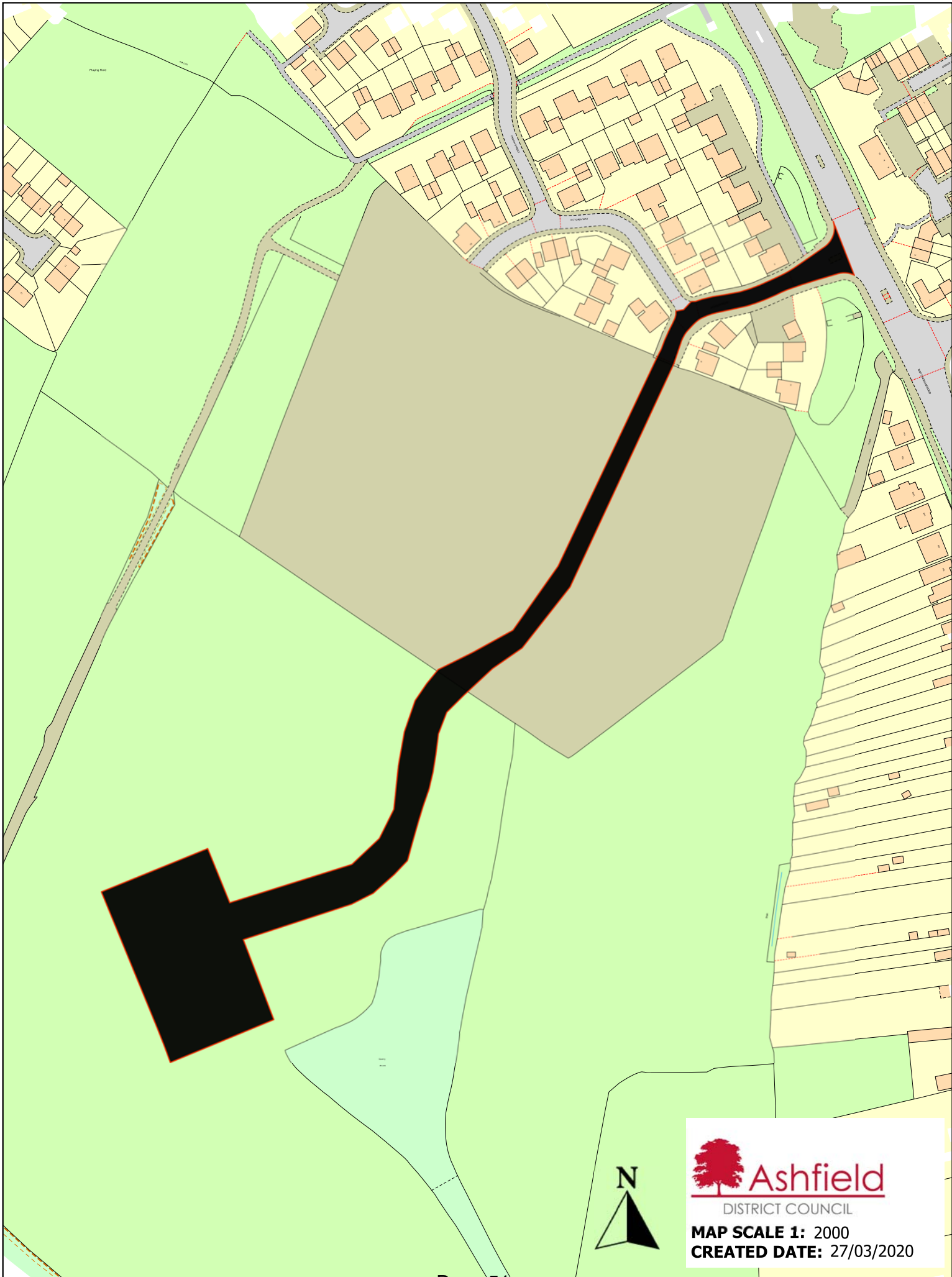
INFORMATIVE

- 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).
- 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 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.
- 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. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 38 Agreement is issued.
- 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

- In order to carry out the off-site Highway works, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties.
- The applicant should note that details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be recommended for discharge by the Highway Authority until the technical approval of the Section 38/278 Agreement is issued, if relevant.
- Planning permission is not permission to work on or from the public highway. In order to ensure all necessary licenses and permissions are in place you must contact highwaysouth.admin@viaem.co.uk
- It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
- Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

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COMMITTEE DATE 13/05/2020 **WARD** Hucknall South

APP REF V/2020/0114

APPLICANT Bellway Homes (East Midlands)

PROPOSAL Erection of a Temporary Construction Site Compound (for a period of 8 Years), Car Parking and Associated Works associated with Planning Permission V/2019/0483

LOCATION Land to the South of, Broomhill Farm, Nottingham Road, Hucknall, Nottingham, NG15 7QE

BACKGROUND PAPERS A, C, E, F

App Registered 19/02/2020 Expiry Date 14/04/2020

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

This application has been referred to Planning Committee by Cllr Lauren Mitchell because of the impacts on surrounding residential properties.

The Application

This is an application for Erection of a Temporary Construction Site Compound (for a period of 8 Years), Car Parking and Associated Works associated with Planning Permission V/2019/0483

Consultations

Site Notices have been posted together with individual notification of surrounding residents. The following responses have been received:

5 comments have been received from residents raising the following concerns

- V/2019/0483 has not been approved yet, this application should be contingent on that applications decision.
- Impact on air quality.
- The compound will increase litter, waste, as well as noise disturbances to nearby residents.
- It will decrease house prices
- Loss of biodiversity.
- Mud deposited on surrounding roads has been a consistent problem, this will increase it.

- Could increase security and antisocial behavior issues; the access to the field should be secure.
- Issues relating to the broader appropriateness of developing phase 2.

ADC Landscaping

The works are temporary, no comments to make.

ADC Environmental Health

No objection, but would request conditions relating to operating hours, dust and wheel washing facilities to be in operation at the compound.

Policy

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

Ashfield Local Plan Review 2002

ST1 – Development

ST4 – Remainder of the District

EV1 – Green Belt

National Planning Policy Framework 2019

5 – Delivering a sufficient supply of homes

13 – Protecting Green Belt land

Relevant Planning History

V/2019/0483

Residential development of 206 dwellings and associated infrastructure and works...
Awaiting determination.

Comment :

The site and the application

The application site is located in the Nottinghamshire Green Belt on the edge of Hucknall. The site is located outside of the site boundary of V/2019/0493, to the south west.

The applicant seeks consent for the erection and use of a temporary construction site compound and the associated infrastructure and vehicle parking to aid with the delivery of planning application V/2019/0493. The compound includes a number of storage buildings/spaces, facilities for workers, fencing and vehicle parking spaces.

Principle of the development

The application site is located in the Green Belt where inappropriate development is, by definition, harmful to the Green Belt and, as stated in paragraph 143 of the NPPF, should not be approved unless in very special circumstances . The applicant accepts

that the proposed development cannot be justified as an exception to Green Belt policy and that special circumstances are required. The applicant has presented three main points in their case for special circumstances.

1. The site compound and vehicle parking is a temporary use and development for 8 years. Following completion of development of the associated planning application the land will be reinstated to its former use and made good.
2. The site compound is required to facilitate residential development on an allocated site, which will provide needed housing in Ashfield, in accordance with the NPPF which seeks to boost the supply of housing.
3. There are no preferable alternative locations for the compound that are not also within the Green Belt. The compound must be located outside of the main site to avoid compromising the delivery of the development and ensure construction is efficient and effective.

The use of green belt land for the erection and use of a construction compound does represent harm the Green Belt and special circumstances are required. However, the temporary nature of the proposed development, with the land to be returned to its previous use and state after, and its contribution to effectively delivering housing in the local area do hold weight. On balance, it is considered that the application does demonstrate special circumstances and does represent an appropriate form of development when the NPPF is taken as a whole.

Residential amenity

Some concern has been raised by residents over the impact that the construction compound and the wider development in the area will have on their amenity. Firstly, this application can only be assessed on its own content and merits. The housing development is being considered under planning application V/2019/0483.

The application site is located towards the south west corner of the broader development site and as such is located furthest away from the surrounding residential properties. It is approximately 230m from the compound to the nearest boundary of a property on Nottingham Road and 280m to the nearest property on Phase 1 of the development on Victoria Way. This distance is considered to be sufficient to avoid any significant disturbances or negative impacts (including noise and air pollution) from the construction compound that cannot be suitably managed by appropriate conditions.

Other matters

Due to the relatively remote setting of the compound, and its proposed scale, it is considered that it will not have a significant detrimental impact on the appearance of the area and will largely not be visible from public highways. Once the temporary permission has expired the land will be returned to its former use and made good to avoid any permanent impact on the landscape character and visual amenity of the area.

It is considered that the compound will not have a detrimental impact on biodiversity due to its scale, wider biodiversity impacts of V/2019/0483 are addressed in that application.

The compound will be accessed through the V/2019/0483 site and from Jackson Road off Nottingham Road. No concerns have been raised by the Highways Authority, and although the development will clearly facilitate HGV and works vehicles in the area no significant risk to highway safety is considered to result. A construction management plan will ensure that there is a strategy in place to reduce the likelihood of mud being deposited on surrounding highways.

Conclusion:

The proposed construction compound is proposed to be a temporary development to facilitate the effective and efficient delivery of new houses and as such is considered to have special circumstances for development located within the Green Belt. Through the location of the compound, its scale and through the management of working practices at the compound it is also considered that the proposed development will not result in an unacceptable harm to the amenity of nearby residential properties. Therefore, it is recommended that this application is granted conditional consent.

Recommendation: Conditional consent

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans: Site Plan, Block Plan, Site Layout Plan, Elevations, Floor Plans, Fencing, Material and Utilities Plans; all received on 19/02/2020. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. This permission is valid for a limited period only, expiring on the date 8 years after the date of this decision. On or before that date the use and associated structures hereby permitted shall cease and be removed and the site shall be reinstated to its former condition unless a further planning application with regard to the use/development has been submitted to and approved by the Local Planning Authority.
4. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage, which gives particular consideration to pollution run-off and contamination, have been submitted to

and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

5. Prior to the commencement of development, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority, this should include:
 - Proposed hours and days of working, including deliveries;
 - Management of parking by persons involved in the construction of the development, including operatives & visitors;
 - The routing of deliveries and construction vehicles to site and any temporary access points.
 - Details of protection measures for the adjacent Local Wildlife Site.
 - 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;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - 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.

6. No site clearance, preparatory work or development shall take place until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved, in writing, by the Local Planning Authority. This shall be based on the recommendations set out within the Ecological Appraisal Rev B, by FPCR dated March 2020 and include full details of all the landscape and ecological management objectives, operations and maintenance prescriptions, together with their timings. It shall also include an ecologically sensitive lighting strategy. The LEMP shall be carried out as approved, and the site maintained thereafter in accordance with it.
7. Notwithstanding the submitted details, no site clearance, preparatory work or development shall take place until information detailing the protection of retained trees and hedgerows has been submitted to and approved in writing by the Local Planning Authority.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. This permission is granted because of the special circumstances outlined in the application. In such circumstances a permanent planning permission would be inappropriate.
4. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating; or exacerbating a flooding problem, and to minimise the risk of pollution.
5. To secure the ecological enhancement and mitigation measures.
6. In the interests of protecting retained trees and hedgerows.
7. To minimise disruption during construction.

INFORMATIVE

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

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COMMITTEE DATE 13/05/2020 **WARD** Hucknall South

APP REF V/2020/0030

APPLICANT E Clements

PROPOSAL Dwelling

LOCATION 26 Brickyard, Brickyard Drive, Hucknall, Nottingham, NG15
7PG

WEB-LINK <https://www.google.co.uk/maps/@53.0320159,-1.1904576,18z>

BACKGROUND PAPERS A, C, D, E, K

App Registered: 14/02/2020 Expiry Date: 24/04/2020

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

This application has been referred to Planning Committee by Cllr. L Mitchell on the grounds of highways, visual amenity and irregularities with the application.

The Application

The application site is located within the main urban area of Hucknall, and consists of a parcel of garden land used in association with the residential dwelling at 26 Brickyard. The site is positioned between no. 16 and 26 Brickyard and presently comprises of an area of lawned garden and two small domestic outbuildings. The application site is accessed via an unadopted highway.

The applicant seeks planning permission for the construction of a detached dwelling, with associated parking and amenity space.

Consultations

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

The following responses have been received:

Resident Comments:

1x Letter of objection received from a local residents association and 6x letters of objection received from local residents raising concern in respect of the following:

- Access to the site is via an unadopted road
 - o Poor condition

- Increased traffic during construction and occupants thereafter will cause further deterioration of the road
- Pedestrian and vehicular conflict
- Narrow – no manoeuvring or turning space
- Prevalent on-street parking
- Do not have easement rights
- Safety concerns regarding the railway crossing
 - Large vehicles (refuse trucks, emergency vehicles, HGVs) have to reverse over the crossing
 - Intensification of the substandard crossing
- Impact on visual amenity/proposal out of character
- Proposal will exacerbate flooding
- Water pressure would be affected
- Proposal will effect ground stability
- Close proximity to industrial uses
- Plans and information submitted is inaccurate
- Query over ownership of the land
- Unauthorised business being run from the site

ADC Environmental Health (Noise):

No objections to the principle of development, however in the interest of the amenity of existing and future occupiers, conditions and informatives are requested as part of any approval in relation to construction hours, the submission of a construction management plan, measures to protect future occupiers from noise associated with the commercial uses on Wigwam Lane, and to ensure compliance with current legislation on noise and dust.

ADC Environmental Protection (Contamination):

Historical mapping shows that the site has previously been used for the manufacturing of bricks, which has the potential to adversely affect ground conditions. A Contamination and Soil Sampling Assessment has been undertaken, and the results of the investigation indicate that the site is adequate and safe for residential use.

NCC Highways Authority:

The highway abutting Brickyard meets the standards required to serve a private drive for the existing and committed number of dwellings, in addition to an additional dwelling. One new dwelling will not represent a severe cumulative impact on the adjacent highway nor will it result in an unacceptable impact on highway safety. The Highways Authority therefore have no reasonable grounds to raise an objection.

Network Rail:

No objections to the principle of the development. Recommend a condition in regards to sound proofing and informatives to ensure the crossing remains clear and unobstructed at all times, and that access to railway undertakers land is kept open at all times during construction and thereafter.

Policy

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

National Planning Policy Framework (NPPF) 2019

Part 5 – Delivering a Sufficient Supply of Homes
Part 9 – Promoting Sustainable Transport
Part 11 – Making Effective Use of Land
Part 12 – Achieving Well Designed Places

Ashfield Local Plan Review (ALPR) 2002

ST1 – Development
ST2 – Main Urban Area
HG5 – New Residential Development

Supplementary Planning Guidance Notes

Residential Design Guide SPD 2014
Residential Car Parking Standards SPD 2014

Relevant Planning History

V/1987/0146

Details: Site for Dwellings
Decision: Refusal

V/2018/0152

Details: Outline Application with all Matters Reserved for 3 Dwellings
Decision: Refusal

Comment:

The application site comprises of a parcel of land situated between 16 and 26 Brickyard, and is presently used as part of the residential curtilage associated with the dwelling at 26 Brickyard. The site itself fronts onto the highway known as the 'Brickyard', and currently consists of an area of well-maintained lawn and two small domestic outbuildings.

The site is accessed off the Brickyard, which is an unadopted highway. Access to the Brickyard is taken over the tram/train line via an automated barrier from an adopted road known as Brickyard Drive to the south of the site.

Sited directly adjacent to the north and south of the site is existing residential development sited on the eastern side of the Brickyard. Directly opposite the site to the west is an area of open land which is predominantly used as paddocks. To the north-west of the site, on the western side of the Brickyard, is further residential development, in addition to a vacant parcel of land where permission has recently been granted for the construction of one dwelling.

To the east of the site is an area of open land, comprising of a pond, which extends to the rear of properties along the Brickyard to the south of the site. Further afield to the east of site, approximately 40-50m away, is the established industrial estate of Wigwam Lane.

The application site is located within the main urban area of Hucknall, where under the provisions of saved policy ST2 of the ALPR 2002, the principle of development is acceptable providing no other material planning considerations indicate otherwise.

Visual Amenity:

The applicant proposes the construction of one, four bedroom, two-storey dwelling with rooms in the roof space. A detached garage is also proposed to be constructed to the rear of the site.

Within the vicinity of the application site, there are examples of both single and two storey dwellings, albeit predominantly two-storey properties. There are also examples of detached, semi-detached and terraced properties along the Brickyard.

The proposed dwelling will be sited approximately 5m back from the highway edge, in line with the building line created by properties on the eastern side of the Brickyard. The proposed garage will be sited approximately 30m from the highway edge, in line with a garage at neighbouring property 26 Brickyard.

In terms of the design, the dwelling and garage are proposed to be constructed from brick and tile. Whilst the specific materials have not been provided at the present time, within the vicinity of the site there are examples of properties which have been constructed using comparable materials. As such, a dwelling constructed in brick and tile would not appear significantly out of keeping with the appearance of buildings found within the vicinity of the site. A condition will be attached to any approval requiring details of the brick and tile to be used in the construction of the dwelling to be submitted for approval.

Stone cills and headers are also proposed to be incorporated into the design of the scheme, improving the overall appearance of the proposed dwelling, and drawing upon the design features of a number of properties along the Brickyard. Dormer windows are also proposed to be incorporated into the roof slope on the front and rear elevations. Such a feature is already apparent in the street scene.

Whilst it is acknowledged that the proposed dwelling is larger in scale and appearance to those adjacent to the north and south of the site, the footprint of the dwelling is however comparable to properties to the north-west of the site, and others along the Brickyard which have previously been extended.

Whilst specific details regarding landscaping and boundary treatments have not been provided, these matters can be appropriately conditioned as part of any approval.

With the above in mind, it is considered that the siting and design of the dwelling is acceptable, and the proposal will not appear significantly at odds with the existing surrounding development, which would warrant the refusal of the application.

Residential Amenity:

The room sizes and area of private amenity space to the rear of the dwelling exceed the minimum requirements, as detailed in the Council's Residential Design Guide SPD for a 4+ bedroom property. There are therefore no concerns regarding the proposal being an overdevelopment of the plot, and the proposed dwelling will provide adequate living conditions for any future occupiers of the property.

Concerns have been raised by local residents in respect of the overlooking impact that the proposal will have on neighbouring residential occupiers. The Council's Residential Design Guide 2014 stipulates that a minimum of 21m should be obtained between main habitable room windows to protect privacy. Given that the main habitable room windows in the proposed dwelling do not face onto any other residential development, the proposal therefore cannot be seen to give rise to a significant loss of privacy to neighbouring residents. Whilst a window is proposed in the northern side elevation of the proposal facing 26 Brickyard, this is a ground floor window which would face onto the driveway and parking area associated with the proposed dwelling. Whilst neighbours have also raised concerns regarding the overlooking of amenity space, it is considered that any overlooking of amenity space would be no greater than what is already experienced from the linear pattern of development.

Whilst not raised by residents, matters relating to massing and overshadowing have also been fully considered. The development will be sited approximately 2m from the neighbouring property at 16 Brickyard, which has no windows sited in the side elevation facing the application site. Given that the dwelling will be sited in line with the existing pattern of development and will not project further forward or to the rear than the neighbouring property, it is considered that there is no significant massing impact arising from the proposal.

It is however acknowledged that the neighbouring property at no. 16 has two dormer windows in the front elevation which are set back from the principle elevation of the dwelling by approximately 1m. The BRE 45 degree code has therefore been assessed in respect of these windows, and the 45 degree code is not breached in plan or elevation. The proposal therefore would not result in a detrimental loss of light to these windows.

A Construction Management plan has been submitted by the applicant to reduce the impact from construction works on neighbouring residential occupiers, in accordance with the comments received from the Council's Environmental Health officer. Hours

of construction have also been included in the plan, which reflect those suggested by the EHO. Should the application be approved, a condition would be attached requiring the construction of the dwelling to be carried out in accordance with this plan.

It is therefore considered that the proposal will not give rise to any significant impacts on the amenity of nearby residents.

Highway Safety:

In the determination of this application due consideration has to be given to Part 9 – Promoting Sustainable Transport of the NPPF 2019.

The majority of concerns raised by local residents as part of the consultation process relate to the proposed access. This includes concerns regarding existing parking congestion along Brickyard, poor manoeuvrability/turning areas, additional vehicles, such as HGVs, using the access road, and its current poor state of repair.

The Brickyard is an unadopted residential cul de sac, which is accessed over an existing signalled railway line. Whilst a number of residential properties do exhibit off-street parking, a number of properties do not, resulting in the prevalence of on-street parking in the area.

A parking plan, as requested by the Highways Authority, has been submitted with the application which demonstrates that the proposed scheme will provide sufficient space within the curtilage for a minimum of four off-street parking spaces, both externally and within the garage/carport space, exceeding the minimum requirement stipulated for a 4+ bedroom property in the Council's Residential Car Parking Standards SPD 2014, in addition to appropriate manoeuvring space, allowing vehicles to enter and egress the site in a forward gear.

The proposal would therefore be unlikely to exacerbate on-street parking along the highway, nor would it result in any increased likelihood of vehicular/vehicular and vehicular/pedestrian conflict.

Local residents have raised concerns in regards to the poor state of repair that the Brickyard is in, which is presently constructed of road stone, and contains numerous pot holes of varying sizes. Concerns are raised that the development will put the existing road under further use and strain, resulting in further deterioration of the driveway leading to further expense in its repair, and causing danger to local residents. Issues relating to easement rights over the access drive have also been raised.

Whilst it is acknowledged that the access driveway remains a source of frustration and aggravation for local residents, the liability for the maintenance of the road lies beyond that of the Local and County Council, and is a civil matter that would need to be resolved between residents outside of the planning system. Again, the legality

over rights of access for any future occupiers is also a civil matter and does not form a consideration during the determination of this application.

The Highways Authority have confirmed that the highway abutting the Brickyard meets the standards required to serve a private drive of the existing and committed number of dwellings, in addition to an additional dwelling, and therefore one new dwelling will not represent a severe cumulative impact on the adjacent highway, nor will it result in an unacceptable impact on highway safety. The Highways Authority therefore do not object to the scale or principle of the proposed development.

Local residents have also raised safety concerns in respect of the railway level crossing required to pass over to reach the application site.

The Council recognises that as part of Network Rail's 2016 Risk Assessment report on the level crossing, it was noted that the preferred option would be to close the existing crossing and replace it with a road bridge. However, the cost in doing so could not be justified, and as such, the existing signalled, half barrier crossing would remain in situ for the foreseeable future.

Comments received from Network Rail offer no objection to the proposed development, subject to informatives being attached to any approval requesting the applicant provides any future occupiers with railway crossing safety information, and requesting that access to railway undertakers land should be kept open at all times.

As such, it is considered that the addition of one further dwelling in this location would not give rise to an unacceptable impact on the safety of the railway crossing in this location. It is therefore considered that the proposal will not result in any significant detrimental impact on highway safety in this location, and the application is subsequently considered acceptable on highway grounds.

Other Matters:

Flooding:

Concerns have also been raised by local residents regarding the increased likelihood of flooding should the development be approved. The Environment Agency's flood mapping system has been reviewed and the site is not located within zones 2 or 3, nor is the site known to be susceptible to surface water flooding.

Nevertheless, to ensure that an appropriate drainage scheme is implemented to ensure that any increased risk of flooding is reduced, a condition will be applied to any grant of permission requiring drainage plans to be submitted.

Land Ownership:

Local residents have raised concerns regarding land ownership. A land registry search has been undertaken which demonstrates that the application site, adjacent to 26 Brickyard, is owned solely by the applicant. However, given that the access driveway, known as the Brickyard, is unadopted, notice is required to be served on

all parties with ownership or access over this land. The applicant has subsequently signed Certificate D in the application form, and a press notice has been issued in the local paper, in accordance with national requirements/procedures.

Conclusion:

The Council are presently unable to demonstrate a five year housing land supply, and as such, the presumption in favour of sustainable development applies unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The proposed development scheme does not raise any significant concerns with regards to the impact upon the visual amenity of the locality or upon the residential amenity of existing and future occupiers.

Furthermore, the highways authority have confirmed that they have no objections to the proposed scheme, as the overall scale of the development will result in no severe detrimental impact upon the capacity of the transport network, nor on highway safety. Additionally no objections have been received from Network Rail in respect of increase traffic over the existing railway line crossing and subsequent safety implications.

In addition to the above, the proposal would also assist in providing a contribution towards the Districts housing supply, albeit modest, in a sustainable main urban area location. The scheme would also provide a number of economic benefits, including support for a small house builder and other economic benefits that would be generated during the construction of the dwelling and occupation thereafter.

In conclusion, it is therefore recommended that this application be approved, subject to the planning conditions listed below:

Recommendation: Full Application Conditional Consent

CONDITIONS

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. No development shall take place above slab level until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation.**
- 3. This permission shall be read in accordance with the following plans: Site Location Plan Scale 1:1250, Received 12/03/20; Proposed Block**

Plan, Elevations and Floor Plans, Drawing No. RS/EC/27/10/19/01 Rev B, Received 23/04/20. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

- 4. No development shall take place above slab level until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. 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 building or the completion of the development, whichever is the sooner; and 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 others of similar size and species, unless the Local Planning Authority gives written consent to any variation.**
- 5. No development shall take place above slab level until the following matters have been submitted to and agreed in writing by the Local Planning Authority:**
 - (a) Full details of the proposed treatment of the site's boundaries.**
 - (b) A phasing scheme for the implementation of the agreed boundary treatment.**

The boundary treatment shall be undertaken in accordance with the agreed details.
- 6. No development shall take place above slab level until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**
- 7. If during the ground excavation works any visibly or olfactory contaminated ground is encountered, the Applicant shall immediately inform the Council's Environmental Protection Officer to allow inspection of the excavations and agree a way forward.**
- 8. The scheme to protect the dwelling from noise associated with the industrial activities on Wigwam Lane and from the adjacent railway, as detailed on drawing no. RS/EC/27/10/19/01 Rev B (received 23/04/20), shall be completed before the dwelling hereby permitted is first occupied and retained at all times thereafter. Evidence of the agreed measures shall be submitted to the local planning authority prior to occupation of the property.**

9. The hereby permitted development shall be carried out in accordance with the Construction Management Plan (received 26/03/20) unless written agreement is given by the Local Planning Authority for any variation.
10. The area shown for car parking and turning on the approved block plan (drawing no. RS/EC/27/10/19/01 Rev A) shall be hard surfaced in a permeable material, before the development hereby permitted is first occupied. The area shall not thereafter be used for any other purpose other than for the parking and turning of vehicles.
11. Pedestrian visibility splays of 2m by 2m shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstructions over 0.6m above the carriageway level at all times.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure the satisfactory appearance of the development.
3. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
4. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
5. To safeguard the amenities of residents living in the vicinity of the application site.
6. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating; or exacerbating a flooding problem, and to minimise the risk of pollution.
7. To ensure the site is free from contamination once developed.
8. In the interests of residential amenity.
9. In the interests of residential amenity.
10. To ensure adequate off-street parking, in the interests of highway safety.

11. In the interests of highway safety.

INFORMATIVES

- 1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).**
- 2. The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Pollution Act 1974. Relevant Codes of Practice set out procedures for dealing with the control of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.**
- 3. This permission grants consent for the construction of a domestic dwelling. Any business operations undertaken at the site may require further planning permission, and any future business uses at the site may be liable to enforcement action if the correct permissions are not obtained.**
- 4. The safety of railway level crossings and crossing users is of paramount importance. Level crossing safety leaflets should be included in information/welcome packs provided to the new homeowner at the site. These can be provided by Network Rail upon request from the developer or online on the Network Rail website at the following address: <https://www.networkrail.co.uk/communities/safety-in-the-community/levelcrossing-safety/>**
- 5. All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. As indicated above, the level crossing should remain clear and unobstructed at all times both during and after construction.**



COMMITTEE DATE 13/05/2020 **WARD** Hucknall West

APP REF V/2019/0825

APPLICANT I Glenn

PROPOSAL Barn Conversion to Form Dwelling

LOCATION Barn 3 Stubbinwood Farm, Watnall Road, Hucknall,
Nottingham, NG15 6FQ

WEB-LINK <https://www.google.com/maps/@53.0200716,-1.2305673,18z>

BACKGROUND PAPERS A, C, D, E, K

App Registered: 20/01/2020

Expiry Date: 24/04/2020

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

This application has been referred to Planning Committee by Cllr. C Baron and Cllr. T Hollis on the grounds of Green Belt implications and issues regarding access.

The Application

The application site comprises of a detached agricultural barn located within the designated Green Belt. The building consists of a steel portal frame, with three sides enclosed by concrete push walls and Yorkshire timber open slatted vented boarding, whilst the roof of the barn comprises of a pitched roof, with mineral fibre sheeting. The front elevation of the barn is completely open in nature.

The applicant seeks planning permission for the conversion of the steel portal framed barn into one residential dwelling, with associated parking and amenity space.

Consultations

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

The following responses have been received:

Resident Comments:

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

- Will lead to further development of the site

- Sheep have recently appeared on site for show purposes
- Building materials placed around the site attract vermin
- New access road will be sited adjacent to the private garden space of a neighbouring resident
- Proposal will exacerbate flooding

10x Letters of support received from local residents in respect of the following:

- Utilisation of existing building
- Improve the appearance of the area
- Improve security for nearby residents by reducing incidences of anti-social behaviour
- Proposal will not impact on the openness of the Green Belt
- Result in no increase in traffic
- Reduce amount of vermin

ADC Environmental Health (Noise):

No objection to the proposed development provided a condition is attached to any approval restricting hours of building operations.

ADC Environmental Protection (Contamination):

No objections to the proposed development, however an informative is requested in relation to asbestos.

NCC Highways Authority:

No objections to the proposal - standing advice provided.

Nottinghamshire Wildlife Trust:

No comments to make on the application.

Policy

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

National Planning Policy Framework (NPPF) 2019

- Part 5 – Delivering a Sufficient Supply of Homes
- Part 11 – Making Effective Use of Land
- Part 12 – Achieving Well Designed Places
- Part 13 – Protecting Green Belt Land
- Part 15 – Conserving and Enhancing the Natural Environment

Ashfield Local Plan Review (ALPR) 2002

- ST1 – Development
- ST4 – Remainder of the District
- EV1 – Green Belt
- HG5 – New Residential Development

Supplementary Planning Guidance Notes

Residential Extension Design Guide SPD 2014

Residential Car Parking Standards SPD 2014

Relevant Planning History

At present there are three individual buildings/ruins at Stubbingwood Farm which have all been the subject of previous applications seeking permission to be converted to residential properties.

Barn 1 – A steel portal framed building, with concrete push walls and open slated timber boarding to three elevations (the barn to which this application relates).

- 1994/0765
Details: Agricultural prior notification application for the erection of a barn
Decision: Approved
- X/2019/0825
Details: Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to a Dwelling (C3) and Associated Operational Development
Decision: Refusal

Barn 2 – Sited adjacent to the south of Barn 1, this is a brick built building of modest proportions. This barn exhibits a corrugated iron roof and four brick walls.

- V/2018/0604
Details: Conversion and Extension of Existing Barn to form Dwelling
Decision: Refusal
- V/2017/0364
Details: Conversion and Extension of Existing Barn to Residential Dwelling
Decision: Refusal (Appeal Dismissed)
- V/2017/0129
Details: Conversion and Extension of Existing Barn to Residential Dwelling
Decision: Conditional Consent

Barn 3 – Sited to the north-west of Barn 1, this is a ruin of an agricultural barn with no roof and walls showing signs of distress and cracking.

- V/2018/0585
Details: Conversion and Extension of Existing Barn to form Dwelling
Decision: Refusal
- V/2018/0025

Details: Conversion and Extension of Existing Barn to form Dwelling
Decision: Refusal

Other planning history at Stubbingwood Farm.

- V/2016/0024
Details: Application for Prior Notification of Agricultural Access Track
Decision: Permitted development, no prior approval of details requested.
- V/2015/0563
Details: Application for Prior Notification of Agricultural Development – Proposed Road
Decision: Refusal

Comment:

The application site comprises of a detached agricultural barn, with the surrounding land comprising of agricultural equipment and building materials. The building consists of a steel portal frame, erected in 1995, with three sides enclosed by concrete push walls up to a height of approximately 1.8m (when viewed internally), with the remainder of the three elevations comprising of open slatted Yorkshire timber boarding to a height of 5.5m. The front elevation of the barn is completely open in nature. The roof of the barn comprises of a pitched roof, with mineral fibre sheeting.

Access to the site is via an existing unadopted single track lane from Watnall Road, part of which comprises the agricultural access track obtained under Prior Notification in 2016.

Directly north of the site are open fields, with residential properties located to the east and south within the main urban area of Hucknall. Adjacent to the site to the south is single storey brick built building of modest proportions, referred to as Barn 2 in the above planning history, where planning permission was granted in 2017 for its conversion into a residential dwelling with an appropriately sized extension. To the north-west of the site is the remains of an agricultural building. This building exhibits no roof, and the four brick walls that remain are showing signs of distress and decay.

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

Principle of Development:

The 2018-19 Housing Monitoring Report identifies that the Council are unable to demonstrate a 5 year housing land supply. Under these circumstances, Paragraph 11 of the NPPF 2019 makes clear that the policies which are most important for

determining the application are out-of-date, and as such permission should be granted unless:

- i. The application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Green Belt is identified in the footnote for paragraph 11 as a protected area, and as such the Green Belt policy should be afforded significant weight in the decision making process. National Planning Practice Guidance is also very clear that unmet housing need is unlikely to outweigh the harm to the Green Belt.

The fundamental aim of Green Belt policy, is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

In deciding this application, consideration must be given to Paragraph 146 of the NPPF 2019, which outlines certain forms of development which are not inappropriate in the Green Belt, providing the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Paragraph 146(d) includes the re-use of buildings, providing that they are of a permanent and substantial construction.

As stated, the proposal seeks to re-use the existing structure to convert it into a residential property, which in principle is not a form of inappropriate development. The Council however interpret the government's regulations and guidance as meaning the building proposed to be converted should have, before conversion, four walls and a roof. Such a view is supported by high court judgements, including *Hibbitt v SSCLG* (2016) EWHC 2853.

A structural survey has been submitted which indicates that a visual inspection has been undertaken on the redundant barn, with particular regard to its adequacy to form the shell of a domestic dwelling. No other explicit details have been submitted with the application in respect of what works are to be undertaken to allow for the conversion of the building.

No clear details have been submitted regarding the roof, however the structural report indicates that the timber purlins are adequate for current loading conditions, and may sensibly be recovered in PMS type roofing. Having regard to this information, the Council are of the impression that a replacement roof is proposed as part of the conversion works.

The structural survey indicates that the building benefits from a panelled concrete floor, which has no visible evidence of distress, and it appears, at present, practical to build an internal timber framed structure directly off this floor to form the basic structure of a two storey dwelling. The report however confirms that the floor slab would require a check to confirm adequacy, subsequently giving no guarantees that the proposed internal timber frame could be appropriately erected without further structural works.

In addition, with the exception of proposed plans, no specific details have been submitted regarding the construction of the entire new front elevation of the barn, or in respect of the construction of the upper half of the side and rear walls, and how this would be undertaken. As no window or door openings presently exist, it is acknowledged that new windows and doors will also be required to be added to the exterior of the barn to allow the barn to function as a dwelling.

Consequently, a troubling aspect of the proposal is the comprehensive nature of the building works to be undertaken. In effect, the only part of the building to be retained would be the existing steel frame, possibly the concrete panelled slab, but this is unclear from the submitted details, and concrete panels to a height of 1.8m on three exterior elevations although again it is not clear from the submitted details how these will provide adequate insulation and damp proofing without significant alterations and additions. The scope of the works to facilitate the change of use are therefore considered to be so extensive that they are tantamount to the creation of a new build dwelling, and therefore, the proposal cannot be seen to be compliant with the forms of appropriate development in the Green Belt, as identified in Paragraphs 145 and 146 of the NPPF 2019.

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

At present, the structure forms a complex of farm buildings and does not appear out of character with the appearance of the Green Belt.

As part of the application, an area measuring approximately 1,000sqm is proposed to form the residential curtilage of the dwelling, extending to the front and rear of the steel framed barn, and encompassing the garden space approved for the adjacent barn conversion in 2017. The significant size of the proposed curtilage is likely to result in the substantial increase in residential paraphernalia associated with the proposed dwelling within the Green Belt, resulting in an urbanising impact, subsequently reducing the openness and permanence of the Green Belt. This would consequently result in the area having a more suburban feel to it and much less of a rural character.

Paragraph 143 of the NPPF 2019 indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Whilst no very special circumstances have been submitted with the application, the applicant has provided representation since the submission of the proposal claiming very special circumstances, these include the loss of livestock and concerns regarding trespassing. Details provided with the application do however not indicate that the dwelling will be occupied by an agricultural worker, and as such, such incidences are unlikely to be reduced. The concerns raised therefore do not amount to very special circumstances for the approval of the application.

It is therefore considered that the applicant has not put forward any very special circumstances that would weigh in favour of granting approval of this application. The application has gathered support from a number of local residents in respect of improving the general appearance of the area. Whilst it is acknowledged that the scheme would go some way to improve the appearance of the farm building and immediate surrounding area, there are means and ways of improving the appearance of an area without the need to create a new dwelling.

Whilst the application would result in the provision of one new dwelling, the contribution from such is highly unlikely to have a significant effect in reducing the Council's existing housing deficit. In addition, the economic and social benefits of the proposal would be minimal.

The substantial weight given to Green Belt harm is clearly not outweighed by the above, and consequently the factors identified as weighing against the proposed development significantly outweigh the minor factors in its favour.

Residential Amenity:

The proposed barn conversion and extension would not result in any significant impacts upon the living conditions of neighbouring residents by way of massing, overshadowing or overlooking, due to the distance retained between neighbouring dwellings.

The proposal would also any future occupier with an acceptable standard of amenity, with internal space standards and an area of private amenity space compliant with the guidance contained within the Council's Residential Design Guide SPD 2014.

Highways:

Access to the site is via an existing unadopted single track lane from Watnall Road. The access track will measure approximately 350m in length, of which approximately 100m will comprise of the agricultural access track obtained under Prior Notification in 2016. The agricultural access track is little more than a mud track, and concerns are therefore raised in regards to the suitability of domestic vehicles utilising this

track to access the proposed dwelling, without significant engineering operations to make it suitable.

Further concerns are also raised in regards to the appropriateness of domestic vehicles utilising the same single width access track as agricultural vehicles, which would give rise to potential conflict between agricultural vehicles and cars.

Whilst the proposed access is of concern, it is acknowledged that the proposed scheme will create the provision for at least two off-street parking spaces, in accordance with the Council's Residential Car Parking Standards SPD 2014 for a three bedroom property.

Ecology:

Part 15 – Conserving and Enhancing the Natural Environment sets out that local planning authorities should aim to conserve and enhance biodiversity. In support of the application, a protected species survey has been submitted and no bats or nesting birds were found in the barn proposed for conversion.

Conclusion:

It is acknowledged that the proposal would provide a number of benefits, including support for a small house builder and other economic benefits that would be generated during the construction of the dwelling and occupation thereafter. The proposal would also assist in providing a contribution towards the Districts housing supply, albeit it modest.

Paragraph 144 of the NPPF however advises that substantial weight should be given to any harm to the Green Belt. Moreover, very special circumstances to allow inappropriate development will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In this case, the extent of the proposed works required to allow the existing barn to function as a dwelling would be tantamount to a new build house, and as such, would constitute inappropriate development in the Green Belt. Furthermore, the extent of the residential curtilage proposed will result in an urbanising impact on the locality, subsequently reducing the openness and permanence of the Green Belt.

The very special circumstances alluded to by the applicant do not clearly outweigh the harm identified in relation to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the proposal would be contrary to Part 13 – Protecting Green Belt Land of the NPPF 2019, and to policy EV1 of the ALPR 2002 which primarily seeks to protect the Green Belt from inappropriate development.

Concerns are also raised in regards to the proposed access, which utilises part of a single width agricultural access track, raising concerns regarding the condition of the

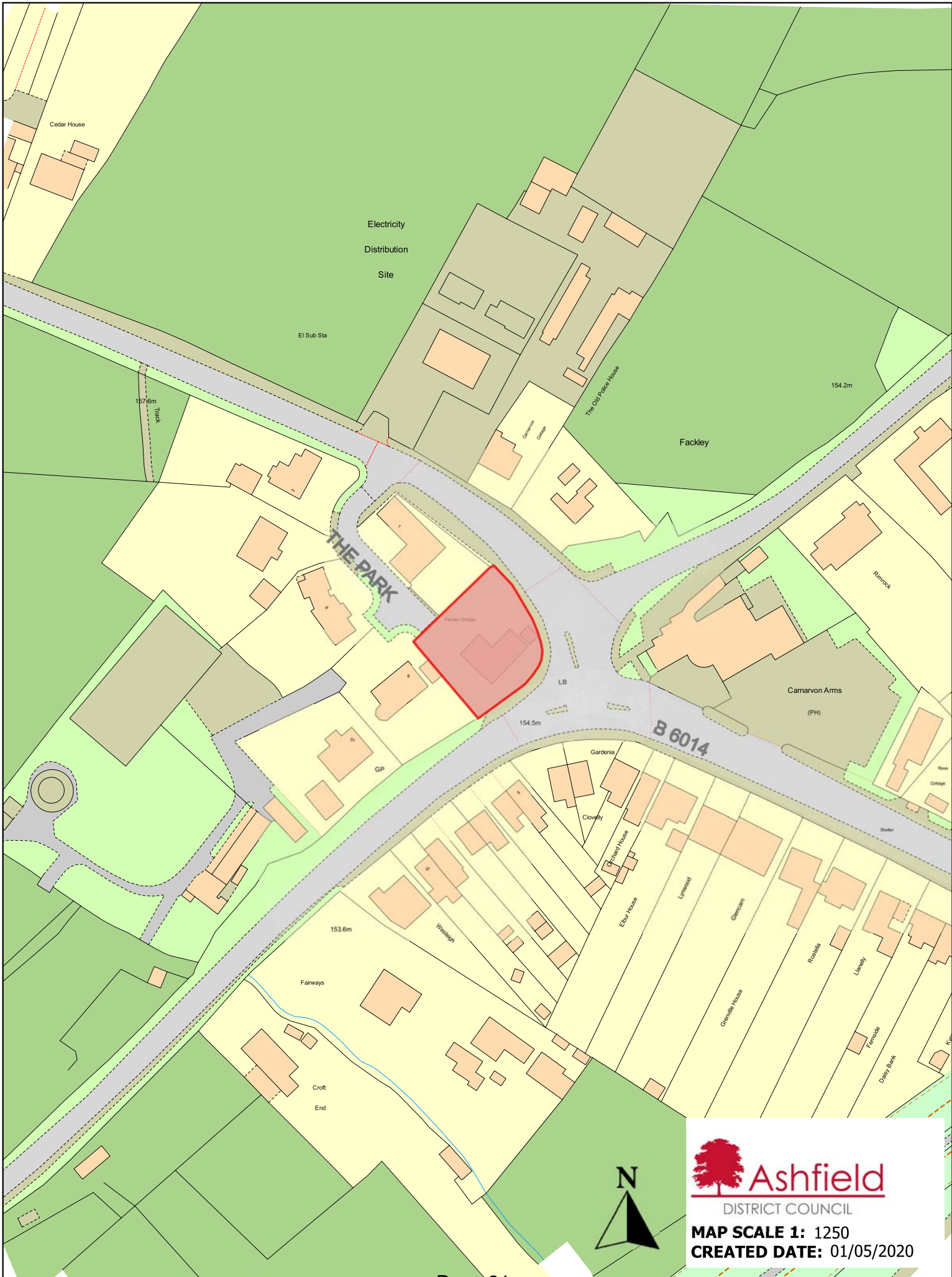
access, and the potential for vehicular conflict between agricultural vehicles and domestic vehicles.

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

Recommendation: Refuse Planning Permission

REASONS

- 1. The proposal constitutes inappropriate development within the Green Belt as a result of the substantial alterations and building works which would be required to the structure to convert it into a domestic property, which is considered to be tantamount to the creation of a new dwelling. Furthermore, the extensive area of proposed residential curtilage would further exacerbate the harm to the openness and character of the Green Belt, through the increase of domestic paraphernalia associated with the proposed dwelling. The substantial weight given to Green Belt harm is not outweighed by any other matters and consequently the very special circumstances required to allow the development do not exist. The proposal would therefore conflict with policies ST1 and EV1 of the Ashfield Local Plan Review 2002 and Part 13 – Protecting Green Belt Land of the National Planning Policy Framework 2019.**



COMMITTEE DATE 13/05/2020 **WARD** Stanton Hill and Teversal

APP REF V/2020/0122

APPLICANT Chris Slack

PROPOSAL Porch to Front Elevation

LOCATION Fackley Cottage, 3 The Park, Silverhill Lane, Teversal, Sutton in Ashfield, Nottinghamshire, NG17 3JJ

WEB-LINK: <https://www.google.co.uk/maps/search/3+The+Park,+Sutton-in-Ashfield/@53.1479734,-1.2924019,18z>

BACKGROUND PAPERS A, K

App Registered 21/02/2020

Expiry Date 16/04/2020

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

This application has been referred to Planning Committee by Councillor Helen-Ann Smith on the ground of the impact on the street scene.

The Application

This is an application for a porch on the front elevation. The porch has a length of 2.25 metres, with a width of 3 metres, the resulting area of the porch is 6.75 metres squared. The proposal will incorporate a pitched roof, the eaves height of the porch is proposed to be 1.94 metres with a total ridge height of 3.44 metres.

Consultations

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

No written representations have been received from neighbours in respect of this application.

It has been suggested that DH Lawrence stayed in the property for a period of time and penned one of his famous novels, Lady Chatterley's Lover. The Council's conservation officer has considered the historic merits of the building and the proposal. He is of the opinion that the character of the original building has been lost due to the render over brickwork and the replacement of traditional windows with differing sizes of unsympathetic modern casements. In addition to this porches and a chimney stack to the right-hand side have disappear. These changes have all contributed to its loss of aesthetic value.

It is further considered that even if there is the historic association with DH Lawrence, the building would not be worthy of listing or preserving in its current, largely remodelled form. Whilst historic association can be part of the interest for non-designated heritage assets, it would not prohibit the addition of the proposed porch. It would not diminish the historical association and, actually, could be viewed as a slight improvement on the façade as the modern door and sidelights will be covered.

Whilst the brick boundary wall and close boarded fencing provides screening of much of the ground floor, a higher-quality door should be conditioned on any consent. With the help of interested parties it may be the addition of a plaque or roundel to the gable to highlight the association (if evidence can be uncovered).

It would appear that the original roof is in place and so a natural slate for the porch would be the preferred choice. I note the applicant recommends facing brick. Quite often it is best to use the same material as the host building, however, a good quality redbrick would provide a more attractive contrast.'

Policy

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

National Planning Policy Framework (NPPF) (2019):

Part 12 – Achieving Well Designed Places

Ashfield Local Plan Review (ALPR) (2002):

ST1 – Development

EV2 – Countryside

HG7 – Residential Extensions

SPD Residential Extensions Design Guide (2014)

Relevant Planning History

There is no relevant planning history in respect of this application.

Comment :

The main issues to consider are the impact of the proposal on the street scene, and the historical importance of the application site.

Visual Amenity:

The porch is to be located on the front elevation, which is adjacent to the busy B6014 cross road, and the Carnarvon Public House.

The property in question is encompassed by a 2.45 metre high brick wall and fence. The proposed eaves height of the porch is stated to be 1.94 metres, with the resulting ridge height of 3.44 metres. Due to the height of the boundary wall, only the very top of the roof will be visible from the street scene, because of this, it is determined that there will be a very minimal impact on the visual amenities of the area.

The porch is sympathetic in its design and looks and will incorporate matching slate roof tiles as on the existing dwelling and facing brick for all elevations,

The use of composite windows and doors would be a more attractive addition than the standard UPVC windows and doors that have been proposed and it is recommended that this be conditioned. The colour brown however is considered acceptable and in keeping with the existing windows and doors on the property.

Residential Amenity:

The porch is not adjacent to any neighbouring properties and is not subject to any overshadowing or overbearing impacts. It is therefore concluded that there will be minimal impact in terms of residential amenity.

Other Issues:

The application has been called into committee in part as it is claimed that the famous author and poet DH Lawrence, stayed in the property and penned one of his most famous novels, Lady Chatterley's Lover.

It is clear to see from the novel that many inspirations are taken from Teversal and the surrounding Nottinghamshire area, the most notable being Teversal Manor, known as Wragby Hall in the novel.

Research has been carried out to see if there is any evidence that DH Lawrence stayed in this property around the time that he first started writing the novel, which was late 1926/ early 1927.

After checking through historical archives, papers produced by Nottingham University and looking through DH Lawrence's own personal letters, no evidence has come to light to show that he stayed in the area during this time period when he had the idea for this novel and began writing it. Of course this is not to say that he did not stay there at this time or any other time.

The council's conservation officer suggests that even if there was an historic association, the building would not be worthy of any kind of listing or preservation, due to few original features remaining on the property. A non-designated heritage asset could be registered to the property, but this would not prohibit the addition of the porch in any way.

Conclusion :

Overall, the proposal is considered to be an appropriate form of development in terms of scale, siting and appearance.

The impact on the visual and residential amenity has been assessed, and it is considered that there will be no undue harm to neighbouring properties and no loss of visual amenity in the street scene and surrounding area.

It is therefore recommended that this application is granted planning permission, subject to the following conditions.

Recommendation: - Conditional Consent

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. The materials and finishes to be used for the roof of the proposal shall match those used in the existing dwelling.
3. The windows and doors installed on the porch shall be constructed from composite and will match the same colour of the doors and windows on the existing property.
4. This permission shall be read in accordance with the following plans: Site location plan, existing elevations and floor plans (FACO/PP2/1) and proposed elevations and floor plans (FACO/PP2/2). All drawings received 20/02/2020. 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 1991 as amended.
2. To ensure the satisfactory appearance of the development.
3. To ensure the satisfactory appearance of the development.
4. To ensure the development takes the form envisaged by the Local Planning Authority when determining this 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 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 to contact the development & Building Control Section of the Authority on Mansfield (01623 450000)

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