

**ASHFIELD DISTRICT COUNCIL**



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

## Agenda

### Planning Committee

Date: **Wednesday, 17th June, 2020**

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Time: **10.00 am**

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

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For any further information please contact:

**Lynn Cain**

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

01623 457317

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# PLANNING COMMITTEE

## Membership

**Chairman:** Councillor 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 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 13 May 2020. 5 - 10
4. To receive and consider the attached planning applications. 11 - 54
5. Planning Appeal Decisions. 55 - 60

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## PLANNING COMMITTEE

Virtual Meeting held on Wednesday, 13th May, 2020 at 10.00 am

**Present:** Councillor Sarah Madigan in the Chair;

Councillors Chris Baron, Ciaran Brown, Samantha Deakin, Tom Hollis, Rachel Madden, Lauren Mitchell, John Smallridge, Helen-Ann Smith, Daniel Williamson and Jason Zadrozny.

**Officers Present:** Lynn Cain, Louise Ellis, Mike Joy, Mick Morley, Christine Sarris, Andy Slate and Robbie Steel.

**In Attendance:** Councillor Keir Morrison

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

1. Councillor Tom Hollis declared Non Disclosable Pecuniary/Other Interests in respect of the following Applications:

V/2019/0825, Mr I Glen, Barn Conversion to Form Dwelling, Barn 3 Stubbinwood Farm, Watnall Road, Hucknall.

V/2020/0122, Chris Slack, Porch to Front Elevation, Fackley Cottage, 3 The Park, Silverhill Lane, Teversal, Sutton in Ashfield.

His interests arose from the fact that he had met and spoken to both the applicants but in doing so had not expressed an opinion at any point.

2. Councillor Lauren Mitchell declared a Non Disclosable Pecuniary/Other Interest in respect of Application V/2020/0030, Mr E. Clements, Dwelling, 26 Brickyard, Brickyard Drive, Hucknall. Her interest arose from the fact that she had met with the applicant but in doing so had not expressed an opinion at any point.
3. Councillor Jason Zadrozny declared a Non Disclosable Pecuniary/Other Interest in respect of Application V/2019/0825 His interest arose from the fact that he visited the watch tower at Hucknall which had recently been granted 'Listed' status and is owned by the applicant but he had not expressed an opinion at any point on this application.

### **P.2 Minutes**

RESOLVED

that the minutes of the meeting of the Planning Committee held on 26 February 2020, be received and approved as a correct record.

The meeting was adjourned at 10.10am and reconvened at 10.35am.

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

**1. V/2019/0483, Bellway Homes (East Midlands), 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**

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

A representation had been received from the applicant requesting that the application be deferred for consideration at a later Committee. In light of current market considerations, they had undertaken a new financial appraisal of the scheme and advised that they now considered the current proposals to be unviable.

They would like the opportunity to review the scheme and decide whether efficiencies could be made to the layout whilst adhering to the design principles. They also advised that they might need to submit a viability appraisal to the Council for assessment.

It was therefore moved and seconded that consideration of the application be deferred to a future meeting of the Committee.

(In accordance with Part 9 (7e) of the Code of Conduct and Procedures in respect of the Planning Service, Councillor Rachel Madden, having experienced difficulty maintaining her virtual connection to the meeting during consideration of the above item, was subsequently not permitted to vote on this application).

**2. V/2020/0114, Bellway Homes (East Midlands), 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**

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:-

As per the previous application and as a result of the reasons thereby outlined, the applicant again requested that the application be deferred for consideration at a later Committee.

It was therefore moved and seconded that consideration of the application be deferred to a future meeting of the Committee.

(In accordance with Part 9 (7e) of the Code of Conduct and Procedures in respect of the Planning Service, Councillor Rachel Madden, having experienced difficulty maintaining her virtual connection to the meeting during consideration of the above item, was subsequently not permitted to vote on this application).

### **3. V/2020/0030, Mr E. Clements, Dwelling, 26 Brickyard, Brickyard Drive, Hucknall**

It was moved and seconded that consideration of the application be deferred to a later meeting of the Committee subject to the relaxation of lockdown restrictions to enable Members to undertake a site visit.

(In accordance with Part 9 (7e) of the Code of Conduct and Procedures in respect of the Planning Service, Councillor Rachel Madden, having experienced difficulty maintaining her virtual connection to the meeting during consideration of the above item, was subsequently not permitted to vote on this application).

### **4. V/2019/0825, Mr I Glen, Barn Conversion to Form Dwelling, Barn 3 Stubbinwood Farm, Watnall Road, Hucknall**

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

The applicant had advised:-

- That they had recently suffered the theft of a church pew being stored in the agricultural barn;
- The whole length of the farm track was made of crushed stone and reclaimed brick rubble and the use of the agricultural track would not result in highway safety implications.

#### Officer's Response

- Matters regarding theft and trespassing were covered and discussed in full in the written report;
- The site plan submitted with the application showed approximately 100m of the agricultural track being utilised for access to the property. Whilst the access might be constructed from crushed stone, due to the use of the track by farm traffic, mud was observed to be present on the track itself. It was further noted that in the planning application for the agricultural track, the applicant claimed that the existing driveway was not wide enough to allow farm and domestic traffic to pass and was thus a detriment to highway safety. If domestic vehicles were permitted to use the agricultural access track then this issue would present itself once again where the access was shared.

- A representation received on the application was reported as being an objection when it should have been stated to be 'raised concerns with the proposal' rather than 'objected to'. The concerns were therefore as stated in the report and a redacted copy of this representation had been published online.

An objector, Vaughan Gallagher, 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.

Following the moving and seconding of the motion to go against officers' recommendation, the meeting adjourned at 11.20am and reconvened at 11.34am.

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

a) planning consent be granted subject to the following conditions:

1. standard time period
2. details of materials to be agreed
3. boundary treatment to be agreed
4. hard and soft landscaping scheme to be agreed
5. surface water and foul sewage drainage plans to be agreed
6. The development to be carried out in accordance with the submitted plans as amended.

Reasons for rejecting officers' recommendation:

The proposal conformed with policy ST1 of the ALPR 2002 and parts 5, 11 and 12 of the NPPF and the proposal would remove a barn which was an eyesore and would stop further development occurring.

For the motion:

Councillors Ciaran Brown, Samantha Deakin, Tom Hollis, Rachel Madden, Sarah Madigan, John Smallridge, Helen-Ann Smith, Daniel Williamson and Jason Zadrozny.

Against the motion:

Councillor Chris Baron.

Abstention:

Councillor Lauren Mitchell.

**5. V/2020/0122, Chris Slack, Porch to Front Elevation, Fackley Cottage, 3 The Park, Silverhill Lane, Teversal, Sutton in Ashfield**

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



Reasons for rejecting officers' recommendation:

The porch would harm the appearance of a local heritage asset which would in turn have a harmful impact on the character of the area and it was thus considered to be contrary to policy ST1 (b) & (e) of the Ashfield Local Plan Review 2002 and paragraph 197 of the NPPF 2019.

For the motion:

Councillors Ciaran Brown, Samantha Deakin, Tom Hollis, Rachel Madden, Sarah Madigan, Lauren Mitchell, John Smallridge, Helen-Ann Smith, Daniel Williamson and Jason Zadrozny.

Against the motion:

None.

Abstention:

Councillor Chris Baron.

The meeting closed at 12.17 pm

Chairman.

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## **BACKGROUND PAPERS AND AVAILABILITY OF PLANS**

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

The background papers forming the planning application file include:

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

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

The full text of all correspondence is available to Members.

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

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## Site Visits Planning Committee

Members will be aware of the procedure regarding Site Visits as outlined in the Councils Constitution.

Should any Planning Committee Member wish to visit any site on this agenda they are advised to contact either the Director – Place and Communities or the Corporate Manager by 5pm 11<sup>th</sup> June 2020.

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

Members are asked to use their own means of transport and **observe social distancing guidance** and those Members attending site visits should meet at the sites at 10am on the Tuesday before Planning Committee.

T. Hodgkinson

Service Director – Place and Communities

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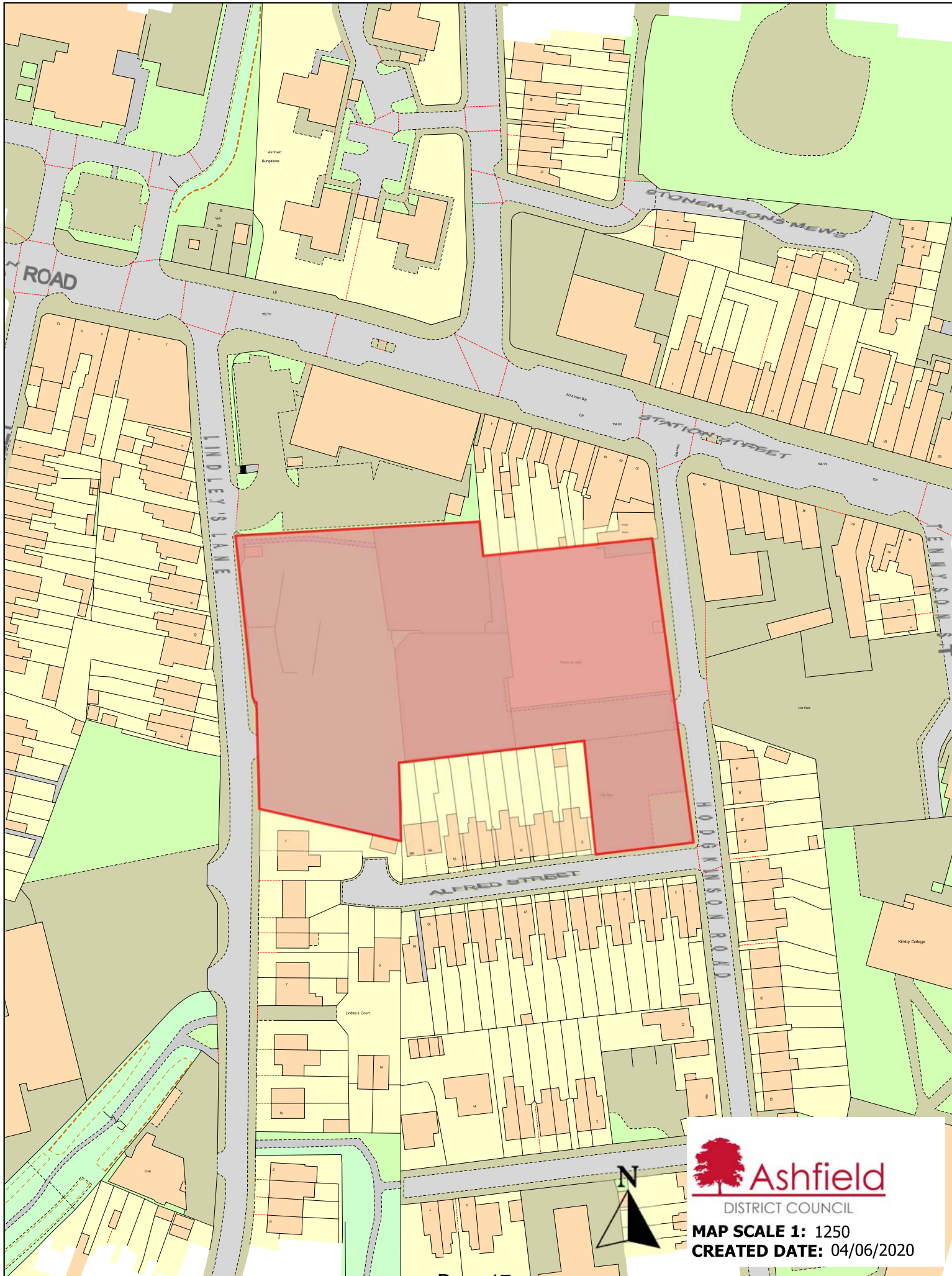
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## PLANNING COMMITTEE – 17<sup>th</sup> June 2020

Page	App No	Applicant	Recommendation	Proposal	Location
<b>Kirkby Cross and Portland</b>					
17-42	V/2020/0201	Ashfield District Council	Approve	New Leisure Centre And Associated Infrastructure	Festival Hall Hodgkinson Road Kirkby in Ashfield
<b>Stanton Hill and Teversal</b>					
43-54	V/2020/0069	Mr T Porter	Refuse	Dwelling and Garage	Land Adjacent The Old Granary Newbound Lane Norwood

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**Ashfield**  
DISTRICT COUNCIL  
**MAP SCALE 1: 1250**  
**CREATED DATE: 04/06/2020**

**COMMITTEE DATE** 17<sup>th</sup> June 2020                      **WARD**                      Kirkby Cross and Portland

**APP REF**    V/2020/0201

**APPLICANT**    Ashfield District Council

**PROPOSAL**    New Leisure Centre And Associated Infrastructure

**LOCATION**    Festival Hall, Hodgkinson Road, Kirkby in Ashfield,  
Nottinghamshire, NG17 7DJ

**WEB LINK**    <https://www.google.co.uk/maps/place/Lindley's+Ln,+Kirkby+in+Ashfield,+Nottingham/@53.0983723,-1.2490408,17z/data=!4m5!3m4!1s0x487995b21d064ec5:0xb6d162ab52fdf16e!8m2!3d53.0942814!4d-1.2503283>

**BACKGROUND PAPERS**    A B D E F K

**App Registered** 24/03/2020

**Expiry Date** 23/06/2020

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

*This application has been referred to the Planning Committee as Ashfield District Council are the applicant.*

### **The Application**

This is an application for a new leisure centre (D2) and associated infrastructure on the wider Festival Hall site in Kirkby-in-Ashfield. The key elements of the scheme are:

- Main Swimming Pool (4 Lane x 25m) and Leisure Water (100m<sup>2</sup>);
- Wet Changing Village;
- 4 Court Sports Hall (with retractable seating capable of cinema projection);
- Gymnasium;
- 2 x Multi-Purpose Studios;
- Group Cycling (SPIN) Studio;
- Adventure Softplay;
- Indoor Adventure Climbing;
- Reception and Café;
- Dry Sport Changing Rooms;
- Changing Places;
- On Site Car Parking Spaces, including electric charging spaces.

- Sauna / Steam Room;
- Sensory Room;
- Meeting Rooms.

The existing Festival Hall building will be kept in use throughout the period of construction, therefore ensuring a continuity of leisure facility provision at the site. The existing building will then be subsequently demolished and the area laid out as parking for the new facility.

### **The Site**

The application site is bound by Hodgkinson Road to the east and Lindleys Lane to the west. The site is currently occupied by the existing leisure centre and associated parking, with the remainder currently unused. Topographically, the site falls from east to west.

The surrounding area comprises a mixture of residential and commercial properties. To the north of the site is the B6020 Urban Road, featuring a range of shops and businesses, including the B&M Bargains store. East of the site, on Hodgkinson Road, is a small car park with housing located further down. Lindleys Lane and Alfred Street, to the west and south respectively, are both residential streets.

The vast majority of the site, including the proposed building, is located within the District Shopping Centre of Kirkby in Ashfield - as identified by Policy SH1 of the ALPR (2002). The site is considered to be a sustainable location, which is within walking distance to the train station and main bus stops on Urban Road. It is also located in good proximity to existing cycle routes and proposed improvements.

### **Consultations**

A press notice and site notice have been posted, together with individual notification of surrounding residents. No objections have been received from residents. It is also noted that the Council followed good practice guidelines and consulted with residents, as the applicant, prior to submitting the application.

Over the course of the application, a revision was made to the Masterplan, indicating a pedestrian and cyclist access from Lindleys Lane. The residents along Lindleys Lane were re-consulted on the revised access plan.

A final revision was made showing the footpath increased in width along Lindleys Lane, to 2.5m, following a request from the Highways Authority. This alteration required a minor reduction of the landscape buffer; however it was considered to be unnecessary to re-consult these residents for a third time on the basis of these changes.

Below is a summary of comments received from consultees:

## **A.D.C Planning Policy**

Policies in the Ashfield Local Plan Review [ALPR] (2002) and the National Planning Policy Framework [NPPF] give policy support to the development of a leisure centre in this location. Alongside the policy approach appropriate emphasis must also be given to good design as per the requirements of National Planning Policy Framework (NPPF). It is advised that any impact on local heritage assets and the potential for enhancing the natural environment should be taken into account.

## **A.D.C Places and Localities**

### *Visual Impact*

The proposed leisure centre building and surrounding landscape infrastructure will enhance the street scene along Hodgkinson Road and Alfred Street. The street scene will benefit from the removal of the old leisure centre building, with the new centre set back from the highway and the entrance framed with an appropriate landscape design.

It will also enhance the street scene along Lindleys Lane with a modern building façade, replacing an area of scrub land and redundant skate park. The proposed leisure centre is closer to this boundary than the existing building, however a substantial landscape buffer has been created to soften the appearance and help integrate the new building into the surrounding street scene.

### *Landscaping, Access and Boundaries*

A detailed landscape plan will need to be provided. It will need to include all boundary treatment, detailing material type/heights, key access points and dimensioned layouts. They advise that detailed considerations should include enhanced pedestrian access from Hodgkinson Road, signage locations, maintenance access, waste disposal and consideration of pedestrian access from Lindley's Lane.

### *Drainage*

A surface water drainage strategy should be provided which demonstrates that the risk of surface water flooding will not be increased. The strategy should also consider pollution control measures during the construction phase.

## **A.D.C Environmental Heath (Noise, Dust and Vibration)**

All noise mitigation strategies must be implemented in accordance with the proposals set out in the Environmental Noise impact assessment. A scheme should also be devised for dust management during and reasonable limits placed on

working hours during construction. All relevant legislation within the Environmental Act 1990 and Control of Pollution Act 1974 should be complied with.

### **A.D.C Environmental Heath (Land Contamination)**

Recommendations are made within the Ground Investigation report for remedial works to overcome identified levels of contamination. These recommendations need to be confirmed in writing. Once the remedial works are carried out these should be validated through a planning condition.

### **Designing out Crime Officer**

Fully supports the proposed design, but would welcome opportunity to comment further, once the specifications for security facilities are designed e.g. public lockers, cycle storage and parking.

### **Environment Agency**

The proposed development site is located fully within flood zone 1 and therefore there are no fluvial flood risk concerns associated with the site. While the site is located within a Source Protection Zone [SPZ] , the application form confirms that both surface water and sewage disposal will be via the mains network. The existing/previous use also causes no concern in relation to the SPZ.

### **Local Lead Flood Authority**

No objections.

### **Nottinghamshire County Council (NCC) Planning Policy**

No comments.

### **Nottinghamshire County Council Highways (1<sup>st</sup> Response)**

The Highways authority originally raised a number of concerns. These are summarised below:

- A Transport Assessment and Road Safety Audit should be submitted.
- A plan needs to be provided with key dimensions.
- An intensifying of vehicular traffic on the Lindleys Lane/Urban Road junction, from the sites rear access, is unacceptable.
- Pedestrian and cycle access should be provided at the rear onto Lindleys Lane.
- The main car park access onto Hodgkinson Road should be staggered to the opposing car park. This may conflict with the council's long term aspiration for a new link road between Hodgkinson Road and Morley Street.

- The footways along Lindleys Lane and Hodgkinson Road should be increased in width.
- A pedestrian and cycle audit should be undertaken on the surrounding road network.
- There are significant concerns that parking on site is not sufficient.
- A more robust methodology needs to be utilised for traffic generation assessment.

***In response, the applicant submitted a Technical Note to address the various points raised by the Highways Authority.***

**(2<sup>nd</sup> Response)**

The Highway Authority advise their primary concern is a lack of off road car parking spaces for the facility, which has the potential to cause difficulties to nearby residents if demand is high and displacement occurs. However, this can be resolved by use of a pre-commencement and subsequent post occupation condition for a traffic/car park accumulation survey work to be carried out, with mitigation if appropriate. A few additional comments are also set out in their response:

- Lack of coach/bus provision may restrict future operation.
- There are still reservations about the access onto Hodgkinson Road.
- Accept there is little room to increase the footway along Hodgkinson Road – but the footway along Lindleys Lane should be increased.
- Some parking spaces maybe unusable.
- The condition requiring improvements to pedestrian facilities will negate a contribution – in line with the Nottinghamshire CC Planning Obligation Strategy.

Finally, they recommend a number of planning conditions covering improved pedestrian facilities, site management, surfacing, gates and barriers.

***These matters are dealt with in the main body of the report***

**Mid Nottinghamshire Integrated Care Partnership (ICP) and Nottingham and Nottinghamshire Clinical Commissioning Group (CCG)**

Have written a letter in support of the application. In particular, they identify Kirkby as a priority town, at need of a coordinated place based approach to service provision and engagement.

They highlight that the ambition of ADC is to create a leisure centre for the community, with activities for everyone to take part in through offering a good mix of facilities. Specific focus will be applied to the over 50s group as well as those with various health needs. The centre will encompass a Health Hub attracting those with long term conditions, dementia and autism. This will help to provide equity of service

to 'districts' within the council such as Coxmoor, which ensures services are accessible and available to all.

It is clear that the new leisure centre will encourage and enhance health and wellbeing across the district and in doing so will help to address health outcomes and lifestyle choices.

### **Nottinghamshire Wildlife Trust**

No comments.

### **Severn Trent**

Foul water and overflow surface water are proposed to connect into the public water sewer. This will require a formal section 106 sewer connection approval.

### **Sports England**

Support the scheme, as it addresses an identified need for improved facilities at the Festival Hall site. The provision of water-space is also appropriate as the available/updated evidence has superseded the 2016 Leisure Facilities Strategy conclusions. The proposal has the potential to be of significant benefit to the development of indoor sport and active recreation, including both formal and informal swimming activities.

### **Local Community**

One representation has been received from a local resident. No specific objections are raised, but a number of questions are asked about changes to the scheme, landscaping and details surrounding the construction.

### **Officer Response:**

As detailed above, residents on Lindleys Lane were re-consulted on revised plans, showing the provision of a formalised pedestrian and cycle access. The details of landscaping and construction management will be provided through planning conditions.

### **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 as amended by "saved policies" 2007. (ALPR)

The following ALPR 'saved' policies are considered relevant to the application:-

- Policy ST1: Development.
- Policy ST2: Main Urban Areas.
- Policy SH1: District Shopping Centres
- Policy TR2: Cycling provisions in new development
- Policy TR3 Pedestrians and People with limited mobility.
- Policy TR6: Developer contributions to transport improvements
- Policy RC6: Indoor Leisure Facilities
- Policy RC9: Community Service

There is no neighbourhood plan relating to the area in question.

### Material considerations

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

- Para 11: Sustainable Development.
- Part 7: Ensuring the vitality of town centre.
- Part 8: Promoting healthy and safe communities
- Part 9: Promoting sustainable transport.
- 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.
- Part 16: Conserving and enhancing the historic environment.

The NPPF at para. 3 identifies that the NPPF should be read as a whole including its footnotes and annexes.

National Planning Policy Guidance (PPG) brings together national planning guidance on various topics.

### **Relevant Planning History**

The site has a long planning history, including planning permission being granted for: residential, storage/warehousing, a car park and garden centre in the 1970/80s. Most recently, Advertisement Consent was granted for the display of four banner signs (Ref: V/2018/0794).

### **Comment :**

The key considerations in the determination of this planning application are:

- Principle of Development
- Ensuring the Vitality of Town Centres
- Promoting Healthy Communities.
- Residential Amenity



- Visual Amenity and Design
- Highways Safety
- Other Issues
- The Planning Balance

### **Principle of Development**

The application is located within the main urban area. Saved Policy ST2 of the Ashfield Local Plan Review [ALPR] (2002) states that development will be concentrated within the main urban areas of Hucknall, Kirkby-in-Ashfield and Sutton-In-Ashfield as shown on the proposals maps.

The majority of the site, including the building itself, is located within the District Shopping Centre of Kirkby in Ashfield - as identified by Policy SH1 of the ALPR (2002). The leisure centre would be an appropriate development within the town centre.

The land to the rear of the exiting leisure centre and parking area is safeguarded for indoor leisure facilities under Policy RC6KA. The supporting text also identifies that:

*‘Swimming facilities in Hucknall and Sutton-in-Ashfield are of a high quality. However, as no such provision is currently available in Kirkby-in-Ashfield, land is protected in policy RC6 adjacent to the Festival Hall.’*

ALPR Policy RC9 identifies that development for alternative uses of sites required for educational, social, health, community, and religious facilities will not be permitted, unless adequate replacement is made, or there is no longer a need for the facility. As the proposal facilities community provision, it would comply with this policy.

In summary, the proposed development is in accordance with local plan policies SH1, RC6 and RC9. These policies are consistent with the aims of the NPPF to ensure the vitality of towns centres (part 7) and to promote healthy and safe communities (part 8).

On the basis of the above, the general principle of development of a leisure centre is considered acceptable, subject to no other material planning considerations indicating otherwise.

### **Ensuring the Vitality of Town Centres**

The NPPF, at paragraph 85, is clear that planning policies and decision should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth management and adaption. Similarly, Policy SH1 of the ALPR indicates the main uses which are considered appropriate in town centres

and which would assist in diversity of use as an important contribution to vitality and viability. This includes leisure activities.

The importance of protecting and enhancing the Councils town centres also runs throughout the Councils Corporate Plan (2019-2023). Both from an economic growth and place perspective, but also from a health and happiness perspective of local communities.

The new leisure centre would bring about significant benefits to the town centre. It would act as a potential catalyst for the regeneration of the centre, offering a new draw into the town, which further assists with the wider aims of diversifying town centres beyond a retail offer. The protection and enhancement of centres is going to be even more so important given the ongoing economic situation associated with Covid-19.

### **Promoting Healthy and Safe Communities**

The NPPF highlights that Planning policies and decisions should aim to achieve healthy, inclusive and safe places; which promote social interaction, are safe and accessible and enable and support healthy lifestyles. This reflects the Councils Corporate Plan (2019 – 2023), which sets out a vision to help improve health and happiness in the district.

The leisure centre would encourage active lifestyles and assist in reducing obesity levels amongst children and adults, in turn reducing the risk of associated disease and lowering the burden on Public Health costs. The centre will also encompass a Health Hub attracting those with long term conditions, dementia and autism. These positive impacts on health and wellbeing have engendered the support of the Integrated Care Partnership and Clinical Commissioning Group.

The leisure centre would also provide additional participation opportunities for members from every sector of the community, thus bringing about social inclusion and engagement benefits. It could also act as a vehicle to tackle anti-social behavior and support crime reduction, by providing other activities and opportunities.

The benefits from this aspect are wide ranging and the proposal is therefore likely to deliver significant Social Value – in line with Ashfield District Councils recently adopted corporate policy.

### **Residential Amenity**

A key consideration is the impact of the development on surrounding properties in terms of overlooking, overbearing and loss of light. The application is supported by a Daylight and Sunlight Report, which undertakes an assessment of the impact of the building on surrounding properties - using the Building for Research Establishment (BRE) report 'Site layout planning for daylight and sunlight'.

The report summarises that the proposals demonstrate a high level of compliance with the relevant criteria. Concluding, there is no reason why the proposed development should not be supported over concerns surrounding a reduction in daylight, or sunlight levels. However, it does identify certain properties where the criteria is not met and this is discussed, in greater detail, below.

The report uses three different criteria to assess the impacts of daylight and sunlight on the properties. These are Vertical Sky Component (VSC), No Sky Line (NSL) and Annual Probable Sunlight Hours (APSH):

- VSC is a measure of the amount of sky visible from a centre point of a window. A window that achieves 27% or more is considered to provide good levels of light, but if with the development in place the figure is both less than 27% and would be reduced by 20% or more, the loss would be noticeable.
- NSL is a measure of daylight distribution within a room. A room maybe adversely affected if the daylight distribution is reduced beyond 0.8 times its existing area.
- APSH seeks to identify if a dwelling will appear reasonably sunlit. The BRE recommends that the APSH received at a given window should be at least 25% of the total available, including at least 5% in winter.

The report uses numerical thresholds to describe impacts as Minor, Moderate or Major Adverse. These are as follows:

- 20-29.9% alteration = minor adverse;
- 30-39.9% alteration = moderate adverse; and
- 40% alteration = major adverse

It should also be noted that in many cases assumptions have underpinned the assessment of floor layouts; however, the report gives a good indication of potential impacts. A site visit has also been undertaken, by the case officer, to assess the impacts the development on surrounding residents.

### Lindleys Lane

The site is relatively flat towards the eastern side - where the existing facility is situated - however it slopes down towards Lindleys Lane. The land levels are therefore required to be raised on the western part of the site. The floor level of the building sits at 153.6m. This is above the level of Lindleys Lane, which rises north to south outside the site, from 149.9m to 151.34m. The parapet height of the building would be 163.0m on the tallest section. The shortest distance to a property on Lindleys Lane (No.22) is approx. 16.4m. The Council do not have any minimum standards between commercial and residential dwellings, these are assessed on a case by case basis.

### *Overbearing and Loss of Sunlight/Daylight Impacts*

In order to mitigate against any substantive overbearing impacts a landscaped buffer will be provided. Careful consideration will be given to ensure adequate sized trees are planted, which provide a sufficient level of screening from the building façade. Nonetheless, it is still recognised that there would still be an increased overbearing impact to adjacent dwellings on Lindleys Lane. Particularly to numbers 12 – 22.

The site previously featured trees along its western boundary and the provision of a landscape buffer attempts to mirror that relationship. However, the submitted BRE report does identify instances where the criteria is not met for daylight and sunlight.

The report identifies that dwellings at 14 – 22 Lindleys Lane all contain ground floor windows, on their front elevation, which do not meet the VSC threshold. A first floor window at No. 20 is also shown not to meet the threshold. All of these impacts, apart from No.20, show a reduction of less than 30%. The report classifies these as impacts as minor adverse. The other, a ground floor living room window of No. 20, is shown to have a reduction of (33%), which the report classifies as a moderate adverse impact. Though, this only marginally above the minor impact threshold.

In terms of sunlight, the report identifies 16 and 20 Lindleys Lane, as the two properties around the site, which contain windows that do not meet the BRE criteria for APSH. Both windows on the front of No. 20 would be affected through loss of sunlight. The ground floor living room window would be majorly adversely affected; with the first floor window also seeing significant impacts in the winter months. The ground floor living room window of No.16 would also have a noticeable loss of sunlight, with this been majorly affected in the winter.

It is inevitable when constructing new buildings in an urban environment that alterations in daylight and sunlight to adjoining properties can occur. The submitted assessment sets out, in clear detail, where these adverse effects are likely to take place. A full copy of the technical report is available on the website, which sets out the specific impacts envisioned to each property.

The report goes onto state that ‘The BRE guidelines indicate that in interpreting the results of an assessment, a degree of flexibility is required, especially in a dense urban environment where neighbouring properties are located within narrow streetscapes’ The NPPF at paragraph 123 also supports flexibility in daylight and sunlight assessment to achieve higher densities and make efficient use of land.

Notwithstanding this allowance for flexibility in the assessment, there are properties, which will be adversely impact by the development – both in terms of sunlight and daylight. In this regard, there would be conflict with Policy ST1 (b) of the ALPR.

### *Privacy*

There are two windows located on the eastern elevation of the building and in order to prevent any overlooking to dwellings on Lindleys Lane, a condition will be applied for these to be obscurely glazed. This will avoid any loss of privacy.

### Alfred Street

The BRE report identifies that ground floor windows/patio doors, on the rear elevation of properties at numbers 16, 18a, 18c and 18d do not meet the criteria for the No Sky Line (NSL) method. This indicates there would be an impact on daylight distribution to the relevant rooms. However, this must be taken into context of these properties relationship to the proposed leisure centre.

The leisure centre would be located on higher ground. However, the properties are situated to the south of the building and as such there would be no direct loss of sunlight. The building is also lower in height on its southern section, with each the properties maintaining an adequate separation distance to avoid any overbearing impacts.

All of the dwellings meet the other criteria set out in the BRE report in terms of annual probable sunlight hours and the vertical sky component. Accordingly, it is considered that living conditions of these residents would not be significantly affected.

### *Privacy*

The building would sit above existing dwellings on Alfred Street and therefore careful consideration will need to be given to boundary treatments to ensure there would be no loss of privacy. This is recommended to be dealt with by way of a condition.

### Station Street

A row of mixed commercial and residential dwellings backs onto the site from Station Road. The existing building is located directly behind their rear gardens. This will be demolished and although the proposed building may result in some overshadowing affects to garden areas; given the existing relationship, it is considered the residents living conditions would not be unduly affected. The properties are also shown to meet the criteria in the BRE report, accordingly their daylight and sunlight would not be adversely affected.

### Noise/Coming and Goings

The application is supported by a Noise Impact Assessment. The report identifies that the noise from plant will be restricted in accordance with the relevant British Standards to avoid any noise disturbances. Environmental noise breakout from

events at the sports hall has also been considered and with appropriate mitigation, the rating levels should be at, or below, the existing background level.

Car parking areas would be located adjacent to properties on Alfred Street, Station Street and Lindleys Lane, therefore resulting in the possibility of an additional increase in noise disturbances from people coming and going, car doors opening and closing etc. Although some properties along Alfred Street have a similar existing arrangement, it is likely that the proposed leisure centre will be busier than existing. In order to mitigate this, careful consideration will be given to providing suitable boundary treatments at these locations and this is proposed to be conditioned.

### **Visual Amenity and Design**

ALPR, Policy ST1, refers to design and is reinforced by the provisions of the NPPF, which places substantial emphasis on the importance of good design with the creation of high quality buildings and places (NPPF paragraph 124) and the effective use of land. (NPPF Part 11). This has been further emphasised by Planning Practice Guidance on Design.

The building is a modern design aimed at contributing to the vitality and vibrancy of the town centre. It has an attractive front entrance featuring glazing, brick detailing, cladding and render. Overall, the building palette is relatively simple, with the use of soft red brick and wood affect cladding. Given the mix of styles in the locality this would be in keeping with the wider vernacular of the wider area.

The Councils Places and Localities Team have advised that the removal of the existing building will improve the street scene along Hodgkinson Road, with the setback will create a more open aspect. Hard and soft landscaping would also be utilised along the road frontage to create an attractive entrance.

Glazing is found on the southern façade, with brick detailing used to assist in breaking up the blank facades onto Lindleys Lane and the northern elevation. A landscape buffer will be provided onto Lindleys Lane, serving further to soften the impact. Careful consideration will be given to the landscaping scheme to ensure this creates an effective buffer to what is a largely blank elevation.

The design of the scheme has also been assessed by the Police Designing out Crime Officer, who fully supports the scheme. Overall, the design is considered to be of a high quality and would enhance the character and appearance of the area.

### **Highways Safety**

#### Access onto Lindleys Lane

The Highways Authority originally raised concerns over an intensification of use of the Lindleys Lane/Urban Road junction from users of the Lindleys Lane access.

There is an existing access onto Lindleys Lane the site, however it is currently blocked up. The access will be used for staff car parking only (14 spaces), with no vehicle link through to the customer car park. A barrier will also be provided to prevent unauthorized vehicles using the access. Finally, a revised plan has been submitted showing the footway along Lindleys Lane increased to 2.5m to encourage safer pedestrian/cyclist access. The Highways Authority have not raised any further concerns over this access in their subsequent response and given the proposed level of usage, it is unlikely to raise any significant road safety issues.

### Access onto Hodgkinson Road

The Highways Authority have voiced concern over this junction due to the danger of cross traffic movements from the adjacent car park. In response, the transport consultant has advised that the car park entrance to the leisure centre is an existing position and so is already operating in this way - both are public car parks and likely to already have cross flow occurring. In addition, there are no accident records to suggest clusters occurring on Hodgkinson Road around the current access arrangement. Some concerns do remain from the Highways Authority, but crucially they have not objected on this basis.

In their original comments, the Highways Authority advised that the access could prejudice the Councils long-term aspiration for a link road through the adjacent car park between Hodgkinson Road and Morley Street - as featured in the Kirkby Town Centre Masterplan. However, this link is an aspiration of the Council and there is no certainty of its delivery. The design of the link road and any constraints would be considered as part of the future scheme, should it come forward.

### Insufficient Parking

A key concern of the Highways Authority is that parking on site is insufficient. In accordance with Highways Design Guide they advise that 176 spaces should be provided. The layout plan shows a total provision of 109 spaces, including 14 spaces for staff. This leaves a deficiency of 67 spaces.

The Transport Consultant has undertaken a parking accumulation exercise based on the trip rates to estimate parking demand, suggesting that the maximum demand is between 16:00 and 17:00 when 68 spaces are required, which can be provided at the leisure centre site. They also advise that there is a long stay car park opposite, which is due to be changed to short term use prior to the opening of the leisure centre. This would provide additional overspill parking.

Questions have been raised by the Highways Authority over the parking layout and whether vehicles will be able to manoeuvre in approximately 30 spaces, where the aisle widths are less than 5m. In response, the consultant has provided tracking showing a vehicle accessing the spaces. However, there remains concern over the

accessibility of these spaces and a condition is to be applied for full details of the parking layout arrangements to be supplied.

The Highways Authority have also questioned the data and results, highlighting that the number of expected trips by car drivers (40%) seems low. Nonetheless, they have advised a way forward would be for on-street parking surveys to take place within a 400m radius of the leisure centre. These surveys should then be repeated within 9 months of first occupation and for three years after. The report will also include recommendations and measures (proposed Traffic Regulation Orders) to address any identified issues.

It is identified that the roads surrounding the network are covered by Controlled Parking Zone controls, with the exception of Lindleys Lane. In particular, this will need to be monitored and a TRO could be introduced to restrict parking to residents only.

Finally, it should be stressed that site is located in a sustainable town-centre location, with good access to public transport - in the form of rail and bus links. Both of which run frequent services. Cycle hoops are also provided directly outside the main entrance and a Travel Plan has been produced aimed at reducing reliance on private vehicle use. The Highways Authority have recommended a condition for improved pedestrian facilities surrounding the site (see below) and the Masterplan was also amended to show a pedestrian/cyclist access onto Lindleys Lane, which further encourages sustainable transport modes.

Although the Highways Authority have raised concerns about the level of parking, they have advised a pragmatic way forward for surveys to be carried out and any mitigation undertaken. In view of the sites sustainable location, and with the relevant conditions attached, it is considered that the potential for safety issues caused by displacement of parking would not warrant a ground for refusal.

#### Pedestrian Audit and Legibility

On the advice of the Highways Authority a desktop pedestrian/cycle audit of the surrounding area has been carried out. The results of this have led the Highways Authority to recommend a condition for improved pedestrian facilities on the surrounding road network. This condition is considered to be reasonable and will encourage users of the centre to walk.

#### Other Matters

The Highways Authority requested a Stage 1 Road Safety Audit. This will be required as part of the S278 works and an informative has been added.

Concerns have been raised about a lack of provision for coach/bus parking. The applicant has confirmed that there are no requirements for bus/coach parking. The



centre will provide community facilities, with larger scale events continued to be held at the Lammas Centre.

The Highways Authority have recommended conditions for the submission of a Construction Management Statement, site parking/turning and gating details. Conditions are also recommended for mud and working hours, however it is considered these can be dealt with through the Construction Management Statement.

Finally, a key matter for the Council is to ensure continuity of leisure provision at the site. In order to do this, the existing leisure centre will be demolished once the new building is complete. This has the potential to result in short term parking problems upon the opening of the new leisure centre. To overcome this, it is recommended that a condition is applied for an interim parking management plan to be produced.

## **Other Issues**

### Archaeology and Heritage

The application is supported by an Archaeological Desk Based Assessment, which demonstrates that due to 19<sup>th</sup> and 20<sup>th</sup> century development, the likelihood for archaeological deposits to survive in situ is low. As a result, no further detailed assessment, or planning conditions, are recommended for this aspect.

There are no designated heritage assets that would be affected by the proposed development. The following local heritage assets are located within the vicinity: the shop on junction of Urban Road/Lindleys Lane, Ada Lovelace, D.I Blow and the former Nat West. However, the development would not negatively affect any of these.

### Air Quality

The Councils Environmental Health Officer has raised no objections to the proposed development, but has recommended that an Air Quality Assessment be undertaken. After discussions with the EH team it was considered appropriate to include a condition requiring an assessment to be undertaken prior to occupation of the centre.

### Construction Management Plan

A response has been received from a local resident about the construction phase of the development, particularly about start times and contractor parking. A condition is recommended for the submission of a Construction Environment Management Plan (CEMP). This will cover matters such as working hours, pollution control, deliveries, contractor parking, wheel washing, dust control, pedestrian safety etc. This is a relatively standard condition on larger developments and seeks to ensure any disturbance to residents is minimised.

## Climate Change

The application is supported by a Sustainability Appraisal. This identifies that careful consideration has been given to building fabric and plant systems to ensure good energy efficiency in the building. Most importantly, the scheme will make use of low and zero carbon technologies. It will be provided with a combination of Air Source Heat Pumps and Water Source Heat Pumps. The air source system will satisfy the buildings hot water requirements, with the water source system providing heating and cooling to the gymnasium - using the waste heat rejection to provide free heating to the pool. The scheme will also incorporate 6 electric charging points in the car park.

Ashfield District Council are also considering the use of solar panels under the Invest to Save initiative. The Council will continue to review and consider this option, as well as any other renewable energy initiatives, throughout the remaining design and contractor procurement process.

## Ecology

The application is supported by a Preliminary Ecological Appraisal and Bat Survey. The majority of the site consists of a building surrounded by hardstanding. The west of the site contains semi-natural broadleaved woodland, poor semi-improved grassland, dense scrub and tall ruderal, including areas of Japanese knotweed. No habitats of principle importance have been found in the site.

It is understood that the Japanese Knotweed is currently being removed and appropriately treated. There was a delay due to nesting birds, however the ecologist has confirmed these have since departed the site. The remainder of the Knotweed is being removed over the next two weeks.

The proposed development site is not subject to any statutory, or non-statutory nature conservation designations. Although, the site is located 590m away from Kirkby Grives Site of Special Scientific Interest, (SSSI) and within the SSSI Impact Risk Zone(IMZ). However the development does not fall into the categories highlighted within the IRZ and as such there will not be any negative impacts.

In terms of protected species, bat surveys have been undertaken with no roosts found within the building. There are also no trees on site, which provide suitability for roosting. The site itself is considered to provide limited commuting and foraging opportunities for bats. The report considers there is a negligible likelihood of badgers, newts or reptiles on the site. However, recommendations are made to undertake a precautionary approach during vegetation clearance and construction to avoid harmful impacts to birds, hedgehogs and toads.

The report sets out a number of recommendations to enhance the biodiversity value of the site, including wildlife planting and the provision of bird and bat roosting opportunities. A planning condition is recommended to ensure these measures are carried out.

### Flooding and Drainage

The application is supported by a Drainage Statement. This identifies that the site is located within Flood Zone 1 and that the risk of flooding from fluvial and surface water is low. There is a perched water table identified in the east of the site, though any potential impacts will be mitigated through the use of suitable waterproofing measures in the building design.

The surface water drainage strategy has been devised in accordance with relevant national policy and guidance. This has been assessed by the Local Lead Flood Authority, who have raised no objections to the proposed surface water drainage plans. In terms of foul water, this will be discharged into the existing public sewer and will require formal approval from Severn Trent Water.

### Land Contamination

The application is supported by a Ground investigation report, which identifies measures to ensure the site is developed free from contamination. This has been assessed by the Councils Environmental Health Officer, who has confirmed the submitted details are acceptable. A condition is recommended to ensure the necessary remedial works are carried out.

### Local Requirement

Sport England have reviewed the evidence base and consider this proposal addresses an identified need for an improvement of facilities at the Festival Hall site. They also consider that the provision of waterspace is appropriate, as an updated evidence has been provided, which supersedes the 2016 LFS.

### Planning Balance

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

In social terms the new leisure centre would deliver substantive benefits, which carry significant weight in favour of granting planning permission. The leisure centre would provide opportunities to enhance fitness and wellbeing across the community, whether it be through the swimming pool, gymnasium, or fitness classes. In turn, the encouragement of healthy lifestyles and reduction of inactivity, has the potential to reduce Public Health spending within the district.

The centre would also act as a community hub providing opportunities for different sectors the community to interact, thereby bringing social inclusion benefits. Such benefits would be more likely to accrue than with the existing, dated facility. Sports England have also recognised the need for an improved facility in this location. The proposal is therefore substantially compliant with the aims of Part 8 of the NPPF 'Promoting Healthy and Safe Communities.'

However, the report has identified some adverse impacts on adjoining neighbours from the building and therefore there is conflict with Policy ST1 b of the ALPR. These impacts equate to negative weight in the planning balance.

In economic terms, the proposal would provide jobs throughout the construction phase. There would also be additional economic benefits from persons employed at the leisure centre and potential linked trips into the town centre. These benefits carry significant weight in favour of granting permission. Such economic benefits are made even more important in light of the potential recession from Covid-19.

In environmental terms, the building will make use of low/zero carbon technologies. There are also a number of recommendations made within the ecology report for biodiversity enhancements. Though, on balance, the environmental impacts carry neutral weight in the planning balance.

Whilst there are highway concerns, mainly around parking, the proposal has to be viewed within the context of a town centre location and the existence of the current facility. The applicant has addressed many of the concerns raised and the remaining concerns do not outweigh the social and economic benefits that the proposal will bring to the wider district.

Overall, it is considered that the benefits of the scheme outweigh any harms identified and that the scheme is substantially compliant with the aims of both the ALPR and NPPF when taken as a whole. A recommendation is therefore made to approve planning permission, subject to the conditions set out below:

**Recommendation: - Approve, subject to conditions.**

## **CONDITIONS**

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans and documents:
  - 17003-GT3-00-XX-SC- A-(00)0000 - Document Register and Issue Sheet. 05/06/2020

- Environmental Noise Impact Assessment by ADT dated 20<sup>th</sup> March 2020
- Drainage Statement by engeuiti dated 23<sup>rd</sup> March 2020
- Preliminary Ecological Appraisal by Hadron Consulting dated 02/10/2019
- Bat Survey by Hadron Consulting dated 18/12/2019
- Travel Plan by MLM Group dated 20/03/2020

All recommendations made within the Travel Plan, Drainage Statement, Noise Impact Assessment and Ecological Assessments, as referred to above, shall be carried out.

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

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

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

4. The leisure centre shall not be occupied, until full details of all the external lighting and CCTV arrangements have been submitted to and agreed in writing by the Local Planning Authority. The approved details shall thereafter be implemented, unless otherwise agreed in writing.

5. The leisure centre shall not be occupied until full details of all hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the leisure centre. Any trees, or plants, which within a period of five years from the completion of the development

die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of a similar size and species.

6. The leisure centre shall not be occupied until full details of the sites boundaries treatments have been submitted to and agreed in writing by the Local Planning Authority. The boundary treatments shall thereafter be implemented in accordance with the agreed details and within an agreed time frame.
7. The windows on the western elevation of the building shall be glazed in obscure glass and be non-opening above 1.7m floor level in the rooms they are installed.
8. The electric charging points and cycle hoops, as shown on Proposed Site Plan. Dwg No. (08) 0902 Rev P03, shall be installed prior to the leisure centre being brought into use.
9. The leisure centre shall not be occupied until a Validation Report - with confirmation that all remedial works have been completed and validated, in accordance with the agreed details – has been submitted to and agreed in writing by the Local Planning Authority.
10. The leisure centre shall not be occupied until an Air Quality Assessment has been undertaken and submitted to and agreed in writing by the Local Planning Authority.
11. The leisure centre shall not be occupied until full details of the sites accesses onto Lindleys Lane and Hodgkinson Road have been submitted to and agreed in writing by the Local Planning Authority. This shall include full details of any gates required, which shall open inwards and be set back from the highway edge.
12. Prior to the Centre being brought into use offsite improvements to pedestrian facilities in the surrounding area shall be provided. This shall include the installation of tactile paving pedestrian facilities, new kerbing etc where necessary at Lindleys Lane, Lime Street, Erewash St, access adjacent Erewash St, entrance to Ada Lovelace, entrance/exit to ADC offices, Tennyson St, Morley St at the junction of Urban Road. Dropped kerbs/improved pedestrian facilities shall also be provided at the end of Coburn Street in front of the cycle dismount barrier.
13. No part of the development hereby permitted, excluding site preparation works, shall take place until 3 independent base-line surveys of on-street parking within a 400m radius of the Centre have been carried out. This survey work shall also include parking accumulation of the Centre's car park(s) during times of operation, including Saturday. The methodology for the base-line surveys and post occupation traffic survey including the time of survey,

number of vehicles, registration numbers and extent/locality of parking shall be submitted and approved in writing by the LPA. Repeat surveys using the approved specification shall be conducted within 9 months of first occupation, and subsequently on each consecutive year for 3 years. The results of each survey and report on parking conditions shall be submitted to the LPA within 1 month of data collection. The report shall include any recommendations/measures, (proposed Traffic Regulation Orders in the form of prohibited parking or residents parking schemes) to address any identified parking issues associated with the repeat surveys/operation of the Centre shall be submitted to the LPA for approval and be implemented within a timescale to be agreed in writing by the LPA.

14. Notwithstanding the approved plans, the facility shall not be occupied until full details of the car parking layout arrangements have been submitted to and agreed in writing by the Local Planning Authority. The accesses and communal parking/turning areas shall be surfaced in a hard bound material and any communal parking bays clearly delineated. These areas shall be constructed with provision to prevent the discharge of surface water from the driveways to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.
15. Prior to the occupation of the leisure centre, a Car Parking Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall provide details of interim car parking arrangements for users of the leisure centre, up until all the car parking spaces are made available.

## **REASONS**

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

9. To ensure the site is developed free from contamination.
10. In the interests of promoting good air quality.
11. To ensure safe access to the site, in the interests of highways safety.
12. Highways safety.
13. Highways safety.
14. Highways safety.
15. Highways safety.

## **INFORMATIVE**

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).
3. As the site is to be used as a swimming pool, Severn Trent would strongly recommend the applicant speaks to the Trade Effluent Support Desk before requesting a discharge of the drainage related condition (Tel: 01332 683369).
4. Highway Licences/Permissions



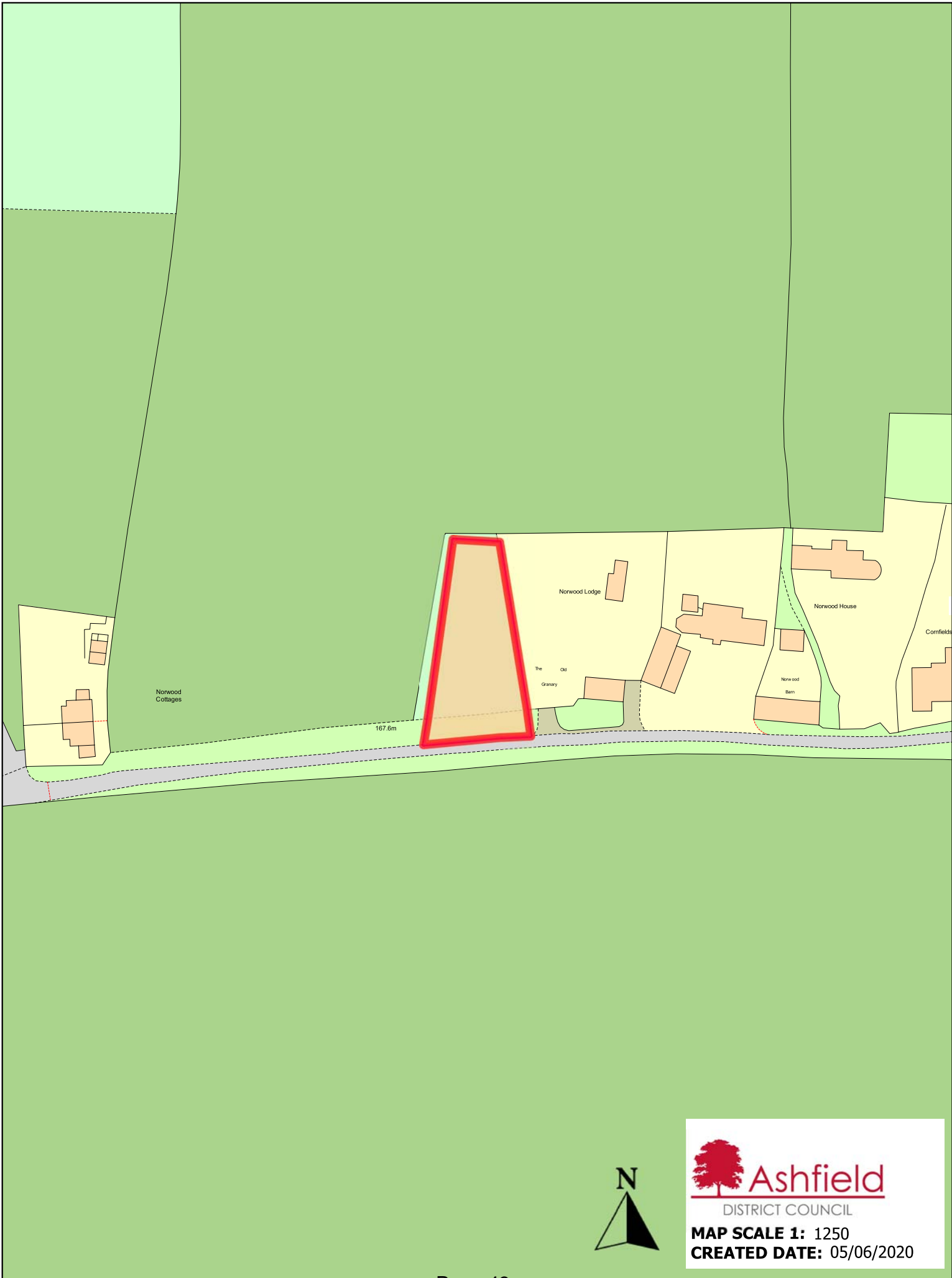
Planning consent is not consent to work on or adjacent to the public highway, therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at [licences@viaem.co.uk](mailto:licences@viaem.co.uk) to ensure all necessary licences and permissions are in place.

5. Section 278 Agreement (Highways Act 1980)

In order to carry out the off-site works required, 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. 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 278 Agreement is issued.

Contact [hdc.north@nottscc.co.uk](mailto:hdc.north@nottscc.co.uk) 011580-40022

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**COMMITTEE DATE**    17/06/2020                      **WARD**            Stanton Hill and Teversal

**APP REF**                      V/2020/0069

**APPLICANT**                T Porter

**PROPOSAL**                Dwelling and Garage

**LOCATION**                    Land Adjacent, The Old Granary, Newbound Lane, Norwood,  
Sutton in Ashfield, Nottinghamshire, NG17 3JR

**WEB-LINK**                    <https://www.google.co.uk/maps/@53.1641383,-1.2890395,16z>

**BACKGROUND PAPERS**    A, B, D, E, J, K

App Registered: 02/03/2020                      Expiry Date: 31/05/2020

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

*This application has been referred to Planning Committee by Cllr. H Smith on the grounds of Countryside impact.*

### **The Application**

The application site is located outside of the districts main urban areas and named settlements in an area designated as countryside. The site comprises of a large grassed area sited on the edge of a small group of seven dwellings, which comprise part of a small hamlet known as Norwood, located in the open countryside.

The proposed development site lies approximately 80m from the eastern boundary of the registered park and garden of Hardwick Hall and approximately 40m to the west of the Grade II listed building known as Norwood Lodge.

The applicant seeks full planning consent for the construction of a detached, dormer style bungalow, with associated off-street parking and private amenity space.

### **Consultations**

A press notice and a site notice have been posted together with individual notification to surrounding residents.

The following responses have been received:

### **ADC Planning Policy:**

The proposal does not meet the requirements of policy EV2 of the Ashfield Local Plan Review (ALPR), nor does it meet the provisions of the National Planning Policy Framework (NPPF) in relation to rural housing. The site is within close proximity of a

number of local and nationally significant heritage assets. Representations received from other bodies identify that there is the potential for the proposal to impact on these heritage assets. Considerable importance and weight needs to be given to the balancing exercise and it is considered this gives rise to a strong statutory presumption against granting planning permission for development which would cause harm to the settings of listed heritage assets. The site is therefore considered to not be suitable for development or in a sustainable location.

**ADC Heritage and Conservation:**

A Heritage Impact Assessment has been submitted in support of the application. Significant concerns are raised in regards to the conclusions and summary contained within the statement, which are considered to be fundamentally flawed. Whilst the Heritage Impact Assessment identifies the major designated heritage assets, it does not highlight or consider the curtilage listed buildings or other non-designated heritage assets. It also fails to properly recognise the significance of the buildings adjacent to the application site; more specifically, their character and former function (prior to conversion) as remnants of an isolated farmstead. The Heritage Impact Assessment submitted therefore does not provide a thorough assessment of the proposal or an accurate assessment of its impacts as required by paragraph 189 of the NPPF, nor does it provide a convincing or compelling rationale for the development.

**ADC Environmental Health:**

No objections to the principle of the development provided hours of construction are conditioned to minimise noise nuisance.

**NCC Highways:**

Though the road is subject to the national speed limit, this is a lightly trafficked road, and for the intensification of just one dwelling, the Highway Authority would not wish to raise an objection on highway safety grounds.

**Historic England:**

Having reviewed the submitted Heritage Impact Assessment, Historic England do not agree with the conclusions drawn. It is considered that the proposal, which is located on a flat plateau of land, would be visually intrusive in views to and from the adjacent Grade I registered park and garden and on the approach to the Hardwick Estate. The proposal which is suburban in character would erode the rural character of this area and the surrounding rural landscape setting of the highly graded registered park and garden. The proposal would therefore be harmful to the overall significance of the Grade I registered park and garden derived from its setting, and that the resultant harm is unjustified

**National Trust:**

Consider that the Heritage Impact Assessment is inadequate, as it fails to identify the functional and visual relationships between the proposal and surrounding heritage assets, including that of Norwood Cottages. There is a clear visual link between

Norwood Cottages (a notable feature within the Park) and both the application site and the historic buildings beyond. The Hall and Park are also historically and functionally connected with the wider countryside and communities by the route of a historic drive, shown on William Senior's Plan for Hardwick 1610, which link with Norwood Lane and pass the application site. Furthermore, no analysis is provided about Norwood Cottages as a non-designated heritage asset or as a feature within Hardwick Park.

### **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 12 – Achieving Well Designed Places

Part 15 – Conserving and Enhancing the Natural Environment

Part 16 – Conserving and Enhancing the Historic Environment

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

ST1 – Development

ST4 – Remainder of the District

EV2 – Countryside

EV4 – Mature Landscape Area

EV11 – Ancient Monuments

EV14 – Historic Parks and Gardens

HG5 – New Residential Development

#### **Teversal, Stanton Hill and Skegby Neighbourhood Plan 2016 – 2031**

NP1 – Sustainable Development

NP2 – Design Principles for Residential development

NP4 – Protecting the Landscape Character

NP5 – Protecting and Enhancing Heritage Assets

#### **Supplementary Planning Documents**

Residential Design Guide 2014

Residential Car Parking Standards 2014

#### **Other Material Considerations**

Hardwick Setting Study 2016

Planning (Listed Buildings and Conservation Areas) Act 1990 Section 66 (1)

#### **Relevant Planning History**

**V/2017/0319**

Details: One Dwelling with Integral Garage

Decision: Refused – Dismissed on Appeal

**V/2014/0566**

Details: Detached Dwelling with Integral Garage

Decision: Refused – Dismissed on Appeal

**Comment:**

The application site comprises of an open area, covered by long grass and forms part of the flat landscape of hedged arable fields and copses of trees that characterise the surrounding landscape.

The site lies directly adjacent to arable fields to the north and west, and a historic group of traditional buildings to the east, known as the hamlet of Norwood. The site itself fronts onto the adjacent highway, and is accessed of the single track road known as Norwood Lane.

Sited approximately 80m to the west of the site is the Grade I registered park and garden (PAG) belonging to Hardwick Hall. Hardwick Hall is also Grade I listed and therefore both are of international importance. There are a variety of ancillary and curtilage listed buildings associated with the hall and the estate, including the Norwood Cottages which lie to the west of the application site, which are just inside the registered Hardwick Park boundary. In addition to this, 40m to the east of the site is the Grade II listed building known as Norwood Lodge.

The main issues to consider as part of this proposal is the principle of the development, the impact of the proposal on the historic environment and character and appearance of the locality, as well as matters relating to residential amenity and highway safety.

**Principle of development:**

The application site is located outside of the districts main urban areas and named settlements in an area designated as countryside, as outlined within policy ST4 of the ALPR 2002, and as such, permission will only be given for development appropriate to the countryside. Policy EV2 sets out the types of development considered appropriate in the countryside, and in combination with policy ST4, establishes a vision for the countryside and seeks to locate development in the most sustainable locations, ensuring that development does not adversely affect the appearance and setting of the countryside.

Policy EV2 outlines the forms of development which are deemed appropriate in the countryside, however it is considered that the proposal does not meet any of these requirements. Although part EV2(g) permits infill development, this is on the proviso it does not harm the scale and character of the area. The policy reflects that infill development normally comprises of one or two dwellings in a small gap in the existing development.

Norwood Lane is a rural lane located within the open countryside. Along its northern side in the vicinity of the application site is a small amount of sporadic linear development of houses. The proposed development site occupies a small part of a very wide gap of over 130 metres separating The Old Granary to the east, from Norwood Cottages to the west. Given the distance between the existing structures, no development within this gap could be reasonably classed or justified as infill development, as doing so would have a harmful impact upon the rural vernacular of the existing countryside setting of the site.

Such a position that the site does not constitute an infill plot has been accepted by two previous Planning Inspectors, and reflected in both the previous appeal decisions. Given that the site remains unchanged, and the proposal submitted is identical to the development previously refused, and later dismissed on appeal, there is no plausible reason to deviate from this stance.

Although the development is considered to not result in the provision of an isolated dwelling, as set out in paragraph 79 of the NPPF 2019, as there are nearby properties, under the provision of paragraph 78 of the Framework, housing in rural areas should be located where it will support local services. The hamlet of Norwood is a very small group of dwellings with no services. Therefore, taken with its location, the proposal does not meet the requirement of paragraph 78 of the Framework, and as such, does not meet the provisions of the NPPF for rural housing.

The applicant has submitted an image to support the claim that the site was once in use as a working farm yard, together with photographs of what is said to be the remains of buildings on the site beneath the top soil. However, land that is or has been occupied by agricultural buildings is excluded from the definition of previously developed land provided in Annex 2 of the NPPF 2019. As a result, the site does not constitute previously developed land.

### **Historic Environment:**

The application site is within close proximity to a number of heritage assets. The site is located within the open countryside, approximately 80m to the east of the Grade I PAG belonging to Hardwick Hall and 40m west of the Grade II Norwood Lodge. There are a variety of ancillary and curtilage listed buildings associated with Hardwick Hall and the estate, including the Norwood Cottages, which are sited to the west of the application site, just inside the registered Hardwick Park boundary.

Hardwick New Hall is listed Grade I, whilst the Old Hall is both listed Grade I and as a Scheduled Ancient Monument, placing both buildings within the top 2% of listed structures in England. The park and garden is also registered Grade I. This assemblage of highly graded assets represents a historic site of the highest quality and is of the very highest importance.

The Hardwick Setting Study (March 2016) describes the character of the area in which the application site falls as an area which "*comprises of gently rolling farmland*



*rising to an open plateau of larger open arable fields bounded by hedgerows. There are numerous smaller blocks of woodland in the area with one large block at Norwood Woods in the north, which essentially comprises an extension, in character terms, of the historic landscape associated with Hardwick”.*

The study goes on to identify that *“the continued use of the Hardwick estate and related historic farmland character of the landscape around Hardwick contributes to its setting and significance. This character is sensitive to change which may reduce its historic integrity and in turn the extent to which Hardwick can derive significance from this aspect of setting”.*

It is therefore clear that the rural nature and character of the application site contributes to the rural landscape setting of the adjacent Grade I PAG, which also forms the setting to the highly graded assets within it.

Paragraph 193 of the NPPF 2019 stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be, whether the potential harm amounts to substantial harm or less than substantial harm. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Furthermore, as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (Paragraph 194).

The applicant has submitted a Heritage Impact Assessment (HIA) as part of the proposal. The Council’s Conservation Officer, along with representatives from Historic England and the National Trust, have raised significant concerns regarding the submitted HIA and its conclusions drawn, and strongly object to the proposed development. Whilst the HIA identifies the major designated heritage assets, it does not highlight or consider the curtilage listed buildings or other non-designated heritage assets. It also fails to properly recognise the significance of the buildings adjacent to the application site to the east. More specifically, their character and former function, prior to conversion, as remnants of an isolated farmstead. Furthermore, the report gives little or no rationale for the design of the dwelling and concludes in a single sentence that *‘the type and design of the development is not incongruous with its setting’*. This is clearly not the case.

As previously mentioned, the proposal is to erect a single dwelling. As outlined above the site consists of an area of open land, which lies adjacent to an arable field to the west and north and a historic group of traditional buildings to the east. This complex of buildings, which includes the Grade II listed Norwood Lodge, has a distinct rural character.

The proposal, which is located on a flat plateau of land, would be visually intrusive in views to and from the adjacent Grade I PAG and on the approach to the Hardwick Estate along Norwood Lane, one of Hardwick’s historic drives, shown on William

Senior's Plan for Hardwick 1610, and which serves a present day function as part of a walking route linking Hardwick Hall and Park (via Lady Spencer's Walk) with the wider landscape and local communities. The proposal which is suburban in character, is considered to not be sympathetic to the aforementioned group of historic, traditional farm buildings which still possess some degree of group value, both spatially if not functionally, and would therefore erode the rural character of this area and the surrounding rural landscape setting of the highly graded PAG.

It is therefore considered that the proposal would be harmful to the overall significance of the Grade I PAG which is derived from its setting, and the resultant harm identified is clearly unjustified. The HIA submitted subsequently does not provide a thorough assessment of the proposal or an accurate assessment of its impacts as required by paragraph 189 of the NPPF 2019, nor does it provide a convincing or compelling rationale for the development. The proposal would also fundamentally be contrary to policy EV14 of the ALPR 2002, which stipulates that development which would adversely affect historic parks and gardens, or their settings, will not be permitted.

#### **Character and Appearance:**

Part 12 – Achieving Well Designed Places of the NPPF 2019 places a substantial emphasis on the importance of good design, with the creation of high quality buildings and places. This includes the effect of the proposed development on the character and appearance of the surrounding locality. This stance is supported by policies ST1 and HG5 of the ALPR 2002, which amongst other matters, seeks to permit development where it will not adversely affect the character, quality, amenity or safety of the environment, and where the design is acceptable in terms of appearance, scale and siting.

Policy NP1 of the Teversal, Stanton Hill and Skegby Neighbourhood Plan places a strong emphasis on high quality design. This sentiment is also reflected in policy NP2, which emphasises that development should respect local character, and the scale, height and massing of a proposal should make a positive contribution to local character.

The application site is located on the former farmyard to the Old Norwood Lodge Farm. The group of adjacent buildings to the east are reflective of a traditional farm setting, and comprise of the former farmhouse, an old granary, and associated outbuildings, some of which have since been converted into residential dwellings.

The proposal is for a dormer bungalow and the style and design of the proposed dwelling is considered to not be reflective of the historic character of the neighbouring buildings to the east or west. As such, the design and construction of the building would affect the contribution that the site makes to the character of this part of the countryside. The proposed scheme would also introduce substantial built development into the open countryside that would fail to conserve the rural character of this part of the landscape. The proposal would subsequently result in an

unwelcome intrusion in to the open countryside without any demonstrated agricultural need or justification, contrary with the aforementioned local and national policies.

**Residential Amenity:**

The application has been considered against the requirements of paragraph 127 of the Framework, which seeks to create places which promote health and well-being, with a high standard of amenity for existing and future users. Consideration has also been given to the requirements of policy HG5 of the ALPR 2002, which states that residential development will be permitted where the amenity of neighbouring properties is protected.

In support of the application, given the proposed dwellings overall size, scale and siting within the plot, approximately 20m from the nearest residential property at The Old Granary, the proposal would not give rise to any detrimental massing, overshadowing or overlooking impacts on nearby residential occupiers.

Furthermore, the proposed dwelling would provide any future occupier with an acceptable standard of amenity, through the provision of adequate internal standards, and a generous area of private amenity space to the rear.

**Highway Safety:**

The application has been considered against Part 9 – Promoting Sustainable Transport of the NPPF 2019, which seeks to ensure that safe and suitable access to the site can be achieved for all users, whilst minimising significant impacts on the transport network or highway safety.

Norwood Lane is an existing single lane highway which presently serves dwellings within the hamlet of Norwood. The highway also leads to Dovedale Farm and Hardwick Park Farm to the west. The highway is as such not a through road, and typically there would be reduced traffic movement along the highway, when compared to a through road.

The applicant proposes the creation of a new gated vehicular access off Norwood Lane. The gated access would be set-back approximately 3.5m off the highway edge. Whilst the Highways Authority do not object to the proposed access, it is noted that the gated access should be set back sufficiently for a vehicle to park off the highway in order to allow the driver to open the gate.

The submitted layout plan indicates that a gravel driveway would be constructed, offering suitable manoeuvring space to allow vehicles to enter and egress the site in a forward gear. Whilst the internal dimensions of the proposed integral garage fall below the minimum dimensions to be classed as a parking space, as stipulated within the Council's Residential Car Parking Standards SPD 2014, the proposal will nevertheless have sufficient space for at least two off-street parking spaces.

**Conclusion:**

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.

The Council cannot currently demonstrate a five year housing land supply, which sits at 2.67 years. The titled balance is therefore engaged, and planning permission should be granted unless the adverse impacts demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

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 modest.

Fundamentally however, no overwhelming need or public benefit has been demonstrated for the proposal and given the sites rural location, is clearly not in a sustainable location for a new dwelling. Previous appeal decisions confirm that the site cannot be considered as a brownfield site, nor does the proposal constitute an infill development.

Furthermore, the prominence of the building within the relatively flat landscape would be visually intrusive and detrimental to the intrinsic character and beauty of the open countryside. In addition to this, it would also be significantly detrimental and harmful to the setting of the nearby internationally, nationally and locally significant designated and non-designated heritage assets.

In conclusion this is an inappropriate development in the open countryside which would cause substantial harm. No compelling case has been put forward to establish the principle of development or rationale for a single dwelling in this location. The application is therefore recommended for refusal.

**Recommendation: Refuse Planning Permission**

- 1. The proposal, which is suburban in character, is unsympathetic to the neighbouring historic and traditional farm buildings to the east of the site, resulting in the erosion of the surrounding rural character which forms part of the setting of the Grade I registered Park and Garden of Hardwick Hall. The proposal would subsequently result in significant harm to the overall significance of the Grade I registered Park and Garden, derived from its setting, and by association, the highly graded assets within it which are of international significance. The proposal therefore conflicts with the requirements of Part 16 – Conserving and Enhancing the Historic Environment of the National Planning Policy**

**Framework 2019, saved policy EV14 of the Ashfield Local Plan Review, and legislation contained within the Planning (Listed Buildings and Conservation Areas) Act 1990.**

- 2. The proposal does not constitute infill development, which is defined as the development of one to two dwellings in a small gap in existing development. Furthermore, the proposal would introduce substantial built form into the open countryside that would fail to conserve the rural character of this part of the landscape, giving rise to an urbanising impact upon the appearance and character of the countryside in this location. The proposal is as such contrary to policy EV2 of the Ashfield Local Plan Review 2002 and Part 15 – Conserving and Enhancing the Natural Environment of the National Planning Policy Framework 2019. These policies state that development should not adversely affect the character, quality or amenity of the environment, and should respond to local character.**

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# Agenda Item 5



<b>Report To:</b>	<b>Planning Committee</b>	<b>Date:</b>	<b>17 June 2020</b>
<b>Heading:</b>	<b>PLANNING APPEAL DECISIONS</b>		
<b>Portfolio Holder:</b>	<b>PLACE, PLANNING AND REGENERATION</b>		
<b>Ward/s:</b>	<b>ANNESLEY AND KIRKBY WOODHOUSE, CENTRAL AND NEW CROSS, HUCKNALL CENTRAL, HUCKNALL NORTH, HUTHWAITE AND BRIERLEY, SUMMIT, SUTTON JUNCTION AND HARLOW WOOD AND UNDERWOOD</b>		
<b>Key Decision:</b>	<b>No</b>		
<b>Subject to Call-In:</b>	<b>No</b>		

## **Purpose of Report**

To inform Members of recent Planning Appeal Decisions.

## **Recommendation(s)**

**To Note the Appeal Decisions.**

## **Reasons for Recommendation(s)**

To bring to Members attention the recent Appeal Decisions.

## **Alternative Options Considered**

*(with reasons why not adopted)*

N/A

## **Appeal Decisions**

### **Annesley and Kirkby Woodhouse**

**Planning Application – V/2019/0639**

**Site** – 3 Lawns Road Kirkby in Ashfield, NG17 9JL

**Proposal** – Single storey extension to the front and wall

**Appeal Decision** – Dismissed

The inspector agreed with the Council's assessment of the development and dismissed the appeal. The Inspector stated that he felt the size and positioning of the extension meant that it would have a harmful impact on the character and appearance of the area.

## Central and New Cross

### Planning Application – V/2019/0496

**Site** – Dominos Pizza, 11-13 Station Road, Sutton in Ashfield NG17 5FF

**Proposal** – variation of condition to permit opening hours of 1100 to 0000 Sundays to Thursdays and 1100 to 0100 Fridays and Saturdays.

**Appeal Decision** – Dismissed

The Inspector agreed with the Council that that the extension of the opening hours later into the night time would have significant potential to adversely affect the living conditions of nearby residents through noise disturbance and dismissed the appeal.

## Hucknall Central

### Planning Application – V/2019/0020

**Site** – 24 Ogle Street, Hucknall, NG15 7FR

**Proposal** – convert existing building into two residential units including extensions and alterations

**Appeal Decision** – Dismissed

The Inspector agreed with the Council that the proposal would not preserve or enhance the setting of the Hucknall Conservation Area or the character and appearance of the host building. The Inspector also agreed with the Council that the development would result in harm to the living conditions of occupants of neighbouring residential properties.

### Planning Application – V/2018/0734

**Site** – Sunbeam House, West Street, Hucknall, NG15 7BW

**Proposal** – Outline application with all matters reserved for the demolition of existing buildings and construction of 9 dwellings with associated access, car parking and amenity space

**Appeal Decision** – Allowed

**Application for Costs** – Refused

The Inspector concluded that a scheme for nine dwellings could come forward in the proposed location, which integrates appropriately with local character and appearance (including historic significance) given that he deemed that the site was not within the setting of the Grade II\* Listed Church of St. Mary Magdalene. It was also considered that a scheme could appropriately be designed that would be acceptable in regards to the living conditions of future occupants and those nearby, and could deal adequately with local parking pressures, as raised by the LPA and Highways Authority.

In regards to the costs application, it was concluded that it was not unreasonable for the Council to express reservations with the justification for the scheme in respect of its integration with its surroundings, and to refuse permission on that basis. No action or inaction taken by the Council in this instance amounts to unreasonable behaviour resulting in unnecessary expense. An award of costs is therefore not justified.

## Hucknall North



## Planning Application – V/2018/0744

**Site** – Emperors Way, Hucknall

**Proposal** – 14 Two Storey Dwellings with associated parking and landscaping.

**Appeal Decision** – Dismissed

**Application for Costs** – Partial

The Inspector found that although the site was suitable for housing development, and that there would be no harm to highways safety, the proposals would harm the character and appearance of the area. This was primarily due to the extent of development preventing effective visual connectivity between the shop and urban green.

A partial award of costs was made on the grounds the Council had refused the application on highways safety grounds – without an objection from the Highways Authority and substantive justification. Costs were also awarded on the basis of the Council arguing that the scheme had been diminished in design terms from the original. Though, the Inspector did note that the applicant has not been put to large amounts of additional expense in countering the Councils position on these issues.

## **Huthwaite and Brierley**

### Planning Application – V/2019/0358

**Site** – Land to the rear of 5, 7 and 9 Market Place Huthwaite NG17 2LB

**Proposal** – Change of use of land to form secure, fenced enclosure to accommodate 15 No 20'x8' metal storage containers to be let out to general public.

**Appeal Decision** – Allowed

The Inspector in allowing this appeal considered the storage containers would be low in height and because there are various fences and planting outside the appeal site they would mainly be visible only from a limited number of upper floor windows to neighbouring properties. He therefore conclude that the proposed development would not be harmful to the living conditions of the occupiers of the surrounding properties. He further concluded the proposed access and parking provision within the appeal site would be adequate for the level of use proposed. It was however considered essential to impose conditions which are necessary to define the proposed use of the site, to protect the character and appearance of the site and area, and to protect the living conditions of neighbouring occupiers.

## **Summit**

### Planning Application – V/2019/0191

**Site** – 112 Hartley Road, Kirkby in Ashfield, NG17 8DS

**Proposal** – Change of use from Class C3 dwellinghouse to Class C2 residential care home for one young person

**Appeal Decision** – Allowed

The Inspector in allowing the appeal, considered that the issues raised by the Council and local residents, such as noise, anti-social behaviour and fear or crime exhibited by some of the young persons, are activities that could be experienced by neighbours in any residential area, regardless of whether a property is used for C3 or C2 purposes. As such, given that the development is of a small scale, the Inspector concluded that that the

proposal would not have a detrimental impact on the living conditions of local residents with regard to the aforementioned issues.

## **Sutton Junction and Harlow Wood**

### Planning Application – Enforcement & V/2018/0724

**Site** – Land known as former Greenhills Garden Centre, Cauldwell Road, Sutton in Ashfield, NG17 5LB

**Proposal** – Change of use of land for the storage of up to thirty motorhomes and retention of existing gate

**Appeal Decision** – Dismissed and Allowed

#### **Enforcement Appeal – Enforcement Notice Upheld:**

The Inspector, in coming to a decision to uphold the enforcement appeal, noted that the site was visible from Cauldwell Road and that vehicles stored within the site are likely to be seen from the access gate. Due to the deciduous nature of the surrounding vegetation, vehicles stored on the land are more likely to be visible during winter months, giving rise to an urbanising effect on this part of the countryside. The Inspector concluded that the storage of vehicles on the site has the potential to have a significant adverse visual effect, and the open-air storage of vehicles in this location is out-of-keeping with the rural quality of the site and area.

#### **Planning Appeal – Planning Appeal Allowed:**

The Inspector concluded that the storage of 30 motorhomes, parked in a regimented manner with additional landscaping, would be an appropriate use of the land, as any additional landscaping would help soften the appearance of the development reducing the visual impact of the parked vehicles. Whilst the Inspector agreed with the Council that the proposed wooden gates were unacceptable, he deemed that a condition requiring them to be stained would, somehow, overcome this concern. Lastly, the Inspector also deemed that the development would assist a rural business to expand and develop, despite the business being located and operating from Mansfield.

*Consideration was given to legally challenging the decision because of the ambiguity between the two decisions, but it was concluded that the matters are considered to be capable of withstanding a challenge and it is doubted the outcome of the decisions would change.*

## **Underwood**

### Planning Application – V/2019/0568

**Site** – 36 School Road Bagthorpe NG16 5HB

**Proposal** – change of use to holiday let above the garage.

**Appeal Decision** - Allowed

The Inspector conclude that the proposed development would not have an adverse effect on the character or appearance of the appeal site or its surroundings compared with the existing building and it would not have an adverse effect on the living conditions of the occupants of nearby residential properties with regard to noise and disturbance, or to privacy. The use was however restricted by conditions limiting the number of occupants to two, and preventing the use of the property as a separate dwelling or by any individual person or group for more than 28 days in any calendar year.

## **Implications**

### **Corporate Plan:**

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

### **Legal:**

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

### **Finance:**

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

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

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

### **Human Resources:**

No implications

### **Equalities:**

*(to be completed by the author)*

None

### **Other Implications:**

*(if applicable)*

None

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

*(if applicable)*

N/A

### **Reason(s) for Exemption**

*(if applicable)*

N/A

### **Background Papers**

*(if applicable)*

None

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